

APPENDIX.

I.

CASES ADJUDGED IN THE SUPREME COURT OF THE UNITED STATES AT OCTOBER TERM, 1895, NOT OTHERWISE REPORTED, INCLUDING CASES DISMISSED IN VACATION PURSUANT TO RULE 28.

No. 797. AETNA LIFE INSURANCE COMPANY *v.* FLORIDA. Petition for a writ of *certiorari* to the United States Circuit Court of Appeals for the Eighth Circuit. November 18, 1895: Petition denied. *Mr. Frank M. Estes* for the petition. *Mr. L. R. Wilfley* opposing.

No. 109. ALLEN *v.* CANNON. Appeal from the Supreme Court of the Territory of Utah. December 4, 1895: Dismissed with costs pursuant to the tenth rule. *Mr. Charles H. Armes* for appellant. No appearance for appellees.

No. 212. AMERICAN DOCK AND IMPROVEMENT COMPANY *v.* JERSEY CITY. Error to the Court of Errors and Appeals of the State of New Jersey. April 13, 1896: Dismissed for want of jurisdiction. *Mr. J. D. Bedle* and *Mr. Robert W. De Forest* for plaintiff in error. *Mr. Gilbert Collins* and *Mr. Wm. D. Edwards* for defendants in error.

No. 994. AMERICAN WATER WORKS COMPANY *v.* FARMERS' LOAN AND TRUST COMPANY. No. 995. CLARKSON *v.* FARMERS'

Cases not otherwise Reported.

LOAN AND TRUST COMPANY. Petitions for writs of *certiorari* to the United States Circuit Court of Appeals for the Eighth Circuit. May 18, 1896: Petition denied. *Mr. John L. Webster* in support of petitions. *Mr. David McClure* opposing.

No. 803. ANDREWS *v.* THUM. Petition for a writ of *certiorari* to the United States Circuit Court of Appeals for the First Circuit. January 6, 1896: Petition denied. *Mr. Thomas J. Johnston* and *Mr. Wm. H. Doolittle* for petitioner. No one opposing.

No. 126. ASLESEN *v.* MINNESOTA. Error to the Supreme Court of the State of Minnesota. December 17, 1895: Dismissed per stipulation. *Mr. John M. Oliver* for plaintiff in error. *Mr. H. W. Childs* for defendant in error.

No. 787. ATCHISON, TOPEKA AND SANTA FÉ RAILROAD COMPANY *v.* MULLIGAN *alias* GUIVER. Petition for a writ of *certiorari* to the United States Circuit Court of Appeals for the Seventh Circuit. November 25, 1895: Petition denied. *Mr. E. D. Kenna*, *Mr. A. T. Britton* and *Mr. A. B. Browne* for petitioner. *Mr. Alphonso Hart* opposing.

No. 816. BACA *v.* UNITED STATES. Appeal from the Court of Private Land Claims. December 9, 1895: Docketed and dismissed on motion of *Mr. Solicitor General* for appellees. No one opposing.

No. 626. BALTIMORE AND OHIO RAILROAD COMPANY *v.* SUTHERLAND. Error to the Supreme Court of the State of Ohio. March 23, 1896: Dismissed for want of jurisdiction. *Mr. John K. Cowen* for plaintiff in error. *Mr. G. R. Walker*, *Mr. John H. Doyle* and *Mr. Warren Severance* for defendant in error.

Cases not otherwise Reported.

No. 78. BALTIMORE AND OHIO AND CHICAGO RAILWAY COMPANY *v.* YARDE. Error to the Circuit Court of the United States for the District of Indiana. November 20, 1895: Dismissed with costs, on motion of counsel for plaintiff in error. *Mr. John K. Cowen* and *Mr. E. J. D. Cross* for plaintiff in error. *Mr. Merrill Moores* for defendant in error.

No. 954. BARBER *v.* ISAACS. Error to the Supreme Court of the State of Washington. May 25, 1896: Dismissed with costs on motion of *Mr. John H. Mitchell* for plaintiff in error. No appearance for the defendant in error.

No. 772. BARBER ASPHALT PAVING COMPANY *v.* HARRISBURG. Petition for a writ of *certiorari* to the United States Circuit Court of Appeals for the Third Circuit. October 21, 1895: Petition denied. *Mr. William H. Middleton* for the petition. *Mr. A. S. Worthington* and *Mr. Charles H. Bergner* opposing.

No. 127. BASSETT *v.* MINNESOTA. Error to Supreme Court of the State of Minnesota. December 17, 1895: Dismissed per stipulation. *Mr. John M. Oliver* for plaintiff in error. *Mr. H. W. Childs* for defendant in error.

No. 28. BATE REFRIGERATING COMPANY *v.* TOFFEY. Appeal from the Circuit Court of the United States for the District of New Jersey. October 14, 1895: Dismissed per stipulation. *Mr. Paul H. Bate* and *Mr. B. F. Lee* for appellant. *Mr. Livingston Gifford* for appellees.

No. 927. BAUGHN *v.* MILLIRONS. Appeal from the Circuit Court of the United States for the Southern District of Georgia. May 4, 1896: Dismissed with costs pursuant to the tenth rule. *Mr. W. C. Glenn* for appellant. *Mr. J. M. Terrell* for appellees.

Cases not otherwise Reported.

No. 278. *BERTHA ZINC AND MINERAL COMPANY v. CARRICO*. Appeal from the Circuit Court of the United States for the Western District of Virginia. November 11, 1895: Dismissed with costs on motion of *Mr. F. S. Blair* for appellant. No appearance for appellees.

