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## SUPREME COURT OF THE UNITED STATES.

MONDAY, OCTOBER 9, 1911.

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

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

C. L. Thomas of Muskogee, Okla., Fletcher Dobyns of Chicago, Ill., Abraham Israel of Philadelphia, Pa., William Harrison of Oklahoma City, Okla., Charles J. Murphy of Washington, D. C., Arthur W. Selover of Minneapolis, Minn., Roger Lewis of New York City, William W. Magruder of Starkville, Miss., Roderic Jones of Newark, Ohio, Matthew E. O'Brien of Washington, D. C., W. C. Caldwell of Trenton, Tenn., John M. Gaut of Nashville, Tenn., Eugene R. Black of Atlanta, Ga., Benjamin Griffith of Denver, Colo., Charles M. Rice of St. Louis, Mo., J. T. Sanders of Charlotte, N. C., J. Howard Jones of Newark, Ohio, Edward W. Hines of Louisville, Ky., Oscar L. Horn of Los Angeles, Cal., Ben. D. Ringo of Owensboro, Ky., W. W. Hyams of Tulsa, Okla., Henry A. Lindsley of Denver, Colo., Paul Dulaney of Washington, D. C., Hugh H. Obear of Washington, D. C., John E. Carson of Los Angeles, Cal., Russell H. Robbins of New York City, Thos. S. Felder of Macon, Ga., and Walter M. Hopewell of Tekamah, Nebr., were admitted to practice.

No. 524. *Yeung How*, sometimes known as *Yeung Chau*, appellant, *v. Hart H. North*, United States Commissioner of Immigration, etc., et al. Motion to dismiss or affirm submitted by Mr. Solicitor General Lehmann and Mr. Assistant Attorney General Harr for the appellees in support of the motion, and by Mr. Carroll Cook, Mr. A. A. Birney, and Mr. H. F. Woodard for the appellant in opposition thereto. Motion for oral argument on motion to dismiss or affirm and to advance cause submitted by Mr. Carroll Cook, Mr. A. A. Birney, and Mr. H. F. Woodard for the appellant.

No. 735. *The Cherokee Nation and The United States*, appellants, *v. Moses Whitmire*, trustee for the Freedmen of the Cherokee Nation. Motion to advance submitted by Mr. Solicitor General Lehmann for the appellants.

No. 384. Gabriel Diaz, plaintiff in error, *v.* The United States. Passed, to be restored to the call under the provisions of section 9 of rule 26, on motion of Mr. Solicitor General Lehmann, in behalf of counsel for the plaintiff in error.

No. 23. P. L. Sherman and D. H. Pinney, plaintiffs in error, *v.* Libbey Goodwin. Appearance of Roger Sherman, as successor in trust of P. L. Sherman, deceased, filed and entered on motion of Mr. Frederick W. Lehmann in that behalf.

No. 8, Original. The State of Arkansas, complainant, *v.* The State of Tennessee. Time to answer extended to the 1st day of January, 1912, on motion of Mr. J. A. Fowler, in behalf of counsel for the defendant.

No. 6. Morris Canal & Banking Company et al., plaintiffs in error, *v.* David Baird et al. Continued, per stipulation, on motion of Mr. Gilbert Collins for the plaintiffs in error.

No. 713. Elizabeth Cassiday et al., plaintiffs in error, *v.* The People of the State of Colorado on the relation of the Attorney General of Colorado. Motion to dismiss or affirm submitted by Mr. Henry A. Lindsley, Mr. F. D. McKenney, and Mr. George Q. Richmond for the defendants in error, in support of same, and by Mr. Henry J. Hersey for the plaintiff in error in opposition thereto.

No. 808. Oceanic Steam Navigation Company, petitioner, *v.* Edith Watkins. 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. Charles C. Burlingham for the petitioner.

No. 130. John A. Knott et al., etc., appellants, *v.* The Chicago, Burlington & Quincy Railroad Company; and

No. 134. The Chicago, Burlington & Quincy Railroad Company, appellant, *v.* John A. Knott et al., etc. Motion to advance submitted by Mr. Elliott W. Major for Knott et al., in support of the motion, and by Mr. Frank Hagerman and Mr. O. M. Spencer for the railroad in opposition thereto.

No. 543. George A. Luria, appellant, *v.* The United States. Motion to advance submitted by Mr. Myer Cohen in behalf of counsel for the appellant.

Nos. 672 to 705. John A. Knott et al., Railroad and Warehouse Commissioners et al., appellants, *v.* The St. Louis & San Francisco Railroad Company et al. on appeals and cross appeals. Motion to advance submitted by Mr. Frank Hagerman for the railroad companies in support of same, and by Mr. E. W. Major and Mr. S. B. Ladd for Knott et al., in opposition thereto.

No. 421. William G. Plested et al., appellants, *v.* Samuel A. Abbey et al. Motion to advance submitted by Mr. William C. Prentiss and Mr. Jesse G. Northcutt for the appellants in support of the motion, and by Mr. Solicitor General Lehmann in opposition thereto.

No. 204. J. L. Murphy, plaintiff in error, *v.* The People of the State of California. Motion to advance submitted by Mr. John E. Carson for the defendants in error in support of the motion, and by Mr. Levy Mayer and Mr. A. S. Austrian for the plaintiff in error in opposition thereto.

No. 635. W. S. Bryan, appellant, *v.* Bliss-Cook Oak Company et al.;

No. 636. W. S. Bryan, appellant, *v.* Edwin S. Layman;

No. 637. W. S. Bryan, appellant, *v.* William Bagnell;

No. 638. Marcus G. Rider, appellant, *v.* Bliss-Cook Oak Company et al.; and

No. 639. S. L. Moser, appellant, *v.* Edwin S. Layman. Motions to dismiss or affirm submitted by Mr. George B. Rose, Mr. John B. Jones, Mr. U. M. Rose, Mr. W. E. Hemingway, and Mr. J. F. Loughborough for the appellees in support of the motions, and by Mr. Julian Laughlin for the appellants in opposition thereto.

No. 752. William J. Hagadorn et al., petitioners, *v.* Street Grading District No. 60 of Little Rock, Ark. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. G. B. Rose, Mr. U. M. Rose, Mr. W. E. Hemingway, and Mr. J. F. Loughborough for the petitioners.

No. 802. The George N. Pierce Company, petitioner, *v.* Wells Fargo & Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. John J. Hamilton, Mr. George E. Hamilton, and Mr. John W. Yerkes for the petitioner, and by Mr. Charles W. Pierson and Mr. William W. Green for the respondent.

No. 286. The Interstate Commerce Commission, appellant, *v.* F. H. Peavy & Company et al.; and

No. 287. Union Pacific Railway Company, appellant, *v.* F. H. Peavy & Company et al. Leave granted to file brief herein as *amicus curiæ* on motion of Mr. Evans Browne, in behalf of Mr. Robert Dunlap.

No. 520. Madera Water Works, appellant, *v.* City of Madera et al. Motion to advance submitted by Mr. Evans Browne, in behalf of counsel.

No. 643. Charles E. Hamilton, as receiver, etc., petitioner, *v.* Ferdinand L. Loeb. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Frederick L. Siddons for the petitioner, and by Mr. John G. Johnson and Mr. Abraham Israel for the respondent.

No. 706. The People of the State of New York, petitioners, *v.* The Central Trust Company of New York et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. William A. McQuaid for the petitioners, and by Mr. William D. Guthrie and Mr. John M. Bowers for the respondents.

No. 781. Jacob Yungbluth, petitioner, *v.* John H. Slipper et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Harry F. Lerch, in behalf of Mr. E. C. Million for the petitioner, and by Mr. Alfred L. Black for the respondents.

No. 810. John M. Stone Cotton Mills, petitioner, *v.* F. T. Fleitmann et al., etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. W. W. Magruder and Mr. Charlton H. Alexander for the petitioner, and by Mr. Marcellus Green and Mr. Arthur C. Rounds for the respondents.

No. 523. Chicago, St. Paul, Minneapolis & Omaha Railway Company, petitioner, *v.* Bud R. Latta. Motion to advance submitted by Mr. Walter M. Hopewell for the respondent.

No. 395. T. O. Helm et al., appellants, *v.* J. H. Zarecor et al. Advanced pursuant to the thirty-second rule and submitted by Mr. John M. Gaut and Mr. Alexander P. Humphrey for the appellants, and by Mr. W. C. Caldwell for the appellees.

No. 656. The American National Bank of Nashville, Tenn., plaintiff in error, *v.* A. L. Miller, agent, etc. Motion for leave to supply 16 copies of the record as printed for use of the court below in lieu of the 25 copies required by the rule submitted by Mr. John M. Gaut, in behalf of counsel.

No. 792. Henry Heide, petitioner, *v.* Panayiotis Panoulis. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. George Whitefield Betts, jr., for the petitioner, and by Mr. Ferdinand E. M. Bullowa for the respondent.

No. 819. The United States of America, plaintiff in error, *v.* American Druggist Syndicate. In error to the Circuit Court of the United States for the Eastern District of New York. Docketed and dismissed on motion of Mr. Charles J. Murphy for the defendant in error.

No. 481. Edward B. Jordan, collector of internal revenue, *v.* James W. Roach; and

No. 482. Edward B. Jordan, collector of internal revenue, *v.* Charles H. and William P. Ross. Petition for writs of certiorari

to bring up the entire record and cause submitted by Mr. Charles F. Carusi, in behalf of Mr. Howard P. Walden for Roach et al., with leave to the Solicitor General to file brief in opposition on or before Friday next.

No. 668. Railroad Commission of Louisiana et al., appellants, *v.* Texas & Pacific Railway Company et al. Motion to advance submitted by Mr. E. Howard McCaleb for the appellants.

No. 761. City of Louisville, appellant, *v.* Cumberland Telephone & Telegraph Company. Motion to advance submitted by Mr. C. B. Blakey for the appellant.

No. 237. Samuel Loeb, plaintiff in error, *v.* The State of Georgia. Motion to advance submitted by Mr. Thomas S. Felder for the defendant in error.

No. 782. Joe Darsey, plaintiff in error, *v.* The State of Georgia. Motion to advance submitted by Mr. Thomas S. Felder for the defendant in error. Motion for leave to proceed *in forma pauperis* submitted by Mr. Thomas S. Felder, in behalf of counsel for the plaintiff in error.

No. 773. James J. Hooker et al., etc., appellants, *v.* Martin A. Knapp et al., as members of the Interstate Commerce Commission, et al.; and

No. 774. The Eagle White Lead Company et al., appellants, *v.* The Interstate Commerce Commission et al. Motions to advance submitted by Mr. Francis B. James for the appellants.

No. 280. The United States, appellant, *v.* The Fidelity Trust Company, etc. Passed to be restored to the call under the provisions of section 9 of rule 26, on motion of Mr. A. R. Serven for the appellee.

No. 804. Martha Brion, petitioner, *v.* The United States; and

No. 805. Ramonde Chomel, petitioner, *v.* The United States. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Elijah N. Zoline for the petitioners, and by Mr. Assistant Attorney General Harr for the respondent.

No. 652. Charles Wilson, etc., appellant, *v.* The United States. Motion to advance and for stay pending appeal submitted by Mr. Elijah N. Zoline for the appellant.

No. 566. The Troy Bank of Troy, Ind., et al., appellants, *v.* G. A. Whitehead & Co. Advanced pursuant to the thirty-second rule, and submitted by Mr. George W. Jolly for the appellants, and by Mr. Ben D. Ringo for the appellees.

No. 9. Original. The State of Wyoming, complainant, *v.* The State of Colorado et al. Time to plead extended for 90 days from this date,

per stipulation of counsel, and on motion of Mr. J. C. Gunter for the defendants.

No. 670. The Prudential Insurance Company of America, petitioner, *v.* John P. Moore, administrator, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Edward D. Duffield for the petitioner, and by Mr. Minter Wimberley, Mr. Jesse C. Harris, and Mr. Alexander Akerman for the respondent.

No. 784. Southern Pacific Company et al., appellants, *v.* Thomas K. Campbell et al., commissioners, etc., et al. Motion to advance submitted by Mr. Maxwell Evarts for the appellants in support of the motion, and by Mr. A. M. Crawford and Mr. Clyde B. Aitchison for the appellees in opposition thereto.

No. 793. The Pennsylvania Steel Company, petitioner, *v.* Henry M. Susswein. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. H. Snowden Marshall for the petitioner, and by Mr. Roger Lewis and Mr. Bronson Winthrop for the respondent.

No. 487. Southern Railway Company, plaintiff in error, *v.* D. L. Reid et ux. Motion to advance to be heard with No. 80, as one case, submitted by Mr. Alfred P. Thom for the plaintiff in error.

No. 94. The Illinois Central Railroad Company, plaintiff in error, *v.* The United States. In error to the United States Circuit Court of Appeals for the Sixth Circuit. Dismissed, on motion of Mr. Edmund F. Trabue for the plaintiff in error.

No. 663. The title Guaranty & Security Company, petitioner, *v.* The United States to use of General Electric Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Russell H. Robbins and Mr. James Russell Soley for the petitioner, and by Mr. H. B. Gill for the respondent.

No. 292. Salvatore L. Rocca, plaintiff in error, *v.* George F. Thompson. Passed, to be restored to the call under the provisions of section 9, rule 26, on motion of Mr. Charles A. Conlon, in behalf of counsel for the plaintiff in error.

No. 790. F. A. Garrimone et al., petitioners, *v.* The United States. Petition for a writ of certiorari to the United States Court of Customs Appeals submitted by Mr. James L. Gerry for the petitioners, and by Mr. Solicitor General Lehmann for the respondent.

No. 575. Michael H. Gleason et al., plaintiffs in error, *v.* J. I. Wood, county treasurer, etc., et al. Motion to advance submitted by Mr. Charles West for the defendants in error.



No. 809. George W. Choate et al., plaintiffs in error, *v.* M. E. Trapp, secretary, etc., et al. Motion to advance submitted by Mr. Charles West for the defendants in error.

No. 623. Ben F. Harrison, secretary of state of the State of Oklahoma, appellant, *v.* St. Louis & San Francisco Railroad Company. Motion to advance submitted by Mr. Charles West for the appellant.

No. 624. Leo Meyer, as auditor of the State of Oklahoma, appellant, *v.* Wells, Fargo & Company. Motion to advance submitted by Mr. Charles West for the appellant.

No. 709. Edward Rimmerman et al., petitioners, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Nathan A. Gibson for the petitioners, and by Mr. Solicitor General Lehmann for the respondent.

No. 811. The Rubber Tire Wheel Company et al., petitioners, *v.* The Goodyear Tire & Rubber Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Lawrence Maxwell, Mr. Frederick P. Fish, Mr. Paul A. Staley, Mr. Borden Bowman, and Mr. Charles W. Stapleton for the petitioners, and by Mr. H. A. Toulmin for the respondents.

No. 16. Cudahy Packing Company, plaintiff in error, *v.* C. E. Denton, as secretary of state of the State of Kansas. In error to the Supreme Court of the State of Kansas. Dismissed per stipulation of counsel.

No. 55. Grants Pass Land & Water Company, appellant, *v.* The city of Los Angeles. Appeal from the Circuit Court of the United States for the Southern District of California. Dismissed per stipulation of counsel.

No. 143. William A. Gunter, jr., plaintiff in error, *v.* Evans Hinson et al. In error to the Supreme Court of the State of Alabama. Dismissed with costs, on motion of counsel for the plaintiff in error.

No. 270. Herbert S. Hadley et al., petitioners, *v.* Arthur C. Huidekoper. On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Dismissed per stipulation of counsel.

No. 302. The Mutual benefit Life Insurance Company, plaintiff in error, *v.* Susan M. Morgan et al., as surviving trustees, etc. In error to the Supreme Court of the State of New York. Dismissed per stipulation of counsel.

No. 358. Jesse L. Carlton et al., plaintiffs in error, *v.* Frank W. Rushing, judge, etc., 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, and mandate granted.

No. 365. William Lewin et al., as the Lewin Scrap Iron Company, plaintiffs in error, *v.* Kate Caspar, administratrix, etc. In error to the Supreme Court of the State of Kansas. Dismissed per stipulation of counsel.

No. 522. C. A. Tilles, appellant, *v.* E. F. Regenhardt, United States marshal, etc., et al. Appeal from the Circuit Court of the United States for the Eastern District of Missouri. Dismissed with costs, on motion of counsel for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, October 10, will be as follows: Nos. 190, 477, 247, 361, 507, 364, 404, 405, 434, 496, 285 (and 286, 287, 353, 354, 355, and 356), 451 (and 452 and 453), 362, 440, 463, 464, 201 (and 202), 413 (and 414), 486, 373, 448, 330, 386, 424, 447, 565, 586, 593, 599 (and 600 and 601).





# SUPREME COURT OF THE UNITED STATES.

TUESDAY, OCTOBER 10, 1911.

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

L. R. Garrett of Los Angeles, Cal., Clifford Thorne of Washington, Iowa, John H. Henderson of Indianola, Iowa, Dwight N. Lewis of Des Moines, Iowa, William J. Stevenson of Duluth, Minn., Louis F. J. Hepburn of Philadelphia, Pa., L. M. Kyes of East Palestine, Ohio, and William L. Wemple of New York City, were admitted to practice.

The Chief Justice announced the following orders of the court:

No. 130. John A. Knott et al., Railroad and Warehouse Commissioners, et al., appellants, *v.* The Chicago, Burlington & Quincy Railroad Company; and

No. 134. The Chicago, Burlington & Quincy Railroad Company, appellant, *v.* John A. Knott et al., etc.; and

Nos. 672 to 705. John A. Knott et al., Railroad and Warehouse Commissioners, et al., appellants, *v.* The St. Louis & San Francisco Railroad Company et al. (on appeals and cross appeals). Motions to advance granted, and cases assigned for argument on Monday, January 8, 1912.

No. 507. Louisville & Nashville Railroad Company, appellant, *v.* Adam T. Siler et al., as the Railroad Commission of Kentucky;

No. 364. The Chesapeake & Ohio Railway Company, plaintiff in error, *v.* W. G. Conley, Attorney General, et al.;

No. 424. The Oregon Railroad & Navigation Company, appellant, *v.* Thomas K. Campbell et al.;

No. 599. George T. Simpson et al., appellants, *v.* David C. Shepard;

No. 600. George T. Simpson et al., appellants, *v.* Emma B. Kennedy et al., executors, etc., et al.; and

No. 601. George T. Simpson et al., appellants, *v.* William Shilaber. Reassigned for argument on Monday, January 8, 1912.

No. 820. The United States of America, appellant, *v.* The Union Pacific Railroad Company et al. Motion to advance submitted by Mr. Solicitor General Lehmann for the appellant.

No. 761. The City of Louisville, appellant, *v.* Cumberland Telephone & Telegraph Company. Suggestions on motion to advance submitted by Mr. C. B. Blakey for the appellant.

No. 708. The United States Express Company, plaintiff in error, *v.* The State of Minnesota. Motion to advance submitted by Mr. George T. Simpson for the defendant in error.

No. 512. Thomas H. Pickford and John H. Walter, appellants, *v.* Henry M. Talbott. Petition for leave to collect judgment pending the appeal submitted by Mr. John Ridout for the appellee in support of the motion, and by Mr. H. Prescott Gatley, Mr. Henry E. Davis and Mr. Samuel Maddox for the appellants in opposition thereto, with leave to Mr. Ridout to file an additional brief on or before Friday.

No. 3, Original. Commonwealth of Virginia, complainant, *v.* State of West Virginia. Motion to proceed with the further hearing and determination of this case submitted by Mr. Samuel W. Williams for the complainant in support of the motion, and by Mr. W. G. Conley for the defendant in response thereto.

No. 190. The United States, petitioner, *v.* Leopold Baruch. Passed, to be restored to the call under the provisions of section 9 of rule 26, on motion of Mr. Wade H. Ellis for the respondent.

No. 477. The United States, appellant, *v.* The Reading Company et al.;

No. 485. The Temple Iron Company, appellant, *v.* The United States; and

No. 504. The Reading Company et al., appellants, *v.* The United States. Motion to strike from the files the brief for the Central Railroad Company of New Jersey and the Lehigh & Wilkes-Barre Coal Company submitted by Mr. J. C. McReynolds for the United States.

Four hours allowed to each side in the argument of these appeals, on motion of Mr. J. C. McReynolds for the United States. Argument commenced by Mr. J. C. McReynolds for the United States and continued by Mr. Everett Warren for the Temple Iron Company.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, October 11, will be as follows: Nos. 477 (and 485 and 504), 247, 361, 404, 405, 434, 496, 285 (and 286, 287, 353, 354, 355 and 356), 451 (and 452 and 453), 362, 440, 463, 464, 201 (and 202), 413 (and 414), 486, 373, 448, 330, 386, 447, 565, 586 and 593.

## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, OCTOBER 11, 1911.

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

Frank H. Cottier of New York City, E. C. Patton of Oklahoma City, Okla., George A. Malcolm of Manila, P. I., and Edgar H. Boles of New York City were admitted to practice.

No. 477. The United States, appellant, *v.* The Reading Company et al.;

No. 485. The Temple Iron Company, appellant, *v.* The United States; and

No. 504. The Reading Company et al., appellants, *v.* The United States. Argument continued by Mr. James H. Torrey for the Enterprise Coal Company et al., by Mr. Adelbert Moot for the Erie Railroad Company et al., by Mr. John G. Johnson for the Reading Company et al., and concluded by Mr. J. C. McReynolds for the United States.

No. 247. Southern Pacific Company, plaintiff in error, *v.* The Commonwealth of Kentucky ex rel. George H. Anderson et al., revenue agents. Argument commenced by Mr. Alexander Pope Humphrey for the plaintiff in error, and continued by Mr. Matt. J. Holt for the defendants in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, October 12, will be as follows: Nos. 247, 361, 404, 405, 434, 496, 285 (and 286, 287, 353, 354, 355 and 356), 451 (and 452 and 453), 362, 440, 463, 464, 201 (and 202), 413 (and 414), 486, 373, 448, 330, 386, 447, 565, 586 and 593.



## SUPREME COURT OF THE UNITED STATES.

THURSDAY, OCTOBER 12, 1911.

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

Henry E. Colton of New York City and F. M. Dailey of Frankfort, Ky., were admitted to practice.

No. 247. Southern Pacific Company, plaintiff in error, *v.* The Commonwealth of Kentucky ex rel. George H. Anderson et al., revenue agents. Argument continued by Mr. Matt. J. Holt for the defendants in error, and concluded by Mr. Maxwell Evarts for the plaintiff in error.

No. 361. Robert Gilland, plaintiff in error, *v.* The United States. Argued by Mr. Louis W. Crofoot for the plaintiff in error, and by Mr. Solicitor General Lehmann for the defendant in error.

No. 404. J. S. Mullen et al., appellants, *v.* The United States;

No. 405. Alfred F. Goat et al., appellants, *v.* The United States;

No. 434. The Deming Investment Co., appellant, *v.* The United States; and

No. 496. P. E. Heckman et al., appellants, *v.* The United States. One hour additional time allowed on each side in the argument of these cases, on motion of Mr. Solicitor General Lehmann for the United States.

Argument commenced by Mr. J. C. Stone for the appellants, and continued by Mr. Robert J. Boone for the appellants, and by Mr. Solicitor General Lehmann for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, October 13, will be as follows: Nos. 404 (and 405, 434 and 496), 285 (and 286, 287, 353, 354, 355 and 356), 451 (and 452 and 453), 362, 440, 463, 464, 201 (and 202), 413 (and 414), 486, 373, 448, 330, 386, 447, 565, 586 and 593.



## SUPREME COURT OF THE UNITED STATES.

FRIDAY, OCTOBER 13, 1911.

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

Ralph Hartzell of Denver, Colo., and James M. Hanley of Mandan, N. Dak., were admitted to practice.

No. 404. J. S. Mullen et al., appellants, *v.* The United States;

No. 405. Alfred F. Goat et al., appellants, *v.* The United States;

No 434. The Deming Investment Co., appellant, *v.* The United States; and

No. 496. P. E. Heckman et al., appellants, *v.* The United States. Argument continued by Mr. Solicitor General Lehmann, Mr. A. N. Frost and Mr. Harlow A. Leekley for the United States and concluded by Mr. S. T. Bledsoe for the appellants.

No. 285. The Interstate Commerce Commission, appellant, *v.* Harry J. Diffenbaugh et al.;

No. 286. The Interstate Commerce Commission, appellant, *v.* F. H. Peavey & Co. et al.; and

No. 287. Union Pacific Railroad Co., appellant, *v.* F. H. Peavey & Co. et al. Argument commenced by Mr. P. J. Farrell for the Interstate Commerce Commission and continued by Mr. Frank Hagerman for the appellees.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, October 16, will be as follows: Nos. 285 (and 286 and 287), 353 (and 354, 355 and 356), 451 (and 452 and 453), 362, 440, 463, 464, 201 (and 202), 413 (and 414), 486, 373, 448, 330, 386, 447, 565, 586 and 593.

## SUPREME COURT OF THE UNITED STATES.

MONDAY, OCTOBER 16, 1911.  

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

The Chief Justice said:

“Gentlemen of the Bar—It is my painful duty to announce the death of Mr. Justice Harlan. The court will stand adjourned until Wednesday morning next without the transaction of business of any kind to-day.”

Adjourned until Wednesday next at 12 o'clock.

The day call for Wednesday, October 18, will be as follows: Nos. 285 (and 286 and 287), 353 (and 354, 355 and 356), 451 (and 452 and 453), 362, 440, 463, 464, 201 (and 202), 413 (and 414), 486, 373, 448, 330, 386, 447, 565, 586, and 593.

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# SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, OCTOBER 18, 1911.

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

John T. Harding of Kansas City, Mo., Victor H. Falkenhainer of St. Louis, Mo., William L. Stephens of Washington, D. C., Byron G. Burbank of Omaha, Nebr., Emory H. Smith of Fort Worth, Tex., William B. Lockhart of Galveston, Tex., Bertram G. Foster of Washington, D. C., Charles S. Jones of Montclair, N. J., and Thomas Reath of Philadelphia, Pa., were admitted to practice.

No. 362. The United States, plaintiff in error, *v.* Herman F. Garbish. Passed, to be restored to the call under the provisions of section 9 of rule 26, on motion of Mr. Solicitor General Lehmann for the plaintiff in error.

No. 330. The United States of America, plaintiff in error, *v.* St. Louis National Stock Yards. In error to the United States Circuit Court of Appeals for the Seventh Circuit. Judgment affirmed per stipulation, on motion of Mr. Solicitor General Lehmann for the plaintiff in error.

No. 299. J. A. Scriven Company, appellant, *v.* The Rice-Stix Dry Goods Company. Motion to dismiss submitted by Mr. F. W. Lehmann and Mr. S. L. Swartz for the appellee in support of the motion, and by Mr. Arthur von Briesen and Mr. Hans von Briesen for the appellant in opposition thereto.

No. 385. The City of Cincinnati, plaintiff in error, *v.* The Louisville & Nashville Railroad Company. Motion to advance submitted by Mr. Ellis G. Kinkead and Mr. J. B. Foraker for the defendant in error in support of the motion.

No. 503. Frank Kiernan, plaintiff in error, *v.* The City of Portland et al. Motion to advance to be heard with No. 36 submitted by Mr. Jackson H. Ralston for the defendants in error.

No. 667. Laura Wheeler et al., executors, etc., plaintiffs in error, *v.* William Sohmer, comptroller of the State of New York. Joint motion to advance submitted by Mr. Frederic D. McKenney in behalf of counsel.



No. 824. The Atlantic Transport Company, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Frederic D. McKenney, in behalf of Mr. W. S. Montgomery, for the petitioner, with leave to the Solicitor General to file a brief for the respondent on or before Friday next.

No. 717. Pressed Steel Car Company, petitioner, *v.* Simplex Railway Appliance Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Bertram G. Foster, in behalf of Mr. Alfred W. Kiddle and Mr. Clarence P. Byrnes, for the petitioner, and by Mr. Charles C. Linthicum and Mr. J. Edgar Bull for the respondent.

No. 564. Norfolk & Western Railway Company, plaintiff in error, *v.* Dixie Tobacco Company. Motion to advance submitted by Mr. Thomas Reath, Mr. Theodore W. Reath, and Mr. Samuel Griffin for the plaintiff in error.

No. 599. George T. Simpson et al., appellants, *v.* David C. Shepard;

No. 600. George T. Simpson et al., appellants, *v.* Emma B. Kennedy et al., executors, etc., et al.; and

No. 601. George T. Simpson et al., appellants, *v.* William Shillaber. Leave granted to Mr. Edmund S. Durment to file brief herein as *amicus curiæ*, on motion of Mr. Frederick S. Tyler in that behalf.

No. 4, Original. The People of the State of New York, complainants, *v.* The State of New Jersey et al. Motion for an order extending time for the taking of testimony herein submitted by Mr. William J. O'Sullivan for the complainants, in support of the motion, and by Mr. Edmund Wilson, Mr. Robert H. McCarter, and Mr. Joseph Coult for the defendants, in opposition thereto.

No. 789. The City 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. William J. O'Sullivan, in behalf of Mr. Terence Farley, for the petitioner, and by Mr. Solicitor General Lehmann for the respondent.

No. 137. David Lupton's Sons Company, plaintiff in error, *v.* The Automobile Club of America. Motion to dismiss or affirm submitted by Mr. William W. Niles for the defendant in error in support of the motion, and by Mr. William Ford Upson for the plaintiff in error in opposition thereto.

No. 285. The Interstate Commerce Commission, appellant, *v.* Harry J. Diffenbaugh et al.;

No. 286. The Interstate Commerce Commission, appellant, *v.* F. H. Peavey & Company et al.; and

No. 287. Union Pacific Railroad Company, appellant, *v.* F. H. Peavey & Company et al. Argument continued by Mr. Frank Hager-

man and Mr. John Barton Payne for the appellees, by Mr. Maxwell Evarts for The Union Pacific Railroad Company, and concluded by Mr. Solicitor General Lehmann for The Interstate Commerce Commission.

Nos. 353 and 354. Union Pacific Railroad Company, plaintiff in error, *v.* The Updike Grain Company et al.; and

Nos. 355 and 356. Union Pacific Railroad Company, plaintiff in error, *v.* The Updike Grain Company. Argued by Mr. Maxwell Evarts for the plaintiff in error, and by Mr. Edward P. Smith for the defendant in error.

No. 451. The Interstate Commerce Commission, appellant, *v.* Union Pacific Railroad Company et al.;

No. 452. The Interstate Commerce Commission, appellant, *v.* Northern Pacific Railway Company et al.; and

No. 453. The Interstate Commerce Commission, appellant, *v.* The Great Northern Railway Company et al. Argument commenced by Mr. Luther M. Walter for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, October 19, will be as follows: Nos. 451 (and 452 and 453), 440, 463, 464, 201 (and 202), 413 (and 414), 486, 373, 448, 386, 447, 565, 586 and 593.



## SUPREME COURT OF THE UNITED STATES.

THURSDAY, OCTOBER 19, 1911.

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

Ella D. Gates, of Washington, D. C.; Anne Elizabeth Draper, of Washington, D. C.; Harriet Freebey, of Washington, D. C.; and Kerner Easton, of New York City, were admitted to practice.

No. 451. The Interstate Commerce Commission, appellant, *v.* Union Pacific Railroad Company et al.;

No. 452. The Interstate Commerce Commission, appellant, *v.* Northern Pacific Railway Company et al.; and

No. 453. The Interstate Commerce Commission, appellant, *v.* The Great Northern Railway Company et al. Argument continued by Mr. Luther M. Walter for the appellant, by Mr. Hale Holden for the appellees, and concluded by Mr. Jesse C. Adkins for the appellant.

No. 440. The United States, plaintiff in error, *v.* Conrad A. Plyler. Argued by Mr. Solicitor General Lehmann for the plaintiff in error. No counsel appeared for the defendant in error.

No. 463. The United States, plaintiff in error, *v.* John Morgan et al. Argued by Mr. Solicitor General Lehmann for the plaintiff in error, and submitted by Mr. Alexander Thain for the defendants in error.

No. 464. The United States, plaintiff in error, *v.* The Baltimore & Ohio Southwestern Railroad Company. Argued by Mr. Solicitor General Lehmann for the plaintiff in error, and by Mr. George Hoadly for the defendant in error.

No. 200. Russell B. Herriman, appellant, *v.* C. T. Elliot, United States marshal, etc. Appeal from the Circuit Court of the United States for the Northern District of California. Death of appellant suggested by Mr. Henry F. Woodard, counsel for appellant, and case abated.

No. 201. Frank W. Brown, appellant, *v.* C. T. Elliott, United States marshal, etc., et al.; and

No. 202. E. C. Moore, appellant, *v.* C. T. Elliott, United States marshal, etc., et al. Argued by Mr. Henry F. Woodard for the appellants, and by Mr. Solicitor General Lehmann for the appellees. Leave granted counsel for appellants to file brief to-morrow.

Nos. 413 and 414. Mike Beecham, plaintiff in error, *v.* The United States. Submitted by Mr. William J. Rohde for the plaintiff in error, and by Mr. Assistant Attorney General Harr for the defendant in error.

No. 486. Morris Glickstein *v.* The United States. Submitted by Mr. John E. Hartridge and Mr. N. P. Bryan for Glickstein, and by Mr. Solicitor General Lehmann for the United States.

No. 373. The United States, plaintiff in error, *v.* The Baltimore & Ohio Railroad Company. Argument commenced by Mr. Assistant Attorney General Harr for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, October 20, will be as follows: Nos. 373, 448, 386, 447, 565, 586, 593, 1, 3, and 4.



## SUPREME COURT OF THE UNITED STATES.

FRIDAY, OCTOBER 20, 1911.

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

Seymour Edgerton, of Chicago, Ill., and J. S. McKemey, of Fairfield, Iowa, were admitted to practice.

No. 373. The United States, plaintiff in error, *v.* The Baltimore & Ohio Railroad Company. Argument continued by Mr. Assistant Attorney General Harr for the plaintiff in error, by Mr. B. M. Ambler for the defendant in error, and concluded by Mr. Assistant Attorney General Harr for the plaintiff in error.

No. 448. The United States, plaintiff in error, *v.* George F. Stever et al. Argued by Mr. Assistant Attorney General Harr for the plaintiff in error, and by Mr. W. M. Smith and Mr. J. S. McKemey for the defendants in error.

No. 386. The United States of America, appellant, *v.* The Terminal Railroad Association of St. Louis et al. Argument commenced by Mr. E. C. Crow for the appellant.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, October 23, will be as follows: Nos. 386, 447, 565, 586, 593, 1, 3, 4, 12, and 14.

## SUPREME COURT OF THE UNITED STATES.

MONDAY, OCTOBER 23, 1911.

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

W. B. Maxwell, of Elkins, W. Va.; Elmore B. Hazard, of Washington, D. C.; T. M. Pierce, of St. Louis, Mo.; George E. Seney, of Toledo, Ohio; Simon Ross, jr., of Cincinnati, Ohio; John Trumbull, of Seattle, Wash.; and William J. Courtright, of Fremont, Nebr., were admitted to practice.

No. 5. George R. Blinn, receiver, etc., plaintiff in error, *v.* George Ella Nelson et al. In error to the Supreme Judicial Court of the State of Massachusetts. Judgment affirmed with costs. Opinion by Mr. Justice Holmes.

The Chief Justice announced the following orders of the court:

Nos. 607 and 608. The United States, plaintiff in error, *v.* Harvey C. Miller et al.;

No. 735. The Cherokee Nation et al., appellants, *v.* Moses Whitmire, trustee;

No. 773. James J. Hooker et al., etc., appellants, *v.* Martin A. Knapp et al., etc.;

No. 774. The Eagle White Lead Company et al., appellants, *v.* The Interstate Commerce Commission et al.;

No. 784. Southern Pacific Company et al., appellants, *v.* Thomas K. Campbell et al., commissioners, etc., et al.; and

No. 820. The United States of America, appellant, *v.* The Union Pacific Railroad Company et al. Motions to advance granted and cases assigned for argument on Monday, January 8, 1912.

No. 487. Southern Railway Company, plaintiff in error, *v.* D. L. Reid et ux. Motion to advance for hearing with case No. 80 granted.

No. 503. Frank Kiernan, plaintiff in error, *v.* The City of Portland et al. Motion to advance for hearing with case No. 36 granted.

No. 523. Chicago, St. Paul, Minneapolis & Omaha Railway Company, petitioner, *v.* Bud R. Latta. Motion to advance for hearing with case No. 199 granted.

No. 575. Michael H. Gleason et al., plaintiffs in error, *v.* J. I. Wood, county treasurer, etc., et al.; and

No. 809. George W. Choate et al., plaintiffs in error, *v.* M. E. Trapp, secretary, etc., et al. Motions to advance for hearing with case No. 559 granted.

No. 761. City of Louisville, appellant, *v.* Cumberland Telephone & Telegraph Company. Motion to advance for hearing with case No. 197 granted.

No. 474. Charles T. Preston, plaintiff in error, *v.* The City of Chicago et al.;

No. 511. Atlantic Coast Line Railroad Company, plaintiff in error, *v.* The State of Georgia;

Nos. 572 and 583. George W. Cureton, plaintiff in error, *v.* The State of Georgia;

No. 576. The Lewis Bluepoint Oyster Cultivation Company, plaintiff in error, *v.* J. Marvin Briggs;

No. 204. J. L. Murphy, plaintiff in error, *v.* The People of the State of California;

No. 237. Samuel Loeb, plaintiff in error, *v.* The State of Georgia;

No. 385. The City of Cincinnati, plaintiff in error, *v.* The Louisville & Nashville Railroad Company;

No. 421. William G. Plested et al., appellants, *v.* Samuel A. Abbey et al.;

No. 520. Madera Water Works, appellant, *v.* City of Madera et al.;

No. 543. George A. Luria, appellant, *v.* The United States;

No. 564. Norfolk & Western Railroad Company, plaintiff in error, *v.* Dixie Tobacco Company;

No. 623. Ben F. Harrison, secretary of State of Oklahoma, appellant, *v.* St. Louis & San Francisco Railroad Company;

No. 624. Leo Meyer, as auditor of the State of Oklahoma, appellant, *v.* Wells Fargo & Company;

No. 652. Charles Wilson, etc., appellant, *v.* The United States;

No. 667. Laura Wheeler et al., executors, etc., plaintiffs in error, *v.* William Sohmer, comptroller of the State of New York;

No. 668. Railroad Commission of Louisiana et al., appellants, *v.* Texas Pacific Railway Company et al.;

No. 708. United States Express Company, plaintiff in error, *v.* The State of Minnesota; and

No. 782. Joe Darsey, plaintiff in error, *v.* The State of Georgia. Motions to advance denied.

No. 619. The Ætna 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 granted.



No. 633. 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 granted.

No. 670. The Prudential Insurance Company of America, 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 granted.

No. 802. The George N. Pierce Company, petitioner, *v.* Wells Fargo & Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 403. John L. James, bankrupt, appellant, *v.* Stone & Company, creditors, et al. Petition for a writ of certiorari herein denied.

No. 603. Haw Moy, petitioner, *v.* Hart H. North, Commissioner of Immigration, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 604. Hoo Choy, petitioner, *v.* Hart H. North, Commissioner of Immigration, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 605. 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 denied.

No. 610. Jesse Watson, as trustee, etc., petitioner, *v.* European American Bank. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 620. 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 denied.

No. 621. 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 denied.

No. 622. 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 denied.

No. 629. Edward Enders, 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. 630. Henry Hinn, 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. 634. 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 denied.

No. 481. Edward B. Jordan, collector of internal revenue, *v.* James W. Roche; and

No. 482. Edward B. Jordan, collector of internal revenue, *v.* Charles H. Ross et al. Petition for writs of certiorari to bring up the entire record and cause denied.

No. 643. Charles E. Hamilton, as receiver, etc., petitioner, *v.* Ferdinand L. Loeb. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 663. The Title Guaranty & Security Company, petitioner, *v.* The United States, to use of General Electric Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 706. The People of the State of New York, petitioners, *v.* The Central Trust Company of New York et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 709. Edward Rimmerman et al., petitioners, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 717. Pressed Steel Car Company, petitioner, *v.* Simplex Railway Appliance Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 752. William J. Hagadorn et al., petitioners, *v.* Street Grading District No. 60 of Little Rock, Ark. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 781. Jacob Yungbluth, petitioner, *v.* John H. Slipper et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 789. City 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. 790. F. A. Garramone et al., petitioners, *v.* The United States. Petition for a writ of certiorari to the United States Court of Customs Appeals denied.

No. 792. Henry Heide, petitioner, *v.* Panayiotis Panoulis. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 793. The Pennsylvania Steel Company, petitioner, *v.* Henry M. Susswein. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 804. Martha Brion, 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. 805. Raymonde Chomel, 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. 808. Oceanic Steam Navigation Company, petitioner, *v.* Edith Watkins. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 810. John M. Stone Cotton Mills, petitioner, *v.* F. T. Fleitmann et al., etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 811. The Rubber Tire Wheel Company et al., petitioners, *v.* The Goodyear Tire & Rubber Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 824. The Atlantic Transport Company, 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. 427. Omaha Electric Light & Power Company, appellant, *v.* The City of Omaha et al.;

No. 516. The Richmond, Fredericksburg & Potomac Railroad Company, plaintiff in error, *v.* The Commonwealth of Virginia; and

No. 137. David Lupton's Sons Company, plaintiff in error, *v.* The Automobile Club of America. Motions to dismiss or affirm postponed to the hearing of the cases on their merits.

No. 1, Original. The State of Maryland, complainant, *v.* The State of West Virginia. Time for filing report of commissioners extended to November 1.

No. 512. Thomas H. Pickford et al., appellants, *v.* Henry M. Talbott. Petition for leave to collect judgment pending the appeal denied.

No. 656. The American National Bank of Nashville, Tenn., plaintiff in error, *v.* A. L. Miller, agent, etc. Motion for leave to furnish 16 copies of record as printed for use of court below and to dispense with reprinting granted.

No. 652. Charles Wilson, etc., appellant, *v.* The United States. Motion to stay proceedings denied.

Order: It is ordered that the rules of this court be amended as follows, viz:

## RULE 6.

Strike out section 2 and insert the following:

"2. Forty-five minutes on each side shall be allowed to the argument of a motion, and no more, without special leave of the court, granted before the argument begins."

Strike out section 5 and insert the following:

"5. The court in any pending cause will receive a motion to affirm on the ground that it is manifest that the writ or appeal was taken for delay only, or that the questions on which the decision of the cause depend are so frivolous as not to need further argument. The same procedure shall apply to and control such motions as are provided for in cases of motions to dismiss under paragraph 4 of this rule. Although the court upon consideration of a motion to affirm may refuse to grant the motion, it may nevertheless, if the conclusion is arrived at that the case is of such a character as not to justify extended argument, order the cause transferred for hearing to a summary docket. The hearing of the causes on such docket will be expedited, the court providing from time to time for such speedy disposition of the docket as the regular order of business may permit, and on the hearing of such causes one-half hour will be allowed each side for oral argument."

## RULE 22.

Strike out section 3 and insert the following:

"3. One and one-half hours on each side will be allowed for the argument, and no more, without special leave of the court, granted before the argument begins. But in cases certified from the Circuit Court of Appeals, cases involving solely the jurisdiction of the court below, and cases under the act of March 2, 1907 (34 Stat., 1246), 45 minutes only on each side will be allowed for the argument, unless the time be extended. The time thus allowed may be apportioned between the counsel on the same side at their discretion: *Provided always*, That a fair opening of the case shall be made by the party having the opening and closing arguments."

No. 497. Quincy, Omaha & Kansas City Railroad Company, plaintiff in error, *v.* Ora T. Shohoney. In error to the Supreme Court of the State of Missouri. *Per curiam*: Dismissed for the want of jurisdiction. *Waters-Pierce Oil Co. v. Texas* (212 U. S., 112, 116-117); *Leathe v. Thomas* (207 U. S., 93); *Giles v. Teasley* (193 U. S., 146); *Eustis v. Bolles* (150 U. S., 361).

No. 524. Yeung How, sometimes known as Yeung Chow, appellant, *v.* Hart H. North, United States Commissioner of Immigration, etc., et al. Appeal from the Circuit Court of the United States for the Northern District of California. *Per curiam*: Dismissed for the

want of jurisdiction. *Farrell v. O'Brien* (199 U. S., 100); *David Kaufman & Sons Co. v. Smith* (216 U. S., 610); *Fong Yue Ting v. United States* (149 U. S., 698, 716); section 14 of act of May 6, 1882 (22 Stat., 61).

No. 635. W. S. Bryan, appellant, *v. Bliss-Cook Oak Company et al.* Appeal from the United States Circuit Court of Appeals for the Eighth Circuit. *Per curiam*: Dismissed for the want of jurisdiction. *Louisville & Nashville R. R. Co. v. Mottley* (211 U. S., 149); *Macfadden v. United States* (213 U. S., 288).

No. 636. W. S. Bryan, appellant, *v. Edwin S. Layman.* Appeal from the United States Circuit Court of Appeals for the Eighth Circuit. *Per curiam*: Dismissed for the want of jurisdiction. *Louisville & Nashville R. R. Co. v. Mottley* (211 U. S., 149); *Macfadden v. United States* (213 U. S., 288).

No. 637. W. S. Bryan, appellant, *v. William Bagnell.* Appeal from the United States Circuit Court of Appeals for the Eighth Circuit. *Per curiam*: Dismissed for the want of jurisdiction. *Louisville & Nashville R. R. Co. v. Mottley* (211 U. S., 149); *Macfadden v. United States* (213 U. S., 288).

No. 638. Marcus G. Rider, appellant, *v. Bliss-Cook Oak Company et al.* Appeal from the United States Circuit Court of Appeals for the Eighth Circuit. *Per curiam*: Dismissed for the want of jurisdiction. *Louisville & Nashville R. R. Co. v. Mottley* (211 U. S., 149); *Macfadden v. United States* (213 U. S., 288).

No. 639. S. L. Moser, appellant, *v. Edwin S. Layman.* Appeal from the United States Circuit Court of Appeals for the Eighth Circuit. *Per curiam*: Dismissed for the want of jurisdiction. *Louisville & Nashville R. R. Co. v. Mottley* (211 U. S., 149); *Macfadden v. United States* (213 U. S., 288).

No. 713. Elizabeth Cassidy et al., plaintiffs in error, *v. The People of the State of Colorado, on the relation of the attorney general of Colorado.* In error to the Supreme Court of the State of Colorado. *Per curiam*: Dismissed for the want of jurisdiction. *Farrell v. O'Brien* (199 U. S., 100); *David Kaufman & Sons Co. v. Smith* (216 U. S., 610); *Elder v. Colorado* (204 U. S., 85).

No. 299. J. A. Scriven Company, appellant, *v. Rice-Stix Dry Goods Company.* Appeal from the United States Circuit Court of Appeals for the Eighth Circuit. *Per curiam*: Dismissed for the want of jurisdiction. *Farrell v. O'Brien* (199 U. S., 100); *David Kaufman & Sons Co. v. Smith* (216 U. S., 610); section 6 of act of March 3, 1891 (chap. 517, 26 Stat., 828). And see *Hutchinson, Pierce & Co., v. Loewy* (217 U. S., 457).

No. 413. Mike Beecham, plaintiff in error, *v.* The United States, In error to the Supreme Court of the Philippine Islands. *Per curiam*: Dismissed for the want of jurisdiction. *Farrell v. O'Brien* (199 U. S., 100); *David Kaufman & Sons Co. v. Smith* (216 U. S. 610); *Downes v. Bidwell* (182 U. S., 244); *Hawaii v. Mankichi* (190 U. S., 197); *Rasmussen v. United States* (197 U. S., 520); *Dorr v. United States* (195 U. S., 138); *Trono v. United States* (199 U. S., 521); *Grafton v. United States* (206 U. S., 333).

No. 414. Mike Beecham, plaintiff in error, *v.* The United States. In error to the Supreme Court of the Philippine Islands. *Per curiam*: Dismissed for the want of jurisdiction. *Farrell v. O'Brien* (199 U. S., 100); *David Kaufman & Sons Co. v. Smith* (216 U. S., 610); *Downes v. Bidwell* (182 U. S., 244); *Hawaii v. Mankichi* (190 U. S., 197); *Rasmussen v. United States* (197 U. S., 520); *Dorr v. United States* (195 U. S., 138); *Trono v. United States* (199 U. S., 521); *Grafton v. United States* (206 U. S., 333).

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No. 586. The United States, plaintiff in error, *v.* James A. Patten et al. Passed, to be restored to the call under the provisions of section 9, rule 26, on motion of Mr. Solicitor General Lehmann for the plaintiff in error.

No. 831. Washington, Alexandria & Mount Vernon Railway Company, petitioner, *v.* Real Estate Trust Company of Philadelphia. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. John S. Barber, Mr. R. Walton Moore, Mr. George W. Pepper, and Mr. W. B. Bodine, jr., for the petitioner, and by Mr. Joseph de F. Junkin and Mr. John G. Johnson for the defendant.

No. —, Original. *Ex parte*: In the matter of J. Wesley Glasgow, petitioner. Motion for leave to file a petition for a writ of *habeas corpus* submitted by Mr. Frank S. Bright, in behalf of Mr. John C. Fay for the petitioner.

No. 834. Elkins Electric Railway Company, petitioner, *v.* Western Maryland Railway Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. Fred Beall and Mr. W. B. Maxwell for the petitioner, and by Mr. George R. Gaither and Mr. Leon E. Greenbaum for the respondent.

No. 595. Samuel O'Brien, plaintiff in error, *v.* Rudolph B. Schneider et al. Motion to advance submitted by Mr. William J. Courtright for the defendant in error.



No. 571. David A. Collier et al., plaintiffs in error, *v.* J. G. Smaltz and Iowa Railroad Land Company. Motions to dismiss or affirm submitted by Mr. Charles A. Clark for the Iowa Railroad Land Company, and Mr. T. M. Zink for Smaltz, in support of the motions, and by Mr. F. T. Hughes for the plaintiffs in error in opposition thereto.

No. 813. Robert P. Allen et al., commissioners, etc., appellants, *v.* St. Louis, Iron Mountain & Southern Railway Company; and

No. 814. Robert P. Allen et al., commissioners, etc., appellants, *v.* St. Louis Southwestern Railway Company. Motion to advance submitted by Mr. Joseph M. Hill for the appellants.

No. 66. The United States ex rel. Mary S. Ness, plaintiff in error, *v.* Richard A. Ballinger, Secretary of the Interior. Resignation of Richard A. Ballinger as Secretary of the Interior suggested and Walter L. Fisher, his successor in office, substituted as the party defendant in error herein, on motion of Mr. Samuel Herrick for the plaintiff in error.

No. 386. The United States of America, appellant, *v.* The Terminal Railroad Association of St. Louis et al. Leave granted to file brief as *amicus curiæ* herein, on motion of Mr. John C. Higdon, in that behalf.

No. 12. The Mercantile Trust Company and Edward J. Gannon, appellants, *v.* The Texas & Pacific Railway Company et al. Submitted by Mr. Murphy J. Foster and Mr. William W. Green for the appellants, by Mr. John F. Dillon, Mr. Charles E. Fenner, Mr. W. B. Spencer, and Mr. Charles Payne Fenner for the appellees, and by Mr. Walter Guion as *amicus curiæ*.