No. 233. *BLACK v. BLACK*. Error to the Circuit Court of the United States for the Eastern District of Pennsylvania. April 27, 1896: Dismissed for the want of jurisdiction on the authority of *Smith v. McKay*, 161 U. S. 355. *Mr. Francis Tracy Tobin* and *Mr. Henry Budd* for plaintiff in error. *Mr. Arthur Biddle* and *Mr. George W. Biddle* for defendant in error.

No. 274. *BOOTH v. CRAWFORD*. Error to the Supreme Court of the Territory of Utah. October 14, 1895: Dismissed with costs, on authority of counsel for plaintiffs in error. *Mr. James N. Kimball* for plaintiffs in error. No appearance for defendant in error.

No. 792. *BUCK v. UNITED STATES*. Error to the Circuit Court of the United States for the Western District of Arkansas. March 9, 1896: Judgment affirmed. No appearance for plaintiffs in error. *Mr. Attorney General* and *Mr. Assistant Attorney General Dickinson* for defendant in error.

No. 775. *CALIFORNIA FIG SYRUP COMPANY v. PUTNAM*. Petition for a writ of *certiorari* to the United States Circuit Court of Appeals for the First Circuit. October 21, 1895: Petition denied. *Mr. F. W. Lehmann* and *Mr. Paul Bakewell* for the petition. No opposition.

No. 167. *CAMPBELL v. QUIGLEY*. Error to the Court of Common Pleas of Charleston County, South Carolina. March 19, 1896: Dismissed with costs, pursuant to the tenth rule.

Cases not otherwise Reported.

Mr. William E. Earle for plaintiffs in error. No appearance for defendant in error.

No. 155. CAMPBELL *v.* SCHACHTE. Error to the Court of Common Pleas of Charleston County, South Carolina. March 13, 1896: Dismissed with costs, pursuant to the tenth rule. *Mr. William E. Earle* for plaintiffs in error. No appearance for defendant in error.

No. 154. CAMPBELL *v.* THAMES. Error to the Court of Common Pleas of Charleston County, South Carolina. March 12, 1896: Dismissed with costs, pursuant to the tenth rule. *Mr. William E. Earle* for plaintiffs in error. No appearance for defendant in error.

No. 877. CAVERLY *v.* DEERE. Petition for a writ of *certiorari* to the United States Circuit Court of Appeals for the Seventh Circuit. March 30, 1896: Petition denied. *Mr. Henry M. Foote* for the petition. *Mr. L. L. Bond*, *Mr. C. E. Pickard*, *Mr. A. H. Adams* and *Mr. J. L. Jackson*, opposing.

No. 931. CEBALLOS *v.* SCHOONER WARREN ADAMS. Petition for a writ of *certiorari* to the United States Circuit Court of Appeals for the Second Circuit. March 23, 1896: Petition denied. *Mr. Sidney Chubb* for petitioner. *Mr. R. D. Benedict* opposing.

No. 749. CENTRAL TRUST COMPANY OF NEW YORK *v.* RICHMOND, NICHOLASVILLE IRVINE AND BEATTYVILLE RAILROAD COMPANY. Petition for a writ of *certiorari* to the United States Circuit Court of Appeals for the Sixth Circuit. October 28, 1895: Petition denied. *Mr. Rozel Weisinger* for the petition. *Mr. Alexander Pope Humphrey* and *Mr. George M. Davie* opposing.

Cases not otherwise Reported.

No. 298. CERTAIN REAL ESTATE KNOWN AS THE GARDO HOUSE *v.* UNITED STATES. No. 299. UNITED STATES *v.* CERTAIN REAL ESTATE KNOWN AS THE GARDO HOUSE. No. 300. CERTAIN REAL ESTATE KNOWN AS THE CHURCH FARM *v.* UNITED STATES. No. 301. CERTAIN REAL ESTATE KNOWN AS THE COAL LANDS *v.* UNITED STATES. No. 302. UNITED STATES *v.* CERTAIN REAL ESTATE KNOWN AS THE TITHING YARD AND OFFICES. Appeals from the Supreme Court of the Territory of Utah. April 20, 1896: Judgments reversed and causes remanded to the Supreme Court of the State of Utah for such further proceedings as to law and justice may appertain, in conformity with the provisions of the joint resolution of Congress "providing for the disposition of certain property now in the hands of the receiver of the Church of Jesus Christ of Latter Day Saints," approved March 28, 1896. *Mr. F. S. Richards* and *Mr. LeGrand Young* for CERTAIN REAL ESTATE, &c. *Mr. Attorney General* and *Mr. Solicitor General* for UNITED STATES.

No. 239. CHARLESTON BRIDGE COMPANY *v.* HIGBEE. Appeal from the District Court of the United States for the District of South Carolina. April 20, 1896: Dismissed with costs, pursuant to the tenth rule. *Mr. John F. Ficken* for appellant. *Mr. J. P. Kennedy Bryan* for appellees.

No. 333. CHICAGO, ROCK ISLAND AND PACIFIC RAILWAY COMPANY *v.* STAHLEY. Error to the Circuit Court of the United States for the District of Kansas. January 7, 1896: Dismissed with costs, on the authority of counsel for the plaintiff in error. *Mr. M. A. Low* and *Mr. W. F. Evans* for the plaintiff in error. *Mr. Henry Elliston* for the defendant in error.

No. 551. CHIN YUAN SING *v.* KILBRETH. Appeal from the Circuit Court of the United States for the Southern District of New York. March 2, 1896: Dismissed, pursuant to the

Cases not otherwise Reported.

tenth rule. *Mr. B. C. Chetwood* for the appellant. *Mr. Attorney General* for the appellee.

No. 849. CHURCH OF CHRIST *v.* REORGANIZED CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS. Petition for a writ of *certiorari* to the United States Circuit Court of Appeals for the Eighth Circuit. January 27, 1896: Petition denied. *Mr. Smith McPherson* and *Mr. Frank Hagerman* for the petitioner. *Mr. C. O. Tichenor* opposing.

No. 379. CILLEY *v.* PATTEN. Error to the Supreme Court of the State of New Hampshire. July 17, 1895: Dismissed, pursuant to the twenty-eighth rule. *Mr. Harvey D. Hadlock* for plaintiff in error. *Mr. John M. Mitchell* and *Mr. Frank S. Streeter* for defendant in error.

No. 465. CILLEY *v.* PATTEN. Appeal from the Circuit Court of the United States for the District of New Hampshire. July 17, 1895: Dismissed, pursuant to the twenty-eighth rule. *Mr. Harvey D. Hadlock* for appellant. *Mr. Frank S. Streeter* for appellees.

No. 263. COMITIZ *v.* PARKERSON. Error to the Circuit Court of the United States for the Eastern District of Louisiana. April 29, 1896: Dismissed with costs, pursuant to the tenth rule. *Mr. E. Howard McCaleb* for plaintiff in error. No appearance for defendants in error.

No. 1022. COOK *v.* EELLS. Appeal from the United States Circuit Court of Appeals for the Ninth Circuit. May 25, 1896: Docketed and dismissed with costs, on motion of *Mr. Solicitor General* for appellees. No one opposing.

Cases not otherwise Reported.

No. 226. *COOK v. STREET*. Error to the Circuit Court of the United States for the Eastern District of Wisconsin. April 20, 1896: Dismissed with costs, on the authority of *Credit Company v. Arkansas Central Railway Company*, 128 U. S. 258; *Evans v. State Bank*, 134 U. S. 330; *Green v. Elbert*, 137 U. S. 615, and *Jacobs v. George*, 150 U. S. 415. *Mr. W. H. Webster* for plaintiffs in error. *Mr. F. C. Winkler* for defendants in error.

No. 837. *COOPER v. UNITED STATES*. Error to the Circuit Court of the United States for the Northern District of Alabama. January 6, 1896: Docketed and dismissed on motion of *Mr. Solicitor General* for defendant in error. No one opposing.

No. 955. *CRIMP v. McCORMICK CONSTRUCTION COMPANY*. Petition for a writ of *certiorari* to the United States Circuit Court of Appeals for the Seventh Circuit. May 4, 1896: Petition denied. *Mr. John N. Jewett* for petitioner. *Mr. Charles M. Sturges* opposing.

Nos. 261 and 262. *CROPPER v. McLANE*. Error to the Supreme Court of the District of Columbia. March 23, 1896: Dismissed with costs, per stipulation, on motion of *Mr. J. Holdsworth Gordon* for defendants in error. *Mr. Blair Lee* and *Mr. Jeremiah M. Wilson* for plaintiffs in error. *Mr. Enoch Totten*, *Mr. J. Holdsworth Gordon* and *Mr. Bernard Carter* for defendants in error.

No. 747. *DAVENPORT v. UNITED STATES*. Error to the Circuit Court of the United States for the Western District of Arkansas. February 3, 1896: Judgment reversed upon confession of error by counsel for defendant in error, and cause remanded with directions to set aside the verdict and grant a

Cases not otherwise Reported.

new trial. *Mr. G. B. Denison* for plaintiff in error. *Mr. Attorney General, Mr. Solicitor General, Mr. Assistant Attorney General Whitney* and *Mr. Assistant Attorney General Dickinson* for defendant in error.

No. 295. *DAVIS v. PATRICK*. Error to the United States Circuit Court of Appeals for the Eighth Circuit. March 20, 1896: Dismissed with costs, on authority of counsel for plaintiffs in error. *Mr. J. M. Woolworth* for plaintiffs in error. No appearance for defendant in error.

No. 776. *DAVIS v. WAKELEE*. No. 777. *DAVIS v. CORNWALL*. Petitions for writs of *certiorari* to the United States Circuit Court of Appeals for the Second Circuit. October 21, 1895: Petitions denied. *Mr. Walter S. Logan* and *Mr. C. M. Demond* for petitioners. *Mr. Anson Maltby* opposing.

No. 190. *DENNIS v. DELACEY*. Appeal from the Circuit Court of the United States for the Northern District of California. March 25, 1896: Dismissed with costs, pursuant to the tenth rule. *Mr. J. C. Campbell* for appellant. No appearance for appellee.

No. 3. *DENO v. GRIFFIN*. Error to the Supreme Court of the State of Nevada. October 29, 1895: Dismissed with costs, the case having abated. *Mr. H. F. Bartine* for plaintiff in error. *Mr. Jackson H. Ralston* for defendant in error.

No. 684. *DETROIT CITIZENS' STREET RAILWAY COMPANY v. DETROIT*. Petition for a writ of *certiorari* to the United States Circuit Court of Appeals for the Sixth Circuit. November 11, 1895: Petition denied. (*Mr. Justice Brown* took no part in the consideration and determination of this petition.) *Mr. C. A. Kent* and *Mr. Benton Hanchett* for petitioner. *Mr.*

Cases not otherwise Reported.

Henry M. Duffield, Mr. Michael Brennan, Mr. John C. Donnelly, Mr. Ashley Pond, Mr. Fred. A. Baker and Mr. James C. Carter, opposing.

No. 309. *DOUGLAS v. UNITED STATES*. Error to the Supreme Court of the State of North Carolina. May 5, 1896: Dismissed with costs, pursuant to the tenth rule. *Mr. R. R. McMahon* for plaintiff in error. *Mr. R. H. Battle* for defendants in error.

No. 193. *DUBOIS v. COMMISSIONER OF PATENTS*. Appeal from the Supreme Court of the District of Columbia. March 26, 1896: Dismissed with costs, pursuant to the tenth rule. *Mr. Rodney Mason* for appellant. No appearance for the appellee.