No. 386. The United States of America, appellant, *v.* The Terminal Railroad Association of St. Louis et al. Argument continued by Mr. E. C. Crow for the appellant, by Mr. H. S. Priest for the appellees, and concluded by Mr. E. C. Crow for the appellant.

No. 477. Frederick A. Hyde et al., petitioners, *v.* The United States. Argument commenced by Mr. A. S. Worthington for the petitioners.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, October 24, will be as follows: Nos. 447, 565, 593, 1, 3, 4, 14, 15, 18, and 19.





## SUPREME COURT OF THE UNITED STATES.

TUESDAY, OCTOBER 24, 1911.

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

E. B. Power, of San Francisco, Cal.; Olcott O. Partridge, of Boston, Mass.; and George W. Milford, of Washington, D. C., were admitted to practice.

The Chief Justice announced the following order of the court:

No. 361. Robert Gilland, plaintiff in error, *v.* The United States. In error to the Circuit Court of the United States for the District of South Dakota. *Per curiam*: Judgment reversed, upon confession of error by counsel for the defendant in error, and cause remanded for further proceedings in conformity to law.

Mandate granted, on motion of Mr. Solicitor General Lehmann for the defendant in error.

No. 447. Frederick A. Hyde et al., petitioners, *v.* The United States. Argument continued by Mr. A. S. Worthington for the petitioners, by Mr. Solicitor General Lehmann for the respondent, and concluded by Mr. A. S. Worthington for the petitioners.

No. 565. The United States, plaintiff in error, *v.* B. H. Barnes et al. Argued by Mr. Assistant Attorney General Harr for the plaintiff in error, and by Mr. Henry M. Johnson for the defendants in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, October 25, will be as follows: Nos. 593, 1, 3, 4, 14, 15, 18, 19, 20, and 21.



## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, OCTOBER 25, 1911.

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

Fred C. Rabb, of Williamsport, Ind.; Andrew Christensen, of Seattle, Wash.; and Allan R. Campbell, of New York City, were admitted to practice.

No. 565. The United States, plaintiff in error, *v.* B. H. Barnes et al. Motion for leave to file an additional brief submitted by Mr. Assistant Attorney General Harr for the plaintiff in error, and motion denied.

No. 593. The United States, plaintiff in error, *v.* Charles F. Munday et al. Forty-five minutes additional time allowed to the defendants in error in the argument of this case, on motion of Mr. Charles W. Dorr for the defendants in error. Argued by Mr. Solicitor General Lehmann for the plaintiff in error and by Mr. Charles W. Dorr and Mr. E. C. Hughes for the defendants in error.

No. 1. J. B. Curtin, appellant, *v.* H. C. Benson et al. Argued by Mr. William C. Prentiss for the appellant and by Mr. Assistant Attorney General Harr for the appellees.

No. 3. George D. Bryan, collector, etc., petitioner, *v.* Roxana S. Kerr, executrix, etc. Argument commenced by Mr. Assistant Attorney General Denison for the petitioner and continued by Mr. J. P. Kennedy Bryan for the respondent.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, October 26, will be as follows: Nos. 3, 4, 14, 15, 18, 19, 20, 21, 22, and 23.



## SUPREME COURT OF THE UNITED STATES.

THURSDAY, OCTOBER 26, 1911.

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

Samuel B. Crandall, of Andover, N. Y., was admitted to practice.

No. 23. Roger Sherman, successor in trust, etc., et al., plaintiffs in error, *v.* Libbie Goodwin. Submitted by Mr. Walter Bennett and Mr. D. H. Pinney for the plaintiffs in error, and by Mr. J. F. Wilson for the defendant in error, with leave to counsel for the plaintiffs in error to file an additional brief within 10 days after notice to the other side.

No. 3. George D. Bryan, collector, etc., petitioner, *v.* Roxana S. Ker, executrix, etc. Argument continued by Mr. J. P. Kennedy Bryan for the respondent, and concluded by Mr. Assistant Attorney General Denison for the petitioner. Leave granted counsel for respondent to file an additional brief within five days.

No. 4. A. Sandoval et al., appellants, *v.* Epes Randolph. Submitted by Mr. Henry S. Van Dyke and Mr. Frank P. Flint for the appellant, and by Mr. Eugene S. Ives for the appellee.

No. 14. Joseph R. Moore et al., plaintiffs in error, *v.* The State of New Jersey. Argued by Mr. Thomes P. Fay for the plaintiffs in error, and submitted by Mr. Edmund Wilson for the defendant in error.

No. 15. James W. Finley, plaintiff in error, *v.* The People of the State of California. Argued by Mr. E. B. Power for the defendants in error, and submitted by Mr. C. C. Calhoun, Mr. James M. Sharp, and Mr. H. G. W. Dinkelspiel for the plaintiff in error.

No. 18. The Kansas City Southern Railway Company, plaintiff in error, *v.* C. H. Albers Commission Company. Argued by Mr. Cyrus Crane for the plaintiff in error, and by Mr. John M. Wayde and Mr. Philip P. Campbell for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

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

## SUPREME COURT OF THE UNITED STATES.

FRIDAY, OCTOBER 27, 1911.

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

Stanley D. Pearce, of St. Louis, Mo., was admitted to practice.

No. 280. The United States, appellant, *v.* The Fidelity Trust Company, etc. Leave granted to file brief herein as *amicus curiæ*, on motion of Mr. George P. Montague, in that behalf.

No. 40. Alexander D. Johnson et al., appellants, *v.* The Washington Loan & Trust Company. Death of John A. Berry, one of the appellants herein, suggested by Mr. A. S. Worthington for the appellants.

No. 29. Mutual Loan Company, plaintiff in error, *v.* George J. Martell. Submitted by Mr. Lee M. Friedman for the plaintiff in error. No counsel appeared for the defendant in error.

No. 20. Sidney Henry et al. *v.* A. B. Dick Company. Argument commenced by Mr. Arthur v. Briesen for Henry et al., continued by Mr. Frederick P. Fish for The A. B. Dick Company, and concluded by Mr. Arthur v. Briesen for Henry et al.

No. 19. Isobel H. Lenman, appellant, *v.* Thomas R. Jones. Argued by Mr. A. S. Worthington for the appellant, and by Mr. Hugh H. Obear and Mr. J. J. Darlington for the appellee.

No. 21. Julian Munsuri, plaintiff in error, *v.* J. H. Fricker, trustee. Resignation of J. H. Fricker, as trustee, and the appointment of Charles O. Lord as his successor suggested, and the said Charles O. Lord, as trustee, substituted as the party defendant in error herein on motion of Mr. George H. Lamar for the plaintiff in error.

No. 21. Julian Munsuri, plaintiff in error, *v.* Charles O. Lord, trustee. Argument commenced by Mr. George H. Lamar for the plaintiff in error.

Adjourned until Monday next at 12 o'clock.

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



## SUPREME COURT OF THE UNITED STATES.

MONDAY, OCTOBER 30, 1911.

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

Sidney J. Brooks, of San Antonio, Tex.; Edward F. Merrill, of Skowhegan, Me.; Frank S. Grant, of Portland, Oreg.; William C. Benbow, of Portland, Oreg.; David B. Getz, of Brooklyn, N. Y.; Adolph Alexander Thomas, of New York City; and Levi Russell Alden, of Washington, D. C., were admitted to practice.

No. 28. Southern Railway Company, plaintiff in error, *v.* The United States. In error to the District Court of the United States for the Northern District of Alabama. Judgment affirmed. Opinion by Mr. Justice Van Devanter.

No. 3, Original. Commonwealth of Virginia, complainant, *v.* State of West Virginia. Motion to proceed with the further hearing and determination of this case denied without prejudice. Opinion by Mr. Justice Holmes.

No. 440. The United States, plaintiff in error, *v.* Conrad A. Plyler. In error to the District Court of the United States for the Western District of North Carolina. Judgment reversed, and cause remanded for further proceedings in conformity to law. Opinion by Mr. Justice Holmes.

No. 464. The United States, plaintiff in error, *v.* The Baltimore & Ohio Southwestern Railroad Company. In error to the District Court of the United States for the Southern District of Ohio. Judgment affirmed. Opinion by Mr. Justice McKenna.

The Chief Justice announced the following orders of the court:

No. 595. Samuel O'Brien, plaintiff in error, *v.* Rudolph B. Schneider et al. Motion to advance denied.

No. 813. Robert P. Allen et al., commissioners, etc., appellants, *v.* St. Louis, Iron Mountain & Southern Railway Company; and

No. 814. Robert P. Allen et al., commissioners, etc., appellants, *v.* The St. Louis Southwestern Railway Company. Motion to advance granted, and cases assigned for argument on Monday, January 8, 1912.

No. 831. Washington, Alexandria & Mount Vernon Railway Company, petitioner, *v.* Real Estate Trust Company of Philadelphia. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 834. Elkins Electric Railway Company, petitioner, *v.* Western Maryland Railway Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 4, Original. The People of the State of New York, complainants, *v.* State of New Jersey et al. Time of complainants to take testimony extended to March 31, 1912, defendants to take testimony between April 1, and September 15, 1912, complainants to take testimony in rebuttal between September 15 and December 1, 1912.

No. 782. Joe Darsey, plaintiff in error, *v.* The State of Georgia. Motion for leave to proceed *in forma pauperis* denied.

No. —, Original. *Ex parte*: In the matter of J. Wesley Glasgow, petitioner. Motion for leave to file a petition for a writ of *habeas corpus*. *Per curiam*: Denied. *Ex parte* Mirzan (119 U. S., 584); *Riggins v. United States* (199 U. S., 547); *In re Lincoln* (202 U. S., 178).

No. 14. Joseph R. Moore et al., plaintiffs in error, *v.* The State of New Jersey. In error to the Court of Errors and Appeals of the State of New Jersey. *Per curiam*: Dismissed for the want of jurisdiction. *Farrell v. O'Brien* (199 U. S., 100); *David Kaufman & Sons Company v. Smith* (216 U. S., 610); *Simon v. Craft* (182 U. S., 427); *Twining v. New Jersey* (211 U. S., 111); *Felts v. Murphy* (201 U. S., 123).

No. 571. David A. Collier et al., plaintiffs in error, *v.* J. G. Smaltz and Iowa Railroad Land Company. In error to the Supreme Court of the State of Iowa. *Per curiam*: Dismissed for the want of jurisdiction. *Hannis Distilling Co. v. Baltimore* (216 U. S., 285, 288, and cases cited); *Turner v. New York* (168 U. S., 90); *Terry v. Anderson* (95 U. S., 628).

No. 12. The Mercantile Trust Company et al., appellants, *v.* The Texas & Pacific Railway Co. et al. Appeal from the Circuit Court of the United States for the Eastern District of Louisiana. *Per curiam*: Decree affirmed with costs. *Herndon v. Chicago, Rock Island & Pacific Railway* (218 U. S., 135, 158, and cases cited).

No. 780. The Procter & Gamble Company, appellant, *v.* The United States of America et al. Motion to advance submitted by Mr. George H. Warrington for the appellant.

No. 812. Warner-Jenkinson Company, 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. Charles Ray Dean for the petitioner and by Mr. Assistant Attorney General Denison for the respondent.

No. 713. Elizabeth Cassidy et al., plaintiffs in error, *v.* The People of the State of Colorado, on the relation of the Attorney General of Colorado. Mandate granted, on motion of Mr. John Spalding Flannery, in behalf of counsel.

No. 846. Omaha & Council Bluffs Street Railway Company et al., appellants, *v.* Interstate Commerce Commission et al. Motion to stay proceedings and maintain *status quo* pending the appeal submitted by Mr. John Spalding Flannery, in behalf of counsel for the appellants, with leave to the Solicitor General to file brief in opposition on or before Friday next.

No. 842. The Central Railroad Company of New Jersey, owner, etc., petitioner, *v.* The Philadelphia & Reading Railway Company, charterers, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. De Lagnel Berier and Mr. James J. Macklin for the petitioner and by Mr. James F. Campbell for the respondent.

No. 60. The United States of America ex rel. Lucy Ann Turner et al., plaintiffs in error, *v.* Richard A. Ballinger, Secretary of the Interior. Resignation of Richard A. Ballinger as Secretary of the Interior suggested and Walter L. Fisher, his successor in office, substituted as the party defendant in error herein, on motion of Mr. Charles J. Kappler for the plaintiffs in error.

No. 445. The United States of America ex rel. Lillie Lowe et al., plaintiffs in error, *v.* Richard A. Ballinger, Secretary of the Interior. Resignation of Richard A. Ballinger as Secretary of the Interior suggested and Walter L. Fisher, his successor in office, substituted as the party defendant in error herein, on motion of Mr. Charles J. Kappler for the plaintiffs in error.

No. 445. The United States of America ex rel. Lillie Lowe et al., plaintiffs in error, *v.* Walter L. Fisher, Secretary of the Interior. Motion to advance to be heard with No. 60, as one case, submitted by Mr. Charles J. Kappler and Mr. Charles H. Merillat for the plaintiffs in error.

No. 36. Pacific States Telephone & Telegraph Company, plaintiff in error, *v.* The State of Oregon. Leave granted to Mr. Elliott W.



Major, as attorney general of Missouri, to file a brief herein as *amicus curiæ*, on motion of Mr. Frederick S. Tyler in that behalf.

No. 762. W. H. Tolliver et ux., appellants, *v.* The Great Northern Railway Company. Motion to dismiss submitted by Mr. E. C. Lindley, for the appellee, in support of the motion, and by Mr. Miles Poindexter and Mr. O. C. Moore, for the appellants, in opposition thereto.

No. 21. Julian Munsuri, plaintiff in error, *v.* Charles O. Lord, trustee. Argument continued by Mr. George H. Lamar, for the plaintiff in error, by Mr. William G. Johnson, for the defendant in error, and concluded by Mr. George H. Lamar, for the plaintiff in error.

No. 22. Tefft, Weller & Company et al., appellants, *v.* Julian Munsuri. Argument commenced by Mr. William G. Johnson, for the appellants, and continued by Mr. George H. Lamar, for the appellee.

Adjourned until to-morrow at 12 o'clock.

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



## SUPREME COURT OF THE UNITED STATES.

TUESDAY, OCTOBER 31, 1911.

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

Clarence L. Marine, of Washington, D. C.; William N. Harding, of Indianapolis, Ind.; John W. Beckwith, of Chicago, Ill.; and Joseph F. Grossman, of Chicago, Ill., were admitted to practice.

No. 22. Tefft, Weller & Company et al., appellants, *v.* Julian Mun-suri. Argument concluded by Mr. George H. Lamar for the appellee.

Nos. 24 and 25. Rafael Enriquez et al., appellants, *v.* Francisco Enriquez et ux. Argued by Mr. Jackson H. Ralston for the appellants, and submitted by Mr. A. D. Gibbs for the appellees.

No. 26. Kalem Company, appellant, *v.* Harper Brothers et al. Argument commenced by Mr. John W. Griggs for the appellant, and continued by Mr. David Gerber and Mr. John Larkin for the appellees, and by Mr. Drury W. Cooper for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, November 1, will be as follows: Nos. 26, 27, 30, 31, 32, 33, 34, 35, 36 (and 503), and 37.



## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, NOVEMBER 1, 1911.

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

William H. Crichton-Clarke, of Washington, D. C.; Ralph R. Duniway, of Portland, Oreg.; and Watson B. Robinson, of New York City, were admitted to practice.

No. 458. Warner Valley Stock Company, plaintiff in error, *v.* J. L. Morrow and W. H. Cooper. In error to the Supreme Court of the State of Oregon. Dismissed without costs to either party, per stipulation, on motion of Mr. A. M. Crawford for the defendants in error.

No. 35. Blas Ausina Pi, plaintiff in error, *v.* The United States. In error to the Supreme Court of the Philippine Islands. Dismissed pursuant to the tenth rule.

No. 37. John E. Hampton et al., as railroad commissioners of the State of Arkansas, appellants, *v.* St. Louis, Iron Mountain & Southern Railway Company. Continued, per stipulation.

No. 26. Kalem Company, appellant, *v.* Harper Brothers et al. Argument concluded by Mr. Drury W. Cooper for the appellant.

No. 27. Peter Anderson, plaintiff in error, *v.* The United Realty Company et al. Argument commenced by Mr. Rhea P. Cary for the plaintiff in error, continued by Mr. Harry E. King, Mr. C. W. Everett, and Mr. O. B. Snider for the defendants in error, and concluded by Mr. Rhea P. Cary for the plaintiff in error.

No. 30. The United States, petitioner, *v.* Bernard Citroen. Argument commenced by Mr. Assistant to the Attorney General Fowler for petitioner, continued by Mr. W. Wickham Smith for the respondent, and concluded by Mr. Assistant to the Attorney General Fowler for the petitioner.

Adjourned until to-morrow at 12 o'clock.

Call for Thursday, November 2, will be as follows: Nos. 31, 32, 33, 34, 36 (and 503), 38, 39, 40, 41, and 42.



## SUPREME COURT OF THE UNITED STATES.

THURSDAY, NOVEMBER 2, 1911.

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

Otto A. Wehle, of Louisville, Ky., was admitted to practice.

No. 40. Alexander D. Johnson et al., appellants, *v.* The Washington Loan & Trust Company. Passed, to be restored to the call under the provisions of section 9 of rule 26, on motion of Mr. A. S. Worthington for the appellants.

No. 31. Union Pacific Railroad Company et al., appellants, *v.* Mason City & Fort Dodge Railroad Company. Argument commenced by Mr. Maxwell Everts for the appellants, continued by Mr. John Barton Payne for the appellee, and concluded by Mr. Maxwell Everts for the appellants.

No. 32. Mary N. Hussey, administratrix, etc., et al., appellants, *v.* The United States. Argued by Mr. George A. King for the appellants and by Mr. Frederick de C. Faust for the appellee.

No. 33. Captain John I. Martin et al., plaintiffs in error, *v.* William R. King. Argued by Mr. John Trumbull for the plaintiffs in error, and submitted by Mr. W. C. Keegin for the defendant in error.

No. 34. Chicago Junction Railway Company, plaintiff in error, *v.* William R. King. Argument commenced by Mr. John D. Black for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, November 3, will be as follows: Nos. 34, 36 (and 503), 38, 39, 41, 42 (and 43), 362, 44, 45, and 46.



## SUPREME COURT OF THE UNITED STATES.

FRIDAY, NOVEMBER 3, 1911.

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

J. Markham Marshall, of New York City; John G. Myerly, of Des Moines, Iowa; and George H. Shibley, of Washington, D. C., were admitted to practice.

No. 34. Chicago Junction Railway Company, plaintiff in error, *v.* William R. King. Argument concluded by Mr. John D. Black for the plaintiff in error, and cause submitted by Mr. James C. McShane for the defendant in error.

No. 36. Pacific States Telephone & Telegraph Company, plaintiff in error, *v.* The State of Oregon; and

No. 503. Frank Kiernan, plaintiff in error, *v.* The City of Portland et al. Four and a half hours allowed for the argument of these cases, and five counsel allowed to be heard, on motion of Mr. Jackson H. Ralston for the defendants in error. Argument commenced by Mr. E. S. Pillsbury for the plaintiff in error in No. 36, continued by Mr. Ralph R. Duniway for the plaintiff in error in No. 503, by Mr. A. M. Crawford for the defendant in error in No. 36, by Mr. Frank S. Grant and Mr. William C. Benbow for the defendant in error in No. 503, and by Mr. George Fred Williams and Mr. Jackson H. Ralston for the defendant in error in No. 36, and concluded by Mr. E. S. Pillsbury for the plaintiff in error in No. 36. Leave granted to counsel for the plaintiff in error in No. 36 to file an additional brief on or before Friday next.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, November 6, will be as follows: Nos. 38, 39, 41, 43 (and 43), 362, 44, 45, 46, 47 (and 48), and 49.



# SUPREME COURT OF THE UNITED STATES.

MONDAY, NOVEMBER 6, 1911.

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

James Stillwell, of Chicago, Ill.; William Osgood Morgan, of New York City; William McKinley Duncan, of Cleveland, Ohio; Thomas C. McDonald, of New York City; John Stevens Maxwell, of Jacksonville, Fla.; Frank Davis, jr., of Batavia, Ohio; Charles C. Marshall, of Sidney, Ohio; and Frank L. Soule, of St. Anthony, Idaho, were admitted to practice.

No. 566. The Troy Bank, of Troy, Ind., et al., appellants, *v.* T. A. Whitehead & Company. Appeal from the Circuit Court of the United States for the Western District of Kentucky. Decree reversed with costs and cause remanded, with directions to overrule the demurrer to the bill and to take such further proceedings in the case as may be appropriate. Opinion by Mr. Justice Van Devanter.

No. 395. T. O. Helm et al., appellants, *v.* J. H. Zarecor et al. Appeal from the Circuit Court of the United States for the Middle District of Tennessee. Decree reversed with costs and cause remanded for further proceedings. Opinion by Mr. Justice Hughes.

No. 15. James W. Finley, plaintiff in error, *v.* The People of the State of California. In error to the Supreme Court of the State of California. Judgment affirmed with costs. Opinion by Mr. Justice McKenna.

The Chief Justice announced the following orders of the court:

No. 445. The United States of America ex rel. Lillie Lowe et al., plaintiffs in error, *v.* Walter L. Fisher, Secretary of the Interior. Motion to advance for hearing with case No. 60 granted.

No. 780. The Procter & Gamble Company, appellant, *v.* The United States of America et al. Motion to advance granted and cause assigned for argument on Monday, January 8, 1912, after the cases heretofore assigned for that day.

No. 812. Warner-Jenkinson Company, 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. 842. The Central Railroad Company of New Jersey, owner, etc., petitioner, *v.* Philadelphia & Reading Railway Company, charterer, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 23. Roger Sherman, successor in trust, and D. H. Pinney, plaintiffs in error, *v.* Libbie Goodwin. In error to the Supreme Court of the Territory of Arizona. Per curiam: Dismissed for the want of jurisdiction. *Idaho & O. Land Improvement Co. v. Bradbury* (132 U. S., 509, 513); *Garzot v. Rios de Rubio* (209 U. S., 284).

No. 762. W. H. Tolliver et ux., appellants, *v.* The Great Northern Railway Company. Appeal from the United States Circuit Court of Appeals for the Ninth Circuit. Per curiam: Dismissed for the want of jurisdiction. *Weir v. Rountree* (216 U. S., 607) and cases cited.

No. 846. Omaha & Council Bluffs Street Railway Company et al., appellants, *v.* Interstate Commerce Commission et al. Motion for order to maintain the status quo pending appeal. Per curiam: Upon the authority of Revised Statutes, section 716; *Ex parte Milwaukee Railroad Co.* (5 Wall., 188); *Leonard v. Ozark Co.* (115 U. S., 465, 468); *In re Classen* (140 U. S., 200, 207); *In re McKenzie* (180 U. S., 536, 549); *United States v. Shipp* (203 U. S., 563, 573); and upon full consideration of the facts bearing upon the propriety of the appellants' motion for an order to maintain the status quo pending this appeal, it is ordered that the enforcement of the order of the Interstate Commerce Commission entered November 27, 1909, and drawn in question in this case, be, and it is, suspended and enjoined during the pendency of this appeal, upon condition that within 10 days herefrom the appellants execute unto the Interstate Commerce Commission and file in this cause a good and sufficient bond in the sum of \$10,000, with sureties to be approved by the clerk of this court, and conditioned that the appellants will promptly pay any and all damages which may be suffered by their several passengers and intended passengers by reason of the granting or continuance of this order if it is adjudged ultimately that the order of the Interstate Commerce Commission, drawn in question in this case, is a valid one.

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No. 587. The United States, plaintiff in error, *v.* Robert Jamieson. Motion to advance submitted by Mr. Solicitor General Lehmann for the plaintiff in error.

No. 611. The United States, plaintiff in error, *v.* The Nord Deutscher Lloyd. Motion to advance submitted by Mr. Solicitor General Lehmann for the plaintiff in error.



No. 49. Richard G. Peters, appellant, *v.* Napoleon B. Broward et al., as trustees, etc., et al. Albert W. Gilchrist substituted for Napoleon B. Broward, and Park Trammell for W. B. Lamar, as parties appellees herein, per stipulation of counsel, and on motion of Mr. William S. Jennings for the appellees.

No. 555. Chicago, Rock Island & Pacific Railway Company, plaintiff in error, *v.* C. W. Bradbury. Motion to dismiss or affirm and for damages submitted by Mr. John G. Myerly and Mr. Horatio F. Dale for the defendant in error in support of the motion, and by Mr. L. Russell Alden and Mr. Carroll Wright for the plaintiff in error in opposition thereto.

No. 776. Railroad Commission of Ohio, appellant, *v.* B. A. Worthington, receiver, etc. Petition for a writ of certiorari herein submitted by Mr. Thomas H. Hogsett and Mr. Timothy S. Hogan for the appellant in support of the petition, and by Mr. William B. Sanders for the appellee in opposition thereto. Motion to consolidate with No. 505 and to advance submitted by Mr. Thomas H. Hogsett and Mr. Timothy S. Hogan for the appellant in support of the motion, and by Mr. William B. Sanders and Mr. W. M. Duncan for the appellee in opposition thereto. Motion for leave to file certain exhibits herein submitted by Mr. W. M. Duncan and Mr. William B. Sanders for the appellee.

No. 827. Charles L. Smith, owner, etc., petitioner, *v.* Cornelius A. Davis, claimant, etc.; and

No. 828. Charles L. Smith et al., petitioners, *v.* Cornelius A. Davis et al. Petition for writs of certiorari to the United States Circuit Court of Appeals for the First Circuit, submitted by Mr. Edward C. Goodwin, in behalf of Mr. Edward E. Blodgett and Mr. F. M. Brown for the petitioners, and by Mr. Edward S. Dodge for the respondents.

No. 301. J. A. Scriven Company, appellant, *v.* Ferguson-McKinney Dry Goods Company. Appeal from the United States Circuit Court of Appeals for the Eighth Circuit. Dismissed for the want of jurisdiction, per stipulation to abide decision in case No. 299, on motion of Mr. George W. Winstead for the appellee.

No. 54. Juan M. Ceballos and John M. Fiske *v.* Anderson C. Wilson. Passed, subject to the provisions of section 9, rule 26, per stipulation and on motion of Mr. Evans Browne in behalf of counsel.

No. 829. W. J. McNaughton, plaintiff in error, *v.* The State of Georgia. Motion to advance submitted by Mr. T. S. Felder for the defendant in error.

No. 38. Charles F. Consaul and Ida M. Moyers, administrators, etc., appellants, *v.* Horace S. Cummins, administrator, etc. Argu-

ment commenced by Mr. Charles F. Consaul for the appellants, continued by Mr. Charles Cowles Tucker for the appellee, and concluded by Mr. A. S. Worthington for the appellants.

No. 39. The City of Chicago, plaintiff in error, *v.* Frank Sturges. Argument commenced by Mr. John W. Beckwith for the plaintiff in error and concluded by Mr. Joseph F. Grossman for the plaintiff in error. The court declined to hear counsel for the defendant in error.

No. 41. The Vessel Abbey Dodge, etc., appellant, *v.* The United States. Argument commenced by Mr. Edward R. Gunby for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, November 7, will be as follows: Nos. 41, 42 (and 43), 362, 44, 45, 46, 47 (and 48), 49, 50, and 51.



## SUPREME COURT OF THE UNITED STATES.

TUESDAY, NOVEMBER 7, 1911.

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

W. H. Mahoney, of San Francisco, Cal.; Louis C. Ehle, of Chicago, Ill., were admitted to practice.

No. 369. Western Union Telegraph Company, plaintiff in error, *v.* The State of Minnesota. In error to the Supreme Court of the State of Minnesota. Dismissed, per stipulation, clerk's costs to be paid by the plaintiff in error.

No. 41. The vessel Abbey Dodge, etc., appellant, *v.* The United States. Argument continued by Mr. Edward R. Gunby for the appellant, and concluded by Mr. Solicitor General Lehmann for the appellee.

No. 42. Theodore R. Converse, receiver, etc., plaintiff in error, *v.* Caroline A. Hamilton; and

No. 43. Theodore R. Converse, receiver, etc., plaintiff in error, *v.* Jeneva S. McCauley. Argued by Mr. C. A. Severance for the plaintiff in error, and by Mr. Charles E. Buell for the defendants in error.

No. 362. The United States, plaintiff in error, *v.* Herman F. Garbish. Argued by Mr. Solicitor General Lehmann for the plaintiff in error, and by Mr. E. D. Saunders for the defendant in error.

No. 44. Richard Ferris, plaintiff in error, *v.* Charles Frohman et al. Submitted by Mr. Charles H. Aldrich for the plaintiff in error, and by Mr. Levy Mayer for the defendants in error.

No. 45. Tang Tun et al., petitioners, *v.* Harry Edsell, Chinese inspector, etc. Argued by Mr. Assistant Attorney General Harr for the respondent, and submitted by Mr. James A. Kerr for the petitioners.

No. 46. Cross Lake Shooting & Fishing Club, plaintiff in error, *v.* State of Louisiana. Passed, per stipulation of counsel, to be restored to the call under the provisions of section 9 of rule 26.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, November 8, will be as follows: Nos. 49, 47 (and 48), 50, 51, 586, 52, 53, 56, 57, and 58.

## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, NOVEMBER 8, 1911.

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

Percy W. Gardner, of Providence, R. I., and James L. Putnam, of Boston, Mass., were admitted to practice.

No. 56. Aluminum Company of America, plaintiff in error, *v.* George H. Ramsey. Submitted by Mr. U. M. Rose, Mr. G. B. Rose, Mr. W. E. Hemingway, and Mr. J. F. Loughborough for the plaintiff in error, and by Mr. Henry M. Armistead and Mr. T. M. Mehaffy for the defendant in error.

No. 49. Richard G. Peters, appellant, *v.* Albert W. Gilchrist et al., as trustees, etc., et al. Argument commenced by Mr. John Stevens Maxwell for the appellant, continued by Mr. W. S. Jennings for the appellees, and concluded by Mr. William A. Blount for the appellees.

No. 47. Standard Oil Company of Indiana, plaintiff in error, *v.* The State of Missouri, on information of the Attorney General et al.; and

No. 48. Republic Oil Company, plaintiff in error, *v.* State of Missouri, on information of Attorney General et al. Argument commenced by Mr. Frank Hagerman for the plaintiffs in error, and continued by Mr. Elliott W. Major and Mr. Charles G. Revelle for the defendants in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, November 9, will be as follows: Nos. 47 (and 48), 50, 51, 586, 52, 53, 57, 58, 190, and 59.



## SUPREME COURT OF THE UNITED STATES.

THURSDAY, NOVEMBER 9, 1911.

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

Harry A. Dow, of Chicago, Ill., and Edward D. Osborn, of Topeka, Kans., were admitted to practice.

No. 36. Pacific States Telephone & Telegraph Company, plaintiff in error, *v.* The State of Oregon. Leave granted to file a brief herein as *amicus curiæ* on motion of Mr. John T. Dye in that behalf.

No. 82. Banks Law Publishing Co., appellant, *v.* The Lawyers' Cooperative Publishing Company. Appeal from the United States Circuit Court of Appeals for the Second Circuit. Dismissed, per stipulation, each party to pay its own costs in this court.

No. 59. John C. Hamilton, plaintiff in error, *v.* John A. Roebeling's Sons Company et al. In error to the Supreme Court of the State of Ohio. Dismissed with costs pursuant to the tenth rule.

No. 47. Standard Oil Company of Indiana, plaintiff in error, *v.* The State of Missouri, on information of the Attorney General et al.; and

No. 48. Republic Oil Company, plaintiff in error, *v.* The State of Missouri, on information of the Attorney General et al. Argument concluded by Mr. Frank Hagerman for the plaintiffs in error.

No. 50. Mr. Kahn & Brother, plaintiff in error, *v.* J. F. Bledsoe, trustee, etc., continued.

No. 51. L. B. Kindred et al., appellants, *v.* Union Pacific Railroad Company. Argued by Mr. Edward D. Osborn for the appellants and by Mr. Maxwell Evarts for the appellee.

No. 586. The United States, plaintiff in error, *v.* James A. Patten et al. One and a half hour additional time allowed each side in the argument of this case on motion of Mr. John C. Spooner for the defendants in error. Arguments commenced by Mr. Solicitor General Lehmann for the plaintiff in error and continued by Mr. John C. Spooner for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, November 10, will be as follows: Nos. 586, 52, 53, 57, 58, 190, 60 (and 445), 61, 62, and 63.

## SUPREME COURT OF THE UNITED STATES.

FRIDAY, NOVEMBER 10, 1911.

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

Montague S. Ross, of Nashville, Tenn.; George J. Puckhafer, of New York City; Hobart P. Young, of Chicago, Ill.; and Allen G. Mills, of Chicago, Ill., were admitted to practice.

No. 62. Dorset Carter et al., appellants, *v.* J. George Wright, commissioner, etc. Appeal from the Circuit Court of the United States for the Eastern District of Oklahoma. Dismissed with costs, pursuant to the tenth rule.

No. 586. The United States, plaintiff in error, *v.* James A. Patten et al. Argument continued by Mr. John C. Spooner and Mr. George P. Merrick for the defendants in error, and concluded by Mr. Solicitor General Lehmann for the plaintiff in error.

No. 52. The United States, petitioner, *v.* Albert Eckstein. Argued by Mr. Assistant Attorney General Wemple for the petitioner, and by Mr. Wade H. Ellis for the respondent.

No. 53. A. H. Grigsby, petitioner, *v.* R. L. Russell et al., administrators, etc. Argument commenced by Mr. Montague S. Ross for the petitioner.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, November 13, will be as follows: Nos. 53, 57, 58, 190, 60 (and 445), 61, 63, 64, 65, and 66.



## SUPREME COURT OF THE UNITED STATES.

MONDAY, NOVEMBER 13, 1911.

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

Richard F. Goldsborough, of New York City; Ralph S. Rounds, of New York City; and John F. Cusick, of Boston, Mass., were admitted to practice.

No. 247. Southern Pacific Company, plaintiff in error, *v.* The Commonwealth of Kentucky ex rel. George H. Alexander et al., revenue agents. In error to the Court of Appeals of the State of Kentucky. Judgment affirmed with costs. Opinion by Mr. Justice Lurton.

No. 19. Isobel H. Lenman, appellant, *v.* Thomas R. Jones. Appeal from the Court of Appeals of the District of Columbia. Decree affirmed with costs. Opinion by Mr. Justice Holmes.

No. 26. Kalem Company, appellant, *v.* Harper Brothers et al. Appeal from the United States Circuit Court of Appeals for the Second Circuit. Decree affirmed with costs, and cause remanded to the Circuit Court of the United States for the Southern District of New York. Opinion by Mr. Justice Holmes.

No. 285. The Interstate Commerce Commission, appellant, *v.* Harry J. Diffenbaugh et al. Appeal from the Circuit Court of the United States for the Western District of Missouri. Decree modified and affirmed with costs. Opinion by Mr. Justice Holmes. Dissenting: Mr. Justice McKenna and Mr. Justice Hughes.

No. 286. The Interstate Commerce Commission, appellant, *v.* F. H. Peavey & Company et al.; and

No. 287. The Union Pacific Railroad Company, appellant, *v.* F. H. Peavey & Company et al. Appeals from the Circuit Court of the United States for the Western District of Missouri. Decree modified and affirmed with costs. Opinion by Mr. Justice Holmes. Dissenting: Mr. Justice McKenna and Mr. Justice Hughes.

The Chief Justice announced the following orders of the court:

No. 587. The United States, plaintiff in error, *v.* Robert Jamieson. Motion to advance granted and cause assigned for argument on



Monday, January —, 1912, after the cases heretofore assigned for that day.

No. 611. The United States, plaintiff in error, *v.* Nord Deutscher Lloyd. Motion to advance granted and cause assigned for argument on Monday, January 8, 1912, after the cases heretofore assigned for that day.

No. 829. W. J. McNaughton, plaintiff in error, *v.* The State of Georgia. Motion to advance granted and cause assigned for argument on Monday, January 8, 1912, after the cases heretofore assigned for that day.

No. 776. Railroad Commission of Ohio, appellant, *v.* B. A. Worthington, receiver, etc. Motion to consolidate with case No. 505 granted, and cases advanced and assigned for argument on Monday, January 8, 1912.

No. 827. Charles L. Smith, owner, etc., petitioner, *v.* Cornelius A. Davis, claimant, etc.; and

No. 828. Charles L. Smith et al., petitioners, *v.* Cornelius A. Davis et al. Petition for writs of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 776. Railroad Commission of Ohio, appellant, *v.* B. A. Worthington, receiver, etc. Motion for leave to file certain exhibits herein granted without prejudice.

No. 555. Chicago, Rock Island & Pacific Railway Company, plaintiff in error, *v.* C. W. Bradbury. In error to the Supreme Court of the State of Iowa. Per curiam: Dismissed for the want of jurisdiction. *Mutual Life Insurance Co. v. McGrew* (188 U. S., 291, 308); *Farrell v. O'Brien* (199 U. S., 100); *Southern Ry. Co. v. United States*, recently decided; *Schlemmer v. Buffalo, etc., Ry. Co.* (205 U. S., 1; and 220 U. S., 590).

The Chief Justice also announced that the court will take a recess from Monday, the 20th instant, to Monday, December 4 next.

Nos. 374 and 375. Portland Railway, Light & Power Company, plaintiff in error, *v.* Railroad Commission of Oregon. Motion to advance submitted by Mr. Frederick S. Tyler in behalf of counsel for the defendant in error.

No. 839. Allesandra Bolognesi et al., etc., 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. Frederick S. Tyler, in behalf of Mr. A. S. Gilbert, for the petitioners, with leave to the Solicitor General to file brief for the respondent on or before Friday next.

No. 431. Walter B. Lawrence, etc., appellant, *v.* The Southern Pacific Company et al. Motion to advance under the thirty-second rule submitted by Mr. Frederic D. McKenney, in behalf of Mr. A. J. Dittenhoefer, Mr. David Gerber, and Mr. H. Snowden Marshall, for the appellant in support of the motion, and by Mr. Arthur H. Van Brunt and Mr. Tompkins McIlvaine for the appellees in opposition thereto.

No. 40. Alexander D. Johnson et al., appellants, *v.* The Washington Loan & Trust Company. Appearance of Nannie Delia Berry, individually and as next friend of Rosalie Eugenia Berry and Natalie West Berry, as a party appellant herein filed and entered, on motion of Mr. A. S. Worthington for the appellants.

No. 70. Philadelphia Company, appellant, *v.* Jacob M. Dickinson, Secretary of War. Resignation of Jacob M. Dickinson as Secretary of War suggested, and Henry L. Stimson, his successor in office, substituted as the party appellee herein, on motion of Mr. Morgan H. Beach for the appellant.

No. 845. Colts Patent Fire Arms Manufacturing Company et al., petitioners, *v.* New York Sporting Goods Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. W. K. Richardson for the petitioners, and by Mr. Edmund Wetmore and Mr. Hervey S. Knight for the respondent.

No. 840. Walter Baker & Company (Limited), petitioner, *v.* Nestle & Anglo-Swiss Condensed Milk Company. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia submitted by Mr. Horace A. Dodge, Mr. George Putnam, and Mr. James L. Putnam for the petitioner, and by Mr. James Hamilton for the respondent.

No. 848. The Perolin Company of America, petitioner, *v.* The Cotto-Waxo Chemical Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. C. T. Milans, in behalf of Mr. Hugh K. Wagner and Mr. John W. Hill for the petitioner, and by Mr. Paul Bakewell for the respondent.

No. 843. S. C. Lillis, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Charles H. Bates and Mr. P. F. Dunne for the petitioner, with leave to the Solicitor General to file brief for the respondent on or before Friday next.

No. 726. The Missouri & Kansas Interurban Railway Company, plaintiff in error, *v.* The City of Olathe, Kans. Motion to dismiss

submitted by Mr. Stephen H. Allen for the defendant in error in support of the motion, and by Mr. Frank Doster for the plaintiff in error in opposition thereto.

Nos. 727 and 728. The Missouri & Kansas Interurban Railway Company et al., plaintiffs in error, *v.* The City of Olathe, Kans. Motion to dismiss submitted by Mr. Stephen H. Allen for the defendant in error in support of the motion, and by Mr. Frank Doster for the plaintiff in error in opposition thereto.

No. 64. Louisville & Nashville Railroad Company, appellant, *v.* The F. W. Cook Brewing Company. Submitted pursuant to the twentieth rule by Mr. Henry L. Stone and Mr. Philip W. Frey for the appellant, and by Mr. George A. Cunningham for the appellee, with leave to counsel for the appellee to file brief within 30 days.

No. 65. Eugene M. Thayer, plaintiff in error, *v.* Eliza M. Schaben et al. Passed.

No. 53. A. H. Grigsby, petitioner, *v.* R. L. Russell et al., administrators, etc. Argument continued by Mr. George T. Hughes for the respondents, and concluded by Mr. John A. Pitts for the petitioner.

No. 57. Conrad T. Struckmann et al., appellants, *v.* The United States. Argued by Mr. Vincent P. Donihee for the appellants, and by Mr. Solicitor General Lehmann for the appellee.

No. 58. American Railroad Company of Porto Rico, appellant, *v.* Central San Christobal. Appeal from the District Court of the United States for Porto Rico. Dismissed with costs, pursuant to the sixteenth rule, on motion of Mr. Henry P. Blair for the appellee.

No. 190. The United States, petitioner, *v.* Leopold Baruch. Argument commenced by Mr. Assistant Attorney General Wemple for the petitioner, and continued by Mr. Wade H. Ellis for the respondent.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, November 14, will be as follows: Nos. 190, 60 (and 445), 61, 63, 66, 280, 384, 67, 68, and 70.



## SUPREME COURT OF THE UNITED STATES.

TUESDAY, NOVEMBER 14, 1911.

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

Ernest Morris, of Denver, Colo., was admitted to practice.

No. 592. Catharine Lehman et al., plaintiffs in error, *v.* The State of Indiana on the relation of Charles W. Miller, attorney general. In error to the Appellate Court of the State of Indiana. Dismissed with costs, on motion of counsel for the plaintiffs in error.

No. 67. H. L. Denoon et al., plaintiffs in error, *v.* The Tax Title Company of Richmond. In error to the Supreme Court of Appeals of the State of Virginia. Dismissed with costs, pursuant to the tenth rule.

No. 68. Marion W. Savage, appellant, *v.* William J. Jones, Jr., State chemist, etc. Passed, to be restored to the call under the provisions of section 9, rule 26, on motion of Mr. William G. Henderson, in behalf of counsel.

No. 190. The United States, petitioner, *v.* Leopold Baruch. Argument continued by Mr. Wade H. Ellis for the respondent, and concluded by Mr. Assistant Attorney General Wemple for the petitioner.

No. 60. The United States of America ex rel. Lucy Ann Turner et al., plaintiffs in error, *v.* Walter L. Fisher, Secretary of the Interior; and

No. 445. The United States of America ex rel. Lillie Lowe et al., plaintiffs in error, *v.* Walter L. Fisher, Secretary of the Interior. Argued by Mr. Charles H. Merrilat for the plaintiffs in error, and by Mr. Assistant Attorney General Harr for the defendant in error.

No. 61. Antonio Joaquin Luis Sanchez de Larragoiti et al., plaintiffs in error, *v.* Salvador Castello et al. Continued.

No. 63. The United States of America et al., plaintiffs in error, *v.* Congress Construction Company et al. Argument commenced by Mr. Assistant Attorney General Harr for the United States.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, November 15, will be as follows: Nos. 63, 66, 280, 384, 70, 71, 72, 73, 74, and 75.



# SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, NOVEMBER 15, 1911.

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

Starr J. Murphy, of New York City, was admitted to practice.

No. 63. The United States of America et al., plaintiffs in error, *v.* Congress Construction Company et al. Argument concluded by Mr. Assistant Attorney General Harr for the United States, and cause submitted by Mr. Jesse R. Long for Pan American Bridge Company et al., certain plaintiffs in error, and by Mr. Allen G. Mills for S. N. Crowan, one of the defendants in error.

No. 66. The United States ex rel. Mary S. Ness *v.* Walter L. Fisher, Secretary of the Interior. Argued by Mr. Samuel Herrick for the plaintiff in error, and by Mr. Assistant Attorney General Knaebel for the defendant in error.

No. 280. The United States, appellant, *v.* The Fidelity Trust Company, etc. Argued by Mr. Assistant Attorney General Harr for the appellant, and by Mr. Paul Fuller for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, November 16, will be as follows: Nos. 384, 70, 71, 72, 73, 74, 75, 76, 77, and 78.



## SUPREME COURT OF THE UNITED STATES.

THURSDAY, NOVEMBER 16, 1911.

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

Donald Thompson, of Pittsburgh, Pa.; James M. Magee, of Pittsburgh, Pa.; and Stephen A. Day, of Chicago, Ill., were admitted to practice.

No. 78. The United States ex rel. Louis F. Allardt, appellant, *v.* Matthew J. Long, criminal sheriff, etc. Appeal from the Circuit Court of the United States for the Eastern District of Louisiana. Dismissed with costs, pursuant to the tenth rule.

No. 384. Gabriel Diaz, plaintiff in error, *v.* The United States. Argument commenced by Mr. Frederic R. Coudert for the plaintiff in error, continued by Mr. Solicitor General Lehmann for the defendant in error, and concluded by Mr. Frederic R. Coudert for the plaintiff in error.

No. 70. Philadelphia Company, appellant, *v.* Henry L. Stimson, Secretary of War. Argued by Mr. William L. Marbury for the appellant, and by Mr. Assistant Attorney General Knaebel for the appellee.

No. 71. Spencer S. Wood, appellant, *v.* The United States. Argument commenced by Mr. George A. King for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, November 17, will be as follows: Nos. 71, 72, 73, 74, 75, 76, 77, 79, 80 (and 487), and 81.



## SUPREME COURT OF THE UNITED STATES.

FRIDAY, NOVEMBER 17, 1911.

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

No. 71. Spencer S. Wood, appellant, *v.* The United States. Argument continued by Mr. George A. King for the appellant, by Mr. Assistant Attorney General Thompson for the appellee, and concluded by Mr. George A. King for the appellant.

No. 72. Banker Brothers Company, plaintiff in error, *v.* The Commonwealth of Pennsylvania. Argument commenced by Mr. Edward J. Kent for the plaintiff in error, continued by Mr. George H. Calvert for the defendant in error, and concluded by Mr. Henry A. Miller for the plaintiff in error.

No. 73. Frederick H. Vogt, appellant, *v.* Charles Graff et al. Argued by Mr. John C. Gittings for the appellant, and by Mr. Leon Tobriner and Mr. J. J. Darlington for the appellees.

No. 74. Jesse B. Huse, appellant, *v.* The United States. Argued by Mr. E. C. Brandenburg for the appellant, and by Mr. Assistant Attorney General Thompson for the appellee.

Adjourned until Monday next at 12 o'clock.



# SUPREME COURT OF THE UNITED STATES.

MONDAY, NOVEMBER 20, 1911.

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Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Lurton, Mr. Justice Hughes, Mr. Justice Van De Vanter, and Mr. Justice Lamar.

Frederick Foster, of Boston, Mass.; Charles M. Johnston, of Pittsburgh, Pa.; Alston Cockrell, of Jacksonville, Fla.; Walter A. Scott, of Chicago, Ill.; William B. Greenough, of Providence, R. I.; John K. Graves, of University, Va.; and Thomas M. Kennerly, of Houston, Tex., were admitted to practice.

No. 3. George D. Bryan, collector, etc., petitioner, *v.* Roxana S. Ker, executrix, etc. On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit. Judgment of the circuit court of appeals reversed with costs, and judgment of the Circuit Court of the United States for the District of South Carolina affirmed with costs, and cause remanded to said circuit court. Opinion by Mr. Justice Van Devanter.

No. 10. Wesley C. Richardson et al., appellants, *v.* Judson Harmon, receiver, etc. Appeal from the District Court of the United States for the Northern District of Ohio. Decree reversed with costs, and cause remanded for further proceedings in accordance with the opinion of this court. Opinion by Mr. Justice Lurton.

No. 1. J. B. Curtain, appellant, *v.* H. C. Benson et al. Appeal from the Circuit Court of the United States for the Northern District of California. Decree reversed with costs, and cause remanded for further proceedings in accordance with the opinion of this court. Opinion by Mr. Justice McKenna.

No. 32. Mary N. Hussey, administratrix of Hannah S. Crane, deceased, et al., appellants, *v.* The United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice McKenna.

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The Chief Justice announced the following orders of the court:

No. 839. Allesandra Bolognesi 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. 840. Walter Baker & Company, Limited, petitioner, *v.* Nestle & Anglo-Swiss Condensed Milk Company. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 843. S. C. Lillis, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 845. Colts Patent Fire Arms Manufacturing Company et al., petitioners, *v.* New York Sporting Goods Company. Petition for a writ of certiorari to the United States Circuit of Appeals for the Second Circuit denied.

No. 848. The Perolin Company of America, petitioner, *v.* Cotto-Waxo Chemical Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

Nos. 374 and 375. Portland Railway, Light & Power Company, plaintiff in error, *v.* Railroad Commission of Oregon. Motion to advance denied.

No. 431. Walter B. Lawrence, etc., appellant, *v.* The Southern Pacific Company et al. Motion to advance under the thirty-second rule denied.

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No. 597. The United States, petitioner, *v.* Wong You et al. Motion to advance submitted by Mr. Assistant Attorney General Harr for the petitioner.

No. 719. The Interstate Commerce Commission et al., appellants, *v.* The Baltimore & Ohio Railroad Company et al. Motion to advance submitted by Mr. Assistant Attorney General Harr for the appellants.

No. 722. The United States et al., appellants, *v.* The Baltimore & Ohio Railroad Company et al. Motion to advance submitted by Mr. Assistant Attorney General Harr for the appellants.

No. 160. The Ontario Land Company, appellant, *v.* Charles W. Wilfong et al. Death of Walter J. Reed, one of the appellees herein, suggested, and appearance of Lydia McMillan Reed, as executrix of the estate of Walter J. Reed, deceased, as a party appellee herein, filed and entered per stipulation of counsel and on motion of Mr. A. L. Agatin for the appellant.

No. 856. The Title Guaranty & Surety Company, plaintiff in error, *v.* The United States to the use of The General Electric Company. Motion to vacate supersedeas submitted by Mr. Louis Barcroft Runk

and Mr. H. B. Gill for the defendant in error in support of the motion, and by Mr. Russell H. Robbins and Mr. James F. Campbell for the plaintiff in error in opposition thereto.

No. 408. The People of Porto Rico, appellants, *v.* Manuel Rosaly y Castillo. Motion to advance submitted by Mr. Felix Frankfurter for the appellants.

No. 844. Metropolitan Water Company, appellant, *v.* The Kaw Valley Drainage District, etc. Motion to advance under the thirty-second rule submitted by Mr. John W. Yerkes, in behalf of Mr. Willard P. Hall, for the appellant.

No. 862. Excelsior Supply Company et al., petitioners, *v.* Weed Chain Tire Grip Company et al. 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 petitioners, and by Mr. Edward Rector and Mr. Frederick S. Duncan for the respondents.

No. 861. American Trust Company, trustee, petitioner, *v.* The Metropolitan Steamship Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit submitted by Mr. J. Markham Marshall for the petitioner, and by Mr. C. A. Hight and Mr. William Hall Best for the respondents.

Adjourned until Monday, December 4, at 12 o'clock.

The day call for Monday, December 4, will be as follows: Nos. 69, 75, 76, 77, 79, 80 (and 487), 81, 83, 84, and 85.



## SUPREME COURT OF THE UNITED STATES.

MONDAY, DECEMBER 4, 1911.

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

William G. Holt, of Kansas City, Kans.; Albert H. Elliot, of San Francisco, Cal.; Joseph N. Schultz, of New York City; Aloysius I. McCormick, of Los Angeles, Cal.; Clyde L. Rogers, of Washington, D. C.; John R. Brown, of Marion, Ind.; Gus S. Condo, of Marion, Ind.; George W. Rauch, of Marion, Ind.; Fred C. Foster, of Lincoln, Nebr.; William M. Morning, of Lincoln, Nebr.; T. G. Anderson, of Middlesboro, Ky.; C. W. Ashford, of Honolulu, Hawaii; Arthur C. Emmons, of Portland, Oreg.; John F. Logan, of Portland, Oreg.; Thomas Stokes, of Philadelphia, Pa.; N. C. Young, of Fargo, N. Dak.; and William E. Fendall, of Alexandria, Va., were admitted to practice.

No. 60. The United States of America *ex rel.* Lucy Ann Turner *et al.*, plaintiffs in error, *v.* Walter L. Fisher, Secretary of the Interior. In error to the Court of Appeals of the District of Columbia. Judgment affirmed with costs. Opinion by Mr. Justice Lamar.

No. 72. Banker Brothers Company, plaintiff in error, *v.* The Commonwealth of Pennsylvania. In error to the Superior Court of the State of Pennsylvania. Judgment affirmed with costs. Opinion by Mr. Justice Lamar.

No. 353. Union Pacific Railroad Company, plaintiff in error, *v.* The Updike Grain Company *et al.*;

No. 354. Union Pacific Railroad Company, plaintiff in error, *v.* The Updike Grain Company *et al.*;

No. 355. Union Pacific Railroad Company, plaintiff in error, *v.* The Updike Grain Company; and

No. 356. Union Pacific Railroad Company, plaintiff in error, *v.* The Updike Grain Company. In error to the United States Circuit Court of Appeals for the Eighth Circuit. Judgments affirmed with costs, and causes remanded to the Circuit Court of the United States for the District of Nebraska. Opinion by Mr. Justice Lamar. (Mr. Justice McKenna and Mr. Justice Hughes concur in the result.)

No. 33. Captain John I. Martin et al., plaintiffs in error, *v. A. J. West*. In error to the Supreme Court of the State of Washington. Judgment affirmed with costs. Opinion by Mr. Justice Van Devanter.

No. 63. The United States of America et al., plaintiffs in error, *v. Congress Construction Company et al.* In error to the Circuit Court of the United States for the Northern District of Illinois. Judgment affirmed. Opinion by Mr. Justice Van Devanter.

No. 726. The Missouri & Kansas Interurban Railway Company, plaintiff in error, *v. The City of Olathe, Kansas*. In error to the Supreme Court of the State of Kansas. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Hughes.

No. 727. The Missouri & Kansas Interurban Railway Company et al., plaintiffs in error, *v. The City of Olathe, Kansas*. In error to the Supreme Court of the State of Kansas. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Hughes.

No. 728. The Missouri & Kansas Interurban Railway Company et al., plaintiffs in error, *v. The City of Olathe, Kansas*. In error to the Supreme Court of the State of Kansas. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Hughes.

No. 4. A. Sandoval and P. Sandoval, appellants, *v. Epes Randolph*. Appeal from the Supreme Court of the Territory of Arizona. Decree affirmed with costs. Opinion by Mr. Justice Lurton.

No. 27. Peter Anderson, plaintiff in error, *v. The United Realty Company et al.* In error to the Supreme Court of the State of Ohio. Judgment affirmed with costs. Opinion by Mr. Justice Lurton.

No. 448. The United States, plaintiff in error, *v. George F. Stever et al.* In error to the District Court of the United States for the Western District of Kentucky. Judgment affirmed. Opinion by Mr. Justice Lurton.

No. 593. The United States, plaintiff in error, *v. Charles F. Munday et al.* In error to the Circuit Court of the United States for the Western District of Washington. Judgment reversed, and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Lurton.

No. 53. A. H. Grigsby, petitioner, *v. R. L. Russell et al.*, administrators, etc. On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. Decree of the United States Circuit Court of Appeals reversed with costs, and decree of the Circuit Court of the United States for the Middle District of Tennessee affirmed with costs, and cause remanded to said Circuit Court. Opinion by Mr. Justice Holmes. Mr. Justice Lurton took no part in the decision of this case.

No. 280. *The United States, appellant, v. The Fidelity Trust Company, etc.* Appeal from the Court of Claims. Judgment reversed, and cause remanded with directions to dismiss the petition. Opinion by Mr. Justice Holmes.

No. 498. *Henry C. Ripley, appellant, v. The United States; and*

No. 499. *The United States, appellant, v. Henry C. Ripley.* Appeals from the Court of Claims. Case remanded for compliance with the previous opinion of this court. Opinion by Mr. Chief Justice White.

No. 24. *Rafael Enriquez et al., appellants, v. Francisco Enriquez et ux.* Appeal from the Supreme Court of the Philippine Islands. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice White.

No. 25. *Rafael Enriquez et al., appellants, v. Francisco Enriquez et ux.* Appeal from the Supreme Court of the Philippine Islands. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice White.

No. 52. *The United States, petitioner, v. Albert Eckstein.* On writ of certiorari 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. Chief Justice White.

No. 22. *Tefft, Weller & Company et al., appellants, v. Julian Munsuri.* Appeal from the District Court of the United States for Porto Rico. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice White.

No. 21. *Julian Munsuri, plaintiff in error, v. Charles O. Lord, Trustee.* In error to the District Court of the United States for Porto Rico. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice White.

No. 486. *Morris Glickstein v. The United States.* On a certificate from the United States Circuit Court of Appeals for the Fifth Circuit. Question certified answered in the negative. Opinion by Mr. Chief Justice White.

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

No. 57. *Conrad T. Struckmann and Ernst C. H. W. Waegel, appellants, v. The United States.* Appeal from the Court of Claims. Per curiam: Judgment affirmed. *United States v. Heinszen*, 206 U. S., 370.

No. 597. *The United States, petitioner, v. Wong You et al.;*

No. 719. *The Interstate Commerce Commission and The United States, appellants, v. The Baltimore & Ohio Railroad Company et al.;*

No. 722. The United States et al., appellants, *v.* The Baltimore & Ohio Railroad Company et al.; and

No. 844. The Metropolitan Water Company, appellant, *v.* The Kaw Valley Drainage District. Motions to advance severally granted, and cases assigned for argument on Monday, January 8, 1912, after the cases heretofore assigned for that day.

No. 408. The People of Porto Rico, appellants, *v.* Manuel Rosaly y Castillo. Motion to advance denied.

No. 861. American Trust Company, trustee, petitioner, *v.* Metropolitan Steamship Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 862. Excelsior Supply Company et al., petitioners, *v.* Weed Chain Tire Grip Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

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No. 112. Annie Fairbanks, a minor, etc., appellant, *v.* The United States; and

No. 113. Edward L. Warren, appellant, *v.* The United States. Passed, to be restored to the call under the provisions of section 9, rule 26, on motion of Mr. Solicitor General Lehmann for the appellee.

No. 123. Societe Anonyme des Sucreries de St. Jean, plaintiff in error, *v.* The United States. Passed, to be restored to the call under the provisions of section 9, rule 26, on motion of Mr. Solicitor General Lehmann for the defendant in error.

No. 549. Philadelphia, Baltimore & Washington Railroad Company, plaintiff in error, *v.* Theodore A. Schubert. Motion to affirm submitted by Mr. John A. Kratz, jr., and Mr. Joseph W. Cox for the defendant in error in support of the motion, and by Mr. Frederic D. McKenney, Mr. John Spalding Flannery, and Mr. William Hitz for the plaintiff in error in opposition thereto.

No. 123. Societe Anonyme des Sucreries de St. Jean, plaintiff in error, *v.* The United States. Leave granted to Mr. Frederic D. McKenney to withdraw his appearance herein as counsel for the plaintiff in error, on motion of Mr. McKenney in that behalf.

No. 181. Juan Martino Gonzales, appellant, *v.* Leon Ramos Buist et al. Leave granted to Mr. Frederic D. McKenney to withdraw his appearance herein as counsel for the appellant, on motion of Mr. McKenney in that behalf.

No. 664. The United States of America, at the relation, etc., of Robert D. Kinney, plaintiff in error, *v.* The United States Fidelity & Guaranty Company. Motion to dismiss or affirm submitted by Mr.



Thomas Stokes and Mr. Bayard Henry for the defendant in error in support of the motion, and by Mr. Robert D. Kinney in propria persona in opposition thereto.

No. 865. Louis F. Swift et al., appellants, *v.* Luman T. Hoy, U. S. Marshal, etc. Motion for supersedeas and stay and enlargement of appellants on bail submitted by Mr. John S. Miller and Mr. Levy Mayer for the appellants in support of the motion, and by the Attorney General and Mr. Assistant Attorney General Harr for the appellee in opposition thereto.

No. — Original. Ex parte: In the matter of the Leaf Tobacco Board of Trade of the City of New York, petitioner. Motion for leave to file petition for writs of mandamus, prohibition, and certiorari submitted by Mr. Felix H. Levy and Mr. Benjamin N. Cardozo for the petitioner, which motion was opposed by the Attorney General.

No. 873. The Second Pool Coal Company, petitioner, *v.* The People's Coal Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Frederic S. Tyler in behalf of Mr. Lowrie C. Barton for the petitioner, and by Mr. George E. Shaw for the respondent.

No. 139. Louis Zeckendorf, appellant, *v.* Albert Steinfeld et al.; and

No. 140. Albert Steinfeld et al., appellants, *v.* Louis Zeckendorf et al. Passed until No. 218 is reached, per stipulation of counsel, and on motion of Mr. Frederick S. Tyler in that behalf.

No. 512. Thomas H. Pickford et al., appellants, *v.* Henry M. Talbott. Motion to dismiss or to place on the summary docket submitted by Mr. John Ridout for the appellee in support of the motion, and by Mr. H. Prescott Gatley, Mr. Samuel Maddox, and Mr. Henry E. Davis for the appellants in opposition thereto.

No. 148. William Baird, plaintiff in error, *v.* Allen P. Howison et al. Motion to dismiss submitted by Mr. John P. Tillman for the defendants in error in support of the motion, and by Mr. S. C. M. Amason and Mr. Alexander M. Garber for the plaintiff in error in opposition thereto.

No. 160. The Ontario Land Company, appellant, *v.* Charles W. Wilfong et al. Motion to dismiss submitted by Mr. Benjamin S. Grosscup for the appellees in support of the motion, and by Mr. A. L. Agatin and Mr. William W. Billson for the appellant in opposition thereto.

No. 371. The People of Porto Rico, appellant, *v.* Pierre Emanuel, Baron de Laurens d'Oiselay. Motion to dismiss or affirm submitted by Mr. Federico Degetau for the appellee in support of the motion, and by Mr. Paul Charlton, Mr. Foster V. Brown, and Mr. Felix Frankfurter for the appellants in opposition thereto.

No. 135. The Territory of New Mexico ex rel. Ora Butler Meece, appellant, *v.* Ira A. Abbott, Associate Justice, etc. Appeal from the Supreme Court of the Territory of New Mexico. Dismissed with costs, on motion of counsel for the appellant.

No. 459. Frank A. McCumber et al., appellants, *v.* Alva A. Nicholson et al. Appeal from the Circuit Court of the United States for the Southern District of Iowa. Dismissed with costs, on motion of counsel for the appellants.

No. 768. The Pullman Company, plaintiff in error, *v.* Daisy B. Calder. In error to the Supreme Court of the State of South Carolina. Dismissed with costs, per stipulation.

No. 69. Lewers & Cook, Limited, appellant, *v.* Mary H. Atcherly. Argued by Mr. David L. Withington for the appellant, and by Mr. Lyle A. Dickey for the appellee.

No. 75. Allen A. Brown et al., appellants, *v.* The Alton Water Company. Argument commenced by Mr. Elijah N. Zoline for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, December 5, will be as follows: Nos. 75, 76, 77, 79, 80 (and 487), 81, 83, 84, 85, and 40.





SUPREME COURT OF THE UNITED STATES.

TUESDAY, DECEMBER 5, 1911.

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

Howard S. Harrington, of New York City; Horton B. Porter, of Hillsboro, Tex.; Charles A. Frueauff, of New York City; and Anthony M. Menkel, of New York City, were admitted to practice.

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The Chief Justice announced the following order of the court:

No. 865. Louis F. Swift et al., appellants, *v.* Luman T. Hoy, United States marshal in and for the Northern District of Illinois. Per curiam: Motion for supersedeas denied.

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No. 87. James W. Beach, appellant, *v.* The United States. Passed per stipulation, to be restored to the call under the provisions of section 9, rule 26, on motion of Mr. Solicitor General Lehmann for the appellee.

No. 75. Allen A. Brown et al., appellants, *v.* The Alton Water Company. Argument continued by Mr. Elijah N. Zoline for the appellants, by Mr. William Burry for the appellee, and concluded by Mr. James Hamilton Lewis for the appellants.

No. 76. M. E. Soliah et al., plaintiffs in error, *v.* Sven Heskin et al. Argument commenced by Mr. Edward Engerud for the plaintiffs in error. The court declined to hear further argument.

No. 77. Theodore Albert Mayer, appellant, *v.* American Security & Trust Company, executor and trustee, etc., et al. Argued by Mr. A. S. Worthington and Mr. Edwin C. Brandenburg for the appellant, and by Mr. William F. Mattingly for the appellees.

No. 79. J. H. Williams, plaintiff in error, *v.* J. E. Walsh, sheriff, etc. Argued by Mr. Charles Blood Smith for the plaintiff in error, with leave to counsel for defendant in error to file brief on or before Friday next.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, December 6, will be as follows: Nos. 80 (and 487), 81, 83, 84, 85, 40, 86, 88, 89, and 90.



## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, DECEMBER 6, 1911.

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

Everett James Smith, of Walla Walla, Wash.; Joseph Harlan Freeman, of New York City; Edwin Augustus Packard, of New York City; and Henry Craft, of Memphis, Tenn., were admitted to practice.

No. 80. Southern Railway Company, plaintiff in error, *v.* C. C. Reid et al.; and

No. 487. Southern Railway Company, plaintiff in error, *v.* D. L. Reid et ux. Argued by Mr. Alfred P. Thom for the plaintiff in error. No counsel appeared for the defendants in error.

No. 81. Fred C. Keeney, individually and as administrator, etc., et al., plaintiffs in error, *v.* The Comptroller of the State of New York. Argued by Mr. George F. Canfield for the plaintiffs in error, and by Mr. William Law Stout for the defendant in error.

No. 83. The Lincoln Gas & Electric Light Company, appellant, *v.* The City of Lincoln et al. Argument commenced by Mr. Halleck F. Rose for the appellant, and continued by Mr. Fred C. Foster for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, December 7, will be as follows: Nos. 83, 84, 85, 40, 86, 88, 89, 90, 91, and 92.



## SUPREME COURT OF THE UNITED STATES.

THURSDAY, DECEMBER 7, 1911.

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

Charles Elias Stowers, of Wheatland, N. Dak.; Alexander S. Andrews, of New York City; Albert Lee Burford, of Texarkana, Tex.; Wayne C. Williams, of Denver, Colo.; Cornelius J. Earley, of New York City; Joseph A. Conry, of Boston, Mass.; Frederick J. Macleod, of Boston, Mass.; Clarence F. Eldridge, of Boston, Mass.; Charles C. Paine, of Hyannis, Mass.; Francis M. Carroll, of Boston, Mass.; John O. Benson, of Chattanooga, Tenn.; Thomas E. Lawrence, of Buffalo, N. Y.; and C. A. A. McGee, of Milwaukee, Wis., were admitted to practice.

No. 624. Leo Meyer, as auditor of the State of Oklahoma, appellant, *v.* Wells, Fargo & Company. Motion to advance submitted by Mr. Frank B. Kellogg, in behalf of Mr. Charles West for the appellant.

No. 708. The United States Express Company, plaintiff in error, *v.* The State of Minnesota. Motion to advance submitted by Mr. Frank B. Kellogg for the plaintiff in error.

No. 91. The Municipal Council of San Juan et al., appellants, *v.* Jose E. Saldana et al. Appeal from the Supreme Court of Porto Rico. Dismissed with costs, pursuant to the tenth rule.

No. 83. The Lincoln Gas & Electric Light Company, appellant, *v.* The City of Lincoln et al. Argument continued by Mr. Fred C. Foster and Mr. W. M. Morning for the appellees, and concluded by Mr. Halleck F. Rose for the appellant.

No. 84. Frank H. Waskey et al., petitioners, *v.* Joseph Hammer et al. Argued by Mr. Albert Fink for the petitioners, and by Mr. Albert H. Elliot for the respondents.

No. 85. The United States, appellant, *v.* Charles E. Ellicott et al., etc. Argument commenced by Mr. Solicitor General Lehmann for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, December 8, will be as follows: Nos. 85, 40, 86, 88, 89 (and 90), 92, 93, 95, 96, and 97.



## SUPREME COURT OF THE UNITED STATES.

FRIDAY, DECEMBER 8, 1911.

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

George B. Gillespie, of Springfield, Ill.; William Kirten, of Lake Village, Ark.; J. S. Ross, of Arkansas City, Ark.; Harald F. Hathaway, of Taunton, Mass.; Henry C. Long, of Boston, Mass.; Josiah H. Chase, of Minneapolis, Minn.; G. Q. Hall, of Meridian, Miss.; and W. T. Armstrong, of Galveston, Tex., were admitted to practice.

No. 93. Ruther Jacobs et al., plaintiffs in error, *v.* A. G. Pritchard, trustee. Submitted by Mr. W. H. Doolittle for the plaintiffs in error, and by Mr. Stanton Warburton for the defendant in error.

No. 85. The United States, appellant, *v.* Charles E. Ellicott et al., etc. Argument continued by Mr. Solicitor General Lehmann for the appellant, by Mr. James Piper for the appellees, and concluded by Mr. Solicitor General Lehmann for the appellant.

No. 40. Alexander D. Johnson et al., appellants, *v.* The Washington Loan & Trust Company. Argued by Mr. A. S. Worthington for the appellants, and by Mr. B. F. Leighton for the appellee.

No. 86. J. R. Treat, as treasurer, etc., et al., appellants, *v.* Grand Canyon Railway Company. Argument commenced by Mr. Elias S. Clark for the appellants.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, December 11, will be as follows: Nos. 86, 88, 89 (and 90), 92, 95, 96, 97, 98, 99, and 100.



## SUPREME COURT OF THE UNITED STATES.

MONDAY, DECEMBER 11, 1911.

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

George T. Kelly, of Chicago, Ill.; John C. Williams, of Chicago, Ill.; George D. Mottley, of Gadsden, Ala.; Charles J. Buell, of Rapid City, S. Dak.; Will E. Johnston, of Ida Grove, Iowa; Charles B. Jack, of Salt Lake City, Utah; and Charles T. Hanna, of Indianapolis, Ind., were admitted to practice.

No. 38. Charles F. Consaul et al., administrators, etc., appellants, *v.* Horace S. Cummings, administrator, etc. Appeal from the Court of Appeals of the District of Columbia. Decree affirmed with costs nunc pro tunc as of November 6, 1911. Opinion by Mr. Justice Lamar.

No. 463. The United States, plaintiff in error, *v.* John Morgan and Alfred Y. Morgan. 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 according to law. Opinion by Mr. Justice Lamar.

No. 31. Union Pacific Railroad Company et al., appellants, *v.* The Mason City & Fort Dodge Railroad Company. Appeal from the United States Circuit Court of Appeals for the Eighth Circuit. Decree of the United States Circuit Court of Appeals affirming the order of the Circuit Court for the District of Nebraska adjudging appellants guilty of contempt of the decree of the court entered August 12, 1903, reversed with costs, and cause remanded to the said Circuit Court for further proceedings. Opinion by Mr. Justice McKenna.

No. 29. Mutual Loan Company, plaintiff in error, *v.* George J. Martel. In error to the Superior Court of the State of Massachusetts. Judgment affirmed with costs. Opinion by Mr. Justice McKenna.

No. 56. Aluminum Company of America, plaintiff in error, *v.* George H. Ramsey. In error to the Supreme Court of the State of Arkansas. Judgment affirmed with costs. Opinion by Mr. Justice McKenna.

No. 362. The United States, plaintiff in error, *v.* Herman F. Garbish. In error to the Circuit Court of the United States for the Eastern District of Louisiana. Judgment reversed, and cause remanded with directions to overrule the demurrer. Opinion by Mr. Justice McKenna.

No. 34. Chicago Junction Railway Company, plaintiff in error, *v.* William R. King. In error to the United States Circuit Court of Appeals for the Seventh Circuit. Judgment affirmed with costs, and cause remanded to the Circuit Court of the United States for the Northern District of Illinois. Opinion by Mr. Chief Justice White.

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

No. —, Original. *Ex parte*: In the matter of the application of the Leaf Tobacco Board of Trade of the City of New York, petitioner. *Per curiam*: Leave to file petition denied.

1. One who is not a party to a record and judgment is not entitled to appeal therefrom. *Bayard v. Lombard* (9 How., 530); *Indiana v. Liverpool, London & Globe Ins. Co.* (109 U. S., 168). *Ex parte Cockcroft* (104 U. S., 578).

2. The action of the court below in refusing to permit the movers to become parties to the record is not susceptible of being reviewed by this Court on appeal, or indirectly, under the circumstances here disclosed, by the writ of mandamus. *In re Cutting* (94 U. S., 15), and see *Credits Commutation Co. v. United States* (177 U. S., 311).

3. The merely general nature and character of the interest which the movers allege they have in the papers here filed is not in any event of such a character as to authorize them in this proceeding to assail the action of the court below. This is more obvious in this case since the act of the court which is assailed has been accepted by those who are parties to the record. *U. S. v. Union Pacific R. R.* (105 U. S., 262); *Elwell v. Fosdick* (134 U. S., 500).

No. 148. William Baird, plaintiff in error, *v.* Allen P. Howison et al. In error to the Supreme Court of the State of Alabama. *Per curiam*: Dismissed for the want of jurisdiction. *Dewey v. Des Moines* (173 U. S., 193, 198, and cases cited); *Haire v. Rice* (204 U. S., 291, 301); *Thomas v. Iowa* (209 U. S., 258); *Waters-Pierce Oil Co. v. Texas* (212 U. S., 112, 118); *Goodrich v. Ferris* (214 U. S., 71, 79).

No. 624. Leo Meyer, as Auditor of the State of Oklahoma, appellant, *v.* Wells, Fargo & Company; and

No. 708. United States Express Company, plaintiff in error, *v.* The State of Minnesota. Motions to advance granted, and cases assigned for argument as one case on Monday, January 8, 1912, after the cases heretofore assigned for that day.

No. 160. The Ontario Land Company, appellant, *v.* Charles W. Wilfong et al. Motion to dismiss postponed to the hearing of the case on the merits.

No. 371. The People of Porto Rico, appellant, *v.* Pierre Emanuel, Baron de Laurens d'Oiselay. Motion to dismiss or affirm postponed to the hearing of the case on the merits.

No. 512. Thomas H. Pickford et al., appellants, *v.* Henry M. Talbott; and

No. 549. Philadelphia, Baltimore & Washington Railroad Company, plaintiff in error, *v.* Theodore A. Schubert. Ordered that these cases be placed on the summary docket.

No. 873. The Second Pool Coal Company, petitioner, *v.* The People's Coal Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 130. John A. Knott et al., etc., et al., appellants, *v.* The Chicago, Burlington & Quincy Railroad Company; and

No. 134. Chicago, Burlington & Quincy Railroad Company, appellant, *v.* John A. Knott et al., etc.;

Nos. 672 to 705. John A. Knott et al., etc., et al., appellants, *v.* The St. Louis & San Francisco Railroad Company et al. (On appeals and cross appeals);

No. 507. Louisville & Nashville Railroad Company, appellant, *v.* Adam T. Siler et al., etc.;

No. 364. The Chesapeake & Ohio Railway Company, plaintiff in error, *v.* W. G. Conley, Attorney General, et al.;

No. 424. The Oregon Railroad & Navigation Company, appellant, *v.* Thomas K. Campbell et al.;

No. 599. George T. Simpson et al., appellants, *v.* David T. Shepard;

No. 600. George T. Simpson et al., appellants, *v.* Emma B. Kennedy et al., executors, etc., et al.; and

No. 601. George T. Simpson et al., appellants, *v.* William Shillaber;

No. 784. Southern Pacific Company et al., appellants, *v.* Thomas K. Campbell et al., commissioners, etc., et al.;

No. 813. Robert P. Allen et al., commissioners, etc., appellants, *v.* The St. Louis, Iron Mountain & Southern Railway Company; and

No. 814. Robert P. Allen et al., commissioners, etc., appellants, *v.* The St. Louis Southwestern Railway Company;

No. 776. Railroad Commission of Ohio, appellants, *v.* B. A. Worthington, receiver, etc.; and

No. 505. Railroad Commission of Ohio, appellants, *v.* B. A. Worthington, receiver, etc. Reassigned for argument on Monday, February 19, 1912.

No. 820. The United States of America, appellant, *v.* The Union Pacific Railroad Company et al. Reassigned for argument on Mon-



day, February 19, 1912, after the cases heretofore assigned for that day.

No. 121. Southern Pacific Railroad Company et al., appellants, *v.* The United States;

No. 128. The United States, appellant, *v.* The Southern Pacific Railroad Company et al.; and

No. 129. The Southern Pacific Railroad Company et al., appellants, *v.* The United States. Passed per stipulation 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. 508. Mary C. Leary, administratrix, etc., appellant, *v.* The United States. Motion to affirm submitted by Mr. Solicitor General Lehmann and Mr. Marion Erwin for the appellee, in support of the motion, and by Mr. David McClure and Mr. A. E. Strode for the appellant in opposition thereto.

No. 879. The Interstate Commerce Commission et al., appellants, *v.* Goodrich Transit Company;

No. 880. The Interstate Commerce Commission et al., appellants, *v.* Goodrich Transit Company;

No. 881. The United States et al., appellants, *v.* White Star Line; and

No. 882. The United States et al., appellants, *v.* White Star Line. Motion to advance submitted by Mr. Solicitor General Lehmann for the appellants.

No. 883. The United States of America et al., appellants, *v.* The Atchison, Topeka & Santa Fe Railway Company et al.; and

No. 884. The United States of America et al., appellants, *v.* The Union Pacific Railroad Company et al. Motion to advance submitted by Mr. Solicitor General Lehmann for the appellants.

No. 306. C. L. Van Cise, appellant, *v.* Ibex Mining Company. Motion to dismiss or affirm submitted by Mr. Charles Cavender and Mr. Gerald Hughes for the appellee in support of the motion, and by Mr. Edwin H. Park for the appellant in opposition thereto.

No. 850. City Bank & Trust Company, trustee, petitioner, *v.* F. W. Williams et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Frederick S. Tyler, in behalf of Mr. Charles A. Frueauff and Mr. Watson B. Robinson for the petitioner, and by Mr. G. Q. Hall for the respondents.

No. 886. Jacob Maki, as administrator, etc., petitioner, *v.* The Union Pacific Coal Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Wayne C. Williams for the petitioner, and by Mr.



Maxwell Evarts, Mr. N. H. Loomis, and Mr. Clayton C. Dorsey for the respondent.

No. 10, Original. *Ex parte*: In the matter of The Merchants' Stock & Grain Company et al., petitioners. Submitted by Mr. Chester H. Krum and Mr. H. S. Priest for the petitioners, and by Mr. Henry S. Robbins for the respondent.

No. 98. Rock Island Plow Company, appellant, *v.* W. J. Reardon, trustee. Submitted by Mr. W. H. Sholes for the appellant, and by Mr. Franklin L. Velde for the appellee.

No. 86. J. R. Treat, as treasurer, etc., et al., appellants, *v.* Grand Canyon Railway Company. Argument continued by Mr. William C. Prentiss for the appellants, by Mr. Robert Dunlap for the appellee, and concluded by Mr. William C. Prentiss for the appellants.

No. 88. Gaar, Scott & Company, plaintiffs in error, *v.* O. K. Shannon. Argued by Mr. C. E. More for the plaintiffs in error, and by Mr. James D. Walthall for the defendant in error.

No. 89. Cosme Blanco Herrera et al., appellants, *v.* The United States; and

No. 90. Pascasio Diaz, et al., appellants, *v.* The United States. Argument commenced by Mr. Howard Thayer Kingsbury for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, December 12, will be as follows: Nos. 89 (and 90), 92, 95, 96, 97, 99, 100, 101, 102, and 103.



## SUPREME COURT OF THE UNITED STATES.

TUESDAY, DECEMBER 12, 1911.

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

Harve H. Phipps, of Spokane, Wash.; Govnor Teats, of Tacoma, Wash.; Waitman H. Conaway, of Washington, D. C.; and John R. Buckingham, of Baltimore, Md., were admitted to practice.

No. 142. The Western Union Telegraph Company, plaintiff in error, *v.* Henry Gibbs. In error to the Circuit Court of Nelson County, State of Virginia. Dismissed with costs, on motion of counsel for the plaintiff in error.

No. 101. Bettie Ligon et al., appellants, *v.* Douglas H. Johnston et al. Appeal from the United States Circuit Court of Appeals for the Eighth Circuit. Dismissed with costs, pursuant to the tenth rule.

No. 89. Cosme Blanco Herrera et al., appellants, *v.* The United States; and

No. 90. Pascasio Diaz et al., appellants, *v.* The United States. Argument continued by Mr. Howard Thayer Kingsbury for the appellants, and by Mr. Assistant Attorney General Thompson for the appellee, and concluded by Mr. Crammond Kennedy for the appellants.

No. 92. Lawrence Sexton, as trustee, etc., appellant, *v.* Kessler & Company, Limited, et al. Argument commenced by Mr. John Larkin for the appellant, and continued by Mr. Abram I. Elkus for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, December 13, will be as follows: Nos. 92, 95, 96, 97, 99, 100, 102, 103, 104, and 105.



# SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, DECEMBER 13, 1911.

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

L. H. Bancroft, of Richmond Center, Wis.; Wallace Ingalls, of Racine, Wis.; Richard Eggleston Wilbourn, of Meridian, Miss.; and William H. Burges, of El Paso, Tex., were admitted to practice.

No. 105. Paul H. Katz, appellant, *v.* Matthew J. Long, criminal sheriff, etc. Appeal from the Circuit Court of the United States for the Eastern District of Louisiana. Dismissed with costs, pursuant to the tenth rule.

No. 92. Lawrence E. Sexton, as trustee, etc., appellant, *v.* Kessler & Company, Limited, et al. Argument continued by Mr. Abram I. Elkus for the defendants in error, and concluded by Mr. F. C. McLaughlin for the defendants in error.

No. 95. R. J. Berryman, assessor, et al., appellants, *v.* The Board of Trustees of Whitman College. Argued by Mr. Everett J. Smith for the appellants, and by Mr. W. T. Dovell for the appellees.

No. 102. The Title Guaranty & Surety Company, plaintiff in error, *v.* William Francis Nichols. Argued by Mr. Philip Walker for the plaintiff in error, and by Mr. Frank B. Kellogg for the defendant in error.

No. 96. The San Juan Light & Transit Company, plaintiff in error, *v.* Belen Requena. Argument commenced by Mr. Hugo Kohlmann for the plaintiff in error. The court declined to hear further argument.

No. 99. Charles Reitler, plaintiff in error, *v.* William A. Harris. Submitted by Mr. F. Dumont Smith for the plaintiff in error, and by Mr. Frederick de C. Faust for the defendant in error.

No. 100. The United States, plaintiff in error, *v.* John McMullen et al. Argument commenced by Mr. Solicitor General Lehmann for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, December 14, will be as follows: Nos. 100, 97, 103, 104, 106, 107, 108, 109, 110, and 111.



## SUPREME COURT OF THE UNITED STATES.

THURSDAY, DECEMBER 14, 1911.

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

Samuel H. Richards, of Camden, N. J.; John D. McMullen, of Moorestown, N. J.; and Henry F. Stockwell, of Camden, N. J., were admitted to practice.

No. 110. *J. A. Scriven Company, appellant, v. Edward Morris et al., trading as Morris & Company.* Appeal from the United States Circuit Court of Appeals for the Fourth Circuit. Dismissed with costs, pursuant to the tenth rule.

No. 100. *The United States, plaintiff in error, v. John McMullen et al.* Argument continued by Mr. Solicitor General Lehmann for the plaintiff in error, by Mr. Burke Corbet for the defendants in error, and concluded by Mr. Solicitor General Lehmann for the plaintiff in error.

No. 97. *Manuel Zeno Gandia, plaintiff in error, v. N. B. K. Pettigill.* Argument commenced by Mr. Frederic D. McKenney for the plaintiff in error, continued by Mr. George H. Lamar and Mr. Willis Sweet for the defendant in error, and concluded by Mr. Frederic D. McKenney for the plaintiff in error.

No. 103. *St. Louis, Iron Mountain & Southern Railway Company, plaintiff in error, v. T. J. Wynne.* Submitted by Mr. W. E. Hemingway and Mr. E. B. Kinsworthy for the plaintiff in error, with leave to counsel for defendant in error to file brief within ten days.

No. 104. *M. B. Johnson et. al., plaintiffs in error, v. B. T. Collier.* Argument commenced by Mr. George D. Mottley for the plaintiff in error, and continued by Mr. Amos E. Goodhue for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, December 15, will be as follows: Nos. 104, 106, 107, 108, 109, 111, 114, 115, 116, and 117.



# SUPREME COURT OF THE UNITED STATES.

FRIDAY, DECEMBER 15, 1911.

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

Franklin E. Bump, of Wausau, Wis.; Joseph S. Buhler, of New York City; and Charles Edmund Pew, of Helena, Mont., were admitted to practice.

No. 116. James Vaughan, plaintiff in error, *v.* Lydia Starr Tabor. In error to the Supreme Court of the State of Michigan. Dismissed without costs to either party, per stipulation.

No. 117. James Vaughan, plaintiff in error, *v.* Lydia Starr Tabor. In error to the Supreme Court of the State of Michigan. Dismissed without costs to either party, per stipulation.

No. 104. M. B. Johnson et al., plaintiffs in error, *v.* B. T. Collier. Argument continued by Mr. Amos E. Goodhugh for the defendant in error, and concluded by Mr. George D. Motley for the plaintiffs in error.

No. 106. Wilson-Moline Buggy Company, plaintiff in error, *v.* C. B. E. Hawkins. Submitted by Mr. A. W. Bulkley and Mr. C. E. More for the plaintiff in error. No counsel appeared for the defendant in error.

No. 107. The New Marshall Engine Company et al., plaintiffs in error, *v.* The Marshall Engine Company, by Andrew Van Blarcom, its receiver. Submitted by Mr. Walter H. Bond for the defendant in error, with leave to counsel for the plaintiff in error within one week.

No. 108. The Galveston, Harrisburg & San Antonio Railway Company et al., plaintiffs in error, *v.* L. V. Wallace. Submitted by Mr. Maxwell Evarts and Mr. James L. Bishop for the plaintiffs in error. No appearance for the defendant in error.

No. 109. Galveston, Harrisburg & San Antonio Railway Company et al., plaintiffs in error, *v.* J. D. Crow. Submitted by Mr. Maxwell Evarts and Mr. James L. Bishop for the plaintiffs in error. No appearance for the defendant in error.

No. 111. The United States Fidelity & Guaranty Company, appellant, *v.* M. J. Bray et al. Argued by Mr. B. M. Ambler for the appellant, and by Mr. V. B. Archer and Mr. William M. Hall for the appellees.

No. 114. The Pittsburgh, Cincinnati, Chicago & St. Louis Railway Company, plaintiff in error, *v.* The State of Indiana. Argument commenced by Mr. Samuel O. Pickens for the plaintiff in error. The court declined to hear further argument.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, December 18, will be as follows: Nos. 115, 118, 119, 122, 124, 125, 126, 127, 131, and 132.

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## SUPREME COURT OF THE UNITED STATES.

MONDAY, DECEMBER 18, 1911.

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

Irvin S. Pepper, of Muscatine, Iowa; George L. Wilkinson, of Chicago, Ill.; W. V. Tanner, of Seattle, Wash.; Benjamin M. Weinberg, of Newark, N. J.; Samuel A. Harper, of Chicago, Ill.; Harvey Strickler, of Chicago, Ill.; Grant Fellows, of Hudson, Mich.; John E. Hessin, of Manhattan, Kans.; William J. Lamb, of Corinth, Miss.; Charles S. Hillyer, of Washington, D. C.; and Merlin Wiley, of Sault Ste. Marie, Mich., were admitted to practice.

No. 39. The City of Chicago, plaintiff in error, *v.* Frank Sturges. In error to the Supreme Court of the State of Illinois. Judgment affirmed with costs. Opinion by Mr. Justice Lurton.

No. 69. Lewers & Cook, Limited, appellant, *v.* Mary H. Atcherly. Appeal from the Supreme Court of the Territory of Hawaii. Decree affirmed with costs. Opinion by Mr. Justice Holmes.

No. 77. Theodore Albert Mayer, appellant, *v.* American Security & Trust Company, executor and trustee, et al. Appeal from the Court of Appeals of the District of Columbia. Decree affirmed with costs. Opinion by Mr. Justice Holmes.

No. 9. Acme Harvester Company, plaintiff in error, *v.* Beekman Lumber Company. In error to the Supreme Court of the State of Missouri. Judgment affirmed with costs. Opinion by Mr. Justice Day. (Announced by Mr. Chief Justice White.)

No. 664. The United States of America at the relation, etc., of Robert D. Kinney, plaintiff in error, *v.* The United States Fidelity & Guaranty Company. In error to the United States Circuit Court of Appeals for the Third Circuit. Judgment affirmed with costs, and cause remanded to the Circuit Court of the United States for the Eastern District of Pennsylvania. Opinion by Mr. Chief Justice White.

The Chief Justice also announced the following orders of court:

No. 306. *C. L. Van Sice, appellant, v. The Ibex Mining Company.* Appeal from the United States Circuit Court of Appeals for the Eighth Circuit. *Per curiam*: Dismissed for the want of jurisdiction. *Bagley v. General Fire Extinguisher Company*, 212 U. S., 477; *MacFadden v. United States*, 213 U. S., 288, 293; *Pope v. Louisville, New Albany, etc., Railway Company*, 173 U. S., 573, 577, and cases cited.

No. 106. *Wilson-Moline Buggy Company, plaintiff in error, v. C. B. E. Hawkins.* In error to the Supreme Court of the State of Kansas. *Per curiam*: Judgment reversed. *International Textbook Company v. Pigg*, 217 U. S., 91.

No. 114. *The Pittsburgh, Cincinnati, Chicago & St. Louis Railway Company, plaintiff in error, v. The State of Indiana.* In error to the Supreme Court of the State of Indiana. *Per curiam*: Judgment affirmed with costs. *Chicago, R. I. & Pac. Ry. Co. v. Arkansas*, 219 U. S., 453.

No. 201. *Frank W. Brown, appellant, v. C. T. Elliott, United States marshal, etc., et al.*;

No. 202. *E. C. Moore, appellant, v. C. T. Elliott, United States marshal, etc., et al.*; and

No. 447. *Frederick A. Hyde and Joost H. Schneider, petitioners, v. The United States.* Restored to the docket for reargument before a full bench.

Nos. 879 and 880. *The Interstate Commerce Commission et al., appellants, v. Goodrich Transit Company*;

Nos. 881 and 882. *The United States et al., appellants, v. White Star Line*;

No. 883. *The United States of America et al., appellants, v. Atchison, Topeka & Santa Fe Railway Company et al.*; and

No. 884. *The United States of America et al., appellants, v. Union Pacific Railroad Company et al.* Motions to advance granted, and cases assigned for argument on Monday, February 29, 1912, after the cases heretofore assigned for that day.

No. 508. *Mary C. Leary, administratrix, etc., appellant, v. The United States.* Ordered that this case be placed on the summary docket.

No. 850. *City Bank & Trust Company, trustee, petitioner, v. F. W. Williams et al.* Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 886. *Jacob Maki, as administrator, etc., petitioner, v. The Union Pacific Coal Company.* Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.



The Chief Justice also announced that the court will take a recess from Friday, the 22d instant, to Monday, January 8, 1912.

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No. 896. Levi D. Gritts et al., appellants, *v.* Walter L. Fisher, Secretary of the Interior, et al. Motion to advance submitted by Mr. Solicitor General Lehmann for the appellees.

No. 849. Gerald Purcell FitzGerald, plaintiff in error, *v.* Josiah V. Thompson, trustee, et al. Motion to dismiss or affirm submitted by Mr. Meyer Cohen in behalf of Mr. Samuel Untermyer for the defendants in error in support of the motion, and by Mr. William A. Stone for the plaintiff in error in opposition thereto.

No. 756. Thomas E. Ireton et al., petitioners, *v.* Pennsylvania Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Orville S. Brumback for the petitioners.

No. 335. William J. Wood et al., appellants, *v.* Vandalia Railroad Company. Motion to advance submitted by Mr. Thomas M. Honan for the appellants, with leave to Mr. Frederic D. McKenney to file opposition within three days.

Nos. 891 and 892. Louis Cella et al., petitioners, *v.* The United States. Petition for writs of certiorari to the Court of Appeals of the District of Columbia submitted by Mr. Charles L. Frailey, Mr. A. S. Worthington, and Mr. Howard Taylor for the petitioners, and by Mr. Solicitor General Lehmann, Mr. Clarence R. Wilson, and Mr. Henry S. Robbins for the respondent.

No. —, Original. Ex parte: In the matter of Louis Cella et al., petitioners. Motion for leave to file a petition for a writ of prohibition submitted by Mr. Charles L. Frailey, Mr. A. S. Worthington, and Mr. Howard Taylor for the petitioners in support of the motion, and by Mr. Solicitor General Lehmann, Mr. Clarence R. Wilson, and Mr. Henry S. Robbins in opposition thereto.

No. 229. Chicago, Burlington & Quincy Railway Company, plaintiff in error, *v.* Charles A. Hamilton. In error to the Supreme Court of the State of Iowa. Dismissed with costs, on motion of counsel for the plaintiff in error.

No. 125. United States Fidelity & Guaranty Company, appellant, *v.* A. Sandoval and P. Sandoval. Submitted by Mr. Eugene S. Ives for the appellant, and by Mr. Henry S. Van Dyke and Mr. Frank P. Flint for the appellees.

No. 126. The Cieneguita Copper Company, appellant, *v.* Thomas Farish, jr., et al. Appeal from the Supreme Court of the Territory of Arizona. Dismissed with costs, pursuant to the tenth rule.

No. 127. A. D. Gibbs, appellant, *v.* International Banking Corporation et al. Appeal from the Supreme Court of the Philippine Islands. Dismissed with costs, pursuant to the tenth rule.

No. 115. Charles Gring, plaintiff in error, *v.* Lizzie Ives and Pat Ives, by their father and next friend, P. H. Ives. Submitted by Mr. James A. Toomey for the plaintiff in error, and by Mr. C. B. Aycock for the defendant in error.

No. 118. The State of Washington ex rel. Oregon Railroad & Navigation Company, plaintiff in error, *v.* H. A. Fairchild et al., railroad commissioners, etc. Argued by Mr. Maxwell Evarts for the plaintiff in error, and by Mr. W. V. Tanner for the defendants in error.

No. 119. Quong Wing, plaintiff in error, *v.* Thomas B. Kirkendall, treasurer, etc. Argued by Mr. Charles E. Pew for the plaintiff in error, and by Mr. W. H. Poorman for the defendant in error.

No. 124. The Cuba Railroad Company, petitioner, *v.* Walter E. Crosby. Argued by Mr. Howard Mansfield for the petitioner, and by Mr. B. M. Weinberg for the respondent.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, December 19, will be as follows: Nos. 122, 131, 132, 133, 136, 137, 138, 141, 144, and 145.



## SUPREME COURT OF THE UNITED STATES.

TUESDAY, DECEMBER 19, 1911.

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

Gilbert S. Woolworth, of Watertown, N. Y.; Carlos E. Hough, of Philadelphia, Pa.; John L. Nesbit, of Franklin, Pa.; C. W. Howth, of Beaumont, Tex.; and Chauncey Hackett, of Washington, D. C., were admitted to practice.

No. 146. Alcides Aran and Francis H. Dexter, plaintiffs in error, *v.* Camilo Zurrinach. Death of Alcides Aran, one of the plaintiffs in error, suggested, and appearance of Pedro Aran, Ascuncion Aran, Carlos Aran, Francisco Aran, Emilio Aran, Gonzalo Aran, Rafael Aran, Gilbert Aran, Natalia Aran, and Patria Aran, heirs of and composing the succession of Alcides Aran, deceased, as parties plaintiffs in error in this cause, filed and entered on motion of Mr. Frederic D. McKenney, in behalf of counsel for the plaintiffs in error.

No. 133. Augusto Burnet, appellant, *v.* Josefa and Isabel Desmornes y Alvarez. Continued.

No. 136. Northern Pacific Railway Company, plaintiff in error, *v.* The State of Washington *ex rel.* John D. Atkinson, attorney general. Submitted by Mr. Charles W. Bunn for the plaintiff in error, with leave to file brief within three days.

No. 144. The Belt Railway Company of Chicago, petitioner, *v.* The United States. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Dismissed pursuant to the tenth rule.

No. 122. Patrick B. McCarthy, plaintiff in error, *v.* First National Bank of Rapid City, S. Dak. Argued by Mr. Hannis Taylor for the plaintiff in error, and by Mr. Charles J. Buell for the defendant in error.

No. 131. Buck Stove & Range Company et al., plaintiffs in error, *v.* C. C. Vickers et al. Writ of error as to the Consolidated Steel & Wire Company, Altman & Miller Buckeye Company, and Galveston Rope Company, three of the plaintiffs in error herein, dismissed with costs, on motion of Mr. Seneca N. Taylor for the plaintiffs in error.

No. 131. Buck Stove & Range Company et al., plaintiffs in error *v.* C. C. Vickers et al. Argued by Mr. Seneca N. Taylor and Mr. Malcolm B. Nicholson for the plaintiffs in error, and by Mr. Stephen H. Allen for the defendants in error.

No. 132. John Flannelly and Mary Ellen Flannelly, petitioners, *v.* The Delaware & Hudson Company. Argument commenced by Mr. Frank W. Hackett for the petitioners.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, December 20, will be as follows: Nos. 132, 137, 138, 141, 145, 146, 147, 149, 150, and 151.

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## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, DECEMBER 20, 1911.

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

William Mulvaney, of Cherokee, Iowa; Homan W. Walsh, of Charlottesville, Va., and John J. Healy, of Chicago, Ill., were admitted to practice.

No. 149. Mgr. Jeremiah J. Harty, appellant and plaintiff in error, *v. The Municipality of Victoria*. Passed, to be restored to the call under the provisions of section 9, rule 26, on motion of Mr. Assistant Attorney General Denison in behalf of counsel.

No. 132. John Flannelly and Mary Ellen Flannelly, petitioners, *v. The Delaware and Hudson Company*. Argument commenced by Mr. Frank W. Hackett for the petitioners, by Mr. James H. Torrey for the respondent, and concluded by Mr. Paul J. Sherwood for the petitioners.

No. 137. David Lupton's Sons Company, plaintiff in error, *v. The Automobile Club of America*. Argued by Mr. William Ford Upson for the plaintiff in error, and by Mr. William W. Niles for the defendant in error.

No. 138. Northwestern Mutual Life Insurance Company, petitioner, *v. J. William McCue et al., infants, etc.* Argument commenced by Mr. William H. White, jr., for the petitioner.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, December 21, will be as follows: Nos. 138, 141, 145, 146, 147, 150, 151, 152, 153, and 154.

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## SUPREME COURT OF THE UNITED STATES.

THURSDAY, DECEMBER 21, 1911.

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

William Meade Fletcher, of Sperryville, Va., and C. H. Trimble, of Memphis, Tenn., were admitted to practice.

No. 641. *M. Anderson v. The Pacific Coast Steamship Company*, claimant, etc.; and

No. 642. *N. Jordan v. The Pacific Coast Company*, claimant, etc. Motion to advance submitted by Mr. William Denman for Anderson and Jordan.

No. 275. *The American Sugar Refining Company*, plaintiff in error, *v. The United States*. In error to the Circuit Court of the United States for the Southern District of New York. Dismissed, on motion of counsel for the plaintiff in error.

No. 138. *Northwestern Mutual Life Insurance Company*, petitioner, *v. J. William McCue et al.*, infants, etc. Argument continued by Mr. Daniel Harmon for the respondents, and concluded by Mr. William H. White for the petitioner.

No. 141. *The Red "C" Oil Mfg. Company*, appellant, *v. The Board of Agriculture of North Carolina et al.* Argument commenced by Mr. R. W. Winston for the appellant, and continued by Mr. T. W. Bickett for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, December 22, will be as follows: Nos. 141, 145, 146, 147, 150, 151, 152, 153, 154, and 155.

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## SUPREME COURT OF THE UNITED STATES.

FRIDAY, DECEMBER 22, 1911.

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

L. A. Simpson, of Dickinson, N. Dak., was admitted to practice.

No. 152. John Powers, plaintiff in error, *v.* The United States. Passed, to be restored to the call under the provisions of section 9 of rule 26, on motion of Mr. Assistant Attorney General Denison for the defendant in error.

No. 498. Henry C. Ripley, appellant, *v.* The United States; and

No. 499. The United States, appellant, *v.* Henry C. Ripley. Motion to remand for further findings of fact submitted by Mr. Benjamin Carter, Mr. F. Carter Pope, and Mr. William H. Robeson for Henry C. Ripley, in support of the motion.

No. 155. Metropolitan Redwood Lumber Company, claimant, etc., appellant, *v.* Charles P. Doe, owner, etc., et al. Submitted per stipulation on briefs to be filed on or before January 10, 1912.

No. 141. The Red "C" Oil Mfg. Company, appellant, *v.* The Board of Agriculture of North Carolina et al. Argument concluded by Mr. T. W. Bickett for the appellees.

No. 145. The New York Continental Jewell Filtration Company, plaintiff in error, *v.* The District of Columbia. Argued by Mr. James H. Hayden for the plaintiff in error, and by Mr. Edward H. Thomas for the defendant in error.

No. 146. Pedro Aran et al., etc., et al., plaintiffs in error, *v.* Camilo Zurrinach. Submitted by Mr. Francis H. Dexter for the plaintiffs in error, and by Mr. N. B. K. Pettingill and Mr. F. L. Cornwell for the defendant in error.

No. 147. Josefa Ruiz de Noble et al., appellants, *v.* Eliza Gallardo y Seary et al. Submitted by Mr. N. B. K. Pettingill for the appellants. No brief filed for the appellees.

No. 154. The Porto Rico Sugar Company, plaintiff in error, *v.* Bautista Viso Lorenzo. Argued by Mr. Hannis Taylor for the plaintiff in error. No brief filed for the defendant in error.

The Chief Justice announced the following orders of the court:

ORDER.

It is ordered that the Rules of Practice of this court as revised this day be, and the same are hereby, promulgated for the guidance of all concerned, to take effect on the 1st day of January, 1912.

ORDER.