No. 27. *DUFFY v. GREEN*. Appeal from the Circuit Court of the United States for the District of West Virginia. October 16, 1895: Dismissed with costs, pursuant to the tenth rule. *Mr. Alfred Caldwell and Mr. T. S. Riley* for appellants. *Mr. William J. Robertson* for appellees.

No. 634. *DUVAL v. PULLMAN PALACE CAR COMPANY*. Petition for a writ of *certiorari* to the United States Circuit Court of Appeals for the Fifth Circuit. October 21, 1895: Petition denied. *Mr. J. L. Peeler* for petitioner. *Mr. Percy Roberts* opposing.

No. 192. *EASTERN RAILWAY COMPANY OF MINNESOTA v. MORAN*. Error to the Supreme Court of the State of Minnesota. October 14, 1895: Dismissed with costs, per stipulation. *Mr. M. D. Grover* for plaintiff in error. *Mr. John M. Martin and Mr. Charles E. Flandrau* for defendant in error.

Cases not otherwise Reported.

No. 131. *EDDY v. WALLACE*. Error to the United States Circuit Court of Appeals for the Eighth Circuit. December 16, 1895: Dismissed with costs, on motion of *Mr. A. B. Browne* in behalf of counsel for the plaintiffs in error, and cause remanded to the United States court for the Indian Territory. *Mr. James Hagerman* for plaintiffs in error. *Mr. W. T. Hutchings* for defendant in error.

No. 862. *ELDER v. McCLASKEY*. Petition for a writ of *certiorari* to the United States Circuit Court of Appeals for the Sixth Circuit. February 3, 1896: Petition denied. *Mr. S. T. Crawford* and *Mr. John A. Crawford* for petitioner. *Mr. Richard A. Harrison*, *Mr. J. C. Harper* and *Mr. Ledyard Lincoln* opposing.

No. 855. *ELMIRA AND HORSEHEADS RAILWAY COMPANY v. THOMSON-HOUSTON ELECTRIC COMPANY*. Petition for a writ of *certiorari* to the United States Circuit Court of Appeals for the Second Circuit. February 3, 1896: Petition denied. *Mr. Edmund Wetmore*, *Mr. William A. Jenner* and *Mr. Thomas B. Kerr* for petitioner. *Mr. Frederic H. Betts* and *Mr. James R. Sheffield* opposing.

No. 211. *EPPERSON v. CARTER*. Error to the Supreme Court of the State of Tennessee. April 1, 1896: Dismissed with costs, pursuant to the tenth rule. *Mr. W. W. Upton* for plaintiff in error. *Mr. Henry W. McCorry* for defendants in error.

No. 237. *FARMER v. NATIONAL LIFE ASSOCIATION*. Error to the Circuit Court of the United States for the Eastern District of New York. April 20, 1896: Dismissed per stipulation. *Mr. A. G. McDonald* and *Mr. James P. Judge* for plaintiff in error. *Mr. Roger Foster* for defendant in error.

Cases not otherwise Reported.

No. 785. FARMERS' LOAN AND TRUST COMPANY *v.* SCOTT. Appeal from the United States Circuit Court of Appeals for the Eighth Circuit. April 24, 1896: Dismissed per stipulation. *Mr. James M. Lawrence* for appellant. *Mr. Charles E. Joslin* and *Mr. Charles A. Willard* for appellee.

No. 228. FILHIOL *v.* UNITED STATES. Appeal from the Court of Claims. April 20, 1896: Affirmed for want of prosecution. *Mr. Wm. E. Earle* and *Mr. James L. Pugh, Jr.*, for appellant. *Mr. Attorney General* and *Mr. Assistant Attorney General Dodge* for appellee.

No. 151. FIRST NATIONAL BANK OF CLARK *v.* SOUTH DAKOTA. Error to the Supreme Court of the State of South Dakota. March 18, 1896: Dismissed with costs, pursuant to the sixteenth rule. *Mr. John G. Manahan* for the plaintiff in error. *Mr. Robert Dollard* for defendant in error.

No. 817. FLETCHER *v.* UNITED STATES. Appeal from the Court of Private Land Claims. December 9, 1895: Docketed and dismissed on motion of *Mr. Solicitor General* for appellees. No one opposing.

No. 514. FLOURNOY LIVE STOCK AND REAL ESTATE COMPANY *v.* BECK. Appeal from the United States Circuit Court of Appeals for the Eighth Circuit. October 23, 1895: Dismissed with costs, pursuant to the tenth rule, and cause remanded to the Circuit Court of the United States for the District of Nebraska. *Mr. Wm. V. Allen* for appellant. *Mr. Attorney General* for appellee.

No. 255. FORMAN *v.* CHOPPIN. Error to the Circuit Court of the United States for the Eastern District of Louisiana. May 4, 1896: Dismissed for want of jurisdiction. *Mr. E.*

Cases not otherwise Reported.

Howard McCaleb for plaintiff in error. No appearance for defendants in error.

No. 272. *FOSTER v. WISTAR*. Error to the Supreme Court of the State of Minnesota. April 30, 1896: Dismissed with costs, pursuant to tenth rule. *Mr. James Spencer* for plaintiff in error. *Mr. William W. Billson* for defendants in error.

No. 985. *FRANKEL'S SONS v. UNITED STATES*. Petition for a writ of *certiorari* to the United States Circuit Court of Appeals for the Second Circuit. May 18, 1896: Petition denied. *Mr. W. Wickham Smith*, *Mr. Charles Curie* and *Mr. David Ives Mackie* for petitioner. *Mr. Attorney General* and *Mr. Assistant Attorney General Whitney* opposing.