It is now here ordered that the Rules of Practice for the Courts of Equity of the United States as heretofore promulgated by this court be, and the same are hereby, so far as not inapplicable, continued in full force and effect and made in all respects controlling in the courts of equity created by the act of Congress entitled "An act to codify, revise, and amend the laws relating to the judiciary," going into effect January 1, 1912, until the further order of this court.

Adjourned until Monday, January 8, 1912 at 12 o'clock.

The day call for Monday, January 8, will be as follows: Nos. 607 (and 608), 735, 773, 774, 780, 587, 611, 829, 597, 719, 722, 844, and 624 (and 708).

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## SUPREME COURT OF THE UNITED STATES.

MONDAY, JANUARY 8, 1912.

Present: Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Lurton, Mr. Justice Hughes, Mr. Justice Van Devanter, and Mr. Justice Lamar.

Mr. Justice McKenna said:

“I will say to the gentlemen of the Bar that the Chief Justice is detained at home, and I will read a statement prepared by him:

““Mrs. Day, wife of Mr. Justice Day, died on Friday afternoon at their home in Canton, Ohio.

““When we assembled for the commencement of the term, Mr. Justice Day was absent, and we learned that he was prevented from coming by the illness of Mrs. Day. We soon came further to know the serious character of that illness and the ever-present dread which existed that any moment it might terminate fatally. Indeed, during the time which has elapsed our sympathy has gone out to our brother in the cruel and relentless anguish with which he has been incessantly encompassed, ending in the dread bereavement which has come to him.

““The funeral services take place at Canton this afternoon. Were it possible, we should attend the ceremonies in a body, and to enable us to do so would adjourn for the day. Unable to be present, however, we shall yet in spirit be there. As a manifestation of our participation in spirit in the ceremonies, and as a mark of our sorrow and affection for the living and respect and tenderness for the memory of the dead, we shall transact no business to-day, but will adjourn until to-morrow morning.””

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, January 9, will be as follows: Nos. 607 (and 608), 735, 773, 774, 780, 587, 611, 829, 597, 719, 722, 844, and 624 (and 708).



# SUPREME COURT OF THE UNITED STATES.

TUESDAY, JANUARY 9, 1912.

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

Ben F. Reinberger, of St. Louis, Mo.; Joseph P. Rossiter, of Coffeyville, Kans.; A. Warner Parker, of Washington, D. C.; Carlton Fox, of Wallace, Idaho; Edmund Quincy Moses, of New York City; Henry F. Hollis, of Concord, N. H.; and George Washington Williams, of Baltimore, Md., were admitted to practice.

No. 76. M. E. Soliah et al., plaintiffs in error, *v.* Sven Heskin et al. In error to the District Court of Traill County, State of North Dakota. Judgment affirmed with costs. Opinion by Mr. Justice Lamar.

No. 104. M. B. Johnson et al., plaintiffs in error, *v.* B. T. Collier. In error to the Supreme Court of the State of Alabama. Judgment affirmed with costs. Opinion by Mr. Justice Lamar.

No. 81. Fred C. Keeney, individually and as administrator, etc., et al., plaintiffs in error, *v.* The Comptroller of the State of New York. In error to the Surrogate's Court of Kings County, State of New York. Judgment affirmed with costs. Opinion by Mr. Justice Lamar.

No. 451. The Interstate Commerce Commission, appellant, *v.* Union Pacific Railroad Company et al.;

No. 452. The Interstate Commerce Commission, appellant, *v.* Northern Pacific Railroad Company et al.; and

No. 453. The Interstate Commerce Commission, appellant, *v.* Great Northern Railway Company et al.

Appeals from the Circuit Court of the United States for the District of Minnesota. Decrees reversed with costs, and causes remanded to the District Court of the United States for the District of Minnesota, for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Lamar.

No. 17. Clarence D. Robinson, plaintiff in error, *v.* Baltimore & Ohio Railroad Company. In error to the Supreme Court of Appeals of the State of West Virginia. Judgment affirmed with costs. Opinion by Mr. Justice Van Devanter.

No. 565. The United States, plaintiff in error, *v.* B. H. Barnes and F. B. Barnes. In error to the District Court of the United States for the Western District of Kentucky. Judgment reversed, and cause remanded for further proceedings. Opinion by Mr. Justice Van Devanter.

No. 74. Jesse B. Huse, appellant, *v.* The United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Lurton.

No. 49. Richard G. Peters, appellant, *v.* Albert W. Gilchrist et al., as trustees, etc., et al. Appeal from the Circuit Court of the United States for the Northern District of Florida. Decree affirmed with costs and cause remanded to the District Court of the United States for the Northern District of Florida. Opinion by Mr. Justice Lurton.

No. 86. J. R. Treat, as treasurer, etc., et al., appellants, *v.* Grand Canyon Railway Company. Appeal from the Supreme Court of the Territory of Arizona. Decree affirmed with costs. Opinion by Mr. Justice Holmes.

No. 97. Manuel Zeno Gandia, plaintiff in error, *v.* N. B. K. Pettingill. In error to the District Court of the United States for Porto Rico. Judgment reversed with costs, and cause remanded with directions to award a new trial. Opinion by Mr. Justice Holmes.

No. 100. The United States, plaintiff in error, *v.* John McMullen et al. In error to the United States Circuit Court of Appeals for the Ninth Circuit. Judgment of the United States Circuit Court of Appeals reversed, and judgment of the Circuit Court of the United States for the Northern District of California affirmed and cause remanded to the District Court of the United States for the Northern District of California. Opinion by Mr. Justice Holmes.

No. 124. The Cuba Railroad Company, petitioner, *v.* Walter E. Crosby. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Judgment reversed with costs, and cause remanded to the District Court of the United States for the District of New Jersey, with directions to award a new trial. Opinion by Mr. Justice Holmes.

No. 154. The Porto Rico Sugar Company, plaintiff in error, *v.* Bautista Viso Lorenzo. In error to the District Court of the United States for Porto Rico. Judgment affirmed with costs. Opinion by Mr. Justice Holmes.

No. 73. Frederick H. Vogt, appellant, *v.* Charles Graff et al. Appeal from the Court of Appeals of the District of Columbia. Decree affirmed with costs. Opinion of Mr. Justice McKenna.

No. 79. J. H. Williams, plaintiff in error, *v.* J. E. Walsh, sheriff, etc. In error to the Supreme Court of the State of Kansas. Judgment affirmed with costs. Opinion by Mr. Justice McKenna.

No. 487. Southern Railway Company, plaintiff in error, *v.* D. L. Reid and Etta C. Reid, his wife. In error to the Supreme Court of the State of North Carolina. Judgment reversed with costs and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice McKenna.

No. 80. Southern Railway Company, plaintiff in error, *v.* C. C. Reid and Edward Beam, copartners, etc. In error to the Supreme Court of the State of North Carolina. Judgment reversed with costs and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice McKenna. (Mr. Justice Lurton does not agree with the court as to the facts of this case, and for that reason does not think that it falls under No. 487. He therefore dissents.)

No. 95. R. J. Berryman, assessor, et al., appellants, *v.* The Board of Trustees of Whitman College. Appeal from the Circuit Court of the United States for the Eastern District of Washington. Decree reversed with costs and cause remanded to the District Court of the United States for the Eastern District of Washington, with directions for further proceedings in conformity with the opinion of this court. Opinion by Mr. Chief Justice White.

No. 141. The Red "C" Oil Manufacturing Company, appellant, *v.* The Board of Agriculture of North Carolina et al. Appeal from the Circuit Court of the United States for the Eastern District of North Carolina. Decree affirmed with costs, without prejudice, and cause remanded to the District Court of the United States for the Eastern District of North Carolina. Opinion by Mr. Chief Justice White.

No. 75. Allen A. Brown et al., appellants, *v.* The Alton Water Company. Appeal from the Circuit Court of the United States for the Southern District of Illinois. Dismissed for the want of jurisdiction, and cause remanded to the District Court of the United States for the Southern District of Illinois. Opinion by Mr. Chief Justice White.

No. 136. Northern Pacific Railway Company, plaintiff in error, *v.* The State of Washington ex rel. John D. Atkinson, attorney general. In error to the Supreme Court of the State of Washington. Judgment reversed with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Chief Justice White.

No. 146. Pedro Aran et al., plaintiffs in error, *v.* Camilo Zurrinach. In error to the District Court of the United States for Porto Rico. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice White.

No. 98. Rock Island Plow Company, appellant, *v.* W. J. Reardon, trustee, etc. Appeal from the United States Circuit Court of Appeals for the Seventh Circuit. Decree affirmed with costs, and

cause remanded to the District Court of the United States for the Southern District of Illinois. Opinion by Mr. Chief Justice White.

No. 115. Charles Gring, plaintiff in error, *v.* Lizzie Ives and Pat Ives, by their father and next friend, P. H. Ives. In error to the Supreme Court of the State of North Carolina. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice White.

No. 856. The Title Guaranty & Surety Company, plaintiff in error, *v.* The United States, to use of General Electric Company. Motion to vacate supersedeas granted. Opinion by Mr. Chief Justice White.

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The Chief Justice announced the following orders of the court:

No. 335. William J. Wood et al., appellants, *v.* Vandalia Railroad Company. Motion to advance denied.

No. 641. M. Anderson *v.* The Pacific Coast Steamship Company, claimant, etc.; and

No. 642. N. Jordan *v.* The Pacific Coast Company, claimant, etc. Motion to advance granted, and cases assigned for argument on Monday, February 19, next, after the cases heretofore assigned for that day.

No. 896. Levi B. Gritts et al., appellants, *v.* Walter L. Fisher, Secretary of the Interior et al. Motion to advance granted, and cause assigned for argument immediately after No. 735.

No. 756. Thomas E. Ireton et al., petitioners, *v.* Pennsylvania Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

Nos. 891 and 892. Louis Cella et al., petitioners, *v.* The United States. The petition for writs of certiorari to the Court of Appeals of the District of Columbia denied.

No. — Original. *Ex parte:* In the matter of Louis Cella et al., petitioners. Motion for leave to file petition for writ of prohibition denied.

No. 498. Henry C. Ripley, appellant, *v.* The United States; and

No. 499. The United States, appellant, *v.* Henry C. Ripley. Motion to remand for additional findings denied.

No. 127. A. D. Gibbs, appellant, *v.* The International Banking Corporation et al. Decree of December 18, 1911, dismissing appeal, vacated and set aside and case restored to docket.

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No. 564. Norfolk & Western Railway Company, plaintiff in error, *v.* Dixie Tobacco Company. Motion for leave of the United States to intervene herein submitted by Mr. Solicitor General Lehmann in that behalf, and by Mr. S. Griffin, Mr. Theodore W. Reath, and Mr. Thomas Reath for the plaintiff in error in opposition thereto.

No. 574. The Bornn Hat Company, plaintiff in error, *v.* The United States. Motion to affirm submitted by Mr. Solicitor General Lehmann for the defendant in error in support of the motion, and by Mr. Abram I. Elkus for the plaintiff in error in opposition thereto.

No. 8, Original. The State of Arkansas, complainant, *v.* The State of Tennessee. Leave granted to file demurrer to bill of complaint, on motion of Mr. J. A. Fowler in behalf of counsel for the defendant.

No. 901. Fried. Krupp Aktien-Gesellschaft, appellant, *v.* Midvale Steel Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. James R. Sheffield for the petitioner, and by Mr. A. H. Wintersteen for the respondent.

No. 917. Dietrich E. Loewe et al., petitioners, *v.* Martin Lawler et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Daniel Davenport, and Mr. Walter Gordon Merritt for the petitioners, and by Mr. Alton B. Parker, Mr. John K. Beach, and Mr. Frank L. Mulholland for the respondents.

No. 304. Seaboard Air Line Railway, plaintiff in error, *v.* Ernest N. Duvall. Motion to place case on the summary docket 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. Whiteley, and Mr. Walter H. Neal for the plaintiff in error in opposition thereto.

No. 803. William Anderson et al., etc., plaintiffs in error, *v.* The Inhabitants of the City of Bordentown, N. J. Motion to dismiss submitted by Mr. Frederic D. McKenney, Mr. John Spaulding Flannery, and Mr. William Hitz for the defendants in error in support of the motion, and by Mr. E. A. Armstrong for the plaintiffs in error in opposition thereto.

No. 735. The Cherokee Nation and The United States, appellants, *v.* Moses Whitmire, trustee for the freedmen of the Cherokee Nation. Leave granted to Mr. George S. Ramsey to file brief herein as *amicus curiæ*, on motion of Mr. Hannis Taylor in that behalf. Leave granted to Mr. John J. Hemphill to file brief as *amicus curiæ* within four days, on motion of Mr. Hemphill in that behalf.

No. 919. Jacob Meurer, petitioner, *v.* George Sturgiss et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. H. Prescott Gatley, in behalf of Mr. William Mason Smith for the petitioner, and by Mr. B. M. Ambler for the respondent.

No. 9 Original. The State of Wyoming, complainant, *v.* The State of Colorado et al. Leave granted to file demurrer to bill of complaint, on motion of Mr. Benjamin Griffith for the defendants.



No. 253. The Wisconsin Central Railway Company, plaintiff in error, *v.* Elizabeth Boucher, as administratrix, etc. In error to the Supreme Court of the State of Wisconsin. Dismissed per stipulation.

No. 385. The City of Cincinnati, plaintiff in error, *v.* The Louisville & Nashville Railroad Company. Submitted pursuant to the twentieth rule by Mr. Edward M. Ballard and Mr. Albert Bettinger for the plaintiff in error, and by Mr. J. B. Foraker and Mr. Ellis G. Kinkead for the defendant in error.

No. 587. The United States, plaintiff in error, *v.* Robert Jamieson. In error to the Circuit Court of the United States for the Southern District of New York. Dismissed on motion of Mr. Solicitor General Lehmann for the plaintiff in error, and cause remanded to the District Court of the United States for the Southern District of New York.

No. 829. W. J. McNaughton, plaintiff in error, *v.* The State of Georgia. In error to the Supreme Court of the State of Georgia. Dismissed with costs, pursuant to the tenth rule.

Nos. 607 and 608. The United States, plaintiff in error, *v.* Harvey C. Miller et al. Argued by Mr. Solicitor General Lehmann for the plaintiff in error, and by Mr. Alexander A. Lawrence for the defendants in error.

No. 735. The Cherokee Nation and The United States, appellants, *v.* Moses Whitmire, trustee for the freedmen of the Cherokee Nation. Leave granted to Mr. Charles M. Rice to file brief herein as *amicus curiæ*, on motion of Mr. W. H. Robeson in that behalf. One-half hour additional time allowed each side in the argument of this case, on motion of Mr. Samuel A. Putman for the appellee.

Argument commenced by Mr. William W. Hastings for the Cherokee Nation, and continued by Mr. Samuel A. Putman for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, January 10, will be as follows: Nos. 735, 896, 773 (and 774), 780, 611, 597, 719, 722, 844, and 624 (and 708).



## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, JANUARY 10, 1912.

Present: Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Lurton, Mr. Justice Hughes, Mr. Justice Van Devanter, and Mr. Justice Lamar.

Patrick J. Hurley, of Tulsa, Okla., and James L. Powell, of Muskogee, Okla., were admitted to practice.

No. 735. The Cherokee Nation and The United States, appellants, *v.* Moses Whitmire, trustee for the freedmen of the Cherokee Nation. Argument continued by Mr. Samuel A. Putman and Mr. Charles Poe for the appellee, and concluded by Mr. William W. Hastings for the Cherokee Nation.

No. 896. Levi B. Gritts et al., appellants, *v.* Walter L. Fisher, Secretary of the Interior, et al. Leave granted to file a brief on behalf of the Cherokee Nation as *amicus curiæ*, on motion of Mr. Solicitor General Lehmann in that behalf.

Argument commenced by Mr. John J. Hemphill for the appellants, and continued by Mr. Solicitor General Lehmann for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, January 11, will be as follows: Nos. 896, 773 (and 774), 780, 611, 597, 719, 722, 844, 624 (and 708), and 292.



# SUPREME COURT OF THE UNITED STATES.

THURSDAY, JANUARY 11, 1912.

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

Russell G. Lowe, of Oklahoma City, Okla.; Dorsey C. Whitaker, of Washington, D. C.; Robert Edwin Olds, of St. Paul, Minn.; Richard Price, of Jackson, Mich.; and William J. Mossholder, of San Diego, Cal., were admitted to practice.

The Chief Justice announced the following order of the court:

Order: It is ordered by the court that the mandates in all cases decided prior to January 1, 1912, which, under the law as it existed before that time, should have been directed to the circuit courts of the United States, be directed to the appropriate district courts of the United States.

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No. 896. Levi B. Gritts et al., appellants, *v.* Walter L. Fisher, Secretary of the Interior, et al. Argument continued by Mr. Solicitor General Lehmann for the appellees and concluded by Mr. W. H. Robeson for the appellant. Leave granted to counsel for appellants to file an additional brief within five days.

No. 773. James J. Hooker et al., as president, etc., et al., appellants, *v.* Martin A. Knapp et al., etc.; and

No. 774. The Eagle White Lead Company et al., appellants, *v.* The Interstate Commerce Commission et al. Leave granted to three counsel for the appellees to be heard in the argument of these cases, on motion of Mr. Assistant Attorney General Denison for the United States.

Argument commenced by Mr. Francis B. James for the appellants, continued by Mr. Assistant Attorney General Denison for the United States, by Mr. P. J. Farrell for the Interstate Commerce Commission, by Mr. R. Walton Moore for the Cincinnati, New Orleans & Texas Pacific Railway Company, and concluded by Mr. Francis B. James for the appellants.

No. 780. The Procter & Gamble Company, appellant, *v.* The United States of America et al. Leave granted to three counsel for the appellees to be heard in the argument of this case, on motion of Mr. Assistant Attorney General Denison for the United States.

Argument commenced by Mr. George H. Warrington for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, January 12, will be as follows: Nos. 780, 611, 597, 719, 722, 844, 624 (708), 292, 68, and 112 (and 113).

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## SUPREME COURT OF THE UNITED STATES.

FRIDAY, JANUARY 12, 1912.

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

Albert G. Yuzzolino, of New York City; John Horatio Nelson, of Washington, D. C.; William R. Morris, of Minneapolis, Minn.; W. T. Francis, of St. Paul, Minn.; Henry W. Oakes, of Auburn, Me.; and Clyde M. Watts, of Cheyenne, Wyo., were admitted to practice.

No. 159. Irene Cuebas y Arredondo, appellant, *v.* Felipe Cuebas y Arredondo. Death of Felipe Cuebas y Arredondo suggested, and appearance of Felipe R. Cuebas y Padilla et al., constituting the succession of Felipe Cuebas y Arredondo as the parties appellees in this cause, filed and entered on motion of Mr. George H. Lamar for the appellees.

No. 780. The Procter & Gamble Company, appellant, *v.* The United States of America et al. Argument continued by Mr. George H. Warrington for the appellant, by Mr. Assistant Attorney Denison for the United States, by Mr. P. J. Farrell for the Interstate Commerce Commission, by Mr. Edward Barton for the Cincinnati, Hamilton & Dayton Railway Company et al., and concluded by Mr. George H. Warrington for the appellant.

No. 611. The United States, plaintiff in error, *v.* Nord Deutscher Lloyd. Argued by Mr. Assistant Attorney General Harr for the appellant, and by Mr. Joseph Larocque for the appellee.

No. 597. The United States, petitioner, *v.* Wong You et al. Argued by Mr. Assistant Attorney General Harr for the petitioner. No appearance for the respondents.

No. 719. The Interstate Commerce Commission et al., appellants, *v.* The Baltimore & Ohio Railroad Company et al. Argument commenced by Mr. Assistant Attorney General Denison for the appellants, and continued by Mr. W. Irvine Cross for the appellees.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, January 15, will be as follows: Nos. 719, 722, 844, 624 (and 708), 292, 68, 112 (and 113), 65, 150, and 152.

## SUPREME COURT OF THE UNITED STATES.

MONDAY, JANUARY 15, 1912.

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

Colley W. Bell, of Washington, D. C.; Cary D. Landis, of De Land, Fla.; Bert Fish, of De Land, Fla.; Thomas Wand Hickey, of San Francisco, Cal.; Adam Thompson, of San Diego, Cal.; David C. McCurtain, of McAlester, Okla.; D. A. McDougal, of Sapulpa, Okla.; Harvey R. Spessard, of Hagerstown, Md.; J. H. Richards, of Boise, Idaho; and Will R. King, of Portland, Oreg., were admitted to practice.

No. 120. Edgar G. Mondou, plaintiff in error, *v.* The New York, New Haven & Hartford Railroad Company. In error to the Supreme Court of Errors of the State of Connecticut. Judgment reversed with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Van Devanter.

No. 170. Northern Pacific Railway Company, plaintiff in error, *v.* Bessie Babcock, as administratrix, etc. In error to the Circuit Court of the United States for the District of Minnesota. Judgment affirmed with costs and interest, and cause remanded to the District Court of the United States for the District of Minnesota. Opinion by Mr. Justice Van Devanter.

No. 289. New York, New Haven & Hartford Railroad Company, plaintiff in error, *v.* Mary Agnes Walsh, administratrix, etc.; and

No. 290. Mary Agnes Walsh, administratrix, etc., plaintiff in error, *v.* New York, New Haven & Hartford Railroad Company. In error to the Circuit Court of the United States for the District of Massachusetts. Judgment affirmed with costs, and cause remanded to the District Court of the United States for the District of Massachusetts. Opinion by Mr. Justice Van Devanter.

No. 89. Cosme Blanco Herera and Jose Blanco Herera, appellants, *v.* The United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice McKenna.

No. 90. Pascasio Diaz et al., appellants, *v.* The United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice McKenna.

No. 849. Gerald Purcell Fitz Gerald, plaintiff in error, *v.* Josiah V. Thompson, as trustee, etc., et al. In error to the Supreme Court of the State of Pennsylvania. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice White.

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

No. 574. The Bornn Hat Company, plaintiff in error, *v.* The United States. In error to the Circuit Court of the United States for the Southern District of New York. Per curiam: Judgment affirmed on the authority of *Wilson v. United States* (221 U. S., 361); *Dreier v. United States* (221 U. S., 394); *American Tobacco Company v. Werckmeister* (207 U. S., 284, 302); *Hale v. Henkel* (201 U. S., 43), and cause remanded to the District Court of the United States for the Southern District of New York.

No. 803. William Anderson and Robert Barry, partners, etc., plaintiffs in error, *v.* The Inhabitants of the City of Bordentown, N. J. In error to the Court of Errors and Appeals of the State of New Jersey. Per curiam: Writ of error dismissed for the want of jurisdiction. *St. Paul, etc., R. R. Co. v. County of Todd* (142 U. S., 282); *St. Paul Gas Light Co. v. St. Paul* (181 U. S., 142); *New Orleans Water Works Co. v. Louisiana* (185 U. S., 336, 350, and cases cited); *Hamblin v. Western Land Co.* (147 U. S., 531); *Farrell v. O'Brien* (199 U. S., 89, 100); *Los Angeles Farming & Milling Co. v. Los Angeles* (217 U. S., 217, 226).

No. 304. Seaboard Air Line Railway, plaintiff in error, *v.* Ernest N. Duvall. Motion to place case on summary docket granted.

No. 564. Norfolk & Western Ry. Co., plaintiff in error, *v.* Dixie Tobacco Company. Motion on behalf of the United States for leave to intervene in this cause denied.

No. 901. Fried. Krupp Aktien Gesellschaft, petitioner, *v.* Midvale Steel Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 917. Dietrich E. Loewe et al., petitioners, *v.* Martin Lawler et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 919. Jacob Meurer, petitioner, *v.* George Sturgiss et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 928. The United States of America et al., appellants, *v.* The Atchison, Topeka & Santa Fe Railway Company et al.; and

No. 929. The United States of America et al., appellants, *v.* Union Pacific Railroad Company et al. Motions to advance submitted by Mr. Solicitor General Lehmann for the appellants.

No. 907. Hannah L. Andrews, executrix, etc., appellant, *v.* Harvey K. Partridge, trustee, etc. Petition for a writ of certiorari herein submitted by Mr. Samuel H. Richards and Mr. Thomas E. French for the appellant in support of the petition, and by Mr. Henry F. Stockwell and Mr. John D. McMullin for the appellee in opposition thereto.

No. 559. Bessie Brown English, plaintiff in error, *v.* H. T. Richardson, county treasurer of Tulsa County. Motion to advance submitted by Mr. Charles West for the defendant in error.

No. 914. Charles N. Haskell et al., appellants, *v.* The Kansas Natural Gas Company et al. Motion to advance submitted by Mr. Charles West for the appellant in support of motion, and by Mr. D. T. Watson and Mr. Jno. G. Johnson for the appellees in opposition thereto.

No. 509. The Pullman Company, plaintiff in error, *v.* Ellsworth C. Irvine, receiver, et al. Motion to transfer to the summary docket submitted by Mr. Fred C. Rector, Mr. Gilbert H. Stewart, jr., Mr. Gilbert H. Stewart for the defendants in error in support of motion, and by Mr. Andrews Squire, Mr. W. B. Sanders, Mr. F. B. Daniels, and Mr. H. T. Clark for plaintiff in error in opposition thereto.

No. 932. Olcott C. Colt, 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. E. S. Duvall, jr., for the petitioner, and by Mr. Assistant Attorney General Harr for the respondent.

No. 854. Peter J. O'Reilly, plaintiff in error, *v.* Dora F. Noxon, administratrix, etc. Motion to advance submitted by Mr. Henry B. O'Reilly for the plaintiff in error.

No. 151. George S. Latimer, appellant, *v.* The United States. Submitted by Mr. Walter F. Welch for the appellant, and by Mr. Assistant Attorney General Wemple for the appellee.

No. 719. The Interstate Commerce Commission et al., appellants, *v.* The Baltimore & Ohio Railroad Company et al. Argument continued by Mr. W. Irvine Cross and Mr. Hugh L. Bond, jr., for the appellees, and concluded by Mr. P. J. Farrell for the appellants.

No. 722. The United States et al., appellants, *v.* The Baltimore & Ohio Railroad Company et al. Argument commenced by Mr. Solicitor General Lehmann for the appellants, and continued by Mr. George F. Brownell for the railroad companies and by Mr. William N. Dykman for the Jay Street Terminal and Arbuckle Bros., intervenors.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, January 16, will be as follows: Nos. 722, 844, 624, 708, 292, 68, 112 (and 113), 65, 150, and 152.

## SUPREME COURT OF THE UNITED STATES.

TUESDAY, JANUARY 16, 1912.

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

Charles H. Pegler, of Chicago, Ill.; Edwin Corr, of Bloomington, Ind.; Eck E. Brook, of Muskogee, Okla.; Lee M. Jordan, of Atlanta, Ga.; and J. French Miller, of Franklin, Pa., were admitted to practice.

No. 722. The United States et al., appellants, *v.* The Baltimore & Ohio Railroad Company et al. Argument continued by Mr. William N. Dykman for the Jay Street Terminal and Arbuckle Brothers intervenors, and concluded by Mr. Solicitor General Lehmann for the appellants.

No. 844. Metropolitan Water Company, appellant, *v.* The Kaw Valley Drainage District, etc. Argued by Mr. Willard P. Hall for the appellant, and submitted by Mr. L. W. Keplinger for the appellee.

No. 624. Leo Meyer, as auditor of the State of Oklahoma, appellant, *v.* Wells, Fargo & Company. Argued by Mr. Charles West for the appellant, and by Mr. S. T. Bledsoe for the appellee.

No. 708. The United States Express Company, plaintiff in error, *v.* The State of Minnesota. Argument commenced by Mr. Robert E. Olds for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, January 17, will be as follows: Nos. 708, 292, 68, 112 (and 113), 65, 150, 152, 153, 156 (and 157), and 158.

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## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, JANUARY 17, 1912.

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

Thomas Williamson, of Edwardsville, Ill., and Sheridan F. Master, of Grand Rapids, Mich., were admitted to practice.

No. 773. James Hooker et al., etc., appellants, *v.* Martin A. Knapp et al., etc.; and

No. 774. Eagle White Lead Company et al., appellants, *v.* Interstate Commerce Commission et al. Leave granted to file supplemental brief herein, on motion of Mr. Francis P. James for the appellants.

No. 158. St. Louis, Iron Mountain & Southern Railway Company, plaintiff in error, *v.* Grace Watson, administratrix, etc. Passed for settlement.

No. 708. United States Express Company, plaintiff in error, *v.* The State of Minnesota. Argument continued by Mr. Robert E. Olds for the plaintiff in error, by Mr. Lyndon A. Smith and Mr. William J. Stephenson for the defendant in error, and concluded by Mr. Frank B. Kellogg for the plaintiff in error.

No. 292. Salvatore L. Rocca, plaintiff in error, *v.* George F. Thompson. Argument commenced by Mr. Frederic R. Coudert for the plaintiff in error, and continued by Mr. T. W. Hickey for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, January 18, will be as follows: Nos. 292, 68, 112 (and 113), 65, 150, 152, 153, 156 (and 157), 159, and 160.

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## SUPREME COURT OF THE UNITED STATES.

THURSDAY, JANUARY 18, 1912.

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.

John A. Garrett, of Rockville, Md.; Henry C. Hall, of Colorado Springs, Colo.; Archibald A. Lee, of Denver, Colo.; and William K. De Victor, of Philadelphia, Pa., were admitted to practice.

No. 159. Irene Cuebas y Arredondo, appellant, *v.* Felipe R. Cuebas y Padilla, et al., etc. Leave granted to file brief as amicus curiæ, on motion of Mr. Henry A. Stickney, in that behalf.

No. 292. Salvatore L. Rocca, plaintiff in error, *v.* George F. Thompson. Argument concluded by Mr. T. W. Hickey for the defendant in error.

No. 68. Marion W. Savage, appellant, *v.* William J. Jones, jr., State chemist, etc. Argued by Mr. M. H. Boutelle for the appellant, and by Mr. Edwin Corr for the appellee.

No. 112. Annie Fairbanks, a minor, etc., appellant, *v.* The United States; and

No. 113. Edward L. Warren, appellant, *v.* The United States. Argument commenced by Mr. F. W. Houghton for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, January 19, will be as follows: Nos. 112 (and 113), 65, 150, 152, 153, 156 (and 157), 159, 160, 161, and 162.

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## SUPREME COURT OF THE UNITED STATES.

FRIDAY, JANUARY 19, 1912.

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.

Harry B. Thompson, of Toledo, Ohio; Will G. Barber, of San Marcos, Tex.; Kenneth Douglas McKeller, of Memphis, Tenn.; Paul Burks, of Prescott, Ariz.; Charles Woolf, of Tempe, Ariz.; Ernest B. Perry, of Cambridge, Nebr.; and Robert C. Orr, of McCook, Nebr., were admitted to practice.

No. 112. Annie Fairbanks, a minor, etc., appellant, *v.* The United States; and

No. 113. Edward L. Warren, appellant, *v.* The United States. Argument continued by Mr. F. W. Houghton for the appellants, by Mr. Assistant Attorney General Knaebel for the appellee, and concluded by Mr. F. W. Houghton for the appellants.

No. 65. Eugene M. Thayer, plaintiff in error, *v.* Eliza M. Schaben et al. Argument commenced by Mr. Charles H. Pegler for the plaintiff in error. The court declined to hear further argument.

No. 150. Rosewell E. Messinger, petitioner, *v.* Peter Anderson. Argument commenced by Mr. Harry E. King for the petitioner.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, January 22, will be as follows: Nos. 150, 152, 153, 156 (and 157), 159, 160, 161, 162, 163, and 164.

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## SUPREME COURT OF THE UNITED STATES.

MONDAY, JANUARY 22, 1912.

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.

Alfred G. Ellick, of Omaha, Nebr.; Ramon B. Harrison, of Knoxville, Tenn.; Edward S. Ferry, of Salt Lake City, Utah; Thomas F. Bevington, of Seattle, Wash.; S. H. Sutherland, of Clintwood, Va.; Benjamin A. Morton, of New York City; Louis K. Pratt, of Fairbanks, Alaska; Irving Reinberger, of Pine Bluff, Ark.; Harry L. Conn, of Van Wert, Ohio; and Samuel W. Emery, of Boston, Mass, were admitted to practice.

No. 84. Frank H. Waskey et al., petitioners, *v.* Joseph Hammer et al. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgment affirmed with costs, and cause remanded to the District Court of Alaska, Second Division. Opinion by Mr. Justice Van Devanter.

No. 64. Louisville & Nashville Railroad Company, appellant, *v.* F. W. Cook Brewing Company. Appeal from the United States Circuit Court of Appeals for the Seventh Circuit. Decree affirmed with costs, and cause remanded to the District Court of the United States for the District of Indiana. Opinion by Mr. Justice Lurton.

No. 119. Quong Wing, plaintiff in error, *v.* Thomas B. Kirkendall, treasurer, etc. In error to the Supreme Court of the State of Montana. Judgment affirmed with costs. Opinion by Mr. Justice Holmes. Mr. Justice Hughes concurs in the result. Dissenting: Mr. Justice Lamar.

No. 147. Josefa Ruiz de Noble et al., appellants, *v.* Eliza Gallardo, y Seary et al. Appeal from the District Court of the United States for Porto Rico. Decree reversed with costs without prejudice, and cause remanded for further proceedings. Opinion by Mr. Justice Holmes.

No. 597. The United States, petitioner, *v.* Wong You et al. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Decree of the United States Circuit Court of Appeals reversed, and order of the District Court of the United States for the Northern District of New York affirmed, and cause remanded to said District Court. Opinion by Mr. Justice Holmes.

The Chief Justice announced the following orders of the court:

No. 65. Eugene M. Thayer, plaintiff in error, *v.* Eliza M. Schaben et al. In error to the Supreme Court of the State of Kansas. Per curiam: Writ of error dismissed for want of jurisdiction. *California National Bank v. Thomas*, 171 U. S., 441; *Appleby v. Buffalo*, 221 U. S., 524, 529.

No. 559. Bessie Brown English, plaintiff in error, *v.* H. T. Richardson, county treasurer of Tulsa County; and

No. 914. Charles N. Haskell et al., appellants, *v.* The Kansas Natural Gas Company et al. Motions to advance granted, and cases assigned for argument on Monday, February 19, next, after the cases heretofore assigned for that day.

No. 928. The United States of America et al., appellants, *v.* Atchison, Topeka & Santa Fe Railway Company et al.; and

No. 929. The United States of America et al., appellants, *v.* Union Pacific Railroad Company et al. Motions to advance granted, and cases assigned for argument with cases Nos. 883 and 884, as one case, on Monday, February 19, next.

No. 854. Peter J. O'Reilly, plaintiff in error, *v.* Dora F. Noxon, administratrix, etc. Motion to advance denied.

No. 509. The Pullman Company, plaintiff in error, *v.* Ellsworth C. Irvine, receiver, et al. Motion to transfer to the summary docket denied.

No. 932. Olcott C. Colt, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

The Chief Justice also announced that the court will take a recess from Monday, the 29th instant, to Monday, February 19, next.

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No. 846. Omaha & Council Bluffs Street Railway Company et al., appellants, *v.* Interstate Commerce Commission et al. Motion to advance submitted by Mr. Solicitor General Lehmann for the appellees.

No. 931. Albert B. Cameron, 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. Howard S. Gans for the petitioner, and by Mr. Solicitor General Lehmann for the respondent.

No. 282. The Southwestern Brewery & Ice Company, plaintiff in error, *v.* Joseph Schmidt. Motion to amend writ of error herein submitted by Mr. Evans Browne, Mr. A. B. Browne, and Mr. Alexander Britton for the plaintiff in error in support of the motion, and by Mr. Neill B. Field, Mr. John A. Kratz, jr., and Mr. Joseph W. Cox for the defendant in error in opposition thereto.

No. 938. The McCrum-Howell Company, petitioner, *v.* Pope Automatic Merchandising Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Hillary C. Messimer for the petitioner.

No. 943. John Chemgas, plaintiff in error, *v.* Thomas J. Tynan, warden of the Colorado State Penitentiary. In error to the Supreme Court of the State of Colorado. Docketed and dismissed with costs, on motion of Mr. Archibald A. Lee for the defendant in error.

No. 944. Peter Horons, plaintiff in error, *v.* Thomas J. Tynan, warden of the Colorado State Penitentiary. In error to the Supreme Court of the State of Colorado. Docketed and dismissed with costs on motion of Mr. Archibald A. Lee for the defendant in error.

No. 278. Board of Chosen Freeholders of the County of Burlington et al., appellants, *v.* The Provident Life & Trust Company of Philadelphia, trustee. Appeal from the Circuit Court of the United States for the District of New Jersey. Dismissed without costs to either party, per stipulation, and cause remanded to the District Court of the United States for the District of New Jersey.

No. 554. Horace Chase, individually and as administrator, etc., plaintiff in error, *v.* Leonard H. Phillips et al., trustees. Motion to dismiss or affirm submitted by Mr. J. L. Thorndike and Mr. E. R. Thayer for the defendants in error in support of the motion, and by Mr. Richard Y. FitzGerald for the plaintiff in error in opposition thereto.

No. 163. Cedar Rapids Gas Light Company, plaintiff in error, *v.* The City of Cedar Rapids et al. Passed, per stipulation.

No. 150. Rosewell E. Messinger, petitioner, *v.* Peter Anderson. Argument continued by Mr. Rhea P. Cary and Mr. C. H. Trimble, for the respondent, and concluded by Mr. Clayton W. Everett for the petitioner.

No. 152. John Powers, plaintiff in error, *v.* The United States. Argued by Mr. S. H. Sutherland for the plaintiff in error and by Mr. Assistant Attorney General Denison for the defendant in error.

No. 153. William Miller, plaintiff in error, *v.* Will R. King, substituted for First National Bank of Payette, Idaho. Argument commenced by Mr. James H. Richards, for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, January 23, will be as follows: Nos. 153, 156 (and 157), 159, 160, 161, 162, 164, 165, 166, and 121 (and 128 and 129).

## SUPREME COURT OF THE UNITED STATES.

TUESDAY, JANUARY 23, 1912.

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.

Charles Everett Cook, of Asbury Park, N. J., and John A. Barnes, of Chicago, Ill., were admitted to practice.

No. 153. William Miller, plaintiff in error, *v.* Will R. King, substituted for First National Bank of Fayette, Idaho. Argument continued by Mr. James H. Richards for the plaintiff in error, and concluded by Will R. King for the defendant in error.

No. 156. Albert W. Shulthis, appellant, *v.* D. A. McDougal et al.; and

No. 157. George Franklin Berryhill, appellant, *v.* Albert W. Shulthis et al. Argument commenced by Mr. C. L. Thomas for Albert W. Shulthis, and continued by Mr. George S. Ramsey and Mr. Preston C. West for the appellees.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, January 24, will be as follows: Nos. 156 (and 157), 159, 160, 161, 162, 164, 165, 166, 121, and 127 (and 128).

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## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, JANUARY 24, 1912.

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.

John E. Greene, Esq., of Minot, N. Dak., and Charles F. Tew, of Greeley, Colo., were admitted to practice.

No. 156. Albert W. Shulthis, appellant, *v.* D. A. McDougal et al.; and

No. 157. George Franklin Berryhill, appellant, *v.* Albert W. Shulthis et al. Argument continued by Mr. Preston C. West for the appellees, and concluded by Mr. James P. Harrold for Berryhill.

No. 159. Irene Cuebas y Arredondo, appellant, *v.* Flipe R. Cuebas y Padilla et al., etc. Submitted by Mr. Frederick L. Cornwell and Mr. N. B. K. Pettingill for the appellant. No brief filed for the appellees.

No. 160. The Ontario Land Company, appellant, *v.* Charles W. Wilfong et al. Argued by Mr. A. L. Agatin for the appellant, and by Mr. Benjamin S. Grosseup for the appellees.

No. 162. The Atchison, Topeka & Santa Fe Railway Company, plaintiff in error, *v.* Timothy O'Connor. Argument commenced by Mr. Robert Dunlap for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, January 25, will be as follows: Nos. 162, 169, 164, 165, 166, 121, 128 (and 129), 167, 168, and 161.

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## SUPREME COURT OF THE UNITED STATES.

THURSDAY, JANUARY 25, 1912.

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.

Robert Henry Elder, of Cour D'Alene, Idaho; Eugene V. Boughton, of Cour D'Alene, Idaho; Russell Whitman, of Chicago, Ill.; Robert E. Lee Saner, of Dallas, Tex.; Milton G. Cage, of Boise, Idaho; and Delmas C. Stutler, of Washington, D. C., were admitted to practice.

No. 162. *The Atchison, Topeka & Santa Fe Railway Company*, plaintiff in error, *v. Timothy O'Connor*. Argument continued by Mr. Archibald A. Lee for the defendant in error, and concluded by Mr. Robert Dunlap for the plaintiff in error.

No. 169. *Thomas E. Jacob et al.*, plaintiffs in error, *v. S. L. Roberts*. Argued by Mr. Sam Ferry Smith for the plaintiffs in error, and by Mr. William J. Mossholder for the defendant in error.

No. 164. *Hamilton H. Hendricks*, plaintiff in error, *v. The United States*. Argued by Mr. Alfred S. Bennett for the plaintiff in error, and by Mr. Assistant Attorney General Denison for the defendant in error.

No. 165. *Ira W. Collins*, plaintiff in error, *v. The State of Texas*. Argument commenced by Mr. Millard Patterson for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, January 26, will be as follows: Nos. 165, 166, 121, 128 (and 129), 167, 168, 161, 171, 172, and 173.



## SUPREME COURT OF THE UNITED STATES.

FRIDAY, JANUARY 26, 1912.

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.

George P. Hambrecht, of Grand Rapids, Wis.; William H. Miller, of Connell, Wash.; John W. Griffin, of New York City; and Michael F. Donoghue, of Philadelphia, Pa., were admitted to practice.

No. 158. St. Louis, Iron Mountain & Southern Railway Company, plaintiff in error, *v.* Grace Watson, administratrix, etc. In error to the Circuit Court of the United States for the Eastern District of Arkansas. Judgment affirmed with costs, but without interest, per stipulation, and cause remanded to the District Court of the United States for the Eastern District of Arkansas.

No. 165. Ira W. Collins, plaintiff in error, *v.* The State of Texas. Argument continued by Mr. Millard Patterson for the plaintiff in error, by Mr. Jewell P. Lightfoot for the defendant in error, and concluded by Mr. Millard Patterson for the plaintiff in error.

No. 166. The Ætna Life Insurance Company, plaintiff in error, *v.* Patrick F. Tremblay. Argued by Mr. Henry F. Oakes for the defendant in error, and submitted by Mr. Ralph W. Crockett for the plaintiff in error.

No. 121. Southern Pacific Railroad Company et al., appellants, *v.* The United States. Argued by Mr. Maxwell Evarts for the appellants, and by Mr. Solicitor General Lehmann for the appellee.

No. 128. The United States, appellant, *v.* The Southern Pacific Railroad Company et al.; and

No. 129. The Southern Pacific Railroad Company et al., appellants, *v.* The United States. Argued by Mr. Maxwell Evarts for the Southern Pacific Railroad Company et al., and by Mr. Solicitor General Lehmann for the United States.

No. 167. Bud Brown, plaintiff in error, *v.* The State of Texas. In error to the Court of Criminal Appeals of the State of Texas. Dismissed with costs, pursuant to the sixteenth rule, on motion of Mr. J. P. Lightfoot for the defendant in error.

Adjourned until Monday next at 12 o'clock.

## SUPREME COURT OF THE UNITED STATES.

MONDAY, JANUARY 29, 1912.

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.

Charles K. Darling, of Boston, Mass.; George B. Class, of New York City; John Reed Scott, of Pittsburgh, Pa.; Franklin McCray, of Indianapolis, Ind.; C. M. Chambers, of San Antonio, Tex.; and W. E. Breese, jr., of Brevard, N. C., were admitted to practice.

No. 445. The United States of America, ex rel. Lillie Lowe et al., plaintiffs in error, *v.* Walter L. Fisher, Secretary of the Interior. In error to the Court of Appeals of the District of Columbia. Judgment affirmed with costs. Opinion by Mr. Justice McKenna.

No. 735. Cherokee Nation and The United States, appellants, *v.* Moses Whitmire, trustee for the freedmen of the Cherokee Nation. Appeal from the Court of Claims. Decree reversed, and cause remanded with directions to dismiss the supplemental petition. Opinion by Mr. Justice McKenna.

The Chief Justice announced the following orders of the Court:

No. 846. Omaha & Council Bluffs Street Railway Company et al., appellants, *v.* Interstate Commerce Commission et al. Motion to advance granted, and case assigned for argument on Monday, February 19th next, after the cases heretofore assigned for that day.

No. 931. Albert B. Cameron, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 938. The McCrum-Howell Company, petitioner, *v.* Pope Automatic Merchandising Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 282. The Southwestern Brewery & Ice Company, plaintiff in error, *v.* Joseph Schmidt. Motion to amend writ of error granted, and Don J. Rankin, Henry Loeb, and Otto Dieckmann made additional parties plaintiffs in error herein.

Mr. Attorney General Wickersham presented the following resolutions:

“*Resolved*, That the members of the bar of the Supreme Court of the United States record their profound appreciation of the life and labors which were brought to a close by the death of Mr. Justice Harlan.

“He was dedicated at his birth to the profession of the law by his father, who was himself an honored and distinguished member of that profession, and prophecy of a personal career was never more completely fulfilled than that which spoke in the christening of John Marshall Harlan. He came into an heroic epoch of American history and, mentally and physically, was cast in an heroic mold. In his earliest manhood he entered upon the practice of his profession and at the same time took part in the political controversies by which the country was then deeply disturbed and which nowhere tried the mettle of American manhood more than in that borderland of contention, of which his native State of Kentucky was a part, and when the discussion of the hustings and of legislative halls proved unequal to the settlement of the problems he met the full measure of patriotic duty by responding to the call to arms and sharing in the perils and privations which an appeal to the arbitrament of war made necessary. Returning, after distinguished service in the field, to the practice of his profession, he continued his interest and his efforts in behalf of the public welfare, and in the contests of politics was a willing leader of the forces which held his faith alike, whether the prospect was of victory or of defeat.

“Disciplined by the experiences of civil and military life and by the duties of public and private station he came, in the full maturity of his powers, to this tribunal, whose broad jurisdiction imposes upon its members responsibilities as serious as can rest upon the conscience of man. For nearly 34 years he honored his high position by faithful discharge of its duties. The record of his service is to be found in 126 volumes of reported cases in the determination of which, with few exceptions, he participated. In 700 cases he wrote the opinion of the court, and in many others he wrote opinions, sometimes of concurrence, for reasons separately stated, and sometimes of radical dissent, but whether he spoke for others or only for himself, and whether in assent or in dissent, it was always in the language of honest and earnest conviction.

“Personal and property rights, individual and corporate interests, the reciprocal relations of citizen, state, and nation, in ever-changing phases presented themselves as subjects for adjudication. Indifferent in no instance, there was, however, an especial appeal to him in cases involving those rights of the individual which it was the purpose of the amendments to the Federal Constitution to secure, and he sup-

ported the national authority in its fullest scope as the sure means of maintaining those rights.

“His style proclaimed the man. It was simple, direct, strong, and rugged. His opinions are supported by abundant authority, but make no vain display of learning, and of their meaning there is no room for doubt.

“Virile and masterful, his strength was subdued to a conscience sensitive to right, and his purposes were shaped by a character of perfect integrity. Throughout the many years that fell to his part, as a man, citizen, soldier, and judge, he kept without stain the name he bore and which he cherished as the guide and inspiration of his life.

“*Resolved*, That the Attorney General be requested to present these resolutions to the court for entry upon the record, and that the chairman of the meeting be directed to send to the family of Justice Harlan a copy of the resolutions with an expression of our sympathy for them in the loss they have sustained.”

The Attorney General then said:

“May it please the court, on the first page of the tenth volume of Peters’ Reports of the decisions of this court is recorded the fact that John Marshall, its Chief Justice, died at Philadelphia on the 6th day of July, 1835, and, in a brief minute, it is added:

“‘His judgments upon great and important constitutional questions, affecting the safety, the tranquillity, and the permanency of the Government of his beloved country—his decisions on international and general law, distinguished by their learning, integrity, and accuracy, are recorded in the reports of the cases adjudged in the Supreme Court of the United States, in which he presided during a period of 34 years.’

“This simple bald recital of the services of the great expounder of our Constitution concludes with these words:

“‘As long as the Constitution and laws shall endure and have authority, these will be respected, regarded, and maintained.’

“Perhaps by no other member of this court have these decisions been more highly respected, regarded, and maintained than by John Marshall Harlan, the Associate Justice of this court, who departed this life on October 14, 1911, after a length of service nearly coincident with that of the great judge whose name he bore.

“Mr. Justice Harlan was born in Boyle County, Ky., on January 1, 1833. His commission as an Associate Justice of this court is dated November 29, 1877, and he took the oath of office on December 10 of that year, being then little more than 44 years of age.

“His first recorded opinion is that in *National Bank v. Insurance Company* (95 U. S., 673). His last opinion expressing the judgment of the court is that in *Northern Pacific Railway Company v. Trodick*

(221 U. S., 208), rendered May 15, 1911. In the same volume is recorded his very last written opinion, delivered two weeks later, in the case of *United States v. American Tobacco Company*, concurring in part and in part dissenting from the opinion of the court.

“The records of his activities as a justice of this court during the 34 years of his service are, therefore, to be found in the 126 volumes of its published opinions, from the ninety-fifth to the two hundred and twenty-first, and they cover the entire range of subjects which have come before this court during all those years. From the first to the last, these opinions breathe what Lowell called the ‘brave old wisdom of sincerity.’

“Justice Harlan was born, educated, and came to manhood in Kentucky, then a border State. His father, James Harlan, was a Whig, a devoted friend of Henry Clay, an admirer of Webster, and an earnest believer in the principles of constitutional law as expounded by Marshall. He intended his son to be a lawyer and, in the expression of his hopes, he named him John Marshall. The future justice was brought up in the school of thought represented by Marshall, Webster, and Clay. He began to take part in political affairs when he was but 20. He was elected county judge of Franklin County when 25. He was an elector on the Bell and Everett ticket, which carried Kentucky in 1860. He threw himself actively into the controversy which developed into civil war in 1861 and, together with James Speed, Attorney General of the United States under Mr. Lincoln, labored successfully to prevent Kentucky from joining the Confederacy. In July, 1861, he was commissioned captain of a company of zouaves. His military service lasted until the death of his father in 1863, when, upon resigning his military commission, he was elected attorney general of his State. He continued active in political affairs and, in 1877, was one of the commissioners charged with settling certain disputes which threatened to disturb the peace of the State of Louisiana. In December of that year President Hayes appointed him an Associate Justice of this court.

“Perhaps the fact that his native State was divided in the great contest of 1861–1865 lent a greater intensity to Justice Harlan’s convictions concerning the true meaning and correct interpretation of the Constitution than he might otherwise have felt, and inclined him to a construction which gave to the National Government the maximum power which the language of the fundamental law would permit. The Constitution and the Bible were the objects of his constant thought and consideration, and if the latter was to him always *vox Dei* the former, *vox populi*, was no less so. His opinions were expressed in forceful and vigorous language, and his convictions upon questions of public policy which were involved in the decision of cases in which he wrote, blazed out in language whose meaning ad-

mitted of no doubt. When he did not agree with his brethren, he said so in unmistakable terms.

“He was impatient of a construction which limited what he believed to be the intention of the people in adopting the war amendments to the Constitution and which thwarted the entire equalization of the negro with the white man in all political and public relations. He expressed the judgment of the court in *Neal v. Delaware* (103 U. S., 370), where it was held that the adoption of the fifteenth amendment rendered inoperative a provision in the then existing constitution of the State of Delaware, whereby the right of suffrage was limited to the white race, and that a statute of the State, confining the selection of jurors to persons possessing the qualifications of electors was enlarged in its operation so as to embrace all those who, by the constitution of the State as modified by the fifteenth amendment, were entitled to vote.

“But in the Civil Rights cases (109 U. S.) he vigorously dissented from the view taken by the majority of the court respecting the civil rights act of March 1, 1875, contending that their opinion proceeded ‘upon grounds entirely too narrow and artificial.’

“‘I can not resist,’ he said, ‘the conclusion that the substance and spirit of the recent amendments of the Constitution have been sacrificed by a subtle and ingenious verbal criticism. “It is not the words of the law but the internal sense of it that makes the law; the letter of the law is the body; the sense and reason of the law is the soul.” Constitutional provisions adopted in the interest of liberty and for the purpose of securing, through national legislation, if need be, rights inhering in a state of freedom and belonging to American citizenship have been so construed as to defeat the ends the people desire to accomplish, which they attempted to accomplish, and which they supposed they had accomplished by changes in their fundamental law. By this I do not mean that the determination of these cases should have been materially controlled by considerations of mere expediency of policy; I mean only, in this form, to express an earnest conviction that the court has departed from the familiar rule requiring, in the interpretation of constitutional provisions, that full effect be given to the intent with which they were adopted.’

“Again, in *Plessy v. Ferguson* (163 U. S., 537) he dissented, with equal vigor, from the decision which sustained the constitutionality of an act of the Legislature of Louisiana requiring railway companies carrying passengers in their coaches in that State to provide equal, but separate, accommodations for the white and colored races.

“‘The sure guarantee of the peace and security of each race,’ he wrote, ‘is the clear, distinct, unconditional recognition by our governments, national and State, of every right that inheres in civil freedom, and of the equality before the law of all citizens of the United



States without regard to race. State enactments regulating the enjoyment of civil rights, upon the basis of race, and cunningly devised to defeat legitimate results of the war, under the pretense of recognizing equality of rights, can have no other result than to render permanent peace impossible and to keep alive a conflict of races, the continuance of which must do harm to all concerned. This question is not met by the suggestion that social equality can not exist between the white and black races in this country. That argument, if it can properly be regarded as one, is scarcely worthy of consideration, for social equality no more exists between two races when traveling in a passenger coach or a public highway than when members of the same races sit by each other in a street car or in the jury box, or stand or sit with each other in a political assembly, or when they use in common the streets of a city or town, or when they are in the same room for the purpose of having their names placed on the registry of voters, or when they approach the ballot box in order to exercise the high privilege of voting.'

"In *Hodges v. United States* (203 U. S., 1) he dissented from the decision of the majority that the fourteenth and fifteenth amendments to the Constitution operate solely on State action and not on individual action, and that the remedy for wrongs committed by individuals on persons of African descent is through State action and State tribunals, subject to supervision of this court by writ of error in proper cases; and that, consequently, the United States district courts have no jurisdiction under the thirteenth amendment or sections 1978, 1979, 5508, or 5510, Revised Statutes, of a charge of conspiracy made and carried out in a State to prevent citizens of African descent, because of their race and color, from making or carrying out contracts and agreements to labor.

"He protested against the decision in *Hurtado v. People of California* (110 U. S., 516) that the words 'due process of law' in the fourteenth amendment do not necessarily require an indictment by a grand jury in a prosecution by a State for murder, contending that 'due process of law,' within the meaning of the National Constitution, does not import one thing with reference to the powers of the State and another with reference to the powers of the General Government.

"'My brethren concede,' he wrote, 'that there are principles of liberty and justice lying at the foundation of our civil and political institutions which no State can violate consistently with that due process of law required by the fourteenth amendment in proceedings involving life, liberty, or property. Some of these principles are enumerated in the opinion of the court. But for reasons which do not impress my mind as satisfactory they exclude from that enumeration the exemption from prosecution, by information, for a public offense involving life. \* \* \*

“It is said by the court that the Constitution of the United States was made for an undefined and expanding future, and that its requirement of due process of law in proceedings involving life, liberty, and property must be so interpreted as not to deny to the law the capacity of progress and improvement; that the greatest security for the fundamental principles of justice resides in the right of the people to make their own laws and alter them at pleasure. It is difficult, however, to perceive anything in the system of prosecuting human beings for their lives, by information, which suggests that the State which adopts it has entered upon an era of progress and improvement in the law of criminal procedure.’

“He concurred with the majority of the court in *De Lima v. Bidwell* (182 U. S., 1) in holding that territory (in this case Porto Rico) acquired by the United States by cession from a foreign power is not ‘foreign country’ within the meaning of the tariff laws. But in *Downes v. Bidwell* (182 U. S., 245) he was one of the justices who agreed with the Chief Justice in dissenting from the conclusion that, after its cession to the United States by Spain, the island of Porto Rico was not a part of the United States within that provision of the Constitution which declares that ‘all duties, imposts, and excises shall be uniform throughout the United States.’

“In *Hawaii v. Mankichi* (190 U. S., 197), again dissenting from the majority of the court, he maintained that, after the annexation of Hawaii and before the passage of the act of Congress providing a government for that Territory, a conviction for manslaughter upon an indictment not found by a grand jury and by the verdict of 9 only out of 12 jurors, in accordance with the laws of Hawaii in force at the time of annexation, could not be legal.

“But if he was strong and vigorous in dissent, he was equally so in voicing the conclusions of the majority of the court. The vigorous line of opinions dealing with the power of the Federal Government over interstate commerce are the best examples of the strength of his convictions and the lucidity of his reasoning in constitutional exposition. In them the principles of Marshall’s interpretation of the Constitution were fully recognized and applied. In the *Lottery* case (188 U. S., 321) he demonstrated the proposition that legislation, under the power to regulate commerce among the several States, may sometimes properly assume the form or have the effect of prohibition, and that Congress, under this power, might prohibit the carriage of lottery tickets from one State to another. In *Minnesota v. Barber* (136 U. S., 313) he wrote the decision holding to be unconstitutional a statute of the State of Minnesota which prohibited the sale in the State of fresh beef, veal, pork, etc., for human food, unless the animals from which taken should have been inspected within that State before being slaughtered. In a series of forceful opin-



ions, the last of which was written at the very close of his life, he upheld the right of corporations to engage in interstate commerce without interference or restriction by State authority. These opinions illustrate the surprising freshness and vigor of Justice Harlan's mind. In *Western Union Telegraph Company v. Kansas* (216 U. S., 1), and in *Pullman Company v. Kansas* (216 U. S., 56), it was held that the right to carry on interstate commerce is not a privilege granted by the States, but a constitutional right of every citizen of the United States; that the Congress alone can limit the right of corporations to engage therein, and that no State may impose, as a condition of carrying on interstate commerce within its borders, a tax of a given percentage of all the capital of a corporation, represented by its business interests and property, everywhere, within and outside of the State; that a corporation organized in one State and doing an interstate business, is not bound to obtain the permission of another State to transact business within its limits, but can go into the latter for the purpose of interstate business, although subject to reasonable legal regulations for the safety, comfort, and convenience of the people, which do not, in a real substantial sense burden or regulate its interstate business, nor subject its other property and interests, outside of the State, to taxation. In the case of the *International Textbook Company v. Pigg* (217 U. S., 91), he applied these principles, in a most interesting and lucid manner, to the case of a Pennsylvania corporation engaged in furnishing instruction, by correspondence with students in various States.

“‘It is true,’ he said, ‘that the business in which the International Textbook Co. is engaged is of a somewhat exceptional character, but, in our judgment, it was in its essential characteristics, commerce among the States within the meaning of the Constitution of the United States. It involved, as already suggested, regular and practically continuous intercourse between the Textbook Co., located in Pennsylvania, and its scholars and agents in Kansas and other States. That intercourse was conducted by means of correspondence through the mails with such agents and scholars. While this mode of imparting and acquiring an education may not be such as is commonly adopted in this country, it is a lawful mode to accomplish the valuable purpose the parties have in view. \* \* \* Intercourse of that kind, between parties in different States—particularly when it is in execution of a valid contract between them—is as much intercourse, in the constitutional sense, as intercourse by means of the telegraph—“a new species of commerce,” to use the words of this court in *Pensacola Telegraph Co. v. Western Union Telegraph Co.*, 96, U. S. 1, 9.’

“While always asserting with vigor the supremacy of Federal control over interstate commerce, he yet wrote the opinion of the court in the case of *Hennington v. Georgia* (163 U. S., 299), holding

valid statutes of the State of Georgia which forbade the running of freight trains on any railroad in that State on Sunday, upon the ground that, while such legislation affected interstate commerce in a limited degree, it was not, for that reason, a needless intrusion upon the domain of Federal jurisdiction, and would be respected by the Federal courts until superseded and displaced by some act of Congress, passed in exclusion of the power to regulate commerce granted by the Constitution. Where the people of a State deem it necessary to their peace, comfort, and happiness, to say nothing of the public health and the public morals, that one day in each week be set apart by law as a day when business of all kinds carried on within the limits of that State shall cease, whereby all persons of every race and condition in life may have an opportunity to enjoy absolute rest and quiet, that result, he said, speaking for the court, was obtainable by State legislation, which would be valid until Congress should occupy the field by some inconsistent provision of law.

“In an opinion remarkable for learning and research, in the case of *Sparf and Hansen v. United States* (156 U. S., 51), he expressed the judgment of the court that, in the courts of the United States, it is the duty of the jury, in criminal cases, to receive the law from the court and to apply it as given by the court, subject to the condition that, by a general verdict, a jury, of necessity, determined both law and fact as compounded in the issues submitted to them in a particular case. He summed up the argument in these words:

“‘We must hold firmly to the doctrine that in the courts of the United States it is the duty of juries in criminal cases to take the law from the court and apply that law to the facts as they find them to be from the evidence. Upon the court rests the responsibility of declaring the law; upon the jury the responsibility of applying the law so declared to the facts as they upon their conscience believe them to be. Under any other system the courts, although established in order to declare the law, would for every practical purpose be eliminated from our system of government as instrumentalities devised for the protection equally of society and of individuals in their essential rights. When that occurs our Government will cease to be a government of laws and become a government of men. Liberty regulated by law is the underlying principle of our institutions.’

“It would prolong this address far beyond the proper limits of this occasion to continue much further the review of Justice Harlan’s many contributions to the records of the court during his service of more than one-third of a century. Yet no review of his services would be adequate which failed to refer to his participation in the construction and enforcement of the law against unlawful restraints upon interstate commerce and monopolies. Strongly individual in his views and

in his characteristics, he was keenly sympathetic with the widespread public dread of the effect upon individualism of the tendencies toward concentration of control over great industries, and the creation of monopolistic combinations which found expression in the now famous Sherman Act of 1890. When the court upon the presentation of the facts in the Knight case (156 U. S., 1) held that act to be ineffective in checking monopoly at its inception, and powerless in the face of the acquisition by a great corporation of 98 per cent of all the manufactories in the United States of a commodity of common necessity, his dissent was expressed in vigorous language.

“ ‘If this combination,’ he wrote, ‘so far as its operations necessarily or directly affect interstate commerce, can not be restrained or suppressed under some power granted to Congress, it will be cause for regret that the patriotic statesmen who framed the Constitution did not foresee the necessity of investing the National Government with power to deal with gigantic monopolies, holding in their grasp and injuriously controlling in their own interest the entire trade among the States in food products that are essential to the comfort of every household in the land. \* \* \*

“ ‘Undoubtedly the preservation of the just authority of the States is an object of deep concern to every lover of his country. No greater calamity could befall our free institutions than the destruction of that authority, by whatever means such a result might be accomplished. \* \* \* But it is equally true that the preservation of the just authority of the General Government is essential as well to the safety of the States as to the attainment of the important ends for which that Government was ordained by the people of the United States, and the destruction of that authority would be fatal to the peace and well-being of the American people’ (p. 19).

\* \* \* \* \*

“ ‘There is no dispute here as to the lawfulness of the business of refining sugar, apart from the undue restraint which the promoters of such business who have combined to control prices seek to put upon the freedom of interstate traffic in that article.

“ ‘It may be admitted that an act which did nothing more than forbid, and which had no other object than to forbid, the mere refining of sugar in any State would be in excess of any power granted to Congress. But the act of 1880 is not of that character. It does not strike at the manufacture simply of articles that are legitimate or recognized subjects of commerce, but at combinations that unduly restrain, because they monopolize the buying and selling of articles which are to go into interstate commerce’ (p. 34).

“He summed up the discussion in these words:

“ ‘Whatever improperly obstructs the free course of interstate intercourse and trade, as involved in the buying and selling of articles to

be carried from one State to another, may be reached by Congress under its authority to regulate commerce among the States. The exercise of that authority so as to make trade among the States in all recognized articles of commerce absolutely free from unreasonable or illegal restrictions imposed by combinations is justified by an express grant of power to Congress, and would redound to the welfare of the whole country. I am unable to perceive that any such result would imperil the autonomy of the States, especially as that result can not be attained through the action of any one State.

“Undue restrictions or burdens upon the purchasing of goods in the market for sale, to be transported to other States, can not be imposed even by a State without violating the freedom of commercial intercourse guaranteed by the Constitution. But if a State within whose limits the business of refining sugar is exclusively carried on may not constitutionally impose burdens upon purchases of sugar to be transported to other States, how comes it that combinations of corporations or individuals within the same State may not be prevented by the National Government from putting unlawful restraints upon the purchasing of that article to be carried from the State in which such purchases are made?” (pp. 37-38).

“Mr. Justice Harlan wrote the opinion in the Northern Securities case (193 U. S., 197), which was concurred in by three other justices, and in which the conclusions reached were agreed to by Mr. Justice Brewer in an opinion expressing his dissent from the statement of some of the propositions set forth by Mr. Justice Harlan with his accustomed vigor. The case presented was the acquisition by a New Jersey corporation of the control of the capital stocks of two competing trans-continental railroad systems. The majority of the court held that the acquisition by the Securities Company, through such stock ownership, of the power to prevent or restrain competition between the companies brought the case within the statute. Justice Harlan, in the argument to sustain the conclusion reached, contended that every combination or conspiracy which would extinguish competition between otherwise competing railroads engaged in interstate trade or commerce, and which would in that way restrain such trade or commerce, is made illegal by the act which embraces all direct restraints imposed by any combination, conspiracy, or monopoly upon such trade or commerce, and was not limited in its effect to restraints that are unreasonable in their nature.

“Justice Brewer, on the other hand, maintained that the correct ruling in the case would have been that the contracts under consideration were unreasonable restraints of interstate trade and as such within the prohibition of the antitrust act.

“Justice Harlan wrote the opinion in *Continental Wall Paper Co. v. Voight* (212 U. S., 227), which involved the right of a purchaser of

goods from a combination unlawful under the antitrust act to plead such illegality in defense of his failure to pay for the goods. Holding that upon the facts admitted by the demurrer the plaintiff in effect was seeking the aid of the court to enforce a contract for the sale and purchase of goods which was in fact, and was intended to be, based upon agreements that were parts of an illegal scheme—a scheme based upon a combination intended and which would have the effect directly to restrain and monopolize trade and commerce among the several States and with foreign nations—Justice Harlan, speaking for the majority of the court, held that the plaintiff could not have judgment for the account sued on, because such judgment would in effect aid the execution of the agreements which constituted the illegal combination.

“In the decisions in the cases against the Standard Oil Company (221 U. S., 1) and the Tobacco Combination (221 U. S., 106), Justice Harlan, while concurring in the decisions, read opinions expressing dissent from opinions which were concurred in by the other members of the court, with respect to a part of the reasoning advanced in support of the conclusions reached.

“Justice Harlan’s individuality and his mental characteristics were the results of heredity and early environment. Another Kentuckian who attained fame in a very different line, writing in his autobiography of experiences gained during three months’ adventurous voyage in Canadian waters, and speaking of the Canadian sailors whose courage and fortitude in the face of hardship and danger had greatly impressed him, says:

“‘These men taught me much of human nature. I found in them the value of the common man as I probably should have found it nowhere else; for it is so well hidden in our more organized societies that many persons far more discerning than myself fail for all their lives to see the meaning of ordinary life, and so fail to get the most important teaching the world has to give. In a way, I had been prepared for this coming revelation by my contact with the frontier type of man in Kentucky. But at his best, the man of the forests and plains can not compare with the seaman in the even, rounded culture of human quality. As I had known him in Kentucky, he was a fine fellow of the conquering type. He had beaten his brute and human enemies and subjugated the wilderness; but he had never well learned what it was to follow a leader, to put his life in his chief’s hands in a ceaseless war with a mastering deep.’ (Autobiography of Nathaniel Southgate Shaler, p. 165.)

“Justice Harlan was a refined example of the type of Kentuckian referred to by Prof. Shaler. He had learned, in the fierce warfare of personal strife during the Civil War, and in the intensity of political contests after the war, to beat his brute and human enemies



as his fathers had learned to subjugate the wilderness. But he never well learned what it was to follow a leader—at least not a living one. He was a student and disciple of Marshall, but among living men he could lead but he could not follow. Where others agreed with his views he would march with them, but when they differed he marched on alone. His was not the temper of the negotiator. Strong, vigorous, self-confident, he stands out as the representative of a type which has made the American character dominant among the nations.”

The Chief Justice responded:

“Mr. Attorney General, your words go home to our hearts and the resolutions of our brethren of the bar move us, since they show both the confidence which the bar reposed in and the affection they bore Mr. Justice Harlan, as well as the veneration they cherish for his memory. The depth with which these feelings are by us shared and the greatness of the sorrow which has come to us by the death of our brother, can not be appreciated without understanding how completely the discharge of judicial duty in a court of last resort necessitates an effort by all to efface every merely incidental mental and moral tendency to difference of opinion in order that by the perfect equipoise of mind with mind and the union of heart with heart, a composite, wise, and just judgment may result.

“The disintegration by death of the union resulting from such ties of intimate and affectionate association brings with it not only bereavement, but a sense of despondency, because of the fleeting and perishable result of all human efforts which it apparently exemplifies. The contemplation, however, of the great life which we commemorate dispels the miasma of despondency and calls us to the onward and upward struggle for higher and holier things, since, when rightly measured, the lessons of that life point to the continuing and enduring result for good of duty conscientiously performed. Through the mists of parting and the shadows of death itself, clearing our vision by the light which that life affords, we are enabled to see how greatly the dedication of the life of our Brother Harlan to the service of his country, during his more than 34 years of judicial labor, serves to sustain and to make fruitful for the benefit of all his countrymen the power for good of that ideal and undying personality, the Supreme Court of the United States, the offspring of the devotion of our forefathers to human liberty and their genius to creating institutions for its perpetuation. So noble in conception and yet so simple in execution; so ordinary in its incidents and yet so majestic as the servant of the whole people; so weak and yet so strong, because founded upon the affection of all the people and depending for its existence upon their continued support.

“It would not be appropriate on this occasion, nor is there presently time, Mr. Attorney General, to afford the opportunity to add to the

condensed statement which you have made of the career of Mr. Justice Harlan by giving an outline of his services in peace and in war. I shall, therefore, leaving the general subject to some more appropriate occasion, seek only now to depict in the briefest manner some of the most dominant of the moral and mental forces which characterized Mr. Justice Harlan's discharge of judicial duty, as seen from the angle of vision of those engaged with him in such duty, thus, perhaps, speaking from a point of observation which, if not stated now, might possibly pass out of view.

“In the first place, there was ever manifested the supreme importance which he attached to the performance of his judicial work and the consequent dedication which followed of every mental and moral faculty of his being to the doing of that work. In the second place there was likewise consequently manifested a purpose to do justice as it was given him to see it, a justice not resting upon mere metaphysical conceptions or distinctions of casuistry concerning the lines of separation between right and wrong, but a justice based upon what seemed to him to be a common sense of justice, begetting an ever-present and vivid purpose to uphold the right and to frustrate the the wrong and ever to see to it that the weak were not overmastered by the strong. In the third place—and this was the most prominent of all—he possessed a reverence for and an implicit faith in our constitutional institutions, a faith which knew no doubt and caused him to believe that the power of adaptability of those institutions was adequate to meet and provide for any possible condition, however complex or novel. And as these dominant qualities were potential in giving shape and form to his mental attributes, the latter in substance were but the reflex of the former. His methods of thought, in disregard of mere subtleties or refined distinctions, led him to the broadest lines of conviction, and as those lines were by him discerned, and differences between himself and others became impossible of reconciliation, the warfare of mind with mind was by him carried on, not with adroit fence or subtle play of reason, but with a directness and entire disregard of all narrower points of view. This was particularly observable with reference to his conclusions on questions concerning powers of government arising from constitutional limitations and the consideration of asserted violations of the rights of individuals protected by such limitations. Once his convictions were definitely formed, so complete was his faith, so ardent was his devotion, so unalterable was his purpose to maintain and perpetuate in each and every particular, as he understood it, the Government under the Constitution which he so much loved, that sometimes the very ardor and zeal with which, when he differed from others, the reason for his differences were expounded, produced upon the merely superficial observer the impression that there was doubt on his part as to the power of the Constitu-



tion, if interpreted in conflict with the views which he held, to successfully continue to accomplish the great purpose which it was ordained to secure; but this was indeed a singularly mistaken view, since it engendered doubt and weakness merely because of the forms in which supreme and perfect faith had found their expression.

“It being true, as I have said, that the lessons afforded by the life of the great American whose loss we commemorate and deplore afford a correction of despondency and constitute an incentive, calling upon all to dedicate their lives to a higher and completer fulfillment of duty, why is it not also true that a right contemplation of that life and its results will serve in some measure to assuage the feeling of sorrow begotten by his death? It was given him to exceed the allotted span of mortal existence and during his long and useful career to faithfully serve, in war and in peace, his country; to win the affection of all his countrymen; and to afford an elevating and noble example of duty well and faithfully performed. Ah! contemplating that life, its simplicity, its courage, its devotion to duty, its love of country, does not the faith come to us that in the transition from things finite to things infinite it has been given to him to hear the ineffable melody of those words of benediction, the hope of hearing which has led so many millions to consecrate their lives to the performance of duty and the service of God and their country—‘Well done, thou good and faithful servant.’

“Mr. Attorney General, the resolutions which you present will be ordered spread upon the records along with such other tributes concerning the life and character of Mr. Justice Harlan which were evoked by his death.”

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No. 936. Charles R. Heike, 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 B. Stanchfield for the petitioner, with leave to the Solicitor General to file brief in opposition on or before Friday next.

No. 937. Ernest W. Gerbracht, 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. George M. McKellar for the petitioner, with leave to the Solicitor General to file brief in opposition on or before Friday next.

No. 177. George R. Plummer, appellant, *v.* The United States. Leave to file brief herein as *amicus curiæ* granted, on motion of Mr. Benjamin Micou in that behalf.

No. 942. Gould Storage Battery Company, petitioner, *v.* The Electric Storage Battery Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit sub-

mitted by Mr. Walter F. Rogers, in behalf of Mr. William Houston Kenyon, for the petitioner, and by Mr. A. B. Stoughton and Mr. George S. Graham for the respondent.

No. 721. James H. Graham, plaintiff in error, *v.* The State of West Virginia. Motion to advance submitted by Mr. Daniel W. Baker for the plaintiff in error.

No. 836. The United States, plaintiff in error and appellant, *v.* The Antikamnia Chemical Company. Motion to dismiss or affirm submitted by Mr. Daniel W. Baker and Mr. F. J. Hogan for the defendant in error and appellee, in support of the motion, with leave to the Solicitor General to file brief in opposition on or before to-morrow.

No. 945. Hyman Epstein, 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. Benjamin C. Bachrach for the petitioner, and by Mr. Solicitor General Lehmann for the respondent.

No. 175. Robert P. Stewart et al., appellants, *v.* W. W. Mitchell et al. Appeal from the Circuit Court of the United States for the Western District of Tennessee. Dismissed with costs, on motion of counsel for the appellants, and cause remanded to the District Court of the United States for the Western District of Tennessee.

Adjourned until Monday, February 19, at 12 o'clock.

The day call for Monday, February 19, will be as follows: Nos. 130 (and 134), 672 (to 705), 507, 364, 424, 599 (and 600 and 601), 784, 813 (and 814), 776 (505), 820, 879 (and 880), 881 (and 882), 883 (and 884, 928, and 929), 641 (and 642), 559 (and 575 and 809), 914, and 846.



## SUPREME COURT OF THE UNITED STATES.

MONDAY, FEBRUARY 19, 1912.

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.

Sears Lehmann, of St. Louis, Mo.; Merrel P. Callaway, of Macon, Ga.; Clarence F. Burton, of Reno, Nev.; Arthur L. Kitchin, of Washington, D. C.; H. E. Christmas, of Kemmerer, Wyo.; Frederic A. Burlingame, of New York City; W. M. Whelan, of Lincoln, Nebr.; Clinton A. Welsh, of Kansas City, Mo.; Leon E. Prescott, of San Francisco, Cal.; Carl C. Mueller, of Washington, D. C.; Elmer C. Wood, of Washington, D. C.; Villard Martin, of Muskogee, Okla.; Edwin S. Mack, of Milwaukee, Wis.; Charles R. Brice, of Houston, Tex.; Edward E. Wagner, of Mitchell, S. Dak.; Henry H. Schwartz, of Portland, Oreg.; Joseph G. Blount, of Los Angeles, Cal.; Thomas D. Molloy, of Yuma, Ariz.; Joseph Gilfillan, of Philadelphia, Pa.; and John Helmas, of Washington, D. C., were admitted to practice.

No. 88. Gaar, Scott & Co., plaintiffs in error, *v.* O. K. Shannon. In error to the Court of Civil Appeals for the Third Supreme Judicial District of the State of Texas. Judgment affirmed with costs. Opinion by Mr. Justice Lamar.

No. 107. The New Marshall Engine Company et al., plaintiffs in error, *v.* The Marshall Engine Company, by Andrew Van Blarcom, its receiver. In error to the Superior Court of the State of Massachusetts. Judgment affirmed with costs. Opinion by Mr. Justice Lamar.

No. 108. The Galveston, Harrisburg & San Antonio Railway Company et al., plaintiffs in error, *v.* L. V. Wallace; and

No. 109. The Galveston, Harrisburg & San Antonio Railway Company et al., plaintiffs in error, *v.* J. D. Crow. In error to the Court of Civil Appeals for the Fourth Supreme Judicial District of the State of Texas. Judgments affirmed with costs. Opinion by Mr. Justice Lamar.

No. 122. Patrick B. McCarthy, plaintiff in error, *v.* The First National Bank of Rapid City, S. Dak. In error to the Supreme Court

of the State of South Dakota. Judgment affirmed with costs. Opinion by Mr. Justice Lamar.

No. 151. George S. Latimer, appellant, *v.* The United States. Appeal from the District Court of the United States for Porto Rico. Decree affirmed. Opinion by Mr. Justice Lamar.

No. 153. William Miller, plaintiff in error, *v.* Will R. King, substituted for First National Bank of Payette, Idaho. In error to the Supreme Court of the State of Oregon. Judgment affirmed with costs. Opinion by Mr. Justice Lamar.

No. 611. The United States, plaintiff in error, *v.* Nord Deutscher Lloyd. In error to the Circuit Court of the United States for the Southern District of New York. Judgment reversed, and cause remanded to the District Court of the United States for the Southern District of New York for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Lamar.

No. 844. Metropolitan Water Company, appellant, *v.* The Kaw Valley Drainage District, etc. Appeal from the Circuit Court of the United States for the District of Kansas. Dismissed for the want of jurisdiction, and cause remanded to the District Court of the United States for the District of Kansas. Opinion by Mr. Justice Lamar.

No. 99. Charles Reitler, plaintiff in error, *v.* William A. Harris. In error to the Supreme Court of the State of Kansas. Judgment affirmed with costs. Opinion by Mr. Justice Van Devanter.

No. 384. Gabriel Diaz, plaintiff in error, *v.* The United States. In error to the Supreme Court of the Philippine Islands. Judgment affirmed. Opinion by Mr. Justice Van Devanter. Dissenting: Mr. Justice Lamar.

No. 30. The United States, petitioner, *v.* Bernard Citroen. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment affirmed and cause remanded to the District Court of the United States for the Southern District of New York. Opinion by Mr. Justice Hughes.

No. 44. Richard Ferris, plaintiff in error, *v.* Charles Frohman et al. In error to the Supreme Court of the State of Illinois. Judgment affirmed with costs. Opinion by Mr. Justice Hughes.

No. 385. The City of Cincinnati, plaintiff in error, *v.* The Louisville & Nashville Railroad Company. In error to the Supreme Court of the State of Ohio. Judgment affirmed with costs. Opinion by Mr. Justice Lurton.

No. 83. The Lincoln Gas & Electric Light Company, appellant, *v.* The City of Lincoln et al. Appeal from the Circuit Court of the United States for the District of Nebraska. Decree reversed with costs, and cause remanded to the District Court of the United States

for the District of Nebraska, for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Lurton.

No. 155. Metropolitan Redwood Lumber Company, claimant of steamer San Pedro, appellant, *v.* Charles P. Doe, owner, etc., et al. Appeal from the District Court of the United States for the Northern District of California. Decree reversed with costs, and cause remanded for further proceedings. Opinion by Mr. Justice Lurton.

No. 159. Irene Cuebas y Arredondo, appellant, *v.* Felipe Cuebas y Arredondo. Appeal from the District Court of the United States for Porto Rico. Decree affirmed with costs. Opinion by Mr. Justice Lurton.

No. 292. Salvatore L. Rocca, plaintiff in error, *v.* George F. Thompson. In error to the Supreme Court of the State of California. Judgment affirmed with costs. Opinion by Mr. Justice Day.

No. 708. United States Express Company, plaintiff in error, *v.* State of Minnesota. In error to the Supreme Court of the State of Minnesota. Judgment affirmed with costs. Opinion by Mr. Justice Day.

No. 152. John Powers, plaintiff in error, *v.* The United States. In error to the District Court of the United States for the Western District of Virginia. Judgment affirmed. Opinion by Mr. Justice Day.

No. 11. Ker & Company, plaintiff in error, *v.* Albert R. Couden. In error to the Supreme Court of the Philippine Islands. Judgment affirmed with costs. Opinion by Mr. Justice Holmes. Dissenting: Mr. Justice McKenna.

No. 162. The Atchison, Topeka & Santa Fe Railway Company, plaintiff in error, *v.* Timothy O'Connor. In error to the Circuit Court of the United States for the District of Colorado. Judgment reversed with costs, and cause remanded to the District Court of the United States for the District of Colorado, for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Holmes.

No. 165. Ira W. Collins, plaintiff in error, *v.* The State of Texas. In error to the Court of Criminal Appeals of the State of Texas. Judgment affirmed with costs. Opinion by Mr. Justice Holmes.

No. 624. Leo Meyer, as auditor of the State of Oklahoma, appellant, *v.* Wells, Fargo & Company. Appeal from the Circuit Court of the United States for the Western District of Oklahoma. Decree affirmed with costs, and cause remanded to the District Court of the United States for the Western District of Oklahoma. Opinion by Mr. Justice Holmes.

No. 93. Luther Jacobs et al., plaintiffs in error, *v.* A. G. Prichard, trustee. In error to the Supreme Court of the State of Washington. Judgment affirmed with costs. Opinion by Mr. Justice McKenna.

No. 112. Annie Fairbanks, a minor, by her guardian ad litem, Benjamin L. Fairbanks, appellant, *v.* The United States; and

No. 113. Edward L. Warren, appellant, *v.* The United States. Appeals from the United States Circuit Court of Appeals for the Eighth Circuit. Decrees affirmed, and causes remanded to the District Court of the United States for the District of Minnesota. Opinion by Mr. Justice McKenna.

No. 125. The United States Fidelity & Guaranty Company, appellant, *v.* A. Sandoval and P. Sandoval. Appeal from the Supreme Court of the Territory of Arizona. Decree reversed with costs, and cause remanded with directions to affirm the judgment of the district court. Opinion by Mr. Justice McKenna.

No. 145. The New York Continental Jewell Filtration Company, plaintiff in error, *v.* The District of Columbia. In error to the Court of Appeals of the District of Columbia. Judgment affirmed with costs. Opinion by Mr. Justice McKenna.

No. 138. Northwestern Mutual Life Insurance Company, petitioner, *v.* J. William McCue et al., infants, etc. On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit. Judgment of the United States Circuit Court of Appeals reversed with costs, and judgment of the Circuit Court of the United States for the Western District of Virginia affirmed with costs, and cause remanded to the District Court of the United States for the Western District of Virginia. Opinion by Mr. Justice McKenna.

No. 169. Thomas E. Jacob and Frank Hobson, plaintiffs in error, *v.* S. L. Roberts. In error to the Supreme Court of the State of California. Judgment affirmed with costs. Opinion by Mr. Justice McKenna.

No. 190. The United States, petitioner, *v.* Leopold Baruch. 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 reversed, and judgment of the Circuit Court of the United States for the Southern District of New York affirmed, and cause remanded to the District Court of the United States for the Southern District of New York. Opinion by Mr. Chief Justice White.

No. 166. The Aetna Life Insurance Company, plaintiff in error, *v.* Patrick F. Tremblay. In error to the Supreme Judicial Court of the State of Maine. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice White.

No. 41. The vessel Abbey Dodge, A. Kalimeris, claimant, appellant, *v.* The United States. Appeal from the District Court of the United States for the Southern District of Florida. Decree reversed, and cause remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Chief Justice White.



No. 164. Hamilton H. Hendricks, plaintiff in error, *v.* The United States. In error to the Circuit Court of the United States for the District of Oregon. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice White.

No. 36. Pacific States Telephone & Telegraph Company, plaintiff in error, *v.* The State of Oregon. In error to the Supreme Court of the State of Oregon. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice White.

No. 503. Frank Kiernan, plaintiff in error, *v.* The City of Portland et al. In error to the Supreme Court of the State of Oregon. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice White.

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

No. 554. Horace Chase, individually and as administrator, etc., plaintiff in error, *v.* Leonard H. Phillips and Samuel C. Lawrence, trustees. In error to the Supreme Judicial Court of the State of Massachusetts. Per curiam: Dismissed for the want of jurisdiction. *Farrel v. O'Brien* (199 U. S., 100), *San Francisco v. Itsell* (133 U. S., 65); *Empire State-Idaho Mining Co. v. Hanley* (205 U. S., 225, 235-236); *Chase v. Phillips* (216 U. S., 616).

No. 130. John A. Knott et al., Railroad and Warehouse Commissioners et al., appellants, *v.* Chicago, Burlington & Quincy Railroad Company; and Nos. 134, 672 to 705, 507, 364, 424, 599, 600, 601, 784, 813, 814, 776, and 505. Reassigned for argument on Monday, April 1, next.

No. 820. The United States of America, appellant, *v.* The Union Pacific Railroad Company et al. Reassigned for argument on Monday, April 1, next, after No. 130, etc.

No. 721. James H. Graham, plaintiff in error, *v.* The State of West Virginia. Motion to advance granted, and cause assigned for argument on Monday, April 1, next, after the cases already assigned for that day.

No. 836. The United States, plaintiff in error and appellant, *v.* The Antikamnia Chemical Company. Motion to dismiss or affirm postponed to the hearing of the cause on its merits.

No. 936. Charles R. Heike, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 937. Ernest W. Gerbracht, 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. 942. Gould Storage Battery Company, petitioner, *v.* Electric Storage Battery Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 945. Hyman Epstein, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

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No. 963. Walter Baker & Company (Ltd.), petitioner, *v.* Sidney C. Gray et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. J. L. Putnam, Mr. Frank F. Reed, and Mr. E. S. Rogers for the petitioner, and by Mr. Dorr Raymond Cobb for the respondents.

No. 981. William Adler, 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. E. D. Saunders, Mr. Charles Rosen, Mr. J. D. Rouse, Mr. William Grant, and Mr. Gustave Lemle for the petitioner, with leave to the Solicitor General to file opposition on or before Friday next, if so advised.

No. 980. William A. Pierce, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia submitted by Mr. Frederic D. McKenney, in behalf of Mr. A. S. Worthington, for the petitioner, with leave to the Solicitor General to file opposition on or before Friday next, if so advised.

No. 985. Mitchell Coal & Coke Company, 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. Joseph Gilfillan and Mr. George S. Graham for the petitioner.

No. 867. Ben Blanchard et al., petitioners, *v.* G. W. Ammons et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. William C. Prentiss, in behalf of Mr. Elias S. Clark, for the petitioners, and by Mr. John W. Griggs and Mr. Martin Conboy for the respondent.

No. 948. Frank N. Thomas, petitioner *v.* Conrad H. Matthiessen. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Alfred A. Wheat and Mr. Philip A. Rollins for the petitioner and by Mr. Arthur C. Rounds for the respondent.

No. 975. The Model Bottling Machinery Company, petitioner, *v.* Anheuser-Busch Brewing Association. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. L. S. Bacon, in behalf of Mr. Hugh K.

Wagner, for the petitioner and by Mr. Charles C. Linthicum for the respondent.

No. 606. The Singer Manufacturing Company, appellant, *v.* Wirt Adams, State Revenue Agent of Mississippi, et al. Petition for a writ of certiorari herein submitted by Mr. Harry Peyton, in behalf of Mr. C. H. Alexander, for the appellant.

No. 951. Charles Becker, petitioner, *v.* D. T. Humphrey et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Joseph A. Schultz for the petitioner.

No. 961. Alphonse Dufaur and Eva Dufaur, petitioners, *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. Evans Browne, Mr. A. B. Browne, Mr. Burton Hanson, Mr. Otis H. Waldo, and Mr. T. J. Fell for the petitioners, with leave to the Solicitor General to file opposition on or before Friday next if so advised.

No. 396. C. R. Sharp et al., appellants, *v.* E. W. Bonham et al. Suggestion of diminution of the record and motion for a writ of certiorari submitted by Mr. Alfred P. Thom, in behalf of counsel for the appellants.

No. 439. Isidor Straus et al., composing the firm of R. H. Macy & Company, plaintiffs in error, *v.* American Publishers' Association et al. Motion to dismiss or affirm submitted by Mr. Stephen H. Olin for the defendants in error, in support of the motion, and by Mr. Edmond E. Wise and Mr. Wallace Macfarlane for the plaintiffs in error, in opposition thereto.

No. 298. Margaret Kopp et al., appellants, *v.* Maria Waters. Appeal from the Court of Appeals of the District of Columbia. Dismissed with costs on motion of counsel for the appellants.

No. 959. E. E. Taenzer & Company, petitioner, *v.* Chicago, Rock Island & Pacific Railway Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. Dismissed on motion of counsel for the petitioner.

No. 846. Omaha & Council Bluffs Street Railway Company et al., appellants, *v.* Interstate Commerce Commission. Argument commenced by Mr. John Lee Webster for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, February 20, will be as follows: Nos. 846, 879 (and 880, 881, and 882), 641 (and 642), 559 (and 575 and 809), 914, 883 (and 884, 928, and 929), 168, 161, 171, and 172.

## SUPREME COURT OF THE UNITED STATES.

TUESDAY, FEBRUARY 20, 1912.

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.

Gustavus A. Rogers, of New York City; N. E. Kendall, of Albia, Iowa; Samuel H. Crosby, of Denver, Colo.; Ben D. Kimpel, of Fort Smith, Ark.; Charles J. St. John, of Bristol, Tenn.; and Ira P. Englehart, of North Yakima, Wash., were admitted to practice.

No. 846. Omaha & Council Bluffs Street Railway Company et al., appellants, *v.* Interstate Commerce Commission. Argument continued by Mr. John Lee Webster for the appellant, by Mr. Assistant Attorney General Denison for the United States, by Mr. Charles W. Needham for the Interstate Commerce Commission, and concluded by Mr. John Lee Webster for the appellant.

Nos. 879 and 880. The Interstate Commerce Commission et al., appellants, *v.* Goodrich Transit Company; and

Nos. 881 and 882. The United States et al., appellants, *v.* White Star Line. One hour additional time allowed each side in the argument of these cases, on motion of Mr. Ralph M. Shaw for the appellees. Argument commenced by Mr. Assistant to the Attorney General Fowler for the United States, and continued by Mr. Ralph M. Shaw for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, February 21, will be as follows: Nos. 879 (and 880, 881, and 882), 641 (and 642), 559 (and 575 and 809), 914, 883 (and 884, 928, and 929), 168, 161, 171, 172, and 163.



## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, FEBRUARY 21, 1912.

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.

Curtis C. Williams, of Columbus, Ohio; Stephen A. Foster, of Chicago, Ill.; John T. Van Metre, of Mahanomen, Minn.; George McK. McClellan, of Honolulu, Hawaii; and W. S. Fitzpatrick, of Independence, Kans., were admitted to practice.

Nos. 879 and 880. The Interstate Commerce Commission et al., appellants, *v.* Goodrich Transit Company; and

Nos. 881 and 882. The United States et al., appellants, *v.* White Star Line. Argument continued by Mr. Ralph M. Shaw for the appellees, and concluded by Mr. Charles W. Needham for the Interstate Commerce Commission.

No. 641. *M. Anderson v. The Pacific Coast Steamship Company*, claimant of the steamship *Queen*, etc.; and

No. 642. *N. Jordon v. The Pacific Coast Company*, claimant of the steamship *Umatilla*, etc. Argued by Mr. William Denman for Anderson and Jordon, and by Mr. Graham Sumner for the steamship companies. Leave granted to both counsel to file additional briefs within 10 days. Petition for a writ of certiorari herein to bring up the whole record and cause submitted by Mr. Graham Sumner and Mr. George W. Towle in support of the petition, and by Mr. William Denman in opposition thereto.

Adjourned until Friday next at 12 o'clock.

The day call for Friday, February 23, will be as follows: Nos. 559 (and 575 and 809), 914, 883 (and 884, 928, and 929), 168, 161, 171, 172, 163, 173, and 176.



## SUPREME COURT OF THE UNITED STATES.

FRIDAY, FEBRUARY 23, 1912.

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.

Charles B. Stewart, of Salt Lake City, Utah; George Hart, of Philadelphia, Pa.; Marion Smith, of Atlanta, Ga.; George D. Rodgers, of Muskogee, Okla.; George J. McEwan, of West Hoboken, N. J.; W. J. Sears, of Kissimmee, Fla.; H. Francis Dyruff, of New York City; and D. K. Hawthorne, of Jonesboro, Ark., were admitted to practice.

No. 258. The Northern Pacific Railway Company et al., appellants, *v.* The United States. Appeal from the United States Circuit Court of Appeals for the Ninth Circuit. Dismissed, on motion of counsel for the appellants.

No. 319. Minneapolis, St. Paul & Sault Ste. Marie Railway Company, plaintiff in error, *v.* William H. Ladd. In error to the Circuit Court of Rusk County, State of Wisconsin. Dismissed, without costs to either party, per stipulation.

No. 559. Bessie Brown English, plaintiff in error, *v.* H. T. Richardson, county treasurer of Tulsa County;

No. 575. Michael H. Gleason et al., plaintiffs in error, *v.* J. I. Wood, county treasurer, etc., et al.; and

No. 809. George W. Choate et al., plaintiffs in error, *v.* M. E. Trapp, secretary, etc., et al. Argument commenced by Mr. W. L. Sturdevant for the plaintiffs in error in Nos. 559 and 575, continued by Mr. David C. McCurtain for the plaintiff in error in No. 575, by Mr. Charles West for the defendants in error, and concluded by Mr. Joseph W. Bailey for the plaintiffs in error in No. 809.

No. 914. Charles N. Haskell et al., appellants, *v.* The Kansas Natural Gas Company et al. Submitted by Mr. Charles West for the appellants, and by Mr. John G. Johnson, Mr. David T. Watson, Mr. E. L. Scarritt, and Mr. John J. Jones for the appellees.

No. 883. The United States of America et al., appellants, *v.* Atchison, Topeka & Santa Fe Railway Company et al.

No. 884. The United States of America et al., appellants, *v.* Union Pacific Railroad Company et al.

No. 928. The United States of America et al., appellants, *v.* Atchison, Topeka & Santa Fe Railway Company et al.; and

No. 929. The United States of America et al., appellants, *v.* Union Pacific Railroad Company et al. Four hours allowed to each side for the argument of these cases, on motion of Mr. Attorney General Wickersham for the United States. Argument commenced by Mr. Assistant to the Attorney General Fowler for the United States.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, February 26, will be as follows: Nos. 883 (and 884, 928, and 929), 168, 161, 171, 172, 163, 173, 176, 177, and 178.



## SUPREME COURT OF THE UNITED STATES.

MONDAY, FEBRUARY 26, 1912.

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.

Alexander Cameron, of New York City, N. Y.; Abner H. Ferguson, of Washington, D. C.; Arthur Thad Smith, of Boston, Mass.; and Jeremiah S. Sullivan, of Boston, Mass., were admitted to practice.

No. 18. The Kansas City Southern Railway Company, plaintiff in error, *v. C. H. Albers Commission Company*. In error to the Supreme Court of the State of Kansas. Judgment reversed with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Van Devanter.

Nos. 607 and 608. The United States, plaintiff in error, *v. Harvey C. Miller and Morris F. Miller*. In error to the Circuit Court of the United States for the Southern District of Georgia. Judgments reversed, and causes remanded to the District Court of the United States for the Southern District of Georgia for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Van Devanter.

No. 121. Southern Pacific Railroad Company et al., appellants, *v. The United States*. Appeal from the United States Circuit Court of Appeals for the Ninth Circuit. Decree affirmed, and cause remanded to the District Court of the United States for the Southern District of California. Opinion by Mr. Justice Holmes.

No. 128. The United States, appellant, *v. The Southern Pacific Railroad Company et al.*; and

No. 129. The Southern Pacific Railroad Company et al., appellants, *v. The United States*. Decree reversed in part and affirmed in part, and cause remanded to the District Court of the United States for the Southern District of California for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Holmes.

No. 160. The Ontario Land Company, appellant, *v. Charles H. Wilfong et al.* Appeal from the United States Circuit Court of Appeals for the Ninth Circuit. Decree affirmed with costs, and cause remanded to the District Court of the United States for the Eastern District of Washington. Opinion by Mr. Justice McKenna.



No. 85. The United States, appellant, *v.* Charles E. Ellicott and John B. Norris, copartners, etc. Appeal from the Court of Claims. Judgment reversed, and cause remanded with directions to dismiss the petition. Opinion by Mr. Chief Justice White.

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

No. 439. Isidor Straus et al., composing the firm of R. H. Macy & Company, plaintiffs in error, *v.* American Publishers Association et al. Motion to dismiss or affirm postponed to the hearing of the cause on its merits.

No. 948. Frank N. Thomas, petitioner, *v.* Conrad H. Matthiessen. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 867. Ben Blanchard et al., petitioners, *v.* G. W. Ammons et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 951. Charles Becker, petitioner, *v.* D. T. Humphrey et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 961. Alphonse Dufaur and Eva Dufaur, petitioners, *v.* The United States. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 963. Walter Baker & Company, Limited, petitioner, *v.* Sidney C. Gray et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 975. The Model Bottling Machinery Company, petitioner, *v.* Anheuser-Busch Brewing Association. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 980. William A. Pierce, petitioner, *v.* the United States of America. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 981. William Adler, 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. 985. Mitchell Coal & Coke Company, petitioner, *v.* Pennsylvania Railroad Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 396. C. R. Sharpe et al., appellants, *v.* E. W. Bonham et al. Motion for a writ of certiorari granted, and the paper presented with the same ordered to stand as a return to the writ.

No. 3 Original. Commonwealth of Virginia, complainant, *v.* State of West Virginia. Ordered that the special master be allowed twenty thousand dollars for his services in this case, to be taxed as costs in the case.

Order: It is ordered by the court that rule 36 of the rules of this court be, and the same is hereby, amended so as to read as follows:

36.

1. An appeal or a writ of error from a district court direct to this court, in the cases provided for in sections 238 and 252 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, chapter 231, may be allowed, in term time or in vacation, by any justice of this court, or by any circuit judge assigned to the district court, or by any district judge within his district, and the proper security be taken and the citation signed by him, and he may also grant a supersedeas and stay of execution or of proceedings, pending such writ of error or appeal.

2. Where such writ of error is allowed in the case of a conviction of an infamous crime, or in any other criminal case in which it will lie under section 238, the district court, or any judge thereof, or any justice of this court, or any circuit judge assigned to the district court, shall have power, after the citation is served, to admit the accused to bail in such amount as may be fixed.

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No. 519. Chester S. Jordan, plaintiff in error, *v.* The Commonwealth of Massachusetts. Motion to advance submitted by Mr. James M. Swift for the defendant in error.

No. 569. Baltic Mining Company, plaintiff in error, *v.* Commonwealth of Massachusetts. Motion to advance submitted by Mr. James M. Swift 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. 859. The Interstate Commerce Commission, plaintiff in error, *v.* The United States of America *ex rel* Humboldt Steamship Company. Motion to advance submitted by Mr. Solicitor General Lehmann for the plaintiff in error.

No. 772. Fred J. Bliss, petitioner, *v.* The Washoe Copper Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Hannis Taylor, Mr. Robert Lee Clinton, and Mr. Caleb M. Sawyer for the petitioner, and by Mr. John A. Garver, Mr. James M. Beck, and Mr. L. O. Evans for the respondent.

No. 995. Mary J. Leesnitzer et al., appellants, *v.* Margaret E. Taylor in her own right and as executrix of Thomas Taylor, deceased. Appeal from the Court of Appeals of the District of Columbia. Docketed and dismissed with costs, on motion of Mr. J. J. Darlington for the appellee.

No. 969. Thaddeus Davids Company, petitioner, *v.* Cortland I. Davids et al., etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. W. P. Preble for the petitioner.

No. 536. George W. McConnell, appellant, *v.* George H. Burr et al. Dismissed with costs, on motion of counsel for appellant.

No. 178. Charles Clason, appellant, *v.* Nick Matko et al. Submitted by Mr. Edward M. Cleary for the appellant, and by Mr. A. R. Serven for the appellees.

No. 883. The United States of America et al., appellants, *v.* Atchison, Topeka & Santa Fe Railway Company et al.;

No. 884. The United States of America et al., appellants, *v.* Union Pacific Railroad Company et al.;

No. 928. The United States of America et al., appellants, *v.* Atchison, Topeka & Santa Fe Railway Company et al.; and

No. 929. The United States of America et al., appellants, *v.* Union Pacific Railroad Company et al. Argument continued by Mr. P. J. Farrell for the Interstate Commerce Commission, by Mr. Stephen A. Foster for the Chicago Association of Commerce, by Mr. H. M. Stephens for the City of Spokane et al., and by Mr. F. C. Dillard for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, February 27, will be as follows: Nos. 883 (and 884, 928, and 929), 168, 161, 171, 172, 163, 173, 176, 177, and 179.



## SUPREME COURT OF THE UNITED STATES.

TUESDAY, FEBRUARY 27, 1912.

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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. Newell Steele, of Olympia, Wash., and Clifford V. Church, of Washington, D. C., were admitted to practice.