No. 546. *FRIEND v. UNITED STATES*. Appeal from the Court of Claims. September 19, 1895: Dismissed, pursuant to the twenty-eighth rule. *Mrs. Belva A. Lockwood* for appellant. *Mr. Attorney General* and *Mr. Solicitor General Conrad* for appellees.

No. 882. *GARITEE v. UNITED STATES*. Error to the District Court of the United States for the District of Maryland. February 3, 1896: Docketed and dismissed on motion of *Mr. Solicitor General* for defendant in error. No one opposing.

Nos. 182 and 183. *GARLAND v. BEAR LAKE AND RIVER WATER WORKS AND IRRIGATION COMPANY*. Appeals from the Supreme Court of the Territory of Utah. January 27, 1896: Dismissed, per stipulation, on motion of *Mr. John F. Dillon* for appellee. *Mr. Sanford B. Ladd* for appellant. *Mr. John F. Dillon* and *Mr. C. O. Tichenor* for appellees.

Cases not otherwise Reported.

No. 657. *GARNER v. NATIONAL BANK*. Petition for a writ of *certiorari* to the United States Circuit Court of Appeals for the First Circuit. May 18, 1896: Petition denied. *Mr. Alexander Thain* for petitioner. *Mr. James Tillinghast, Mr. A. T. Britton and Mr. A. B. Browne*, opposing.

No. 690. *GERMAN BANK v. TENNESSEE*. Error to the Supreme Court of the State of Tennessee. January 16, 1896: Dismissed with costs, per stipulation, on motion of *Mr. S. P. Walker* for defendant in error. *Mr. L. B. McFarland* for plaintiffs in error. *Mr. C. W. Metcalf and Mr. Samuel P. Walker* for defendant in error.

No. 691. *GERMAN BANK v. TENNESSEE*. Error to the Supreme Court of the State of Tennessee. January 16, 1896: Dismissed with costs, per stipulation, on motion of *Mr. S. P. Walker* for defendants in error. *Mr. L. B. McFarland* for plaintiffs in error. *Mr. C. W. Metcalf and Mr. Samuel P. Walker* for defendant in error.

No. 145. *GOHLMAN v. BARTON*. Error to the United States Court for the Indian Territory. December 20, 1895: Dismissed with costs, pursuant to the tenth rule. *Mr. Robert E. Collins* for plaintiffs in error. No appearance for defendants in error.

No. 728. *GOLDSBY alias CHEROKEE BILL v. UNITED STATES*. Error to the Circuit Court of the United States for the Western District of Arkansas. May 18, 1896: Dismissed, the cause having abated, on motion of *Mr. Solicitor General* for defendant in error. *Mr. Attorney General* for defendant in error. No appearance for plaintiff in error.

No. 602. *GREGORY v. PIKE*. No. 603. *GREGORY v. TALBOT*. Appeals from the United States Circuit Court of Appeals for

Cases not otherwise Reported.

the First Circuit. November 25, 1895: Dismissed for the want of jurisdiction, and causes remanded to the Circuit Court of the United States for the District of Massachusetts. *Mr. F. A. Brooks* for appellants. *Mr. Thomas H. Talbot* and *Mr. John Lowell* for appellees.

No. 213. *GUNN v. GEORGIA*. Error to the Supreme Court of the State of Georgia. April 1, 1896: Dismissed with costs, pursuant to the tenth rule. *Mr. R. F. Lyon* for plaintiff in error. *Mr. J. M. Terrell* for defendant in error.

No. 832. *HAMER v. OGDEN CITY*. Appeal from the Supreme Court of the Territory of Utah. May 4, 1896: Motion to remand granted and cause remanded to the Supreme Court of the State of Utah for further proceedings in conformity to law. *Mr. Franklin S. Richards*, *Mr. Samuel Shellabarger*, *Mr. J. M. Wilson* and *Mr. Charles C. Richards* for appellant. *Mr. Arthur Brown* for appellee.

No. 944. *HAMMOND v. STOCKTON COMBINED HARVESTER AND AGRICULTURAL WORKS*. Petition for a writ of *certiorari* to the United States Circuit Court of Appeals for the Ninth Circuit. March 30, 1896: Petition denied. *Mr. John H. Miller* and *Mr. James G. Maguire* for petitioner. No one opposing.

No. 987. *HATHAWAY AND Co. v. MARTS*. Petition for a writ of *certiorari* to the United States Circuit Court of Appeals for the Fifth Circuit. May 18, 1896: Petition denied. *Mr. Edward E. Blodgett* and *Mr. Eugene P. Carver* for petitioner. No one opposing.

No. 556. *HOLCOMB v. WRIGHT*. No. 577. *WRIGHT v. HOLCOMB*. Appeals from the Court of Appeals of the District of Columbia. January 20, 1896: Dismissed, costs to be paid by

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Curtis W. Holcomb, per stipulations, on motion of *Mr. Walter H. Smith* for Holcomb. *Mr. Walter H. Smith* for Holcomb. *Mr. C. A. Brandenburg*, *Mr. Henry E. Davis* and *Mr. Edward A. Newman* for Wright.

No. 208. *HOWELL v. UNITED STATES*. Error to the District Court of the United States for the Western District of Missouri. March 9, 1896: Dismissed on authority of counsel for plaintiffs in error, on motion of *Mr. Solicitor General* for defendant in error. *Mr. W. F. Evans* and *Mr. William Warner* for plaintiffs in error. *Mr. Attorney General* and *Mr. Solicitor General* for defendant in error.

No. 934. *HUBBARD v. EXCHANGE BANK*. Petition for a writ of *certiorari* to the United States Circuit Court of Appeals for the Second Circuit. March 30, 1896: Petition denied. *Mr. W. J. Curtis* for petitioner. *Mr. John R. Abney* opposing.