No. 883. The United States of America et al., appellants, *v.* Atchison, Topeka & Santa Fe Railway Company et al.;

No. 884. The United States of America et al., appellants, *v.* Union Pacific Railroad Company et al.;

No. 928. The United States of America et al., appellants, *v.* Atchison, Topeka & Santa Fe Railway Company et al.; and

No. 929. The United States of America et al., appellants, *v.* Union Pacific Railroad Company et al. Argument continued by Mr. F. C. Dillard for the appellees, by Mr. F. W. M. Cutcheon for the Denver & Rio Grande Railroad Company et al., by Mr. Joseph N. Teal for the Portland Chamber of Commerce et al., and concluded by Mr. Attorney General Wickersham for the United States.

No. 168. The Pennsylvania Railroad Company, plaintiff in error, *v.* International Coal Mining Company. Argument commenced by Mr. Francis I. Gowan for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, February 28, will be as follows: Nos. 168, 161, 171, 172, 163, 173, 176, 177, 179, and 180.

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## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, FEBRUARY 28, 1912.

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.

Xenophon P. Wilfley, of St. Louis, Mo., and John G. Brown, of Helena, Mont., were admitted to practice.

No. 300. J. A. Scriven Company, appellant, *v.* Premium Manufacturing Company. Appeal from the United States Circuit Court of Appeals for the Eighth Circuit. Dismissed for want of jurisdiction, per stipulation, on motion of Mr. F. W. Lehmann for the appellee.

No. 168. Pennsylvania Railroad Company, plaintiff in error, *v.* International Coal Mining Company. Argument continued by Mr. Francis I. Gowan for the plaintiff in error, and by Mr. William A. Glasgow, jr., for the defendant in error, and concluded by Mr. Francis I. Gowan for the plaintiff in error.

No. 161. Lafayette E. Campbell et al., plaintiffs in error, *v.* The United States of America. Passed, on account of sickness of counsel.

No. 171. Cassius B. Thomas et al., plaintiffs in error, *v.* William C. Taylor. Argued by Mr. Nash Rockwood for the plaintiffs in error, and by Mr. Edgar T. Brackett for the defendant in error.

No. 172. National Bank of Newport, New York, appellant, *v.* National Herkimer County Bank of Little Falls, N. Y. Argument commenced by Mr. Henry J. Cookinham for the appellant, and continued by Mr. Myron G. Bronner for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, February 29, will be as follows: Nos. 172, 163, 173, 176, 177, 179, 180, 181, 182, and 183.

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## SUPREME COURT OF THE UNITED STATES.

THURSDAY, FEBRUARY 29, 1912.

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.

William L. Hartman, of Pueblo, Colo.; John A. Martin, of Pueblo, Colo.; and Daniel W. Hoan, of Milwaukee, Wis., were admitted to practice.

No. 182. Homer Walt et al., plaintiffs in error, *v.* The People of the State of Colorado. In error to the Supreme Court of the State of Colorado. Dismissed with costs, pursuant to the tenth rule.

No. 172. National Bank of Newport, New York, appellant, *v.* National Herkimer County Bank of Little Falls, New York. Argument continued by Mr. Myron G. Bronner for the appellee, and concluded by Mr. Henry J. Cookinham for the appellant.

No. 163. Cedar Rapids Gas Light Company, plaintiff in error, *v.* City of Cedar Rapids et al. Argued by Mr. James H. Trewin for the plaintiff in error, and by Mr. James W. Jamison and Mr. William Chamberlain for the defendants in error.

No. 173. J. M. Graham et al., plaintiffs in error, *v.* Charles H. Gill. Submitted by Mr. Hilary A. Herbert, Mr. Benjamin Micou, and Mr. Richard P. Whiteley for the plaintiffs in error, and by Mr. John W. Burton for the defendant in error.

No. 176. Lewis P. Wingert, appellant, *v.* The First National Bank of Hagerstown et al. Argued by Mr. Henry F. Wingert for the appellant, and by Mr. C. A. Little and Mr. George R. Gaither for the defendants in error.

No. 177. George R. Plummer, appellant, *v.* The United States. Argument commenced by Mr. George A. King for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, March 1, will be as follows: Nos. 177, 179, 180, 181, 183, 184, 185, 186, 187, and 188.

## SUPREME COURT OF THE UNITED STATES.

FRIDAY, MARCH 1, 1912.

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.

Herman H. Nettelroth, of Louisville, Ky.; Bernard H. Arnold, of New York City; Keith L. Bullitt, of Louisville, Ky.; Arthur S. Barnes, of New York City; Roger B. Wood, of New York City; W. C. Reeves, of Oklahoma City, Okla.; and Clarence Homer Higley, of Rockford, Ill., were admitted to practice.

No. 186. The Washington Water Power Company, plaintiff in error, Walter S. Gaskill. In error to the Supreme Court of the State of Idaho. Dismissed with costs, pursuant to the tenth rule.

No. 177. George R. Plummer, appellant, *v.* The United States. Argument continued by Mr. George A. King for the appellant, by Mr. Frederick De Courcy Faust for the appellee, and concluded by Mr. George A. King for the appellant.

No. 179. Westinghouse Electric Manufacturing Company, petitioner, *v.* The Wagner Electric Manufacturing Company. Argument commenced by Mr. Thomas B. Kerr for the petitioner, continued by Mr. Melville Church for the respondent, and concluded by Mr. Paul Bakewell for the petitioner.

Adjourned until Monday next at 12 o'clock.

Call for Monday: Nos. 180, 181, 183, 184, 185, 187, 188, 189, 191 and 192), and 193 (and 196).



## SUPREME COURT OF THE UNITED STATES.

MONDAY, MARCH 4, 1912.

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.

Edward Frank Glover, of Richmond, Tex.; Gustave Scholle, of St. Paul, Minn.; Carroll B. Graves, of Seattle, Wash.; Perry I. Trafford, of New York, N. Y.; and Cass Connaway, of Indianapolis, Ind., were admitted to practice.

No. 10 Original. *Ex parte*: In the matter of The Merchants' Stock and Grain Company et al., petitioners. Mandamus awarded. Opinion by Mr. Justice Van Devanter.

No. 70. Philadelphia Company, appellant, *v.* Henry L. Stimson, Secretary of War. Appeal from the Court of Appeals of the District of Columbia. Decree affirmed with costs. Opinion by Mr. Justice Hughes.

The Chief Justice announced the following orders of the court:

No. 519. Chester S. Jordan, plaintiff in error, *v.* The Commonwealth of Massachusetts. Motion to advance granted, and cause assigned for argument on Monday, April 1 next, after the cases already assigned for that day.

No. 859. The Interstate Commerce Commission, plaintiff in error, *v.* The United States of America *ex rel.* Humboldt Steamship Company. Motion to advance granted, and cause assigned for argument on Monday, April 1 next, after the cases already assigned for that day.

No. 569. Baltic Mining Company, plaintiff in error, *v.* Commonwealth of Massachusetts. Motion to advance denied without prejudice to its renewal at the next term.

No. 772. Fred J. Bliss, petitioner, *v.* The Washoe Copper Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted.

No. 969. Thaddeus Davids Company, petitioner, *v.* Cortlandt I. Davids et al., etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 208. B. Altman & Company, plaintiff in error, *v.* The United States. Passed, to be restored to the call under the provisions of section 9, rule 26, on motion of Mr. Solicitor General Lehmann for the defendant in error.

No. 869. Low Wah Suey and Li A. Sim (Mrs. Low Wah Suey), appellants, *v.* Samuel W. Backus, commissioner, etc. Motion to dismiss or affirm submitted by Mr. Solicitor General Lehmann and Mr. Assistant Attorney General Harr for the appellee in support of the motion, and by Mr. Corry M. Stadden for the appellants in opposition thereto.

No. — Original. *Ex parte:* In the matter of Matthias Radin, petitioner. Motion for leave to file a petition for a writ of habeas corpus submitted by Mr. Harry Levor for the petitioner.

No. 180. James P. McGovern, plaintiff in error, *v.* The City of New York. Continued.

No. 181. Juan Martino Gonzales, appellant, *v.* Leon Ramos Buist et al. Submitted by Mr. H. H. Scoville and Mr. J. R. F. Savage for the appellant. No appearance for the appellees.

No. 183. O. G. Holt, trustee, etc., appellant, *v.* Crucible Steel Company of America. The death of O. G. Holt, the appellant herein, suggested, and the appearance of C. W. Johnson, trustee, etc., as the party appellant herein, filed and entered on motion of Mr. H. H. Nettelroth for the appellant.

No. 183. C. W. Johnson, trustee, etc., appellant, *v.* Crucible Steel Company of America. Argument commenced by Mr. H. H. Nettelroth for the appellant, continued by Mr. Keith L. Bullitt for the appellee, and concluded by Mr. H. H. Nettelroth for the appellant.

No. 184. Consumers Company, Limited, plaintiff in error, *v.* Albert L. Hatch. Argued by Mr. Myron A. Folsom for the plaintiff in error and submitted by Mr. Eugene V. Boughton for the defendant in error.

No. 185. Benjamin F. Roselle, plaintiff in error, *v.* The Commonwealth of Virginia. Argument commenced by Mr. H. W. Walsh for the plaintiff in error, continued by Mr. Samuel W. Williams (by special leave) for the defendant in error, and concluded by Mr. Daniel Harmon for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, March 5, will be as follows: Nos. 187, 188, 189, 191 (and 192), 193 (and 196), 161, 194, 195, 197 (and 761), and 198.

## SUPREME COURT OF THE UNITED STATES.

TUESDAY, MARCH 5, 1912.

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.

Morton E. Stevens, of Fairbanks, Alaska; William B. Rodgers, of Anaconda, Mont.; Thomas C. Guthrie, of Charlotte, N. C.; and George P. Barse, of Washington, D. C., were admitted to practice.

No. 9, Original. The State of Wyoming, complainant, *v.* The State of Colorado et al. Demurrer assigned for hearing on Tuesday, October 15th next, on motion of Mr. Douglas A. Preston for the complainant.

No. 187. The Kansas City Southern Railway Company, plaintiff in error, *v.* J. M. Carl. Argued by Mr. A. B. Browne for the plaintiff in error. No counsel appeared for the defendant in error.

No. 188. Guarantee Title & Trust Company, trustee, etc., appellant, *v.* Title Guaranty & Surety Company. Argued by Mr. R. T. M. McCready for the appellant, and by Mr. George J. Shaffer for the appellee.

No. 189. Alexander D. McKnight, plaintiff in error, *v.* Robert T. Hodge, sheriff, etc. In error to the Supreme Court of the State of Washington. Dismissed with costs, on motion of Mr. Lawrence Maxwell for the plaintiff in error.

Nos. 191 and 192. Albert S. Bigelow, plaintiff in error, *v.* Old Dominion Copper Mining & Smelting Company. Argument commenced by Mr. John C. Spooner for the plaintiff in error, and continued by Mr. Edward F. McClennen for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, March 6, will be as follows: Nos. 191 (and 192), 193 (and 196), 161, 194, 195, 197 (and 761), 198, 199 (and 523), 203, and 204.

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## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, MARCH 6, 1912.

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.

John W. Shenk, of Los Angeles, Cal.; William J. Carr, of Pasadena, Cal.; Jacob John Lazaroe, of New York City; Huston Quin, of Louisville, Ky.; Edwin F. Jones, of Tucson, Ariz.; and Alfred H. Strickland, of New York City, were admitted to practice.

No. 203. Gulf, Colorado & Santa Fe Railway Company, plaintiff in error, *v.* W. R. Dennis. Submitted by Mr. J. W. Terry, Mr. Gardiner Lathrop, Mr. A. H. Culwell, Mr. A. B. Browne, Mr. Alexander Britton, and Mr. Evans Browne for the plaintiff in error. No counsel appeared for the defendant in error.

Nos. 191 and 192. Albert S. Bigelow, plaintiff in error, *v.* Old Dominion Copper Mining & Smelting Company. Argument continued by Mr. Edward F. McClennen and Mr. Louis D. Brandeis for the defendant in error, and concluded by Mr. John C. Spooner for the plaintiff in error.

No. 193. Ramon Valdes, appellant, *v.* Central Altagracia, Inc., and Nevers & Callaghan; and

No. 196. Central Altagracia, Inc., appellant, *v.* Ramon Valdes and Nevers and Callaghan. Submitted by Mr. F. Kingsbury Curtis, Mr. Hugo Kohlmann, and Mr. Martin Travieso, jr., for Valdes, by Mr. N. B. K. Pettingill and Mr. Frederick L. Cornwell for Central Altagracia, Inc., and by Mr. Francis H. Dexter for Nevers & Callaghan.

No. 161. Lafayette E. Campbell et al., plaintiffs in error, *v.* The United States of America. Argued by Mr. A. B. Browne for the plaintiffs in error, and by Mr. Assistant Attorney General Denison for the defendant in error.

No. 194. Otto H. Beutler, administrator, etc., *v.* Grand Junction Railway Company et al. Submitted by Mr. James J. Barbour for Beutler, and by Mr. George W. Kretzinger for the railway companies.

No. 195. The Western Union Telegraph Company, appellant, *v.* The City of Richmond. Argument commenced by Mr. Rush Taggart for the appellant, and continued by Mr. H. R. Pollard for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, March 7, will be as follows: Nos. 195, 197 (and 761), 198, 199 (and 523), 204, 205, 206, 207, 209 (and 210), and 211.

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## SUPREME COURT OF THE UNITED STATES.

THURSDAY, MARCH 7, 1912.

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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.

Charles F. Johnson, of Waterville, Me.; Frederick Bogue, of East Machias, Me.; Sylvan E. Hess, of St. Paul, Minn.; Edwin E. Squires, of Broken Bow, Nebr.; Albert H. Meads, of Chicago, Ill.; Arthur R. Wells, of Omaha, Nebr.; James B. Sheehan, of St. Paul, Minn.; J. M. C. Smith, of Charlotte, Mich.; Arthur W. Denison, of Newton, Mass.; and John C. Thomson, of New York City, were admitted to practice.

No. 205. Caroline Leslie Carter Payne, also known as Mrs. Leslie Carter, plaintiff in error, *v.* Anliss E. Heerman. In error to the City Court of the City of New York, State of New York. Dismissed with costs, pursuant to the tenth rule.

No. 211. Moneyweight Scale Company, plaintiff in error, *v.* Felix C. McBride. In error to the Supreme Judicial Court of the State of Massachusetts. Dismissed with costs, on motion of counsel for the plaintiff in error.

No. 195. The Western Union Telegraph Company, appellant, *v.* The City of Richmond. Argument continued by Mr. H. R. Pollard for the appellee, and concluded by Mr. Rush Taggart for the appellant.

Nos. 197 and 761. City of Louisville, appellant, *v.* Cumberland Telephone & Telegraph Company. Argument commenced by Mr. Clayton B. Blakey for the appellant, and continued by Mr. William L. Granbery for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, March 8, will be as follows: Nos. 197 (and 761), 198, 199 (and 523), 204, 206, 207, 209 (and 210), 212, 213, and 214.

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## SUPREME COURT OF THE UNITED STATES.

FRIDAY, MARCH 8, 1912.

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.

William H. Thompson, of Garden City, Kans.; Paul Brown, of Chicago, Ill.; Henry G. Herbel, of St. Louis, Mo.; Henry G. Frost, of Cincinnati, Ohio; W. J. Galbraith, of Tucson, Ariz.; Frank B. Evarts, of Cleveland, Ohio; and Glen A. Boone, of Cleveland, Ohio, were admitted to practice.

Nos. 197 and 761. City of Louisville, appellant, *v.* Cumberland Telephone & Telegraph Company. Argument continued by Mr. Alexander Pope Humphrey for the appellee, by Mr. Clayton B. Blakey for the appellant, and concluded by Mr. Huston Quinn for the appellant.

No. 198. Walter E. Myers, trustee, etc., plaintiff in error, *v.* A. Samuels et al. Argument commenced by Mr. John G. White for the plaintiff in error. The court declined to hear further argument.

No. 199. Chicago, Burlington & Quincy Railway Company, plaintiff in error, *v.* H. Fred Miller; and

No. 523. Chicago, St. Paul, Minneapolis & Omaha Railway Company, petitioner, *v.* Bud R. Latta. Argument commenced by Mr. Arthur R. Wells for the plaintiff in error in No. 199, and continued by Mr. James B. Sheean for the petitioner in No. 523, and by Mr. Edwin E. Squires for the defendant in error in No. 199.

Adjourned until Monday at 12 o'clock.

The day call for Monday, March 11, will be as follows: Nos. 199 (and 523), 204, 206, 207, 209 (and 210), 212, 213, 214, 215, and 216.

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# SUPREME COURT OF THE UNITED STATES.

MONDAY, MARCH 11, 1912.

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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.

Henry B. F. Macfarland, of Washington, D. C.; Max Levy, of Cincinnati, Ohio; William V. Tompkins, of Prescott, Ark.; and John R. Nicholson, of Wilmington, Del., were admitted to practice.

No. 498. Henry C. Ripley, appellant, *v.* The United States; and

No. 499. The United States, appellant, *v.* Henry C. Ripley. Appeals from the Court of Claims. Judgment modified and affirmed. Opinion by Mr. Justice Lamar.

No. 66. The United States *ex rel.* Mary S. Ness, plaintiff in error, *v.* Walter L. Fisher, Secretary of the Interior. In error to the Court of Appeals of the District of Columbia. Judgment affirmed with costs. Opinion by Mr. Justice Van Devanter.

No. 45. Tang Tun and Leung Kum Wui, petitioners, *v.* Harry Edsell, Chinese inspector, etc. 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 District Court of the United States for the Western District of Washington. Opinion by Mr. Justice Hughes.

No. 20. Sidney Henry et al. *v.* A. B. Dick Company. 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 Lurton. Dissenting: Mr. Chief Justice White, Mr. Justice Hughes, and Mr. Justice Lamar. (Mr. Justice Day was not present at the argument, and took no part in the decision of this case.)

No. 163. Cedar Rapids Gas Light Company, plaintiff in error, *v.* The City of Cedar Rapids et al. In error to the Supreme Court of the State of Iowa. Judgment affirmed with costs. Opinion by Mr. Justice Holmes.

No. 176. Lewis P. Wingert, appellant, *v.* The First National Bank of Hagerstown et al. Appeal from the United States Circuit Court

of Appeals for the Fourth Circuit. Dismissed with costs. Opinion by Mr. Justice Holmes.

No. 178. Charles Clason, appellant, *v.* Nick Matko et al. Appeal from the Supreme Court of the Territory of Arizona. Decree affirmed with costs, and cause remanded to the Supreme Court of the State of Arizona. Opinion by Mr. Justice McKenna.

No. 173. J. M. Graham et al., plaintiffs in error, *v.* Charles H. Gill. In error to the Supreme Court of the State of Florida. Judgment affirmed with costs. Opinion by Mr. Chief Justice White.

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

No. 198. Walter E. Meyers, trustee, etc., plaintiff in error, *v.* A. Samuels et al. In error to the Supreme Court of the State of Ohio. *Per curiam*: Dismissed for want of jurisdiction. The Missouri & Kansas Interurban Railway Company *v.* The City of Olathe, Kansas, decided December 4, 1911, and cases cited.

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

No. 869. Low Wah Suey and Li A. Sim (Mrs. Low Wah Suey), appellants, *v.* Samuel W. Backus, commissioner, etc. Ordered placed on summary docket.

No. 4. A. Sandoval and P. Sandoval, appellants, *v.* Epes Randolph; No. 23. Roger Sherman and D. H. Pinney, plaintiffs in error, *v.* Libbie Goodwin;

No. 86. J. R. Treat, treasurer, etc., et al., appellants, *v.* Grand Canyon Railway Company; and

No. 126. The Cieneguita Copper Company, appellant, *v.* Thomas Farish, jr., et al. Ordered that the mandates in these cases be directed to the Supreme Court of the State of Arizona.

Order: Ordered that cases heretofore placed on summary docket be assigned for hearing on Monday, April 29 next.

The Chief Justice also announced that the court will take a recess from Monday, the 18th instant, to Monday, April 1 next.

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No. 716. The Atchison, Topeka & Santa Fe Railway Company, plaintiff in error, *v.* The United States. Motion to dismiss submitted by Mr. Solicitor General Lehmann, Mr. Assistant Attorney General Thompson, and Mr. P. M. Cox for the defendant in error, in support of the motion, and by Mr. Robert Dunlap and Mr. Gardiner Lathrop for the plaintiff in error, in opposition thereto.

No. 875. William E. Breese et al. *v.* The United States. Motion to advance submitted by Mr. Solicitor General Lehmann for the United States, with leave to Mr. John G. Capers to file opposition on or before Friday next.

No. 625. Adams Express Company, plaintiff in error, *v.* Abe Davidson, trading as Davidson & Son. Motion to advance submitted by Mr. John Lewis Evans for the plaintiff in error.

No. 640. The National Telephone Manufacturing Company, plaintiff in error, *v.* The American Bell Telephone Company. Motion to advance submitted by Mr. Barry Mohun in behalf of counsel for the plaintiff in error.

No. 429. Perfecto Dimaguila and Buenaventura Dimaguila, appellants, *v.* The International Banking Corporation et al. Appeal from the Supreme Court of the Philippine Islands. Dismissed with costs, on motion of counsel for the appellants.

No. 972. Warren Ozro Kyle et al., appellants, *v.* John C. Hammond et al. Motion to dismiss or affirm submitted by Mr. Hollis R. Bailey for the appellees in support of the motion, and by Mr. Warren Ozro Kyle for the appellants in opposition thereto.

No. 199. Chicago, Burlington & Quincy Railway Company, plaintiff in error, *v.* H. Fred Miller; and

No. 523. Chicago, St. Paul, Minneapolis & Omaha Railway Company, petitioner, *v.* Bud R. Latta. Argument continued by Mr. H. C. Brome for the respondent in No. 523, by Mr. J. B. Sheean, for the plaintiff in error in No. 523, and concluded by Mr. R. B. Scott for the plaintiff in error in No. 199.

No. 204. J. L. Murphy, plaintiff in error, *v.* The People of the State of California. Argued by Mr. Alfred S. Austrian for the plaintiff in error, and by Mr. John E. Carson for the defendants in error.

No. 206. Henry Brinkmeier, plaintiff in error, *v.* The Missouri Pacific Railway Company. Submitted by Mr. C. V. Ferguson for the plaintiff in error, and by Mr. Bailie P. Waggener, Mr. Charles E. Benton, and Mr. David Smyth for the defendant in error.

No. 207. The World's Fair Mining Company, plaintiff in error, *v.* Frank Powers and Josephine Powers. Argument commenced by Mr. Frank H. Hereford for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, March 12, will be as follows: Nos. 207, 209 (and 210), 212, 213, 214, 215, 216, 217, 139 (and 140), and 218.

## SUPREME COURT OF THE UNITED STATES.

TUESDAY, MARCH 12, 1912.

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.

John Randolph Schindel, of Cincinnati, Ohio; Charles B. Stuart, of Oklahoma City, Okla.; D. J. Driscoll, of St. Marys, Pa.; and Alfred Sutro, of San Francisco, Cal., were admitted to practice.

No. 396. C. R. Sharpe et al., appellants, *v.* E. W. Bonham et al. Advanced under the thirty-second rule, on motion of Mr. Clifford B. Church, in behalf of counsel for the appellants, and cause submitted by Mr. John M. Gaut for the appellants, and by Mr. W. C. Caldwell for the appellees.

No. 207. The World's Fair Mining Company, plaintiff in error, *v.* Frank Powers and Josephine Powers. Argument continued by Mr. Frank H. Hereford for the plaintiff in error, by Mr. Eugene S. Ives for the defendants in error, and concluded by Mr. Frank H. Hereford for the plaintiff in error.

No. 209. The United States, appellant, *v.* Societe Anonyme des Anciens Etablissements Cail; and

No. 210. Societe Anonyme des Anciens Etablissements Cail, appellant, *v.* The United States. Argument commenced by Mr. Philip Mauro for Societe Anonyme des Anciens Etablissements Cail, continued by Mr. T. D. Merwin for Societe des Anciens Etablissements Cail, and by Mr. Assistant Attorney General Thompson for the United States.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, March 13, will be as follows: Nos. 209 (and 210), 212, 213, 214, 215, 216, 217, 139 (and 140), 218, and 219.

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## SUPREME COURT OF THE UNITED STATES.

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WEDNESDAY, MARCH 13, 1912.

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.

Nelson Phillips, of Dallas, Tex., and John E. Semmes, jr., of Baltimore, Md., were admitted to practice.

No. 209. The United States, appellant, *v.* Société Anonyme des Anciens Etablissements Cail; and

No. 210. Société Anonyme des Anciens Etablissements Cail, appellant, *v.* The United States. Argument continued by Mr. Assistant Attorney General Thompson and Mr. Malcolm A. Coles for the United States, and concluded by Mr. Philip Mauro for Société Anonyme des Anciens Etablissements Cail.

No. 213. Adams Express Company, plaintiff in error, *v.* E. H. Croninger. Argued by Mr. Lawrence Maxwell for the plaintiff in error, and by Mr. John Randolph Schindel for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, March 14, will be as follows: Nos. 212, 214, 215, 216, 217, 139 (and 140), 218, 219, 220, and 221.

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## SUPREME COURT OF THE UNITED STATES.

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THURSDAY, MARCH 14, 1912.

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.

Rudolph H. Yeatman, of Washington, D. C.; John H. Blanchard, of Boston, Mass.; James A. O'Gorman, of New York City; and Edwin A. Meserve, of Los Angeles, Cal., were admitted to practice.

No. 806. Hagon John, guardian, etc., plaintiff in error, *v.* Lewis Paullin et al. Leave granted to Mr. E. F. Colladay to withdraw his appearance herein as counsel for the plaintiff in error, on motion of Mr. E. F. Colladay in that behalf.

No. 212. J. W. Calnan Company, appellant, *v.* Henry A. Doherty et al. Argument commenced by Mr. Charles F. Eldredge for the appellant. The court declined to hear further argument.

No. 214. Rachael B. Brown, plaintiff in error, *v.* Thomas O. Selfridge. Argument commenced by Mr. Wilton J. Lambert for the plaintiff in error, continued by Mr. Henry E. Davis for the defendant in error, and concluded by Mr. Wilton J. Lambert for the plaintiff in error.

No. 215. The City of Pomona et al., appellants, *v.* Sunset Telephone & Telegraph Company. Argument commenced by Mr. John W. Sherk for the appellants, and continued by Mr. Alfred Sutro for the appellee, and by Mr. William J. Carr for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, March 15, will be as follows: Nos. 215, 216, 217, 139 (and 140), 218, 219, 220, 221, 222, and 223.

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# SUPREME COURT OF THE UNITED STATES.

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FRIDAY, MARCH 15, 1912.

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.

F. W. Root, of Minneapolis, Minn.; Charles H. Rutherford, of Jerome, Ariz.; Paul D. Carpenter, of Milwaukee, Wis.; and Samuel Lord, of St. Paul, Minn., were admitted to practice.

No. 215. The City of Pomona et al., appellants, *v.* Sunset Telephone & Telegraph Company. Argument concluded by Mr. William J. Carr for the appellants.

No. 216. In the matter of the petition of H. H. Loving, trustee. Submitted by Mr. James Denis Mocquot for Loving, trustee, and by Mr. W. F. Bradshaw, jr., for American-German National Bank.

No. 217. Charles Swanson, plaintiff in error, *v.* John T. Sears et al. Argued by Mr. John M. Zane for the plaintiff in error, and by Mr. Frank Reeves for the defendant in error.

No. 139. Louis Zeckendorf, appellant, *v.* Albert Steinfeld et al.; and No. 140. Albert Steinfeld et al., appellants, *v.* Louis Zeckendorf et al. Argued by Mr. Frank H. Hereford and Mr. Edwin A. Meserve for Zeckendorf, and by Mr. Eugene S. Ives for Steinfeld et al.

Adjourned until Monday next at 12 o'clock.

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## SUPREME COURT OF THE UNITED STATES.

MONDAY, MARCH 18, 1912.

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

Charles G. Baldwin, of Baltimore, Md.; G. Ridgely Sappington, of Baltimore, Md.; Charles T. Tittmann, of Washington, D. C.; Henry Waldo Greenough, of Providence, R. I.; Joseph Salomon, of Washington, D. C.; and J. H. McLean, of Llano, Tex., were admitted to practice.

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The Chief Justice said: "Gentlemen of the Bar, it is my privilege to announce that the President of the United States has filled the vacancy on this Bench by the appointment of Mr. Mahlon Pitney, of New Jersey. Mr. Pitney is present, and ready to take the oath of office. The clerk will read his commission."

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

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No. 161. Lafayette E. Campbell et al., plaintiffs in error, *v.* The United States. In error to the United States Circuit Court of Appeals for the Eighth Circuit. Judgment of the United States Circuit Court of Appeals reversed, and cause remanded to the said District Court of the United States for the District of Colorado. Opinion by Mr. Justice Van Devanter.

No. 96. San Juan Light & Transit Company, plaintiff in error, *v.* Belen Requena. In error to the District Court of the United States for Porto Rico. Judgment affirmed with costs and interest. Opinion by Mr. Justice Van Devanter.

No. 194. Otto H. Beutler, administrator, etc., *v.* Grand Junction Railway Company et al. On a certificate from the United States Circuit Court of Appeals for the Seventh Circuit. Question certified answered in the affirmative. Opinion by Mr. Justice Holmes.

No. 171. Cassius B. Thomas et al., plaintiffs in error, *v.* William C. Taylor. In error to the Supreme Court of the State of New York. Judgment affirmed with costs. Opinion by Mr. Justice McKenna.

The Chief Justice announced the following orders of the court:

Order: The reporter having represented that owing to the number of decisions at the present term it would be impracticable to put the reports in one volume,

It is therefore now here ordered that he publish an additional volume in this year pursuant to section 226 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

Order: There having been an Associate Justice of this court appointed since the commencement of this term,

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

For the First Circuit, Oliver Wendell Holmes, Associate Justice.

For the Second Circuit, Charles E. Hughes, Associate Justice.

For the Third Circuit, Mahlon Pitney, Associate Justice.

For the Fourth Circuit, Edward D. White, Chief Justice.

For the Fifth Circuit, Joseph R. Lamar, Associate Justice.

For the Sixth Circuit, William R. Day, Associate Justice.

For the Seventh Circuit, Horace H. Lurton, Associate Justice.

For the Eighth Circuit, Willis Van Devanter, Associate Justice.

For the Ninth Circuit, Joseph McKenna, Associate Justice.

No. 3 Original. Commonwealth of Virginia, complainant, *v.* State of West Virginia. Ordered that the parties to this cause show cause on Monday, April 8th next, why the petition of the special master that the amount of his compensation be advanced and paid by the complainant should not be granted.

No. 625. Adams Express Company, plaintiff in error, *v.* Abe Davidson, trading as Davidson & Son. Motion to advance denied.

No. 640. The National Telephone Mfg. Co., plaintiff in error, *v.* The American Bell Telephone Company. Motion to advance denied.

No. 875. William E. Breese et al. *v.* The United States. Motion to advance granted, and case assigned for argument on Tuesday, October 15th next, after the case heretofore assigned for that day.

No. 716. The Atchison, Topeka & Santa Fe Railway Company, plaintiff in error, *v.* The United States. Ordered that this case be placed on the summary docket and assigned for hearing on Monday, April 29th next.

No. 185. Benjamin F. Roselle, plaintiff in error, *v.* The Commonwealth of Virginia. In error to the Supreme Court of Appeals of the State of Virginia. Judgment affirmed with costs by a divided court.

No. 972. Warren Ozro Kyle et al., etc., appellants, *v.* John C. Hammond et al. Appeal from the United States Circuit Court of Appeals for the First Circuit. Per curiam: Dismissed for the want of jurisdiction.

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No. 201. Frank W. Brown, appellant, *v.* C. T. Elliott, United States marshal, etc., et al.;

No. 202. E. C. Moore, appellant, *v.* C. T. Elliott, United States marshal, etc., et al.; and

No. 447. Frederick A. Hyde and Joost H. Schneider, petitioners, *v.* The United States. Motion to assign for rehearing submitted by Mr. Solicitor General Lehmann for the United States.

No. 150. Rosewell E. Messenger, petitioner, *v.* Peter Anderson. Leave granted to submit memorandum concerning recent decision by the Supreme Court of Ohio, on motion of Mr. Harry E. King for the petitioner.

No. 498. Henry C. Ripley, appellant, *v.* The United States; and

No. 499. The United States, appellant, *v.* Henry C. Ripley. Motion to modify judgment submitted by Mr. William H. Robeson, Mr. Ben Carter, and Mr. F. Carter Pope for Ripley, with leave to the Solicitor General to file brief in opposition on or before Friday next, and two days to the other side to reply thereto if so advised.

No. 1024. Edward B. Goodman & Company et al., petitioners, *v.* The United States. Petition for a writ of certiorari to the United States Court of Customs Appeals submitted by Mr. Charles J. Kappeler, Mr. Charles H. Merillat, and Mr. Joseph S. Kammerlohr for the petitioners, with leave to the Solicitor General to file brief for the respondent to-morrow.

No. 1020. Clarence Dayton Hillman, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Wade H. Ellis, Mr. T. V. Bevington, and Mr. Abner H. Ferguson for the petitioner, and by Mr. Solicitor General Lehmann for the respondent.

No. 96. San Juan Light & Transit Company, plaintiff in error, *v.* Belen Requena. Motion that mandate issue at once submitted by Mr. George H. Lamar in behalf of counsel for the defendant in error.

No. 268. Jessie E. Thompson, appellant, *v.* Charles M. Thompson. Motion to dispense with reprinting portion of the record submitted by Mr. W. M. Lewin for the appellant.

No. 949. Missouri Pacific Railway Company, plaintiff in error, *v.* Alonzo C. Lessenden. Motion to dismiss or affirm or place cause on the summary docket submitted by Mr. W. F. Guthrie for the defendant in error in support of the motion, and by Mr. Martin L. Clardy for the plaintiff in error in opposition thereto.

Adjourned until Monday, April 1, at 12 o'clock.

The day call for Monday, April 1, will be as follows: Nos. 130 (and 134 and 672 to 705), 507, 364, 424, 599 (and 600 and 601), 784, 813 (and 814), 776 (and 505), 820, 721, 519, and 859.



## SUPREME COURT OF THE UNITED STATES.

MONDAY, APRIL 1, 1912.

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

Frank Y. Gladney, of St. Louis, Mo.; John M. Dawson, of Jefferson City, Mo.; Walter McElreath, of Atlanta, Ga.; Campbell Cummings, of St. Louis, Mo.; John J. King, of Texarkana, Tex.; Thomas S. Cobb, of Wewoka, Okla.; Thos. H. Owen, of Muskogee, Okla.; John W. Willmott, of Wewoka, Okla.; George W. Seevers, of Minneapolis, Minn.; William D. Turner, of Cleveland, Ohio; James Garnett, of Columbia, Ky.; Alexander Preston, of Baltimore, Md.; Samuel John Morrow, of Uniontown, Pa.; Edward Duffy, of Baltimore, Md.; John Lord O'Brian, of Buffalo, N. Y.; Fay E. Williams, of Bridgeport, Nebr.; R. A. Brown, of St. Joseph, Mo.; Fred H. Wood, of St. Louis, Mo.; John G. Schaich, of Kansas City, Mo.; Julien T. Davies, jr., of New York City; Francis V. S. Oliver, jr., of New York City; Joseph R. W. Cooper, of Chicago, Ill.; George E. Cruse, of New York City; J. D. Post, of Washington C. H., Ohio; W. W. Nelms, of Dallas, Tex.; Atlee Pomerene, of Canton, Ohio; Frank E. Doremus, of Detroit, Mich.; and J. Henry Goeke, of Wapakoneta, Ohio, were admitted to practice.

No. 47. Standard Oil Company of Indiana, plaintiff in error, *v.* State of Missouri, on information of Herbert S. Hadley, attorney general, succeeded by Elliott W. Major, et al.; and

No. 48. Republic Oil Company, plaintiff in error, *v.* State of Missouri, on information of Herbert S. Hadley, attorney general, succeeded by Elliott W. Major, et al. In error to the Supreme Court of the State of Missouri. Judgment affirmed with costs. Opinion by Mr. Justice Lamar.

No. 206. Henry Brinkmeier, plaintiff in error, *v.* The Missouri Pacific Railway Company. In error to the Supreme Court of the State of Kansas. Judgment affirmed with costs. Opinion by Mr. Justice Van Devanter.

No. 183. C. W. Johnson, trustee in bankruptcy of Davis, Kelly & Company, bankrupts, appellant, *v.* Crucible Steel Company of America. Appeal from the United States Circuit Court of Appeals for the Sixth Circuit. Decree affirmed with costs, and cause remanded to the District Court of the United States for the Western District of Kentucky. Opinion by Mr. Justice Van Devanter.

No. 42. Theodore R. Converse, receiver, etc., plaintiff in error, *v.* Caroline A. Hamilton; and

No. 43. Theodore R. Converse, receiver, etc., plaintiff in error, *v.* Geneva S. McCauley. In error to the Supreme Court of the State of Wisconsin. Judgments reversed with costs, and cases remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Van Devanter.

No. 396. C. R. Sharpe et al., appellants, *v.* E. W. Bonham et al. Appeal from the Circuit Court of the United States for the Middle District of Tennessee. Decree reversed with costs, and cause remanded to the District Court of the Middle District of Tennessee for further proceedings. Opinion by Mr. Justice Hughes.

No. 40. Alexander D. Johnson et al., appellants, *v.* The Washington Loan & Trust Company. Appeal from the Court of Appeals of the District of Columbia. Decree affirmed with costs. Opinion by Mr. Justice Hughes.

No. 496. P. E. Heckman and Robert L. Owen, appellants, *v.* The United States. Appeal from the United States Circuit Court of Appeals for the Eighth Circuit. Decree modified and affirmed and cause remanded to the District Court of the United States for the Eastern District of Oklahoma. Opinion by Mr. Justice Hughes. Mr. Justice Lurton dissents on the question of jurisdiction, but not on the merits.

Nos. 879 and 880. The Interstate Commerce Commission et al., appellants, *v.* Goodrich Transit Company; and

Nos. 881 and 882. The United States et al., appellants, *v.* White Star Line. Appeals from the United States Commerce Court. Decrees reversed, and causes remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Day. Dissenting: Mr. Justice Lurton and Mr. Justice Lamar.

No. 914. Charles N. Haskell et al., appellants, *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 Day.

No. 214. Rachael B. Brown, plaintiff in error, *v.* Thomas C. Selfridge. In error to the Court of Appeals of the District of Columbia. Judgment affirmed with costs. Opinion by Mr. Justice Day.

No. 216. In the matter of the petition of H. H. Loving, trustee. On a certificate from the United States Circuit Court of Appeals for the Sixth Circuit. Question certified answered in the negative. Opinion by Mr. Justice Day.

No. 195. The Western Union Telegraph Company, appellant, *v.* The City of Richmond. Appeal from the Circuit Court of the United States for the Eastern District of Virginia. Decree affirmed with costs, and cause remanded to the District Court of the United States for the Eastern District of Virginia. Opinion by Mr. Justice Holmes.

No. 207. The World's Fair Mining Company, plaintiff in error, *v.* Frank Powers and Josephine Powers. In error to the Supreme Court of the Territory of Arizona. Judgment affirmed with costs, and cause remanded to the Supreme Court of the State of Arizona. Opinion by Mr. Justice Holmes.

No. 217. Charles Swanson, plaintiff in error, *v.* John T. Sears and Nancy M. Kettler. In error to the Supreme Court of the State of Idaho. Judgment affirmed with costs. Opinion by Mr. Justice Holmes.

No. 188. Guarantee Title & Trust Company, trustee, etc., appellant, *v.* Title Guaranty & Surety Company. Appeal from the United States Circuit Court of Appeals for the Third Circuit. Decree reversed with costs, and cause remanded to the District Court of the United States for the Western District of Pennsylvania for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice McKenna.

No. 212. J. W. Calnan Company, appellant, *v.* Henry A. Doherty et al. Appeal from the United States Circuit Court of Appeals for the First Circuit. Dismissed for the want of jurisdiction. Opinion of Mr. Chief Justice White.

No. 71. Spencer S. Wood, appellant, *v.* The United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Chief Justice White.

No. 181. Juan Martino Gonzales, appellant, *v.* Leon Ramos Buist et al. Appeal from the District Court of the United States for Porto Rico. Decree affirmed with costs. Opinion by Mr. Chief Justice White.

No. 184. Consumers Company (limited), plaintiff in error, *v.* Albert L. Hatch. In error to the Supreme Court of the State of Idaho. Judgment affirmed with costs. Opinion by Mr. Chief Justice White.

No. 177. George R. Plummer, appellant, *v.* The United States. Appeal from the Court of Claims. Judgment reversed and cause remanded with a direction to enter judgment in favor of claimant for \$4,213.86. Opinion by Mr. Chief Justice White.



No. 2. Minnie Schodde, executrix of Henry Schodde, deceased, petitioner, *v.* Twin Falls Land & Water Company. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgment affirmed with costs, and cause remanded to the District Court of the United States for the District of Idaho. Opinion by Mr. Chief Justice White.

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

Order: It is ordered that rule 21 of the rules of practice of this court be amended by adding thereto the following section:

8. Every brief of more than 20 pages shall contain on its front fly leaves a subject index with page references, the subject index to be supplemented by a list of all cases referred to, alphabetically arranged, together with references to pages where the cases are cited.

No. —. American Security & Trust Company et al., *v.* The Commissioners of the District of Columbia. Application having been made to the Chief Justice to allow a writ of error in the above case to the Court of Appeals of the District of Columbia and the said application having been referred by the Chief Justice to the court for its action in virtue of said reference, it is now ordered that the parties to said application be allowed to file briefs on or before April 15 next on the single question whether this court has jurisdiction to review the decree and judgment of the Court of Appeals of the District of Columbia on writ of error.

No. —. The Washington Home for Incurables *v.* The American Security & Trust Company et al.

No. —. Benjamin L. Vermillion *v.* Baltimore & Ohio Railroad Company. Applications having been made to the Chief Justice to allow an appeal in the first of the above cases from the Court of Appeals of the District of Columbia and a writ of error in the second of the said cases to the same court and the said applications having been referred by the Chief Justice to the court for its action in virtue of said reference, it is now ordered that the parties to said applications be allowed to file briefs on or before April 15 next on the single question whether this court has jurisdiction to review the decree and judgment of the Court of Appeals of the District of Columbia on appeal and writ of error.

No. 201. Frank W. Brown, appellant, *v.* C. T. Elliott, United States Marshal, et al.;

No. 202. E. C. Moore, appellant, *v.* C. T. Elliott, United States Marshal, etc., et al.; and

No. 447. Frank A. Hyde et al., petitioners, *v.* The United States. Assigned for reargument on Monday, April 29 next, after the cases heretofore assigned for that day.

No. 168. Pennsylvania Railroad Company, plaintiff in error, *v.* International Coal Mining Company. Restored to the docket for reargument before a full Bench.

No. 498. Henry C. Ripley, appellant, *v.* The United States; and

No. 499. The United States, appellant, *v.* Henry C. Ripley. Motion to modify judgment denied.

No. 96. San Juan Light & Transit Company, plaintiff in error, *v.* Belen Requena. Motion that mandate issue at once granted.

No. 268. Jessie E. Thompson, appellant, *v.* Charles M. Thompson. Motion to dispense with reprinting of part of the record granted.

No. 1020. Clarence Dayton Hillman, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 1024. Edward B. Goodman & Company et al., petitioners, *v.* The United States. Petition for a writ of certiorari to the United States Court of Customs Appeals denied.

No. 988. Standard Sanitary Manufacturing Company et al., appellants, *v.* The United States of America. Motion to advance submitted by Mr. Solicitor General Lehmann for the appellee.

No. 1063. Interstate Commerce Commission et al., appellants, *v.* Louisville & Nashville Railroad Company. Motion to advance submitted by Mr. Solicitor General Lehmann for the appellants.

No. 599. George T. Simpson et al., appellants, *v.* David C. Shepard;

No. 600. George T. Simpson et al., appellants, *v.* Emma B. Kennedy et al., executors, etc., et al.; and

No. 601. George T. Simpson et al., appellants, *v.* William Shillaber. Motion for leave to file brief herein as amicus curiæ granted, on motion of Mr. C. Thorne, in that behalf. Motion for leave to make oral argument denied.

No. 1037. National Equipment Company, petitioner, *v.* George C. Holt, United States district judge, etc.;

No. 1038. James C. Kuhn, petitioner, *v.* George C. Holt, United States district judge, etc.;

1039. Powell's, a corporation, petitioner, *v.* George C. Holt, United States district judge, etc.; and

No. 1040. James A. McClurg & Sons, petitioner, *v.* George C. Holt, United States district judge, etc. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit

submitted by Mr. Livingston Gifford for the petitioners and by Mr. Ferdinand E. M. Bullova for the respondent.

No. 1046. A. Leo Everett, trustee, etc., petitioner, *v.* William D. Judson, executor, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Charles J. Murphy, in behalf of Mr. Charles K. Beekman, for the petitioner, and by Mr. William A. Keener for the respondent.

No. 876. Piza Hermanos, S. en C., appellants, *v.* Ricardo A. Gandia Caldentey. Motion to dismiss or affirm submitted by Mr. H. H. Glassie, in behalf of Mr. Charles F. Carusi, for the appellee in support of the motion, and by Mr. Frederick R. Coudert for the appellants in opposition thereto.

No. 874. Joseph D. Sullivan, trustee, etc., appellant, *v.* Aaron Goldman. Motion to dismiss submitted by Mr. J. Holdsworth Gordon, in behalf of Mr. Henry E. Davis and Mr. Alexander Wolf, for the appellee, in support of the motion, and by Mr. Joseph D. Sullivan and Mr. L. P. Loving for the appellant in opposition thereto.

No. 1011. Frank T. Wells, petitioner, *v.* The United States;

No. 1012. Rufus J. Ireland, petitioner, *v.* The United States;

No. 1013. Wilberforce Sully, petitioner, *v.* The United States; and

No. 1014. George W. Dally, petitioner, *v.* The United States. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Evans Browne, in behalf of Mr. John C. Spooner and Mr. Joseph P. Cotton, jr., for the petitioners.

No. 431. Walter B. Lawrence, etc., appellant, *v.* The Southern Pacific Company et al. Suggestion of death of Walter B. Lawrence and appearance of Henry L. Bogert et al., executors of the last will and testament of Walter B. Lawrence, deceased, as the parties appellants herein, filed and entered on motion of Mr. Francis N. S. Oliver for the appellants.

No. 1028. Atlantic Transport Company of West Virginia, petitioner, *v.* Frank Imbrovek; and

No. 1029. Atlantic Transport Company of West Virginia, petitioner, *v.* State of Maryland, to the use, etc. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. Nicholas P. Bond for the petitioner and by Mr. John E. Seemes, jr., for the respondents.

No. 1018. St. Louis Southern Railway Company, petitioner, *v.* Lewellen Brothers. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Roy F. Britton, Mr. E. V. Perkins, and Mr. S. H. West for the petitioner.

No. 1064. The Mayor and City Council of Baltimore, petitioners, *v.* Andrew Miller et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. Alexander Preston and Mr. S. H. Lauchheimer for the petitioners.

No. 887. P. J. Darnell, Incorporated, plaintiff in error, *v.* Illinois Central Railroad Company et al. Motion to dismiss submitted by Mr. Victor H. Wallace, in behalf of Mr. Charles N. Burch and Mr. Blewett Lee for the defendants in error, in support of the motion, and by Mr. W. A. Percy, for the plaintiff in error, in opposition thereto.

No. —. Arthur Johnson *v.* The United States. Motion for leave to docket case and proceed in forma pauperis submitted by Mr. Paca Oberlin in support of the motion.

No. 1048. Herschel Martin Bacon, bankrupt, petitioner, *v.* Buffalo Cold Storage 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. Sam J. Hunter for the petitioner, and by Mr. Joseph M. McCormick for the respondent.

No. 1049. Frederick C. Tiedt, petitioner, *v.* Atchison, Topeka & Santa Fe Railway Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Fred W. Bentley for the petitioner, and by Mr. Robert Dunlap and Mr. J. L. Coleman for the respondent.

No. 1060. William Seymour, petitioner, *v.* A. M. McDaniel. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. William E. Mason for the petitioner.

No. 1000. Harrison T. Groom, petitioner, *v.* The Mortimer Lane Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. John W. Yerkes, in behalf of Mr. Maurice E. Locke, Mr. Eugene P. Locke, and Mr. Eugene Marshall for the petitioner, and by Mr. Sam J. Hunter for the respondent.

No. 907. Hannah L. Andrews, executrix, etc., appellant, *v.* Harvey K. Partridge, trustee, etc. Motion to dismiss or affirm submitted by Mr. John D. McMullen and Mr. Henry F. Stockwell for the appellee in support of the motion, and by Mr. Thomas E. French and Mr. Samuel H. Richards for the appellant in opposition thereto.

No. 1010. Samuel Lewis, petitioner, *v.* G. Oliver Frick, United States immigration inspector, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Joseph D. Sullivan, in behalf of Mr. Philip T. Van Zile for the petitioner, with leave to the Solicitor General to file brief in opposition on or before Friday next.

No. 1021. Joseph D. Sullivan, trustee, etc., petitioner, *v.* Aaron Goldman. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia submitted by Mr. Joseph D. Sullivan and Mr. L. P. Loving for the petitioner, and by Mr. Henry E. Davis and Mr. Alexander Wolf for the respondent.

No. 1054. Maria A. Evans, executrix, etc., petitioner, *v.* Knickerbocker Trust Company;

No. 1055. Stephen M. Weld, petitioner, *v.* Knickerbocker Trust Company;

No. 1056. Theophilus Parsons, petitioner, *v.* Knickerbocker Trust Company;

No. 1057. Albert S. Bigelow, petitioner, *v.* Knickerbocker Trust Company;

No. 1058. William M. Conant, petitioner, *v.* Knickerbocker Trust Company; and

No. 1059. Russell S. Codman, petitioner, *v.* Knickerbocker Trust Company. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the First Circuit submitted by Mr. A. R. Serven, in behalf of Mr. Felix Rackemann and Mr. Burton E. Eames for the petitioners, and by Mr. Julien T. Davies and Mr. John G. Milburn for the respondents.

No. 923. Herndon-Carter Company, appellant, *v.* James N. Norris Son & Company. Advanced under the 32d rule, on motion of Mr. Henry L. Stone, in behalf of counsel, and submitted by Mr. Helm Bruce for the appellant, and by Mr. John H. Chandler and Mr. William B. Fleming for the appellees.

No. 507. Louisville & Nashville Railroad Company, appellant, *v.* Adam T. Siler et al., as the Railroad Commission of Kentucky. Appearance of Green Garrett and William F. Klair, successors in office of Adam T. Siler and Lew P. Tarlton, as members of the Railroad Commission of Kentucky, as parties appellees herein, filed and entered, on motion of Mr. Henry L. Stone for the appellant.

No. 130. John A. Knott et al., Railroad and Warehouse Commissioners et al., appellants, *v.* Chicago, Burlington & Quincy Railroad Company; and other Missouri Rate Cases; and

No. 599. George T. Simpson et al., appellants, *v.* David C. Shepard; and other Minnesota Rate Cases. Leave granted to Mr. Judson Harmon to file brief herein as amicus curiae, on motion of Mr. Judson Harmon in that behalf. Leave granted to Mr. Charles West to file brief herein as amicus curiae, on motion of Mr. Charles West in that behalf.

No. 130. John A. Knott et al., Railroad and Warehouse Commissioners et al., appellants, *v.* Chicago, Burlington & Quincy Railroad Company; and other Missouri Rate Cases. Five hours allowed to

each side, and three counsel allowed to be heard for the Railroad and Warehouse Commissioners et al., on motion of Mr. Elliott W. Major for the Railroad and Warehouse Commissioners et al. Argument commenced by Mr. Frank Hagerman for the Railroad Companies.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, April 2, will be as follows: Nos. 130 (and 134 and 672 to 705), 507, 364, 424, 599 (and 600 and 601), 784, 813 (and 814), 776 (and 505), 820, 721, 519, and 859.



## SUPREME COURT OF THE UNITED STATES.

TUESDAY, APRIL 2, 1912.

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

Edward J. Moinet, of St. Johns, Mich.; Samuel W. Sawyer, of Kansas City, Mo.; W. P. Sturtevant, of New York City; George Dysart, of Centralia, Wash.; Thomas J. McCormick, of Springfield, Ohio; and James R. Wood, of Coalgate, Okla., were admitted to practice.

No. — Original. *Ex parte*: In the matter of Charley Webb, petitioner. Motion for leave to file a petition for a writ of habeas corpus submitted by Mr. J. S. Davenport for the petitioner.

No. 797. Louis Elie Joseph Henry de Galard, etc., plaintiff in error, *v.* Francois de Bearn et al.;

No. 798. Louis Elie Joseph Henry de Galard, etc., plaintiff in error, *v.* Francois de Bearn;

No. 799. Louis Elie Joseph Henry de Galard, etc., plaintiff in error, *v.* Odon de Bearn;

No. 800. Louis Elie Joseph Henry de Galard, etc., plaintiff in error, *v.* Pierre de Bearn; and

No. 801. Louis Elie Joseph Henry de Galard, etc., plaintiff in error, *v.* Jean Baptiste Chaumet. Motion to dismiss submitted by Mr. J. Kemp Bartlett and Mr. Edgar Allen Poe for the defendants in error, in support of the motion, and by Mr. Maurice Leon for the plaintiff in error, in opposition thereto.

No. 127. A. D. Gibbs, appellant, *v.* The International Banking Corporation et al. Appeal from the Supreme Court of the Philippine Islands. Dismissed with costs, on motion of counsel for the appellant.

No. 284. Commercial State Bank & Trust Company, plaintiff in error, *v.* J. L. Bates, trustee. In error to the Supreme Court of the State of Mississippi. Dismissed with costs, on motion of counsel for plaintiff in error.

No. 493. Texas & Pacific Railway Company, plaintiff in error, *v.* B. B. Cauble. In error to the United States Circuit Court of Appeals



for the Fifth Circuit. Dismissed with costs, on motion of counsel for the plaintiff in error.

No. 538. Chicago Great Western Railroad Company, plaintiff in error, *v.* William F. Owens. In error to the Supreme Court of the State of Minnesota. Dismissed without costs to either party, per stipulation.

No. 130. John A. Knott et al., Railroad and Warehouse Commissioners et al., appellants, *v.* Chicago, Burlington & Quincy Railroad Company, and other Missouri rate cases. Argument continued by Mr. Frank Hagerman for the railroad companies, by Mr. Sanford B. Ladd for the Railroad and Warehouse Commissioners et al., and by Mr. Gardiner Lathrop for the railroad companies.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, April 3, will be as follows: Nos. 130 (and 134 and 672 to 705), 507, 364, 424, 599 (and 600 and 601), 784, 813 (and 814), 776 (and 505), 820, 721, 519, and 859.



SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, APRIL 3, 1912.

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

Everett F. Moore, of Moundsville, W. Va., and Adelbert E. Bolton, of San Francisco, Cal., were admitted to practice.

No. 498. Henry C. Ripley, appellant, *v.* The United States; and

No. 499. The United States, appellant, *v.* Henry C. Ripley. Leave granted to issue the mandate at once, on motion of Mr. F. Carter Pope for Ripley.

No. 130. John A. Knott et al., Railroad and Warehouse Commissioners et al., appellants, *v.* Chicago, Burlington & Quincy Railroad Company, and other Missouri rate cases. Argument continued by Mr. Elliott W. Major and Mr. F. W. Lehmann for the Railroad and Warehouse Commissioners et al., and concluded by Mr. Frank Hagerman for the railroad company.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, April 4, will be as follows: Nos. 507, 364, 424, 599 (and 600 and 601), 784, 813 (and 814), 776 (and 505), 820, 721, 519, and 859.



## SUPREME COURT OF THE UNITED STATES.

THURSDAY, APRIL 4, 1912.  

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

No. 507. Louisville & Nashville Railroad Company, appellant, *v.* Green Garrett et al., as The Railroad Commission of Kentucky. One-half hour additional time allowed to each side in the argument of this case, on motion of Henry L. Stone for the appellant. Argument commenced by Mr. Henry L. Stone for the appellant, continued by Mr. Edward W. Hines and Mr. James Garnett for the appellees, and concluded by Mr. Albert S. Brandeis for the appellant.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, April 8, will be as follows: Nos. 364, 424, 599 (and 600 and 601), 784, 813 (and 814), 776 (and 505), 820, 721, 519, and 859.



## SUPREME COURT OF THE UNITED STATES.

MONDAY, APRIL 8, 1912.

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

Charles D. Todd, of Greeley, Colo.; Eugene Overton, of Los Angeles, Cal.; S. O. Bland, of Newport News, Va.; and James M. Morton, jr., of Fall River, Mass., were admitted to practice.

No. 102. The Title Guaranty & Surety Company, plaintiff in error, *v.* William Francis Nichols. In error to the Supreme Court of the Territory of Arizona. Judgment affirmed with costs and interest, and cause remanded to the Supreme Court of the State of Arizona. Opinion by Mr. Justice Lurton. Dissenting: Mr. Justice McKenna.

No. 215. The City of Pomona et al., appellants, *v.* Sunset Telephone & Telegraph Company. Appeal from the United States Circuit Court of Appeals for the Ninth Circuit. Decree of the United States Circuit Court of Appeals reversed with costs, and cause remanded to the District Court of the United States for the Southern District of California with directions to dismiss the bill without prejudice. Opinion by Mr. Justice Holmes.

No. 209. The United States, appellant, *v.* Societe Anonyme des Anciens Etablissements Cail; and

No. 210. Societe Anonyme des Anciens Etablissements Cail, appellant, *v.* The United States. Appeals from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice McKenna.

No. 8. William Crozier, petitioner, *v.* Fried. Krupp Aktiengesellschaft. On writ of certiorari to the Court of Appeals of the District of Columbia. Decree reversed with costs, and cause remanded with directions to affirm the decree of the Supreme Court of the District of Columbia dismissing the bill without prejudice, however, to the right of the defendant here, who was the complainant below, to proceed in the Court of Claims in accordance with the provisions of the act of June 25, 1910. Opinion by Mr. Chief Justice White.

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

No. 797. Louis Elie Joseph Henry de Galard de Brassac de Bearn, etc., plaintiff in error, *v.* Francois de Bearn et al.;

No. 798. Louis Elie Joseph Henry de Galard de Brassac de Bearn, etc., plaintiff in error, *v. Francois de Bearn*;

No. 799. Louis Elie Joseph Henry de Galard de Brassac de Bearn, etc., plaintiff in error, *v. Odon de Bearn*;

No. 800. Louis Elie Joseph Henry de Galard de Brassac de Bearn, etc., plaintiff in error, *v. Pierre de Bearn*; and

No. 801. Louis Elie Joseph Henry de Galard de Brassac de Bearn, etc., plaintiff in error, *v. Jean Baptiste Chaumet*. In error to the Court of Appeals of the State of Maryland. Per curiam: Dismissed for the want of jurisdiction. (*Toland v. Sprague*, 12 Pet., 300, 331; *Boyle v. Zacharie*, 6 Pet., 648; *Loeber v. Schroeder*, 149 U. S., 580; *The Missouri & Kansas Inter-urban Ry. Co. v. The City of Olathe, Kans.*, decided Dec. 4, 1911.)

No. 874. Joseph D. Sullivan, trustee, etc., appellant, *v. Aaron Goldman*. Appeal from the Supreme Court of the District of Columbia. Per curiam: Dismissed for the want of jurisdiction. (*Mueller v. Nugent*, 184 U. S., 1; *Tefft v. Munsuri*, decided Dec. 4, 1911.)

No. 907. Hannah L. Andrews, executrix, etc., appellant, *v. Harvey K. Partridge*, trustee, etc. Appeal from the United States Circuit Court of Appeals for the Third Circuit. Per curiam: Dismissed for the want of jurisdiction. (*Holden v. Stratton*, 119 U. S., 115, 116; *Duryea Power Co. v. Sternbergh*, 218 U. S., 207; *Tefft v. Munsuri*, decided Dec. 4, 1911.)

No. 1075. Arthur Johnson, petitioner, *v. The United States*. Motion for leave to proceed in forma pauperis granted, in view of the consent of the United States.

No. —, Original. Ex parte in the matter of Charley Webb, petitioner. Motion for leave to file petition for writ of habeas corpus denied.

No. 988. Standard Sanitary Manufacturing Company et al., appellants, *v. The United States of America*. Motion to advance granted, and cause assigned for argument on Tuesday, October 15 next, after the cases heretofore assigned for that day.

No. 1063. Interstate Commerce Commission et al., appellants, *v. Louisville & Nashville Railroad Company*. Motion to advance granted and cause assigned for argument on Tuesday, October 15 next, after the cases heretofore assigned for that day.

Nos. 883 and 928. The United States of America et al., appellants, *v. Atchison, Topeka & Santa Fe Railway Company et al.*;

Nos. 884 and 929. The United States of America et al., appellants, *v. Union Pacific Railroad Company et al.*;

No. 187. The Kansas City Southern Railway Company, plaintiff in error, *v. J. M. Carl*;

No. 199. Chicago, Burlington & Quincy Ry. Co., plaintiff in error, *v.* H. Fred Miller;

No. 523. Chicago, St. Paul, Minneapolis & Omaha Railway Company, petitioner, *v.* Bud R. Latta; and

No. 213. Adams Express Company, plaintiff in error, *v.* E. H. Croninger. These cases are restored to the docket for a reargument before a full bench and assigned for argument on Tuesday, October 15 next, after the cases heretofore assigned for that day.

No. 907. Hannah L. Andrews, executrix, etc., petitioner, *v.* Harvey K. Partridge, trustee, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit granted, and ordered that transcript on file herein stand as the return to the writ of certiorari.

No. 1010. Samuel Lewis, petitioner, *v.* G. Oliver Frick, United States immigration inspector, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit granted.

No. 1028. Atlantic Transport Company of West Virginia, petitioner, *v.* Frank Imbrovek; and

No. 1029. Atlantic Transport Company of West Virginia, petitioner, *v.* State of Maryland, to the use, etc. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit granted.

No. 1046. A. Leo Everett, trustee, etc., petitioner, *v.* William D. Judson, executor, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 1000. Harrison T. Groom, petitioner, *v.* The Mortimer Land Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 1018. St. Louis Southwestern Railway Company, petitioner, *v.* Lewellen Brothers. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 1021. Joseph D. Sullivan, trustee, etc., petitioner, *v.* Aaron Goldman. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 1037. National Equipment Company, petitioner, *v.* George C. Holt, United States district judge, etc.;

No. 1038. James C. Kuhn, petitioner, *v.* George C. Holt, United States district judge, etc.;

No. 1039. Powell's, a corporation, *v.* George C. Holt, United States district judge, etc.; and

No. 1040. James A. McClurg & Sons, petitioner, *v.* George C. Holt, United States district judge, etc. Petitions for writs of certiorari to

the United States Circuit Court of Appeals for the Second Circuit denied.

No. 1048. Herschel Martin Bacon, bankrupt, petitioner, *v.* Buffalo Cold Storage Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 1049. Frederick C. Tiedt, petitioner, *v.* Atchison, Topeka & Santa Fe Railway Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 1054. Maria A. Evans, executrix, etc., petitioner, *v.* Knickerbocker Trust Company;

No. 1055. Stephen M. Weld, petitioner, *v.* Knickerbocker Trust Company;

No. 1056. Theophilus Parsons, petitioner, *v.* Knickerbocker Trust Company;

No. 1057. Albert S. Bigelow, petitioner, *v.* Knickerbocker Trust Company;

No. 1058. William M. Conant, petitioner, *v.* Knickerbocker Trust Company; and

No. 1059. Russell S. Codman, petitioner, *v.* Knickerbocker Trust Company. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 1060. William Seymour, petitioner, *v.* A. M. McDaniel. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 1064. The Mayor and City Council of Baltimore, petitioners, *v.* Andrew Miller et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 876. Piza Hermanos, S. en C., appellants, *v.* Ricardo A. Gandia Caldentey. Motion to dismiss postponed to the hearing of the cause on the merits, and motion to place case on the summary docket denied.

No. 1036. Choeman Ki Kuchi, claimant, etc., petitioner, *v.* The United States. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. A. R. Serven for the petitioner, and by Mr. Solicitor General Lehmann for the respondent.

No. 1069. Texarkana Gas & Electric Light Company, petitioner, *v.* Mrs. Ollie Powell et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Max Pam, Mr. Charles S. Todd, and Mr. John J. King for the petitioner, and by Mr. Charles A. Culberson for the respondents.

No. 3, Original. Commonwealth of Virginia, complainant, *v.* State of West Virginia. Answers to rule to show cause why the petition



of the special master that the amount of his compensation be advanced and paid by the complainant should not be granted, submitted by Mr. Samuel W. Williams for the complainant, by Mr. Holmes Conrad for the bondholders, by Mr. William G. Conley orally for the defendant, and by Mr. Charles E. Littlefield pro se.

No. 962. The Norfolk & Suburban Turnpike 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. Nathaniel T. Green for the plaintiff in error in opposition thereto.

No. 4, Original. The People of the State of New York, complainant, *v.* State of New Jersey et al. Motion to extend time for taking testimony submitted by Mr. William J. O'Sullivan for the complainant.

No. 364. The Chesapeake & Ohio Railway Company, plaintiff in error, *v.* W. G. Conley, Attorney General, et al. Argument commenced by Mr. F. B. Enslow for the plaintiff in error, continued by Mr. William G. Conley for the defendants in error, and concluded by Mr. F. B. Enslow for the plaintiff in error.

No. 424. The Oregon Railroad & Navigation Company, appellant, *v.* Thomas K. Campbell et al. Argument commenced by Mr. Maxwell Evarts for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, April 9, will be as follows: Nos. 424 (and 784), 599 (and 600 and 601), 813 (and 814), 776 (and 505), 820, 721, 519, 859, 218, and 149.



# SUPREME COURT OF THE UNITED STATES.

TUESDAY, APRIL 9, 1912.

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

William W. Grant, jr., of Denver, Colo.; B. E. Eaton, of Gulfport, Miss.; George A. McConnell, of Little Rock, Ark.; and Michael T. Barrett, of Newark, N. J., were admitted to practice.

No. 1078. William Bowman, plaintiff in error, *v.* The State of Arkansas. In error to the Supreme Court of the State of Arkansas. Docketed and dismissed with costs, on motion of Mr. James P. Clarke for the defendant in error.

No. 424. The Oregon Railroad & Navigation Company, appellant, *v.* Thomas K. Campbell et al. Argument continued by Mr. Maxwell Evarts for the appellant, and concluded by Mr. Joseph N. Teal for the appellee.

No. 784. Southern Pacific Company et al., appellants, *v.* Thomas K. Campbell et al., commissioners, etc., et al. Argued by Mr. Joseph N. Teal for the appellees, and submitted by Mr. Maxwell Evarts for the appellants.

No. 599. George T. Simpson et al., appellants, *v.* David C. Shepard;

No. 600. George T. Simpson et al., appellants, *v.* Emma B. Kennedy et al., executrix, etc., et al.; and

No. 601. George T. Simpson et al., appellants, *v.* William Shillaber. Six hours allowed each side for the argument of these cases, on motion of Mr. T. D. O'Brien for the appellants, and by Mr. Charles W. Bunn for the appellees. Argument commenced by Mr. T. D. O'Brien for the appellants and continued by Mr. Edward T. Young for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, April 10, will be as follows: Nos. 599 (and 600 and 601), 813 (and 814), 776 (and 505), 820, 721, 519, 859, 218, 149, and 46.

## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, APRIL 10, 1912.

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

William Allen Carey, of Cleveland, Ohio; Jeremiah G. Fennessey, of Boston, Mass.; and William H. Corbin, of Jersey City, N. J., were admitted to practice.

No. 599. George T. Simpson et al., appellants, *v.* David C. Shepard;  
 No. 600. George T. Simpson et al., appellants, *v.* Emma B. Kennedy et al., executors, etc., et al.; and

No. 601. George T. Simpson et al., appellants, *v.* William Shillaber. Argument continued by Mr. Edward T. Young for the appellants, and by Mr. C. W. Bunn for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, April 11, will be as follows: Nos. 599 (and 600 and 601), 813 (and 814), 776 (and 505), 820, 721, 519, 859, 218, 149, and 46.

## SUPREME COURT OF THE UNITED STATES.

THURSDAY, APRIL 11, 1912.

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

Ronald Ransom, of Atlanta, Ga., and William Hayward, of New York City, were admitted to practice.

No. 291. Trussed Concrete Steel Company, appellant, *v.* Fidelity Storage Corporation et al. Appeal from the Court of Appeals of the District of Columbia. Dismissed with costs, on motion of counsel for the appellant.

No. 599. George T. Simpson et al., appellants, *v.* David C. Shepard;

No. 600. George T. Simpson et al., appellants, *v.* Emma B. Kennedy et al., executors, etc., et al.; and

No. 601. George T. Simpson et al., appellants, *v.* William Shillaber. Argument continued by Mr. C. W. Bunn and Mr. Pierce Butler for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, April 12, will be as follows: Nos. 599 (and 600 and 601), 813 (and 814), 776 (and 505), 820, 721, 519, 859, 218, 149, and 46.



## SUPREME COURT OF THE UNITED STATES.

FRIDAY, APRIL 12, 1912.

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

William K. Jackson, jr., of Jacksonville, Fla., was admitted to practice.

No. 599. George T. Simpson et al., appellants, *v.* David C. Shepard;

No. 600. George T. Simpson et al., appellants, *v.* Emma B. Kennedy et al., executors, etc., et al.; and

No. 601. George T. Simpson et al., appellants, *v.* William Shillaber. Argument continued by Mr. Pierce Butler for the appellees, and by Mr. Edward T. Young for the appellants, and concluded by Mr. T. D. O'Brien for the appellants.

No. 813. Robert P. Allen et al., Commissioners, etc., appellants, *v.* The St. Louis, Iron Mountain & Southern Railway Company; and

No. 814. Robert P. Allen et al., Commissioners, etc., appellants, *v.* St. Louis Southwestern Railway Company. One hour additional time allowed each side in the argument of these cases, on motion of Mr. Joseph M. Hill for the appellants. Argument commenced by Mr. Joseph M. Hill for the appellants, and continued by Mr. J. M. Moore for the appellees.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, April 15, will be as follows: Nos. 813 (and 814), 776 (and 505), 820, 721, 519, 859, 218, 149, 46, and 219.



## SUPREME COURT OF THE UNITED STATES.

MONDAY, APRIL 15, 1912.

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

Caroline Irene Griesheimer, of Chillicothe, Ohio; Thomas Upton Sisson, of Winona, Miss.; Bronte M. Aikins, of San Francisco, Cal.; Lewis C. Lawson, of Holdenville, Okla.; Harry Hunter Pratt, of Scituate, Mass.; Sanford H. E. Freund, of New York City; Louis R. Frankel, of St. Paul, Minn.; Alan Fox, of New York City; George F. Hannan, of Seattle, Wash.; William H. Watkins, of Jackson, Miss.; and Arthur F. Gotthold, of New York City, were admitted to practice.

No. 103. St. Louis, Iron Mountain & Southern Railway Company, plaintiff in error, *v.* T. J. Wynne. In error to the Supreme Court of the State of Arkansas. Judgment reversed with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Van Devanter.

No. 404. J. S. Mullen and W. B. Jansen, appellants, *v.* The United States. Appeal from the United States Circuit Court of Appeals for the Eighth Circuit. Decree of United States Circuit Court of Appeals reversed as to the appellants and decree of Circuit Court of the United States for the Eastern District of Oklahoma affirmed, and cause remanded to the District Court of the United States for the Eastern District of Oklahoma. Opinion by Mr. Justice Hughes.

The Chief Justice announced the following orders of the court:

No. 1036. Choemon Ki Kuchi, claimant, etc., petitioner, *v.* The United States. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 1069. Texarkana Gas & Electric Company, petitioner, *v.* Mrs. Ollie Powell et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 3, Original. Commonwealth of Virginia, complainant, *v.* State of West Virginia. Ordered that the complainant pay to the clerk of

this court the sum of \$20,000, heretofore fixed as the fee of the special master therein, to be by the clerk paid to said special master, said amount to be taxed as part of the costs in this case on final decree.

No. 4, Original. The People of the State of New York, complainants, *v.* The State of New Jersey et al. Motion of complainants to extend the time for taking testimony in this cause granted.

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Nos. 879 and 880. The Interstate Commerce Commission and the United States, appellants, *v.* Goodrich Transit Company; and

Nos. 881 and 882. The United States and The Interstate Commerce Commission, appellants, *v.* White Star Line. Mandates granted, on motion of Mr. Solicitor General Lehmann for the appellants.

No. 1075. Arthur Johnson, petitioner, *v.* The United States. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia submitted by Mr. Joseph Salomon and Mr. Paca Oberlin for the petitioner. Mr. Solicitor General Lehmann concurred in the application.

No. 1083. Salmen Brick & Lumber Company, Limited, petitioner, *v.* Donald & Taylor. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. John D. Grace and Mr. Gustave Lemle for the petitioner.

No. 1051. Merchants & Miners Transportation Company, petitioner, *v.* Robinson Baxter-Dissosway Towing & Transportation Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit submitted by Mr. Daniel H. Hayne for the petitioner, and by Mr. Samuel Park for the respondent.

No. 1052. Merchants & Miners Transportation Company et al., petitioners, *v.* General Chemical Company. Petitions for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit submitted by Mr. Daniel H. Hayne and Mr. Samuel Park for the petitioners, and by Mr. James J. Macklin and Mr. De Lagnel Berier for the respondent.

No. 1053. Merchants & Miners Transportation Company, petitioner, *v.* Louis Gildersleeve et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit submitted by Mr. Daniel H. Hayne for the petitioner, and by Mr. James J. Macklin and Mr. De Lagnel Berier for the respondent. Leave granted to Mr. Daniel H. Hayne to file an additional brief on or before Wednesday.

No. 1079. The Darius Cole Transportation Company, petitioner, *v.* The White Star Line. Petition for a writ of certiorari to the



United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Frank E. Doremus, in behalf of Mr. F. H. Canfield and Mr. George L. Canfield for the petitioner.

No. 410. Santa Fe, Prescott & Phoenix Railway Company, plaintiff in error, *v.* Grant Brothers Construction Company. Motion to amend writ of error herein submitted by Mr. Evans Browne, in behalf of Mr. Robert Dunlap and Mr. Paul Burks for the plaintiff in error, in support of the motion, and by Mr. Edward F. Colladay, Mr. A. C. Baker, and Mr. Isidore B. Dockweiler for the defendant in error, in opposition thereto. Motion to dismiss submitted by Mr. Edward F. Colladay, Mr. A. C. Baker, and Mr. Isidore B. Dockweiler for the defendant in error, in support of the motion, and by Mr. Robert Dunlap and Mr. Paul Burks for the plaintiff in error, in opposition thereto.

No. 1082. St. Louis & San Francisco Railroad Company, petitioner, *v.* W. A. Herr, administrator, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. L. Russell Alden, Mr. H. Generes Dulour, Mr. W. F. Evans, and Mr. E. T. Miller for the petitioner.

No. 1066. Atlantic Mutual Insurance Company, petitioner, *v.* Peninsular & Occidental Steamship Company, owner, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. John W. Yerkes, Mr. George E. Hamilton, and Mr. Walter F. Taylor for the petitioner, and by Mr. John F. Lewis and Mr. Francis S. Laws for the respondent.

No. 209. The United States, appellant, *v.* Societe Anonyme des Anciens Etablissements Cail; and

No. 210. Societe Anonyme des Anciens Etablissements Cail, appellant, *v.* The United States. Mandate granted, on motion of Mr. Reeve Lewis, in behalf of counsel.

No. 149. Mgr. Jeremiah J. Harty, appellant and plaintiff in error, *v.* The Municipality of Victoria. Continued, per stipulation.

No. 8, Original. The State of Arkansas, complainant, *v.* the State of Tennessee. Demurrer to bill of complaint submitted by Mr. Charles T. Cates, jr., for the defendant, in support of the demurrer, and by Mr. Hal L. Norwood and Mr. Caruthers Ewing, in opposition thereto.

No. 813. Robert P. Allen et al., commissioners, etc., appellants, *v.* the St. Louis, Iron Mountain & Southern Railway Co.; and

No. 814. Robert P. Allen et al., commissioners, etc., appellants, *v.* the St. Louis Southwestern Railway Co. Argument continued by Mr. J. M. Moore for the appellees, and concluded by Mr. Joseph M. Hill for the appellant.

No. 776. Railroad Commission of Ohio, appellant, *v.* B. A. Worthington, receiver, etc.; and

No. 505. The Railroad Commission of Ohio, appellant, *v.* B. A. Worthington, receiver, etc. Argument commenced by Mr. Thomas H. Hogsett for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, April 16, will be as follows: Nos. 776 (and 505), 820, 721, 519, 859, 218, 46, 219, 220, and 221.



## SUPREME COURT OF THE UNITED STATES.

TUESDAY, APRIL 16, 1912,  

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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.

John J. Higgins, of Somerville, Mass.; A. S. Newburgh, of San Francisco, Cal.; Ernest W. Lewis, of Phoenix, Ariz.; and Lorenzo Ullo, of Brooklyn, N. Y., were admitted to practice.

No. 776. Railroad Commission of Ohio, appellant, *v.* B. A. Worthington, receiver, etc.; and

No. 505. The Railroad Commission of Ohio, appellant, *v.* B. A. Worthington, receiver, etc. Argument continued by Mr. Thomas H. Hogsett for the appellant, and by Mr. W. M. Duncan and Mr. William B. Sanders for the appellee, and concluded by Mr. Thomas H. Hogsett for the appellant.

No. 519. Chester S. Jordan, plaintiff in error, *v.* The Commonwealth of Massachusetts. Argument commenced by Mr. Arthur Thad Smith for the plaintiff in error, continued by Mr. James M. Swift for the defendant in error, and concluded by Mr. Harvey H. Pratt for the plaintiff in error.

No. 859. The Interstate Commerce Commission, plaintiff in error, *v.* The United States of America *ex rel.* Humboldt Steamship Company. Argument commenced by Mr. P. J. Farrell for the plaintiff in error, and continued by Mr. Charles D. Drayton for the defendant in error, and concluded by Mr. P. J. Farrell for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, April 17, will be as follows: Nos. 820, 721, 218, 46, 219, 220, 221, 222, 223, and 224.

## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, APRIL 17, 1912.

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.

William D. Anderson, of Tupelo, Miss.; Claude Clayton, of Tupelo, Miss.; Claude S. Arnold, of McAlester, Okla.; and Edward F. Lovejoy, of Providence, R. I., were admitted to practice.

No. 102. The Title Guaranty & Surety Company, plaintiff in error, *v.* William Francis Nichols. Mandate granted, on motion of Mr. Frank B. Kellogg for the defendant in error.

No. 721. James H. Graham, plaintiff in error, *v.* The State of West Virginia. Argument commenced by Mr. D. W. Baker for the plaintiff in error, continued by Mr. William G. Conley for the defendant in error, and concluded by Mr. D. W. Baker for the plaintiff in error.

No. 218. Mary Nielsen, administratrix, etc., and in her own right, appellant, *v.* Albert Steinfeld et al. Argument commenced by Mr. Edwin F. Jones for the appellant, and continued by Mr. Eugene S. Ives for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, April 18, will be as follows: Nos. 218, 820, 46, 219, 220, 221, 222, 223, 224, and 225.

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## SUPREME COURT OF THE UNITED STATES.

THURSDAY, APRIL 18, 1912.

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

William F. S. Hart, of New York City; Frank H. Gaines, of Omaha, Nebr.; and Francis M. Phelan, of Boston, Mass., were admitted to practice.

No. 267. W. H. Byles, plaintiff in error, *v.* State of Arkansas. In error to the Supreme Court of the State of Arkansas. Dismissed with costs, on motion of counsel for the plaintiffs in error.

No. 218. Mary Nielsen, administratrix, etc., and in her own right, appellant, *v.* Albert Steinfeld et al. Argument concluded by Mr. Eugene S. Ives for the defendants in error.

No. 46. Cross Lake Shooting & Fishing Club, plaintiff in error, *v.* State of Louisiana. Argument commenced by Mr. Edgar H. Farrar for the plaintiff in error, continued by Mr. W. P. Hall for the defendant in error, and concluded by Mr. Edgar H. Farrar for the plaintiff in error.

No. 220. Actieselskabet "Jason" *v.* John Arbuckle et al. Argued by Mr. J. Parker Kirlin for the "Jason," and by Mr. Lawrence Kneeland for Arbuckle et al.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, April 19, will be as follows: Nos. 820, 219, 221, 222, 223, 224, 225, 226, 227, and 228.

## SUPREME COURT OF THE UNITED STATES.

FRIDAY, APRIL 19, 1912.

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

J. D. Lydick, of Shawnee, Okla.; Alec H. Seymour, of Albany, N. Y.; Thomas A. Brennan, of New York City; William M. Amsden, of Marion, Ind.; William L. Patton, of Springfield, Ill.; Orville A. Park, of Macon, Ga.; Reuben T. Haskell, of Brooklyn, N. Y.; and Jacob L. Holtzmann, of Brooklyn, N. Y., were admitted to practice.

No. 228. Edward Quigley McCaughey and George Joseph McCaughey, minors, etc., et al., plaintiffs in error, *v.* Alexander Lyall et al. Submitted by Mr. Cyrus F. McNutt for the plaintiffs in error, and by Mr. Alexander Lyall, pro se.

No. 219. D. L. Henderson, trustee, etc., petitioner, *v.* Sam Mayer. Argued by Mr. Orville A. Park for the petitioner, and by Mr. Arthur H. Codington for the respondent.

No. 820. The United States of America, appellant, *v.* The Union Pacific Railroad Company. Four hours allowed to each side for the argument of this case, on motion of Mr. Attorney General Wickersham for the appellant. Argument commenced by Mr. C. A. Severance for the appellant, and continued by Mr. P. F. Dunne for the appellee.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, April 22, will be as follows: Nos. 820, 221 222, 223, 224, 225, 226, 227, 208, and 230.

## SUPREME COURT OF THE UNITED STATES.

MONDAY, APRIL 22, 1912.

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

Samuel W. Fordyce, jr., of St. Louis, Mo.; Rollin W. Rodgers, of Texarkana, Tex.; Wrisley Brown, of Washington, D. C.; Elbert Lewis Hyde, of Washington, D. C.; and William G. Murdock, of Milton, Pa., were admitted to practice.

No. 386. The United States of America, appellant *v.* The Terminal Railroad Association of St. Louis et al. Appeal from the Circuit Court of the United States for the Eastern District of Missouri. Decree reversed, and cause remanded to the District Court of the United States for the Eastern District of Missouri, with directions for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Lurton. [Mr. Justice Holmes took no part in the decision of this case.]

No. 174. Samuel D. Gromer, treasurer of Porto Rico, appellant, *v.* Standard Dredging Co. Appeal from the District Court of the United States for Porto Rico. Decree reversed with costs, and cause remanded with directions to sustain the demurrer and dismiss the bill. Opinion by Mr. Justice McKenna. Dissenting: Mr. Justice Day, Mr. Justice Hughes, and Mr. Justice Lamar.

The Chief Justice announced the following orders of the court:

No. 8, Original. The State of Arkansas, complainant, *v.* The State of Tennessee. Ordered that the demurrer of the defendant filed herein be overruled, and leave is granted to answer by the first day of the next term.

No. 410. Sante Fe, Prescott & Phoenix Railway Co., plaintiff in error, *v.* Grant Brothers Construction Co. Motion to dismiss the writ of error in this cause denied, and motion to amend the writ of error granted.

No. 1075. Arthur Johnson, petitioner, *v.* The United States. Petition for a writ of certiorari to the Court of Appeals of the District



of Columbia granted, the record presented with the petition to stand as a return to the writ, and case advanced and assigned for argument on Monday, the 29th instant, after the cases heretofore assigned for that day.

No. 1051. Merchants & Miners' Transportation Company, petitioner, *v.* Robinson Baxter-Dissosway Towing & Transportation Company et al.;

No. 1052. Merchants & Miners' Transportation Company et al., petitioners, *v.* General Chemical Company; and

No. 1053. Merchants & Miners' Transportation Company, petitioner, *v.* Louis Gildersleeve et al. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 1066. Atlantic Mutual Insurance Company, petitioner, *v.* Peninsular & Occidental Steamship Company, owner, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 1079. The Darius Cole Transportation Company, petitioner, *v.* The White Star Line. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 1082. St. Louis & San Francisco Railroad Company, petitioner, *v.* W. A. Herr, administrator, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 1083. Salmen Brick & Lumber Company, Limited, petitioners, *v.* Donald & Taylor. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

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The Chief Justice also announced that the call of the docket for the present term will be suspended on Friday, May 3 next.

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No. 1045. Charles A. Chase, appellant, *v.* Emil Wetzlar, surviving executor, etc. Advanced pursuant to the thirty-second rule, on motion of Mr. Monroe Buckley for the appellant, and cause submitted by Mr. Charles H. Burr for the appellant, and by Mr. Howard S. Gans for the appellee.

No. 1087. William R. Hopkins et al., petitioners, *v.* Charles Hebard et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. C. Bentley Matthews for the petitioners, and by Mr. John Franklin Shields and Mr. William A. Stone for the respondents.

No. 1081. The City of St. Augustine, petitioner, *v.* Minnie Thompson. Petition for a writ of certiorari to the United States Circuit

Court of Appeals for the Fifth Circuit, submitted by Mr. E. P. Axtell and Mr. C. D. Rinehart for the petitioner, and by Mr. W. W. Dewhurst, Mr. Horatio Bisbee, and Mr. George C. Bedell for the respondent.

No. 1095. J. C. Turner Cypress Lumber Company, petitioner, *v.* Henry M. Pfann et al., etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit, submitted by Mr. George C. Bedell and Mr. Horatio Bisbee for the petitioner, and by Mr. Charles M. Cooper and Mr. John C. Cooper for the respondents.

No. 1072. Frank N. Chaplin and David H. Chaplin, petitioners, *v.* The United States. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit, submitted by Mr. Charles H. Bates and Mr. P. F. Dunne for the petitioners, with leave to the Solicitor General to file a brief for the respondent on or before Friday next.

No. 402. Justo Armsterdam et al., appellants, *v.* Felix Puente et al. Appeal from the Supreme Court of Porto Rico. Dismissed with costs, on motion of counsel for the appellants.

No. 628. The Citizens' Saving & Trust Company, appellant, *v.* C. C. Foerstner, trustee, etc. Appeal from the United States Circuit Court of Appeals for the Sixth Circuit. Dismissed with costs, on motion of counsel for the appellant.

No. 947. The Texas & Pacific Railway Company, plaintiff in error, *v.* W. A. Howell. Motion to dismiss or affirm submitted by Mr. S. P. Jones for the defendant in error, in support of the motion, and by Mr. William L. Hall for the plaintiff in error in opposition thereto.

No. 344. The Missouri Pacific Railway Company, plaintiff in error, *v.* Ozro Castle. Motion to affirm submitted by Mr. T. J. Mahoney for the defendant in error, in support of the motion, and by Mr. B. P. Waggener for the plaintiff in error in opposition thereto.

No. 230. John Oluf Johannessen, appellant, *v.* The United States. Submitted by Mr. Edward J. McCutchen and Mr. Samuel Knight for the appellant, and by Mr. Assistant Attorney General Harr for the appellee.

No. 820. The United States of America, appellant, *v.* The Union Pacific Railroad Company et al. Argument continued by Mr. P. F. Dunne for the appellees, and by Mr. Frank B. Kellogg for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, April 23, will be as follows: Nos. 820, 221, 222, 223, 224, 225, 226, 227, 208, and 231.

## SUPREME COURT OF THE UNITED STATES.

TUESDAY, APRIL 23, 1912.  

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

A. B. Choate, of Minneapolis, Minn., and Albert Salzenstein, of Springfield, Ill., were admitted to practice.

No. 820. The United States of America, appellant, *v.* The Union Pacific Railroad Company et al. Argument continued by Mr. Frank B. Kellogg for the appellant, and by Mr. N. H. Loomis for the appellees, and concluded by Mr. Attorney General Wickersham for the appellant.

No. 221. Frank H. Waskey, petitioner, *v.* J. J. Chambers. Argument commenced by Mr. Albert Fink for the petitioner.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, April 24, will be as follows: Nos. 221, 222, 223, 224, 225, 226, 227, 208, 231, and 232.



## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, APRIL 24, 1912.

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

Frank I. Tierney, of New York City; Joseph A. Conlon, of New York City; C. L. Pettigrew, of Atlanta, Ga.; and I. A. Phifer, of Spartanburg, S. C., were admitted to practice.

No. — Original. Ex parte: In the matter of Charley Webb, petitioner. Motion for leave to file amended petition for writ of habeas corpus submitted by Mr. J. S. Davenport for the petitioner.

No. 221. Frank H. Waskey, petitioner, *v.* J. J. Chambers. Argument continued by Mr. Albert Fink for the petitioner, by Mr. Albert H. Elliot for the respondent, and concluded by Mr. Albert Fink for the petitioner.

No. 222. Standard Stock Food Company, appellant, *v.* H. R. Wright, as State food and dairy commissioner of Iowa. Argued by Mr. F. H. Gaines for the appellant, and by Mr. George Cosson for the appellee.

No. 223. State National Bank, plaintiff in error, *v.* D. P. Richardson, city tax collector of the city of Frankfort, et al. Argued by Mr. F. M. Dailey for the defendants in error, and submitted by Mr. Thomas Kennedy Helm for the plaintiff in error.

No. 224. American Railroad Company of Porto Rico, plaintiff in error, *v.* Ann Elizabeth Burch et al. Submitted by Mr. N. B. K. Pettingill and Mr. F. L. Cornwell for the plaintiff in error, and by Mr. Willis Sweet for the defendant in error.

No. 225. Alexander R. Stalker et al., plaintiffs in error, *v.* The Oregon Short Line Railroad Company. Argued by Mr. Maxwell Evarts for the defendant in error, and submitted by Mr. Carl A. Davis for the plaintiffs in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, April 25, will be as follows: Nos. 226, 227, 208, 231, 232, 233, 234, 235, 236, and 237.



## SUPREME COURT OF THE UNITED STATES.

THURSDAY, APRIL 25, 1912.

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

Henry L. Lyster, of Detroit, Mich.; Albert L. Wilson, of Kansas City, Mo.; and Benjamin F. Booth, of Memphis, Tenn., were admitted to practice.

No. 237. Samuel Loeb, plaintiff in error, *v.* The State of Georgia. In error to the Court of Appeals of the State of Georgia. Dismissed with costs, pursuant to the tenth rule.

No. 226. Chicago & Alton Railroad Company, plaintiff in error, *v.* Nathaniel T. Kirby. Argument commenced by Mr. Garrard B. Winston for the plaintiff in error, continued by Mr. Albert Salzenstein for the defendant in error, and concluded by Mr. William L. Patton for the plaintiff in error.

No. 227. The United States, appellant, *v.* Colorado Anthracite Company. Argued by Mr. Assistant Attorney General Thompson for the appellant, and by Mr. Charles A. Keigwin for the appellee.

No. 208. B. Altman & Company, plaintiff in error, *v.* The United States. Argument commenced by Mr. Henry J. Webster for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, April 26, will be as follows: Nos. 208, 231, 232, 233, 234, 235, 236, 238, 239, and 240.



## SUPREME COURT OF THE UNITED STATES.

FRIDAY, APRIL 26, 1912.

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

M. T. Bryan, of Nashville, Tenn.; O. W. McConnell, of Helena, Mont.; Charles Burlingham, of New York City; and Bertram L. Fletcher, of Bangor, Me., were admitted to practice.

No. 208. B. Altman & Company, plaintiff in error and appellant, *v.* The United States. Argument continued by Mr. Henry J. Webster for the plaintiff in error and appellant, and concluded by Mr. Assistant Attorney General Wemple for the defendant in error and appellee.

No. 231. Elmer H. Duffield, appellant, *v.* Henry F. Ashurst, as district attorney, etc. Argued by Mr. T. J. Norton for the appellant, and by Mr. Edward M. Doe for the appellee.

No. 232. German Alliance Insurance Company, petitioner, *v.* Home Water Supply Company. Argued by Mr. Hartwell Cabell for the petitioner, and by Mr. I. A. Phifer for the respondent.

No. 233. Lillian F. Slocum, executrix, etc., petitioner, *v.* New York Life Insurance Company. Argued by Mr. George E. Shaw for the petitioner, and by Mr. J. H. McIntosh for the respondent.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, April 29, will be as follows: Nos. 512, 549, 508, 304, 869, 716, 201 (and 202), 447, 1075, and 234.



## SUPREME COURT OF THE UNITED STATES.

MONDAY, APRIL 29, 1912.

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

Frank S. Busser, of Philadelphia, Pa; Henry Colborn Smith, of Winthrop, Mass.; Emerson R. Newell, of New York City; Harry A. Parkin, of Chicago, Ill.; John McAllester Stevenson, jr., of San Antonio, Tex.; Benjamin Martin, jr., of Muskogee, Okla.; J. T. Coleman, of Lynchburg, Va.; James P. Haven, of Denison, Tex.; Alexander L. Churchill, of Providence, R. I.; A. H. King, of Jacksonville, Fla.; R. E. Evans, of Dakota City, Nebr.; and William P. Warner, of Omaha, Nebr., were admitted to practice.

No. 118. The State of Washington ex rel. Oregon Railroad & Navigation Company, plaintiff in error, *v.* H. A. Fairchild et al., railroad commissioners, etc. In error to the Supreme Court of the State of Washington. Judgment reversed, with costs, without prejudice to the power of the commission to institute new proceedings, and cause remanded to the said supreme court, with directions to reverse the judgment of the Superior Court of Thurston County. Opinion by Mr. Justice Lamar.

No. 203. The Gulf, Colorado & Santa Fe Railway Company, plaintiff in error, *v.* W. R. Dennis. In error to the County Court of Milan County, State of Texas. Judgment reversed, with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Van Devanter.

No. 405. Alfred F. Goat et al., appellants, *v.* The United States. Appeal from the United States Circuit Court of Appeals for the Eighth Circuit. Decree of the United States Circuit Court of Appeals affirmed, with the modification that the cause shall proceed in conformity with the opinion of this court, and cause remanded to the District Court of the United States for the Eastern District of Oklahoma. Opinion by Mr. Justice Hughes.

No. 434. The Deming Investment Company, appellant, *v.* The United States. Appeal from the United States Circuit Court of Appeals for the Eighth Circuit. Decree of the United States Circuit



Court of Appeals affirmed with the modification that the cause shall proceed in conformity with the opinion of this court, and cause remanded to the District Court of the United States for the Eastern District of Oklahoma. Opinion by Mr. Justice Hughes.

No. 923. Herndon-Carter Company, appellant, *v.* James N. Norris Son & Company. Appeal from the Circuit Court of the United States for the Western District of Kentucky. Decree reversed with costs, and cause remanded to the District Court of the United States for the Western District of Kentucky with directions to overrule the order quashing the return and to set aside the decree denying the jurisdiction of the court. Opinion by Mr. Justice Day.

No. —. American Security & Trust Company et al. *v.* The Commissioners of the District of Columbia. Petition for a writ of error to the Court of Appeals of the District of Columbia denied. Opinion by Mr. Justice Holmes.

No. —. The Washington Home for Incurables *v.* American Security & Trust Company et al.; and

No. —. Benjamin L. Vermillion *v.* Baltimore & Ohio Railroad Company. Applications for the allowance of an appeal from and a writ of error to the Court of Appeals of the District of Columbia denied. Opinion by Mr. Justice Holmes.

No. 859. The Interstate Commerce Commission, plaintiff in error, *v.* The United States of America ex rel. Humboldt Steamship Company. In error to the Court of Appeals of the District of Columbia. Judgment affirmed with costs. Opinion by Mr. Justice McKenna.

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The Chief Justice announced the following orders of the court:

No. —, Original. *Ex parte*: In the matter of Charley Webb, petitioner. Amended motion for leave to file petition for writ of habeas corpus granted, and rule to show cause awarded returnable on Monday, May 13 next.

No. 949. Missouri Pacific Railway Company, plaintiff in error, *v.* Alonzo C. Lessenden. In error to the Supreme Court of the State of Missouri. *Per curiam*: Dismissed for the want of jurisdiction. *McCorquodale v. Texas* (211 U. S., 432, 437); *Waters-Pierce Oil Co. v. Texas* (212 U. S., 112, 118).

No. 223. The State National Bank, plaintiff in error, *v.* D. P. Richardson, city tax collector for the city of Frankfort, et al. In error to the Court of Appeals of the State of Kentucky. *Per curiam*: Dismissed for the want of jurisdiction. *Haseltine v. Bank* (183 U. S., 130); *Schlosser v. Hemphill* (198 U. S., 173, 175).

No. 231. Elmer H. Duffield, appellant, *v.* Henry F. Ashurst, as district attorney, etc. Appeal from the Supreme Court of the Territory

of Arizona. Per curiam: Appeal dismissed with costs. United States ex rel. Warden *v.* Chandler (122 U. S., 643); Bernardin *v.* Butterworth (169 U. S., 600); Security Mutual Life Insurance Co. *v.* Prewitt (200 U. S., 446, 449), and cases cited, and cause remanded to the Supreme Court of the State of Arizona.

No. 1087. William R. Hopkins et al., petitioners, *v.* Charles Hebard et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit granted.

No. 1072. Frank N. Chaplin and David H. Chaplin, petitioners, *v.* The United States. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 1081. The City of St. Augustine, petitioner, *v.* Minnie Thompson. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 1095. J. C. Turner Cypress Lumber Company, petitioner, *v.* Henry M. Pfann et al., etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 586. The United States, plaintiff in error, *v.* James A. Patten et al. Restored to the docket for reargument before a full bench, and assigned for Tuesday, October 15 next, after the cases heretofore assigned for that day.

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No. 1067. Emma Harris, alias Emma R. Smith, et al., plaintiffs in error, *v.* The United States of America; and

No. 1068. Della Bennett, plaintiff in error, *v.* The United States of America. Motions to dismiss submitted by Mr. Solicitor General Lehmann and Mr. Assistant Attorney General Harr for the defendant in error in support of the motions, and by Mr. Max Levy for the plaintiffs in error in opposition thereto. Petitions for writs of certiorari herein submitted by Mr. Max Levy for the plaintiffs in error in support of the petitions, and by Mr. Solicitor General Lehmann and Mr. Assistant Attorney General Harr in opposition thereto.

No. 1097. The United States of America, etc., appellant, *v.* Union Stock Yard & Transit Company of Chicago et al.; and

No. 1098. The Chicago Junction Railway Company, appellant, *v.* The United States of America, etc. Motion to advance submitted by Mr. Solicitor General Lehmann for the United States.

No. 772. Fred J. Bliss, petitioner, *v.* The Washoe Copper Company et al. Motion to advance submitted by Mr. Hannis Taylor, Mr. R. L. Clinton, and Mr. Caleb M. Sawyer for the petitioner in support of the motion, and by Mr. John A. Garber, Mr. James M. Beck, and Mr. L. O. Evans for the respondent in opposition thereto.

No. 1046. A. Leo Everett, trustee, etc., petitioner, *v.* William D. Judson, executor, etc. Motion to advance submitted by Mr. Charles J. Murphy in behalf of counsel for the petitioner.

No. 870. Evan B. Rosenkranz, plaintiff in error, *v.* The State of Rhode Island. Motion to dismiss or affirm submitted by Mr. Alexander L. Churchill and Mr. Percy W. Gardner for the defendant in error in support of the motion.

No. 933. Missouri, Kansas & Texas Railway Company, plaintiff in error, *v.* Mrs. Sallie C. Wulf. Motion to dismiss or affirm submitted by Mr. James P. Haven in behalf of Mr. Judson H. Wood for the defendant in error in support of the motion, and by Mr. Joseph M. Bryson, Mr. James Hagerman, Mr. Cecil H. Smith, and Mr. A. S. Coke for the plaintiff in error in opposition thereto.

No. 1042. Frank M. Ashley, petitioner, *v.* The Samuel C. Tatum Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Frank E. Rapp for the petitioner, and by Mr. Edmund E. Wood and Mr. William Ray Wood for the respondent.

No. 1077. Seaboard Air Line Railway, plaintiff in error, *v.* R. P. Moore. Motion to dismiss or affirm submitted by Mr. A. H. King, Mr. Horatio Bisbee, and Mr. George C. Bedell for the defendant in error in support of the motion, and by Mr. James F. Glen for the plaintiff in error in opposition thereto.

No. 1, Original. The State of Maryland, complainant, *v.* The State of West Virginia. Motion to confirm the majority report of the commissioners herein submitted by Mr. George E. Price for the defendant, with leave to counsel for the complainant to file brief on or before the 11th day of May next.

No. 1088. Wylie Permanent Camping Company, petitioner, *v.* Gail V. Lynch. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. George E. Price for the petitioner, and by Mr. John H. Holt and Mr. J. Bernard Handlan for the respondent.

No. 294. The Coalgate Company, plaintiff in error, *v.* J. W. Hurst, as administrator or trustee, etc. Motion to dismiss submitted by Mr. John R. Wood for the defendant in error in support of the motion and by Mr. Arthur G. Moseley for the plaintiff in error in opposition thereto.

No. 512. Thomas H. Pickford and John H. Walter, appellants, *v.* Henry M. Talbott. Argued by Mr. Henry E. David for the appellants and by Mr. John Ridout for the appellee.

No. 549. Philadelphia, Baltimore & Washington Railroad Company, plaintiff in error, *v.* Theodore A. Schubert. Argued by Mr.

Frederic D. McKenney for the plaintiff in error, and by Mr. John A. Kratz, jr., for the defendant in error.

No. 508. Mary C. Leary, administratrix, etc., appellant, *v.* The United States. Argument commenced by Mr. J. T. Coleman for the appellant, and continued by Mr. Marion Erwin for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, April 30, will be as follows: Nos. 508, 304, 869, 716, 201 (and 202), 447, 1075, 234, 235, and 236.



## SUPREME COURT OF THE UNITED STATES.

TUESDAY, APRIL 30, 1912.

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

C. Fred Thompson, of Tampa, Fla., and Theodore Martin, of Los Angeles, Cal., were admitted to practice.

No. 508. Mary C. Leary, administratrix, etc., appellant, *v.* The United States. Argument continued by Mr. Marion Erwin for the appellee, and concluded by Mr. J. T. Coleman for the appellant.

No. 304. Seaboard Air Line Railway, plaintiff in error, *v.* Ernest N. Duvall. Argument commenced by Mr. Walter H. Neal for the plaintiff in error, continued by Mr. W. C. Douglass for the defendant in error, and concluded by Mr. Benjamin Micou for the plaintiff in error.