No. 125. *HUKILL v. GUFFEY*. Error to the Supreme Court of Appeals of the State of West Virginia. December 12, 1895: Dismissed with costs, pursuant to the tenth rule. *Mr. W. P. Hubbard* for plaintiff in error. No appearance for defendants in error.

No. 935. *HUNTINGTON v. PROCEEDS OF THE STEAMSHIP ADVANCE*. No. 936. *HUNTINGTON v. PROCEEDS OF THE STEAMSHIP ALLIANCA*. No. 937. *HUNTINGTON v. PROCEEDS OF THE STEAMSHIP VIGILANCIA*. Petition for a writ of *certiorari* to the United States Circuit Court of Appeals for the Second Circuit. March 30, 1896: Petition denied. *Mr. R. D. Benedict* and *Mr. Maxwell Evarts* for petitioner. *Mr. Lewis Cass Ledyard* opposing.

No. 117. *ILLINOIS CENTRAL RAILROAD COMPANY v. MATTOON*. Error to the Supreme Court of the State of Illinois. October

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14, 1895: Dismissed with costs, on authority of counsel for plaintiff in error. *Mr. James Fentress* for plaintiff in error. No appearance for defendant in error.

No. 244. ILLINOIS CENTRAL RAILROAD COMPANY *v.* WALKER. Error to the Circuit Court of the United States for the Southern District of Mississippi. April 27, 1896: Dismissed for the want of jurisdiction. *Mr. Edward Mayes* and *Mr. James Fentress* for plaintiff in error. *Mr. L. Brame* for defendant in error.

No. 906. INSURANCE COMPANY OF NORTH AMERICA *v.* INTERNATIONAL TRUST COMPANY. Petition for a writ of *certiorari* to the United States Circuit Court of Appeals for the Eighth Circuit. March 16, 1896: Petition denied. *Mr. Ebenezer T. Wells*, *Mr. Mortimer F. Taylor* and *Mr. Sylvester G. Williams* for petitioner. *Mr. Henry Wise Garnett* and *Mr. N. T. N. Robinson* opposing.

No. 902. INTERNATIONAL TRUST COMPANY *v.* NORWICH UNION FIRE INSURANCE SOCIETY. Petition for a writ of *certiorari* to the United States Circuit Court of Appeals for the Eighth Circuit. March 16, 1896: Petition denied. *Mr. Ebenezer T. Wells*, *Mr. Mortimer F. Taylor* and *Mr. Sylvester G. Williams* for petitioner. *Mr. Henry Wise Garnett* and *Mr. N. T. N. Robinson* opposing.

No. 743. KAHNWEILER *v.* PHENIX INSURANCE COMPANY. Petition for a writ of *certiorari* to the United States Circuit Court of Appeals for the Eighth Circuit. December 9, 1895: Petition denied. *Mr. Henry Elliston* and *Mr. Horace M. Jackson* for petitioner. No one opposing.

No. 780. KILDARE LUMBER COMPANY *v.* NATIONAL BANK OF COMMERCE. Petition for a writ of *certiorari* to the United

Cases not otherwise Reported.

States Circuit Court of Appeals for the Fifth Circuit. December 16, 1895: Petition denied. *Mr. M. L. Crawford* and *Mr. Charles S. Todd* for petitioner. *Mr. Elijah Robinson* opposing.

No. 338. *KNOX v. GADDIS*. Appeal from the Court of Appeals of the District of Columbia. December 2, 1895: Dismissed with costs, on motion of *Mr. J. J. Johnson* for appellant. *Mr. J. J. Johnson* for appellant. No appearance for the appellee.

No. 638. *LAW v. STEAMSHIP TRAVE*. Petition for a writ of *certiorari* to the United States Circuit Court of Appeals for the Second Circuit. October 21, 1895: Petition denied. *Mr. William D. Shipman* for petitioner. *Mr. Eugene P. Carver* and *Mr. Harrington Putnam* opposing.

No. 243. *LINK v. UNION PACIFIC RAILWAY COMPANY*. Error to the Supreme Court of the State of Wyoming. April 20, 1896: Dismissed with costs, pursuant to the tenth rule. *Mr. A. T. Britton* and *Mr. A. B. Browne* for plaintiff in error. *Mr. John F. Dillon* and *Mr. John M. Thurston* for defendant in error.

No. 11. Original. *Ex parte. In re LOCHREN, COMMISSIONER OF PENSIONS*. May 4, 1896: Writ of mandamus granted on the authority of *Interstate Commerce Commission v. Brimson*, 154 U. S. 447. *Mr. Attorney General* and *Mr. Assistant Attorney General Whitney* for petitioner. No one opposing.

No. 763. *LUCKEY v. UNITED STATES*. Error to the Circuit Court of the United States for the Western District of Arkansas. January 27, 1896: Judgment reversed, upon confession of error by the defendant in error, and cause remanded with directions to set aside the verdict and grant a new trial. No

Cases not otherwise Reported.

appearance for the plaintiff in error. *Mr. Attorney General, Mr. Solicitor General, Mr. Assistant Attorney General Whitney and Mr. Assistant Attorney General Dickinson* for defendant in error.

No. 84. *LYBARGER v. WASHINGTON STATE*. Error to the Supreme Court of the State of Washington. November 21, 1895: Dismissed with costs, pursuant to the tenth rule. *Mr. B. Sheeks* for plaintiff in error. *Mr. W. C. Jones* for defendant in error.

No. 717. *LYONS-THOMAS HARDWARE COMPANY v. PERRY STOVE MANUFACTURING COMPANY*. Error to the Supreme Court of the State of Texas. December 9, 1895: Dismissed for want of jurisdiction. *Mr. James G. Dudley, Mr. A. H. Garland and Mr. R. C. Garland* for plaintiffs in error. *Mr. H. D. McDonald and Mr. V. W. Hale* for defendants in error.