No. 869. Low Wah Suey and Li A. Sim (Mrs. Low Wah Suey), appellants, *v.* Samuel W. Backus, commissioner, etc. Argued by Mr. Corry M. Staeden for the appellants, and by Mr. Assistant Attorney General Harr for the appellee.

No. 716. The Atchison, Topeka & Santa Fe Railway Company, plaintiff in error, *v.* The United States. Argued by Mr. Robert Dunlap for the plaintiff in error, and by Mr. Joseph Stewart for the defendant in error.

No. 234. The Eastern Cherokees, appellant, *v.* The United States. Argument commenced by Mr. Charles Poe for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, May 1, will be as follows: Nos. 234, 201 (and 202), 447, 1075, 235, 236, 238, 239, 240, and 241.

## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, MAY 1, 1912.

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

Frederick A. Tennant, of Washington, D. C.; Joseph E. Johnson, of Warsaw, N. C.; Roy Wilson Hill, of Chicago, Ill.; Marcus Edward Brown, of St. Paul, Minn.; and C. N. Feamster, of Washington, D. C., were admitted to practice.

No. 239. Henry Clairmont, plaintiff in error, *v.* The United States. Submitted by Mr. O. W. McConnell and Mr. N. W. McConnell for the plaintiff in error, and Mr. Assistant Attorney General Denison for the defendant in error.

No. 241. John F. Hanson, plaintiff in error, *v.* Emil Gustafson. In error to the Supreme Court of the State of Kansas. Dismissed with costs, pursuant to the tenth rule.

No. 234. The Eastern Cherokees, appellants, *v.* The United States. Argument continued by Mr. Assistant Attorney General Thompson for the appellee, and concluded by Mr. Samuel A. Putman for the appellants.

No. 201. Frank W. Brown, appellant, *v.* C. T. Elliott, United States marshal, etc., et al.; and

No. 202. E. C. Moore, appellant, *v.* C. T. Elliott, United States marshal, etc., et al. Argument commenced by Mr. Henry F. Woodard for the appellants, continued by Mr. Solicitor General Lehmann for the appellees, and concluded by Mr. A. A. Birney for the appellants.

No. 1075. Arthur Johnson, petitioner, *v.* The United States. Argument commenced by Mr. Paca Oberlin for the petitioner.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, May 2, will be as follows: Nos. 1075, 447, 235, 236, 238, 240, 242, 243, 244, and 245.



## SUPREME COURT OF THE UNITED STATES.

THURSDAY, MAY 2, 1912.

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.

John E. McLeish, of Chicago, Ill., and Charles H. McKee, of Pittsburgh, Pa., were admitted to practice.

No. 243. Northern Indiana Gas & Electric Company, appellant, *v.* The Mayor and Board of Public Works of the City of Hammond, Indiana, et al. Continued per stipulation.

No. 245. Jacob Oppenheimer, plaintiff in error, *v.* The People of the State of California. In error to the Supreme Court of the State of California. Dismissed with costs, pursuant to the tenth rule.

No. 1075. Arthur Johnson, petitioner, *v.* The United States. Leave granted to Mr. Thomas M. Baker to appear specially herein for the petitioner, on motion of Mr. Paca Oberlin for the petitioner. Argument continued by Mr. Paca Oberlin for the petitioner, by Mr. Solicitor General Lehmann for the respondent, and concluded by Mr. Thomas M. Baker (by special leave) for the petitioner.

No. 235. Charles D. Cresswill et al., plaintiffs in error, *v.* Grand Lodge Knights of Pythias of Georgia et al. Argument commenced by Mr. Alton B. Parker for the plaintiffs in error, and continued by Mr. Hamilton Douglas and Mr. John P. Ross for the defendants in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, May 3, will be as follows: Nos. 235, 447, 236, 238, 240, 242, 244, 246, 248, and 249.





## SUPREME COURT OF THE UNITED STATES.

FRIDAY, MAY 3, 1912.

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

William D. B. Ainey, of Montrose, Pa.; Cambridge Livingston, of New York City; and Delbert J. Haff, of Kansas City, Mo., were admitted to practice.

No. 1123. J. Wesley Glasgow, appellant, *v.* William H. Moyer, warden, etc. Motion to advance submitted by Mr. John C. Fay for the appellant.

No. 246. Benjamin Rosenthal, plaintiff in error, *v.* The People of the State of New York. Continued per stipulation.

No. 248. Wells, Fargo & Company et al., plaintiffs in error, *v.* Neiman-Marcus Company. Continued per stipulation.

No. 235. Charles D. Cresswill et al., plaintiffs in error, *v.* Grand Lodge Knights of Pythias of Georgia et al. Argument continued by Mr. John P. Ross for the defendants in error, and concluded by Mr. C. L. Pettigrew for the plaintiffs in error.

No. 447. Frederick A. Hyde and Joost H. Schneider, petitioners, *v.* The United States. Reargued by Mr. A. S. Worthington for the petitioners, and by Mr. Solicitor General Lehmann for the respondent.

No. 236. Southern Railway Company, plaintiff in error, *v.* Burlington Lumber Company. Argued by Mr. John K. Graves for the plaintiff in error. No appearance for the defendant in error.

No. 238. Selover, Bates & Company, plaintiff in error, *v.* Ella T. Walsh. Continued.

No. 240. Frank H. Jones, trustee, etc., appellant, *v.* Charles Springer. Continued.

Adjourned until Monday, May 13, at 12 o'clock.

The day call has been suspended for the term.



## SUPREME COURT OF THE UNITED STATES.

MONDAY, MAY 13, 1912.

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

Adrian T. Kiernan, of Brooklyn, N. Y.; De Witt C. Howe, of Concord, N. H.; W. A. Wall, of Mound City, Ill.; N. W. Frasure, of Lancaster, Ohio; James B. Archer, of Washington, D. C.; Grant Jarvis, of Rogersville, Tenn.; and Edgar Wright, of Paris, Tex., were admitted to practice.

No. 220. Actieselskabet "Jason" *v.* John Arbuckle et al. On a certificate from the United States Circuit Court of Appeals for the Second Circuit. First and second questions answered in the affirmative. Third question answered in the negative. Opinion by Mr. Justice Pitney.

No. 809. George W. Choate et al., plaintiffs in error, *v.* M. E. Trapp, secretary, etc., 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 Lamar.

No. 575. Michael H. Gleason et al., plaintiffs in error, *v.* J. I. Wood, county treasurer, etc., 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 Lamar.

No. 559. Bessie Brown English, plaintiff in error, *v.* H. T. Richardson, county treasurer of Tulsa County. 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 Lamar.

No. 197. City of Louisville, Ky., appellant, *v.* Cumberland Telephone & Telegraph Company. Appeal from the Circuit Court of the United States for the Western District of Kentucky. Decree affirmed with costs, and cause remanded to the District Court of the United States for the Western District of Kentucky. Opinion by Mr. Justice Lamar.

No. 46. Cross Lake Shooting & Fishing Club, plaintiff in error, *v.* State of Louisiana. In error to the Supreme Court of the State of Louisiana. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Van Devanter.

No. 896. Levi B. Gritts et al., appellants, *v.* Walter L. Fisher, Secretary of the Interior et al. Appeal from the Court of Appeals of the District of Columbia. Decree affirmed with costs. Opinion by Mr. Justice Van Devanter.

No. 721. James H. Graham, plaintiff in error, *v.* State of West Virginia. In error to the Supreme Court of Appeals of the State of West Virginia. Judgment affirmed with costs. Opinion by Mr. Justice Hughes.

No. 549. Philadelphia, Baltimore & Washington Railroad Company, plaintiff in error, *v.* Theodore A. Schubert. In error to the Court of Appeals of the District of Columbia. Judgment affirmed with costs. Opinion by Mr. Justice Hughes.

No. 208. B. Altman & Company, appellant, *v.* The United States. Appeal from the Circuit Court of the United States for the Southern District of New York. Decree affirmed, and cause remanded to the District Court of the United States for the Southern District of New York. Opinion by Mr. Justice Day.

No. 221. Frank H. Waskey, petitioner, *v.* J. J. Chambers. On a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgment reversed with costs, and cause remanded to the District Court of the United States for the District of Alaska, Second Division, for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Holmes.

No. 508. Mary C. Leary, administratrix, etc., appellant, *v.* The United States. Appeal from the United States Circuit Court of Appeals for the Fourth Circuit. Decree reversed, and cause remanded to the District Court of the United States for the Western District of Virginia for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Holmes. Dissenting: Mr. Justice McKenna and Mr. Justice Pitney.

No. 947. The Texas & Pacific Railway Company, plaintiff in error, *v.* W. A. Howell. In error to the United States Circuit Court of Appeals for the Fifth Circuit. Judgment affirmed with costs, and cause remanded to the District Court of the United States for the Eastern District of Texas. Opinion by Mr. Justice Holmes.

No. 228. Edward Quigley McCaughey et al., etc., plaintiffs in error, *v.* Alexander Lyall et al. In error to the Supreme Court of the State of California. Judgment affirmed with costs. Opinion by Mr. Justice McKenna.

No. 224. American Railroad Company of Porto Rico, plaintiff in error, *v. Ann Elizabeth Birch et al.* In error to the District Court of the United States for Porto Rico. Judgment reversed with costs without prejudice to such rights as the personal representatives may have, and cause remanded to said district court. Opinion by Mr. Justice McKenna.

No. 344. The Missouri Pacific Railway Company, plaintiff in error, *v. Ozro Castle.* In error to the Circuit Court of the United States for the District of Nebraska. Judgment affirmed with costs and interest, and cause remanded to the District Court of the United States for the District of Nebraska. Opinion by Mr. Chief Justice White.

No. 218. Mary Nielsen, administratrix, etc., appellant, *v. Albert Steinfeld et al.* Appeal from the Supreme Court of the Territory of Arizona. Decree reversed with costs and cause remanded to the Supreme Court of the State of Arizona for further proceedings not inconsistent with the opinion of this court. Opinion by Chief Justice White.

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

No. 294. The Coalgate Company, plaintiff in error, *v. J. W. Hurst,* as administrator or trustee, etc. In error to the Supreme Court of the State of Oklahoma. Per curiam: Dismissed for the want of jurisdiction. *Wabash Railroad Company v. Flannigan.* (192 U. S., 29, 38; *United States v. Pridgeon,* 153 U. S., 48, 53, 54; *Shoshone Mining Co. v. Rutter,* 177 U. S., 505, 508; *Re Moran,* 203 U. S., 96, 104.)

No. 772. Fred J. Bliss, petitioner, *v. The Washoe Copper Company et al.* Motion to advance denied.

No. 1046. A. Leo Everett, trustee, etc., petitioner, *v. William D. Judson,* executor, etc. Motion to advance this cause for argument after case No. 460 granted.

No. 1097. The United States of America, etc., appellant, *v. Union Stock Yard & Transit Company of Chicago et al.;* and

No. 1098. The Chicago Junction Railway Company, appellant, *v. The United States of America,* etc. Motion to advance granted, and cases assigned for argument on Tuesday, October 15 next, after the cases heretofore assigned for that day.

No. 1123. J. Wesley Glasgow, appellant, *v. William H. Moyer,* warden, etc. Motion to advance granted and case assigned for argument on this day, and counsel allowed one-half hour on each side for the argument.

No. 933. The Missouri, Kansas & Texas Railway Company, plaintiff in error, *v. Mrs. Sallie C. Wulf.* Motion to dismiss or affirm post-

poned to the hearing of the case on its merits, and cause ordered placed on the summary docket for the next term.

No. 1077. Seaboard Air Line Railway, plaintiff in error, *v.* P. R. Moore. Ordered to be placed on the summary docket for the next term.

No. 1067. Emma Harris, alias Emma R. Smith, et al., plaintiffs in error, *v.* The United States of America; and

No. 1068. Della Bennett, plaintiff in error, *v.* The United States of America. Petitions for writs of certiorari in these cases granted.

No. 1042. Frank M. Ashley, petitioner, *v.* The Samuel C. Tatum Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 1088. Wylie Permanent Camping Company, petitioner, *v.* Gail V. Lynch. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 241. John F. Hanson, plaintiff in error, *v.* Emil Gustafson. Ordered that the order entered herein on May 1, dismissing this case for failure to print the transcript of the record be set aside and the cause restored to the docket.

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No. 1034. Four Hundred and Forty-three Cans of Frozen Egg Product, etc., appellant and plaintiff in error, *v.* The United States of America. Motion to advance submitted by Mr. Solicitor General Lehmann for the United States.

No. 1133. The United States of America et al., appellants, *v.* Baltimore & Ohio Southwestern Railroad Company et al. Motion to advance submitted by Mr. Solicitor General Lehmann for the appellee.

No. 1134. The United States, petitioner, *v.* Twenty-five Packages of Panama Hats, Maximo Castillo, claimant. 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. J. C. Adkins for the petitioner, and by Mr. Albert H. Washburn for the respondent.

No. 83. The Lincoln Gas & Electric Light Company, appellant, *v.* The City of Lincoln et al. Motion to retax costs submitted by Mr. F. W. Lehmann, in behalf of Mr. Fred C. Foster for the appellees, in support of the motion, and by Mr. Charles A. Frueauff, Mr. E. C. Strode, and Mr. Halleck F. Rose for the appellant in opposition thereto.

No. 237. Samuel Loeb, plaintiff in error, *v.* The State of Georgia. Motion to set aside judgment of dismissal and reinstate case on the docket submitted by Mr. Jackson H. Ralston for the plaintiff in error.

No. 1135. Edward H. Hance et al., petitioners, *v.* The United States. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. C. L. Sturtevant, Mr. Henry N. Paul, jr., and Mr. Joseph C. Fraley for the petitioners, with leave to the Solicitor General to file brief in opposition on or before Friday next.

No. 1107. W. Schneider Wholesale Wine & Liquor Company, appellant, *v.* August Diederich. Petition for a writ of certiorari herein submitted by Mr. James Love Hopkins for the appellant.

No. 1105. The United States of America ex rel. Ben B. Jones, petitioner, *v.* Walter L. Fisher, Secretary of the Interior. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia submitted by Mr. Henry B. F. Macfarland, Mr. Charles Cowles Tucker, Mr. J. Miller Kenyon, and Mr. E. S. Bailey for the petitioner.

No. 1106. Paul A. Primeau, petitioner, *v.* Olive L. Granfield, executrix, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Clarence J. Shearn for the petitioner and by Mr. Clarence Blair Mitchell and Mr. William G. Choate for the respondent.

No. 1119. The Louisville & Nashville Railroad Company, petitioner, *v.* J. E. Helms. Petition for a writ of certiorari to the United States Circuit of Appeals for the Second Circuit submitted by Mr. Benjamin Micou in behalf of Mr. W. A. Blount and Mr. A. C. Blount, jr., for the petitioner and by Mr. R. P. Reese for the respondent.

No. 1080. W. H. Staley et al., petitioners, *v.* W. L. Derden. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. E. S. Thompson, in behalf of Mr. R. S. Neblett and Mr. Richard Mays, for the petitioners and by Mr. W. J. McKie and Mr. Horace Chilton for the respondent.

No. 1126. George Roukous, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit submitted by Mr. Boyd B. Jones for the petitioner, with leave to the Solicitor General to file brief in opposition within 10 days.

No. 1121. Marx & Rawolle et al., petitioners, *v.* The United States. Petition for a writ of certiorari to the United States Court of Customs Appeals submitted by Mr. B. A. Levett for the petitioners and by Mr. Solicitor General Lehmann and Mr. Assistant Attorney General Wemple for the respondent.

No. 1065. Susan J. Taylor, as administratrix, etc., plaintiff in error, *v.* Sextus E. Taylor. Motion to advance submitted by Mr. Frederick S. Tyler, in behalf of counsel for the defendant in error.



No. 262. Indian Protective Association, appellant, *v.* Hugh H. Gordon. Motion to affirm submitted by Mr. James B. Archer and Mr. John Lewis Smith for the appellee in support of the motion, and by Mr. Charles Poe, Mr. Benjamin S. Minor, and Mr. Hugh B. Roland for the appellant, in opposition thereto.

No. 1124. A. W. Lawton, petitioner, *v.* N. Leslie Carpenter et al., etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. J. M. Chamberlin, in behalf of Mr. Joseph A. McCullough and Mr. William Garrard, for the petitioner, and by Mr. Joseph E. Johnson for the respondents.

No. 1127. The City and County of Denver et al., petitioners, *v.* The New York Trust Company et al.; and

No. 1128. The City and County of Denver et al., petitioners, *v.* The Denver Union Water Company et al. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. George L. Nye, Mr. Charles S. Thomas, Mr. W. H. Bryant, Mr. C. W. Waterman, Mr. Henry A. Lindsley, and Mr. George Q. Richmond for the petitioners, and by Mr. Joel F. Vaile and Mr. Henry McAllister, jr., for the respondent in No. 1127, and by Mr. Clayton C. Dorsey and Mr. Gerald Hughes for the respondents in No. 1128.

No. 1122. The German Bank of Carroll County, Iowa, et al., petitioners, *v.* George C. Ball, receiver, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Benjamin I. Salinger for the petitioners.

No. 903. The Railroad Commission of the State of Mississippi et al., appellants, *v.* Louisville & Nashville Railroad Company. Motion to dismiss or affirm submitted by Mr. Alfred P. Thom, in behalf of Mr. Henry L. Stone, Mr. G. L. Smith, and Mr. Marcellus Green for the appellee in support of the motion, and by Mr. Hannis Taylor, Mr. Claude Clayton, and Mr. W. D. Anderson for the appellants in opposition thereto.

No. 1110. Hygienic Fleeced Underwear Company, petitioner, *v.* Phoenix Knitting Works et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Hector T. Fenton for the petitioner, and by Mr. Henry N. Paul, jr., and Mr. Joseph C. Fraley for the respondents.

No. 547. El Paso & Southwestern Railroad Company, plaintiff in error, *v.* Eichel & Weikel. Motion to dismiss or affirm submitted by Mr. Waters Davis and Mr. Philip W. Frye for the defendants in error in support of the motion, and by Mr. William C. Keegin and Mr. A. B. Browne for the plaintiff in error in opposition thereto.

No. 606. The Singer Manufacturing Company, appellant, *v.* Wirt Adams, State revenue agent of Mississippi, et al. Motion to dismiss



or affirm submitted by Mr. Edward Mayes for the appellees in support of the motion, and by Mr. C. H. Alexander for the appellant in opposition thereto.

No. 11, Original. *Ex parte*: In the matter of Charley Webb, petitioner. Argument commenced by Mr. J. C. Stone for the petitioner, continued by Mr. Assistant Attorney General Denison for the respondent, and concluded by Mr. Lawrence Maxwell for the petitioner.

No. 1123. J. Wesley Glasgow, appellant, *v.* William H. Moyer, warden, etc. Argued by Mr. John C. Fay for the appellant and by Mr. Solicitor General Lehmann for the appellee. Leave granted to counsel for the appellee to file brief on or before Friday, and to counsel for appellant to reply thereto if so advised.

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



## SUPREME COURT OF THE UNITED STATES.

MONDAY, MAY 27, 1912.

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

H. J. Wagner, of Washington, D. C.; T. C. West, of San Francisco, Cal.; J. Roy Smith, of Kansas City, Mo.; Fred B. Merrills, of Belleville, Ill.; John H. De Witt, of Nashville, Tenn.; Douglas W. Brown, of Huntington, W. Va.; Elfego Baca, of Albuquerque, N. Mex.; Robert F. Blair, of Wagoner, Okla.; Royal Thomas McKenna, of Washington, D. C.; T. C. Hinkley, of Panama, R. P.; Jacob Reyle Spielman, of Oklahoma City, Okla.; Charles Cramer, of New York City; Virgil Rule, of St. Louis, Mo.; and Adolph M. Schwarz, of New York City, were admitted to practice.

No. 230. John Oluf Johannessen, appellant, *v.* The United States. Appeal from the District Court of the United States for the Northern District of California. Decree affirmed. Opinion by Mr. Justice Pitney.

No. 227. The United States, appellant, *v.* Colorado Anthracite Company. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Van Devanter.

No. 111. The United States Fidelity & Guaranty Company, appellant, *v.* M. J. Bray et al. Appeal from the United States Circuit Court of Appeals for the Fourth Circuit. Decree affirmed with costs, and cause remanded to the District Court of the United States for the Northern District of West Virginia. Opinion by Mr. Justice Van Devanter.

No. 641. M. Anderson *v.* The Pacific Coast Steamship Company, Claimant of the Steamship "Queen," etc.; and

No. 642. N. Jordan *v.* The Pacific Coast Company, Claimant of the Steamship "Umatilla," etc. On a certificate from the United States Circuit Court of Appeals for the Ninth Circuit. Questions certified answered in the negative. Opinion by Mr. Justice Hughes.

No. 172. National Bank of Newport, N. Y., appellant, *v.* National Herkimer Bank of Little Falls, N. Y. Decree affirmed with costs, and cause remanded to the District Court of the United States for the Northern District of New York. Opinion by Mr. Justice Hughes.

No. 225. Alexander R. Stalker and Emaline Stalker, plaintiffs in error, *v.* The Oregon Short Line Railroad Company. In error to the Supreme Court of the State of Idaho. Judgment affirmed with costs. Opinion by Mr. Justice Lurton.

Nos. 191 and 192. Albert S. Bigelow, plaintiff in error, *v.* Old Dominion Copper Mining & Smelting Company. In error to the Supreme Judicial Court of the State of Massachusetts. Judgments affirmed with costs and interest. Opinion by Mr. Justice Lurton. (Mr. Justice Hughes took no part in the decision of this case.)

No. 226. Chicago & Alton Railroad Company, plaintiff in error, *v.* Nathaniel T. Kirby. In error to the Supreme Court of the State of Illinois. Judgment reversed with costs, and cause remanded for such further proceedings as are not inconsistent with the opinion of this court. Opinion by Mr. Justice Lurton.

No. 519. Chester S. Jordan, plaintiff in error, *v.* The Commonwealth of Massachusetts. In error to the Superior Court of the State of Massachusetts. Judgment affirmed with costs. Opinion by Mr. Justice Lurton.

No. 505. The Railroad Commission of Ohio, appellant, *v.* B. A. Worthington, Receiver of the Wheeling & Lake Erie Railroad Company. Appeal from the Circuit Court of the United States for the Northern District of Ohio. Dismissed with costs, and cause remanded to the District Court of the United States for the Northern District of Ohio. Opinion by Mr. Justice Day.

No. 776. Railroad Commission of Ohio, appellant, *v.* B. A. Worthington, Receiver, etc. Appeal from the United States Circuit Court of Appeals for the Sixth Circuit. Decree affirmed with costs and cause remanded to the District Court of the United States for the Northern District of Ohio. Petition for writ of certiorari denied. Opinion by Mr. Justice Day.

No. 236. Southern Railway Company, plaintiff in error, *v.* Burlington Lumber Company. In error to the Supreme Court of the State of North Carolina. Judgment reversed with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Holmes.

No. 92. Lawrence E. Sexton, as trustee, etc., appellant, *v.* Kessler & Company, Limited, et al. Appeal from the United States Circuit Court of Appeals for the Second Circuit. Decree affirmed with costs, and cause remanded to the District Court of the United States for the Southern District of New York. Opinion by Mr. Justice Holmes.

No. 1045. Charles A. Chase, appellant, *v.* Emil Wetzlar, surviving executor, etc. Appeal from the Circuit Court of the United States for the Southern District of New York. Decree affirmed with costs, and

cause remanded to the District Court of the United States for the Southern District of New York. Opinion by Mr. Chief Justice White.

No. 193. Ramon Valdes, appellant, *v.* Central Altigracia, Inc., and Nevers & Callaghan; and

No. 196. Central Altigracia, Inc., appellant, *v.* Ramon Valdes and George C. Nevers et al. Appeals from the District Court of the United States for Porto Rico. Decrees affirmed, with costs. Opinion by Mr. Chief Justice White.

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

No. 262. Indian Protective Association, appellant, *v.* Hugh H. Gordon. Appeal from the Court of Appeals of the District of Columbia. *Per curiam*: Decree as to Hugh H. Gordon affirmed, with costs, upon the opinion of the court below. 34 App. D. C., 553.

No. 1, Original. The State of Maryland, complainant, *v.* The State of West Virginia. Exceptions to the report of Commissioners Julius K. Monroe and Samuel S. Gannett overruled, and said report confirmed, and final decree entered.

No. 1034. Four hundred and forty-three cans of frozen egg product, etc., appellant, and plaintiff in error, *v.* The United States of America. Motion to advance granted, and cause assigned for argument on Tuesday, October 15th next, after the cases heretofore assigned for that day.

No. 1133. The United States of America et al., appellants, *v.* Baltimore & Ohio Southwestern Railroad Company et al. Motion to advance granted, and cause assigned for argument on Tuesday, October 15th next, after the cases heretofore assigned for that day.

No. 1065. Susan J. Taylor, administratrix, etc., plaintiff in error, *v.* Sextus E. Taylor. Motion to advance granted, and cause assigned for argument on Tuesday, October 15 next, after the cases heretofore assigned for that day.

No. 547. El Paso & Southwestern Railroad Company, plaintiff in error, *v.* Eichel & Weikel; and

No. 606. The Singer Mfg. Co., appellant, *v.* Wirt Adams, State Revenue Agent of Mississippi, et al. Placed on the summary docket for hearing at the next term.

No. 83. The Lincoln Gas & Electric Light Company, appellant, *v.* The City of Lincoln, et al. Motion to retax costs denied.

No. 237. Samuel Loeb, plaintiff in error, *v.* The State of Georgia. Motion to set aside judgment of dismissal for failure to print the record granted, and cause restored to the docket.

No. 1127. The City and County of Denver et al., petitioners, *v.* The New York Trust Company et al.; and

No. 1128. The City and County of Denver et al., petitioners, *v.* The Denver Union Water Company et al. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit granted.

No. 1134. The United States, petitioner, *v.* Twenty-five Packages of Panama Hats. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 641. M. Anderson *v.* The Pacific Coast Steamship Company, claimant of the steamship "Queen," etc.; and

No. 642. N. Jordan *v.* The Pacific Coast Company, claimant of the steamship "Umatilla," etc. Petition for writs of certiorari to bring up the whole record denied.

No. 1080. W. H. Staley et al., petitioners, *v.* W. L. Derden. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 1105. The United States of America ex rel. Ben B. Jones, petitioner, *v.* Walter L. Fisher, Secretary of the Interior. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 1106. Paul A. Primeau, petitioner, *v.* Olive L. Granfield, executrix, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 1110. Hygienic Fleeced Underwear Company, petitioner, *v.* Phoenix Knitting Works et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 1119. The Louisville & Nashville Railroad Company, petitioner, *v.* J. E. Helms. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 1121. Marx & Rawolle et al., petitioners, *v.* The United States. Petition for a writ of certiorari to the United States Court of Customs Appeals denied.

No. 1122. The German Bank of Carroll County, Iowa, et al., petitioners, *v.* George C. Ball, receiver, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 1124. A. W. Lawton, petitioner, *v.* N. Leslie Carpenter et al., etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 1126. George Roukous, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 1135. Edward H. Hance et al., etc., petitioners, *v.* The United States. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 1107. W. Schneider Wholesale Wine & Liquor Company, appellant, *v.* August Diederich. Further consideration of the petition for a writ of certiorari postponed to the hearing of the merits.

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The Chief Justice also announced that the court will adjourn to-day until Friday, June 7, when petitions for writs of certiorari and motions will be received. The court will then adjourn until Monday, June 10, when it will adjourn for the term. No petitions for writs of certiorari or motions, except motions for admission, will be received on that day, except for good cause shown.

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No. 1143. The Merchants & Miners Transportation Company, 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. Samuel B. Adams and Mr. Daniel H. Hayne for the petitioner, with leave to the Solicitor General to file brief in opposition within two days and to counsel for the petitioner to reply thereto within three days thereafter.

No. 1144. W. B. Quaintance, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States Court of Customs Appeals submitted by Mr. Wade H. Ellis, Mr. John A. Kratz, jr., and Mr. Albert H. Washburn for the petitioner and by Mr. Solicitor General Lehmann and Mr. Assistant Attorney General Wemple for the respondent.

No. 888. United Railroads of San Francisco, petitioner, *v.* City and County of San Francisco et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. William M. Abbott and Mr. Joseph D. Redding for the petitioner and by Mr. Percy V. Long for the respondents.

No. 549. Philadelphia, Baltimore & Washington Railroad Company plaintiff in error, *v.* Theodore A. Schubert. Mandate granted on motion of Mr. John A. Kratz, jr., for the defendant in error.

No. 220. Actieselskabet "Jason" *v.* John Arbuckle et al. Mandate granted on motion of Mr. John Spalding Flannery in behalf of counsel.

No. 1015. James A. Murray, doing business as The Pocatello Water Company, plaintiff in error, *v.* The City of Pocatello. Motion to affirm submitted by Mr. A. B. Browne, Mr. Alexander Britton,

and Mr. Evans Browne for the defendant in error in support of the motion and by Mr. A. A. Hoehling, jr., and Mr. Norman M. Ruick for the plaintiff in error in opposition thereto.

No. 841. Arthur Hirsh et al., appellants, *v.* J. W. Taylor et al., etc. Advanced under the thirty-second rule, on motion of Mr. D. W. Brown for the appellees, and cause submitted by Mr. John H. Holt for the appellants and Mr. C. W. Campbell and Mr. D. W. Brown for the appellees.

Adjourned until Friday, June 7, at 12 o'clock.





## SUPREME COURT OF THE UNITED STATES.

FRIDAY, JUNE 7, 1912.

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

A. L. C. Atkinson, of Honolulu, Hawaii; Charles V. Halley, jr., of New York City; F. W. Gwathmey, of Louisa, Va.; William H. Sexton, of Chicago, Ill.; D. E. Knight, of Starke, Fla.; Frank W. Arnold, of New York City; Thomas A. Daily, of Indianapolis, Ind.; and Arthur E. Goddard, of New York City, were admitted to practice.

No. 512. Thomas H. Pickford and John H. Walter, appellants, *v.* Henry M. Talbott. Appeal from the Court of Appeals of the District of Columbia. Decree affirmed with costs. Opinion by Mr. Justice Pitney.

No. 179. Westinghouse Electric & Manufacturing Company, petitioner, *v.* The Wagner Electric & Manufacturing Company. On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Decree reversed with costs, and cause remanded to the District Court of the United States for the Eastern District of Missouri, with directions that it be recommitted to a master for a new hearing on all the questions involved in the original record, and, on evidence already submitted and such additional testimony as may be offered, for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Lamar.

No. 204. J. L. Murphy, plaintiff in error, *v.* The People of the State of California. In error to the Superior Court of Los Angeles County, State of California. Judgment affirmed with costs. Opinion by Mr. Justice Lamar.

No. 219. D. L. Henderson, trustee, etc., petitioner, *v.* Sam Mayer. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Decree affirmed with costs, and cause remanded to the District Court of the United States for the Southern District of Georgia. Opinion by Mr. Justice Lamar.

No. 716. The Atchison, Topeka & Santa Fe Railway Company, plaintiff in error, *v.* The United States. In error to the Circuit Court

of the United States for the District of Kansas. Judgment affirmed and cause remanded to the District Court of the United States for the District of Kansas. Opinion by Mr. Justice Lamar.

No. 156. Albert W. Shulthis, appellant, *v.* D. A. McDougal et al.; and

No. 157. George Franklin Berryhill, appellant, *v.* Albert W. Shulthis et al. Appeals from the United States Circuit Court of Appeals for the Eighth Circuit. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Van Devanter.

No. 234. The Eastern Cherokees, appellants, *v.* The United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Van Devanter.

No. 137. David Lupton's Sons Company, plaintiff in error, *v.* The Automobile Club of America. In error to the Circuit Court of the United States for the Southern District of New York. Judgment reversed with costs, and cause remanded to the District Court of the United States for the Southern District of New York with instructions to enter judgment in favor of the plaintiff for \$709.52, with interest from the date of the commencement of the action. Opinion by Mr. Justice Hughes.

No. 68. Marion W. Savage, appellant, *v.* William J. Jones, jr., State chemist, etc. Appeal from the Circuit Court of the United States for the District of Indiana. Decree affirmed with costs and cause remanded to the District Court of the United States for the District of Indiana. Opinion by Mr. Justice Hughes.

No. 139. Louis Zeckendorf, appellant, *v.* Albert Steinfeld et al. Appeal from the Supreme Court of the Territory of Arizona. Decree reversed with costs, and cause remanded to the Supreme Court of the State of Arizona for such further proceedings as may not be inconsistent with the opinion of this court. Opinion by Mr. Justice Day.

No. 140. Albert Steinfeld et al., appellants, *v.* Louis Zeckendorf et al. Appeal from the Supreme Court of the Territory of Arizona. Decree affirmed with costs and cause remanded to the Supreme Court of the State of Arizona. Opinion by Mr. Justice Day.

No. 869. Low Wah Suey and Li A. Sim (Mrs. Low Wah Suey), appellants, *v.* Samuel W. Backus, commissioner, etc. Appeal from the District Court of the United States for the Northern District of California. Judgment affirmed with costs. Opinion by Mr. Justice Day.

No. 150. Rosewell E. Messinger, petitioner, *v.* Peter Anderson. On a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. Judgment reversed with costs, and cause remanded to the District Court of the United States for the Northern District

of Ohio for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Holmes.

No. 761. City of Louisville, appellant, *v.* Cumberland Telephone & Telegraph Company. Appeal from the Circuit Court of the United States for the Western District of Kentucky. Decree reversed, with costs, without prejudice, and cause remanded to the District Court of the United States for the Western District of Kentucky for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Holmes.

No. 719. The Interstate Commerce Commission and The United States, appellants, *v.* The Baltimore & Ohio Railroad Company et al. Appeal from the United States Commerce Court. Decree reversed, and cause remanded with directions to dismiss the petition. Opinion by Mr. Justice McKenna.

No. 1075. Arthur Johnson, petitioner, *v.* The United States. On writ of certiorari to the Court of Appeals of the District of Columbia. Judgment affirmed. Opinion by Mr. Justice McKenna.

No. 1123. J. Wesley Glasgow, appellant, *v.* William H. Moyer, warden, etc. Appeal from the District Court of the United States for the Northern District of Georgia. Final order affirmed, with costs. Opinion by Mr. Justice McKenna.

No. 903. The Railroad Commission of the State of Mississippi et al., appellants, *v.* Louisville & Nashville Railroad Company. Appeal from the Circuit Court of the United States for the Southern District of Mississippi. Decree affirmed with costs, and cause remanded to the District Court of the United States for the Southern District of Mississippi. Opinion by Mr. Chief Justice White.

No. 887. R. J. Darnell, Incorporated, plaintiff in error, *v.* The Illinois Central Railroad Company et al. In error to the Circuit Court of the United States for the Western District of Tennessee. Dismissed for want of jurisdiction. Opinion by Mr. Chief Justice White.

No. 780. The Procter & Gamble Company, appellant, *v.* The United States of America et al. Appeal from the United States Commerce Court. Decree reversed and cause remanded with directions to dismiss the petition for want of jurisdiction. Opinion by Mr. Chief Justice White.

No. 773. James J. Hooker et al., etc., appellants, *v.* Martin A. Knapp et al., as members of the Interstate Commerce Commission, et al.; and

No. 774. The Eagle White Lead Company et al., appellants, *v.* The Interstate Commerce Commission et al. Appeals from the United States Commerce Court. Decrees reversed and causes remanded with directions to dismiss for want of jurisdiction. Opinion by Mr. Chief Justice White.

The Chief Justice also announced the following orders:

No. 870. Evan B. Rosenkrans, plaintiff in error, *v.* The State of Rhode Island. In error to the Supreme Court of the State of Rhode Island. Per curiam: Judgment affirmed with costs. (*Collins v. Texas*, 223 U. S., 288.)

No. 888. United Railroads of San Francisco, petitioner, *v.* City and County of San Francisco et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 1143. The Merchants & Miners Transportation Company, 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. 1144. W. B. Quaintance, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States Court of Customs Appeals denied.

No. 1015. James A. Murray, doing business, etc., plaintiff in error, *v.* The City of Pocatello. Ordered to be placed on the summary docket of October term, 1912.

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No. 1169. William McCoach, collector of internal revenue, petitioner, *v.* Minehill and Schuylkill Haven Railroad Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Solicitor General Lehmann for the petitioner.

No. 1170. Kate C. Archer, petitioner, *v.* The Greenville Sand & Gravel Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. T. M. Miller for the petitioner.

No. 830. Henry F. Samstag et al., petitioners, *v.* George Frost Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. John S. Seymour for the petitioners, and by Mr. Horace A. Dodge for the respondents.

No. 1156. Aetna Life Insurance Company, of Hartford, Connecticut, petitioner, *v.* Benjamin Lucas Outlaw. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. Levi H. David for the petitioner.

No. 1141. The Fred W. Wolf Company, petitioner, *v.* The Mt. Vernon Refrigerating Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Ernest Wilkinson, Mr. Frank H. Scott, Mr. Edgar A.

Bancroft, and Mr. John E. MacLeish for the petitioner, and by Mr. J. B. Waight and Mr. Murray Seasongood for the respondent.

No. 1157. The Order of St. Benedict of New Jersey, petitioner, *v.* Albert Steinhauser, individually, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Frank W. Arnold and Mr. J. Warren Greene for the petitioner.

No. 1163. Vicksburg, Shreveport & Pacific Railway Company, petitioner, *v.* Annie May Rogers et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. M. P. Callaway, in behalf of Mr. J. Blanc Monroe and Mr. Joseph Hirsh for the petitioner.

No. 1161. Degrasse Paper Company, petitioner, *v.* American Sulphite Pulp Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Henry Schreiter for the petitioner.

No. ——. Original. *Ex parte*: In the matter of America Capo, petitioner. Motion for leave to file a petition for a writ of mandamus submitted by Mr. Frederic D. McKenney and Mr. Francis H. Dexter for the petitioner.

No. 469. John C. Mackay *v.* Uinta Development Company. Petition for writ of certiorari to bring up the whole record and cause submitted by Mr. Frederic D. McKenney, in behalf of Mr. Hiram E. Booth for Mackay.

No. 1164. The steamship Good Hope, J. Harding, claimant, petitioner, *v.* Chelsea Fibre Mills;

No. 1165. The steamship Good Hope, Edward N. Norton et al., claimants, petitioners, *v.* Robert Balfour et al., composing the firm of Balfour, Williamson & Company; and

No. 1166. The steamship Good Hope, Edward N. Norton et al., claimants, petitioners, *v.* Henry P. Winter et al., composing the firm of Winter & Smillie. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Frederic D. McKenney, in behalf of Mr. J. Parker Kirlin for the petitioners, and by Mr. Douglas Campbell for the respondent in No. 1164, and Mr. George Whitefield Betts, jr., for the respondents in Nos. 1165 and 1166.

No. 1168. Giuseppe Morello, 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. Frederic D. McKenney, in behalf of Mr. W. Bourke Cockran, for the petitioner, and by Mr. Solicitor General Lehmann for the respondent.

No. 1158. The Williams Soap Company et al., petitioners, *v.* The J. B. Williams Company. Petition for a writ of certiorari to the

United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Thomas A. Daily and Mr. Charles T. Hanna for the petitioners, and by Mr. V. H. Lockwood for the respondent.

No. 1146. Central Park, North and East River Railroad Company, petitioner, *v.* The Farmers Loan & Trust Company, trustee, et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Arthur E. Goddard and William N. Dykman for the petitioner, and by Mr. Frederick Geller and Mr. Bronson Winthrop for the respondents.

No. 1127. The City and County of Denver et al., petitioners, *v.* The New York Trust Company et al.; and

No. 1128. The City and County of Denver et al., petitioners, *v.* The Denver Union Water Company et al. Motion to advance submitted by Mr. A. B. Browne, in behalf of counsel.

No. 896. Levi B. Gritts et al., appellants, *v.* Walter L. Fisher, Secretary of the Interior, et al. Motion for extension of time in which to present a petition for rehearing and for the stay of the mandate submitted by Mr. C. C. Calhoun for the appellants.

No. 1162. Baltimore & Ohio Railroad Company, petitioner, *v.* Harry A. Gawiske. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. John W. Yerkes, Mr. George E. Hamilton, and Mr. Hugh L. Bond, jr., for the petitioner.

No. 970. The St. Louis, Iron Mountain & Southern Railway Company, plaintiff in error, *v.* Mrs. Cordie McWhirter, administratrix, etc. Motion to dismiss submitted by Mr. James Denis Mocquot for the defendant in error, in support of the motion, and by Mr. Martin L. Clardy, for the plaintiff in error, in opposition thereto.

Adjourned until Monday next at 12 o'clock.





## SUPREME COURT OF THE UNITED STATES.

MONDAY, JUNE 10, 1912.

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

John H. Vaughn, of Fort Smith, Ark.; Blanton Winship, of Macon, Ga.; Michael B. Hurley, of Colorado Springs, Colo.; Henry M. Morrow, of Omaha, Nebr.; John W. Rainey, of Chicago, Ill.; Edward A. Kreger, of Cherokee, Iowa; James Donahoe, of Chicago, Ill.; Charles W. Cobb, of San Francisco, Cal.; Bernard J. Mayer, of New Orleans, La.; William Littleford, of Cincinnati, Ohio; John H. Brickenstein, of Washington, D. C.; Joseph A. Moynihan, of Detroit, Mich.; F. J. Oeltmann, of Cincinnati, Ohio; Lawrence J. Collins, of Buffalo, N. Y.; D. Joseph Coyne, of Los Angeles, Cal.; M. L. Igoe, of Chicago, Ill.; Joseph A. Wechter, of Buffalo, N. Y.; John C. Howard, of Washington, D. C.; William B. Harrison, of Denver, Colo.; J. R. Hinton, of Washington, D. C.; and L. E. Jeffries, of Washington, D. C., were admitted to practice.

No. 11, Original. *Ex parte*: In the matter of Charley Webb, petitioner. Petition for writs of habeas corpus and certiorari denied. Opinion by Mr. Justice Pitney.

No. 51. *L. B. Kindred et al., appellants, v. The Union Pacific Railroad Company.* Appeal from the United States Circuit Court of Appeals for the Eighth Circuit. Decree affirmed with costs, and cause remanded to the District Court of the United States for the District of Kansas. Opinion by Mr. Justice Van Devanter.

No. 132. *John Flannelly and Mary Ellen Flannelly, petitioners, v. The Delaware & Hudson Company.* On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Judgment of the United States Circuit Court of Appeals reversed with costs, and judgment of the Circuit Court of the United States for the Middle District of Pennsylvania affirmed with costs, and cause remanded to the District Court of the United States for the Middle District of Pennsylvania. Opinion by Mr. Justice Van Devanter.



No. 222. Standard Stock Food Company, appellant, *v.* H. R. Wright, as State Food and Dairy Commissioner of Iowa. Appeal from the Circuit Court of the United States for the Southern District of Iowa. Decree affirmed with costs, and cause remanded to the District Court of the United States for the Southern District of Iowa. Opinion by Mr. Justice Hughes.

No. 239. Henry Clairmont, plaintiff in error, *v.* The United States. In Error to the District Court of the United States for the District of Montana. Judgment reversed, and cause remanded with instructions to quash the indictment and discharge the defendant. Opinion by Mr. Justice Hughes.

No. 304. Seaboard Air Line Railway, plaintiff in error, *v.* Ernest N. Duvall. In Error to the Supreme Court of the State of North Carolina. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Lurton.

No. 447. Frederick A. Hyde and Joost H. Schneider, petitioners, *v.* The United States. On writ of certiorari to the Court of Appeals of the District of Columbia. Judgment affirmed. Opinion by Mr. Justice McKenna. Dissenting: Mr. Justice Holmes, Mr. Justice Lurton, Mr. Justice Hughes, and Mr. Justice Lamar.

No. 201. Frank W. Brown, appellant, *v.* C. T. Elliott, United States marshal, etc., et al.; and

No. 202. E. C. Moore, appellant, *v.* C. T. Elliott, United States marshal, etc., et al. Appeals from the Circuit Court of the United States for the Northern District of California. Final orders affirmed with costs, and cases remanded to the District Court of the United States for the Northern District of California. Opinion by Mr. Justice McKenna. Dissenting: Mr. Justice Holmes, Mr. Justice Lurton, Mr. Justice Hughes, and Mr. Justice Lamar.

No. 722. The United States et al., appellants, *v.* The Baltimore & Ohio Railroad Company et al. Appeal from the United States Commerce Court. Decree affirmed. Opinion by Mr. Chief Justice White.

No. 235. Charles D. Creswill et al., plaintiffs in error, *v.* Grand Lodge Knights of Pythias of Georgia et al. In Error to the Supreme Court of the State of Georgia. 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 Holmes and Mr. Justice Lurton.

No. 962. The Norfolk & Suburban Turnpike Company, plaintiff in error, *v.* The Commonwealth of Virginia. In error to the Supreme Court of Appeals of the State of Virginia. Judgment affirmed with costs. Opinion by Mr. Chief Justice White.

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

No. 841. Arthur Hirsh et al., appellants, *v.* J. W. Taylor et al., etc. Appeal from the Circuit Court of the United States for the Southern District of West Virginia. Per curiam: Dismissed for the want of jurisdiction. *Fore River Ship Building Co. v. Haag* (219 U. S., 175); *Louisville Trust Co. v. Knott* (191 U. S., 225); *Bache v. Hunt* (193 U. S., 523). Cause remanded to the District Court of the United States for the Southern District of West Virginia.

No. 1127. The City and County of Denver et al., petitioners, *v.* The New York Trust Company et al.; and

No. 1128. The City and County of Denver et al., petitioners, *v.* The Denver Union Water Company et al. Motion to advance granted, and cases assigned for argument on Tuesday, October 15 next, after the cases heretofore assigned for that day.

No. 970. The St. Louis, Iron Mountain & Southern Railway Company, plaintiff in error, *v.* Mrs. Cordie McWhirter, administratrix, etc. Ordered to be placed on the summary docket for the October Term, 1912.

No. —, Original. Ex parte: In the matter of America Capo, petitioner. Motion for leave to file petition for writ of mandamus granted, and rule to show cause awarded returnable on Tuesday, October 15, 1912.

No. 469. John C. Mackay *v.* Uinta Development Company. Petition for a writ of certiorari to bring up the whole record and cause denied.

No. 830. Henry F. Samstag et al., petitioners, *v.* George Frost Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 1141. The Fred W. Wolf Company, petitioner, *v.* The Mount Vernon Refrigerating Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 1146. Central Park, North & East River Railroad Company, petitioner, *v.* The Farmers Loan & Trust Company, trustee, et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 1158. The Williams Soap Company et al., petitioners, *v.* The J. B. Williams Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 1161. Degrasse Paper Company, petitioner, *v.* American Sulphite Pulp Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 1162. Baltimore & Ohio Railroad Company, petitioner, *v.* Harry A. Gawinske. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 1163. Vicksburg, Shreveport & Pacific Railway Company, petitioner, *v.* Annie May Rogers et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 1164. The Steamship Good Hope, J. Harding, claimant, petitioner, *v.* Chelsea Fibre Mills;

No. 1165. The Steamship Good Hope, Edward N. Norton et al., claimants, petitioners, *v.* Robert Balfour et al., etc.; and

No. 1166. The Steamship Good Hope, Edward N. Norton et al., claimants, petitioners, *v.* Henry P. Winter et al., etc. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 1168. Giusseppe Morello, 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. 1011. Frank T. Wells, petitioner, *v.* The United States;

No. 1012. Rufus J. Ireland, petitioner, *v.* The United States;

No. 1013. Wilberforce Sully, petitioner, *v.* The United States; and

No. 1014. George W. Dally, petitioner, *v.* The United States. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 1156. Ætna Life Insurance Company, of Hartford, Conn., petitioner, *v.* Benjamin Lucas Outlaw. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 1157. The Order of St. Benedict of New Jersey, petitioner, *v.* Albert Steinhauser, individually, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit granted.

No. 1169. William M. McCoach, collector, etc., petitioner, *v.* The Minehill & Schuylkill Haven Railroad Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit granted.

No. 1170. Kate C. Archer, petitioner, *v.* The Greenville Sand & Gravel Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit granted.

Order: It is ordered by the court that section 3 of rule 37 be amended so as to read as follows:

“3. Where an application is submitted to this court for a writ of certiorari to review a decision of a circuit court of appeals or any

other court, it shall be necessary for the petitioner to furnish as an exhibit to the petition a certified copy of the entire transcript of record of the case, including the proceedings in the court to which the writ of certiorari is asked to be directed. The petition shall contain only a summary and short statement of the matter involved and the general reasons relied on for the allowance of the writ. A failure to comply with this provision will be deemed a sufficient reason for denying the petition. Thirty printed copies of such petition and of any brief deemed necessary shall be filed. Notice of the date of submission of the petition, together with a copy of the petition and brief, if any, in support of the same shall be served on the counsel for the respondent at least two weeks before such date in all cases except where the counsel to be notified resides west of the Rocky Mountains, in which cases the time shall be at least three weeks. The brief for the respondent, if any, shall be filed at least three days before the date fixed for the submission of the petition. Oral argument will not be permitted on such petitions, and no petition will be received within three days next before the day fixed upon for the adjournment of the court for the term."

No. 179. Westinghouse Electric & Manufacturing Co., petitioner, *v.* Wagner Electric Manufacturing Co. Decree modified, on motion of Mr. J. B. Church, in behalf of counsel for the respondent.

No. 761. City of Louisville, appellant, *v.* Cumberland Telephone & Telegraph Company. Motion for time in which to present a petition for a rehearing herein submitted by Mr. W. L. Granbery for the appellee, and motion denied.

No. 773. James J. Hooker et al., etc., appellants, *v.* Martin A. Knapp et al., etc.; and

No. 774. The Eagle White Lead Company et al., appellants, *v.* The Interstate Commerce Commission et al. Motion for 60 days' time in which to present a petition for rehearing herein granted, on motion of Mr. Francis B. James for the appellant.

No. 869. Low Wah Suey et ux., appellants, *v.* Samuel W. Backus, commissioner, etc. Motion for 60 days' time in which to present a petition for rehearing herein granted, on motion of Mr. Corry M. Stadden for the appellants.

No. 139. Louis Zeckendorf, appellant, *v.* Albert Steinfeld et al.; and

No. 140. Albert Steinfeld et al., appellants, *v.* Louis Zeckendorf et al. Motion for 60 days' time in which to present a petition for rehearing herein granted, on motion of Mr. Frederick S. Tyler in behalf of counsel for Steinfeld et al.

No. 150. Rosewell E. Messinger, petitioner, *v.* Peter Anderson. Motion for 60 days' time in which to present a petition for rehear-

ing herein granted, on motion of Mr. Frederick S. Tyler in behalf of counsel for the respondent.

No. 903. The Railroad Commission of the State of Mississippi et al., appellants, *v.* Louisville & Nashville Railroad Company. Motion for 60 days' time in which to present a petition for rehearing herein granted, on motion of Mr. Hannis Taylor for the appellants.

No. 7. Colorado & Northwestern Railroad Company, plaintiff in error, *v.* The United States. Restored to the docket for reargument.

Order: It is now here ordered by the court that all the cases on the docket not decided and all the other business of the term not disposed of be, and the same are hereby, continued until the next term.

Adjourned to the time and place appointed by law.