No. 188. *McCLELLAN v. PYEATT*. Error to the United States Circuit Court of Appeals for the Eighth Circuit. March 25, 1896: Dismissed with costs, pursuant to the tenth rule. *Mr. A. H. Garland* for plaintiffs in error. *Mr. John H. Rogers* for defendants in error.

No. 799. *McCONNELL v. PROVIDENT SAVINGS LIFE ASSURANCE SOCIETY*. Petition for a writ of *certiorari* to the United States Circuit Court of Appeals for the Sixth Circuit. November 25, 1895: Petition denied. *Mr. Edwin B. Smith* for petitioner. *Mr. Tully R. Cornick and Mr. Jerome Templeton* opposing.

No. 442. *McCULLOUGH v. NEW YORK, NEW HAVEN AND HARTFORD RAILROAD COMPANY*. Certificate from the United States Circuit Court of Appeals for the Second Circuit. December 16, 1895: Dismissed on motion of *Mr. Mason N.*

Cases not otherwise Reported.

Richardson in behalf of counsel for McCullough. *Mr. J. A. Hyland* for McCullough. No appearance for the railroad company.

No. 70. *McGLENSY v. VAN VRANKEN*. Appeal from the Circuit Court of the United States for the Eastern District of Virginia. November 18, 1895: Order reversed on the authority of *Johnson v. Sayre*, 158 U. S. 109, and cause remanded with directions to remand Van Vranken to custody. *Mr. Attorney General* and *Mr. Solicitor General* for appellant. No appearance for appellee.

No. 916. *MACK v. PORTER*. Petition for a writ of *certiorari* to the United States Circuit Court of Appeals for the Fourth Circuit. March 9, 1896: Petition denied. *Mr. Samuel Shelabarger* and *Mr. Jeremiah M. Wilson* for petitioner. *Mr. William P. Hubbard* and *Mr. Henry M. Russell* opposing.

No. 956. *MARTIN & HILL CASH CARRIER COMPANY v. MARTIN*. Petition for a writ of *certiorari* to the United States Circuit Court of Appeals for the First Circuit. April 27, 1896: Petition denied. *Mr. Samuel Norris, Jr.*, for petitioner. *Mr. Frederick P. Fish* opposing.

No. 216. *MATHEWS v. HANKS*. Appeal from the Supreme Court of the Territory of Utah. April 2, 1896: Dismissed with costs, on motion of counsel for appellant, and cause remanded to the Supreme Court of the State of Utah. *Mr. Arthur Brown* for appellant. *Mr. William T. S. Curtis* for appellee.

No. 221. *MATTHEWS v. SCOTT*. Appeal from the Supreme Court of the District of Columbia. April 13, 1896: Dismissed with costs pursuant to the tenth rule. *Mr. C. M. Matthews* for appellant. No appearance for appellees.

Cases not otherwise Reported.

No. 355. *MAYES v. CHRISTIE*. Appeal from the United States Court for the Indian Territory. January 13, 1896: Dismissed, the cause having abated owing to the death of the appellee, on motion of *Mr. R. C. Garland* in behalf of counsel for appellant. *Mr. William M. Cravens* and *Mr. A. H. Garland* for appellant. No appearance for appellee.

No. 839. *MAYOR AND CITY COUNCIL OF COLUMBUS v. DENISON*. Petition for writ of *certiorari* to the United States Circuit Court of Appeals for the Fifth Circuit. January 27, 1896: Petition denied. *Mr. A. H. Garland* and *Mr. R. C. Garland* for petitioner. *Mr. R. C. Beckett* opposing.

No. 670. *MECHANICS' SAVINGS BANK v. TENNESSEE*. Error to the Supreme Court of the State of Tennessee. January 16, 1896: Dismissed with costs, per stipulation, on motion of *Mr. S. P. Walker* for defendant in error. *Mr. George Gantt* for plaintiffs in error. *Mr. C. W. Metcalf* and *Mr. Samuel P. Walker* for defendant in error.

No. 671. *MECHANICS' SAVINGS BANK v. TENNESSEE*. Error to the Supreme Court of the State of Tennessee. January 16, 1896: Dismissed with costs, per stipulation, on motion of *Mr. S. P. Walker* for defendants in error. *Mr. George Gantt* for plaintiffs in error. *Mr. C. W. Metcalf* and *Mr. Samuel P. Walker* for defendants in error.

No 222. *MEDLER v. ALBUQUERQUE HOTEL AND OPERA HOUSE COMPANY*. Appeal from the Supreme Court of the Territory of New Mexico. October 14, 1895: Dismissed with costs, on authority of counsel for appellant. *Mr. Thomas Smith* and *Mr. W. B. Childers* for appellant. No appearance for appellees.

Cases not otherwise Reported.

No. 77. MICHIGAN DAIRY COMPANY *v.* CONVERSE. Appeal from the Circuit Court of the United States for the Western District of Michigan. November 15, 1895: Dismissed with costs, pursuant to the tenth rule. *Mr. E. S. Eggleston* for appellants. *Mr. Niram A. Fletcher* and *Mr. George P. Wanty* for appellee.

No. 297. MINNEAPOLIS, ST. PAUL AND SAULT STE. MARIE RAILWAY COMPANY *v.* FARWELL FARMERS' WAREHOUSE ASSOCIATION. Error to the Supreme Court of the State of Minnesota. October 30, 1895: Dismissed per stipulation. *Mr. Albert E. Clarke* for plaintiff in error. *Mr. H. W. Childs* for defendant in error.

No. 144. MISSOURI *v.* BOARD OF EQUALIZATION OF BUCHANAN COUNTY. Error to the Circuit Court of Buchanan County, Missouri. December 20, 1895: Dismissed with costs on authority of counsel for plaintiffs in error. *Mr. G. G. Vest* and *Mr. H. K. White* for plaintiffs in error. *Mr. Stephen L. Brown* for defendant in error.

Nos. 578, 579. MISSOURI *v.* SLOVER. Error to the Supreme Court of the State of Missouri. February 3, 1896: Dismissed with costs on authority of counsel for plaintiff in error. *Mr. L. H. Bisbee* for plaintiff in error. No appearance for defendant in error.

No. 181. MITCHELL *v.* SOUTH DAKOTA. Error to the Supreme Court of the State of South Dakota. March 24, 1896: Dismissed with costs, pursuant to the tenth rule. *Mr. Thomas B. McMartin* for plaintiff in error. No appearance for defendant in error.

No. 531. MOORE *v.* MILLER. Appeal from the Court of Appeals of the District of Columbia. October 30, 1895: Dis-

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missed with costs, on motion of *Mr. Samuel Shellabarger* for appellant. *Mr. George F. Edmunds*, *Mr. Samuel Shellabarger* and *Mr. J. M. Wilson* for appellant. *Mr. Attorney General* and *Mr. Assistant Attorney General Whitney* for appellee.

No. 169. MORSE ARMS MANUFACTURING COMPANY *v.* UNITED STATES. Appeal from the Court of Claims. April 27, 1896: Dismissed on motion of *Mr. James A. Skilton* for the appellant. *Mr. H. E. Paine* and *Mr. James A. Skilton* for appellant. *Mr. Attorney General* for appellee.

No. 976. NEALL *v.* SCHRADER. Petition for a writ of *certiorari* to the United States Circuit Court of Appeals for the Third Circuit. May 4, 1896: Petition denied. *Mr. Henry Flanders* and *Mr. E. F. Pugh* for petitioner. *Mr. J. Rodman Paul* and *Mr. John G. Johnson* opposing.

No. 306. NEW MEXICO *v.* PEREA. Error to the Supreme Court of the Territory of New Mexico. May 5, 1896: Dismissed with costs pursuant to the tenth rule. *Mr. Charles H. Gildersleeve* for plaintiff in error. No appearance for defendant in error.

No. 92. NEW ORLEANS *v.* UNITED STATES *ex rel.* WHITNEY. Error to the Circuit Court of the United States for the Eastern District of Louisiana. November 22, 1895: Dismissed with costs pursuant to the tenth rule. *Mr. Henry C. Miller* for plaintiff in error. No appearance for defendant in error.

No. 133. NEW ORLEANS CITY AND LAKE RAILROAD COMPANY *v.* NEW ORLEANS. Error to the Supreme Court of the State of Louisiana. December 18, 1895: Dismissed with costs on motion of *Mr. E. B. Whitney* in behalf of counsel for the plaintiff in error. *Mr. Charles F. Buck*, *Mr. George Denegre*

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and *Mr. Walter D. Denegre* for plaintiff in error. *Mr. E. A. O'Sullivan* for defendant in error.

NO. 76. NEW YORK AND NEW ENGLAND RAILROAD COMPANY *v.* RUMSEY. Error to the Supreme Court of the State of New York. November 18, 1895: Dismissed with costs on authority of counsel for the plaintiff in error. *Mr. W. C. Anthony* for plaintiff in error. *Mr. Lawrence Godkin* for defendant in error.

NO. 223. NEW YORK AND NEW ENGLAND RAILROAD COMPANY *v.* RUMSEY. Error to the Supreme Court of the State of New York. April 13, 1896: Dismissed with costs pursuant to the tenth rule. *Mr. W. C. Anthony* for plaintiff in error. *Mr. Lawrence Godkin* for defendants in error.

NO. 201. NORTHERN PACIFIC RAILROAD COMPANY *v.* CAVANAUGH. Error to the United States Circuit Court of Appeals for the Eighth Circuit. March 13, 1896: Dismissed per stipulation. *Mr. A. H. Garland*, *Mr. W. J. Curtis* and *Mr. Charles W. Bunn* for plaintiff in error. *Mr. Cyrus Wellington* for defendant in error.

NO. 152. NORTHERN PACIFIC RAILROAD COMPANY *v.* NICKELS. Error to the United States Circuit Court of Appeals for the Eighth Circuit. October 18, 1895: Dismissed per stipulation and cause remanded to the Circuit Court of the United States for the District of Minnesota. *Mr. James McNaught* and *Mr. W. J. Curtis* for plaintiff in error. *Mr. Frank D. Larabee* for defendant in error.

NO. 205. NORTHERN PACIFIC RAILROAD COMPANY *v.* PETERSON. Error to the United States Circuit Court of Appeals for the Eighth Circuit. March 13, 1896: Dismissed per stipula-

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tion. *Mr. A. H. Garland, Mr. James McNaught, Mr. W. J. Curtis and Mr. Charles W. Bunn* for plaintiff in error. *Mr. Cyrus Wellington* for defendant in error.

No. 203. NORTHERN PACIFIC RAILROAD COMPANY *v.* SULLIVAN. Error to the United States Circuit Court of Appeals for the Eighth Circuit. March 24, 1896: Dismissed on authority of counsel for plaintiff in error. *Mr. A. H. Garland, Mr. W. J. Curtis and Mr. Charles W. Bunn* for plaintiff in error. *Mr. Henry J. Gjertsen* for defendant in error.

No. 830. OLCOTT *v.* RICE. Petition for a writ of *certiorari* to the United States Circuit Court of Appeals for the Fifth Circuit. March 9, 1896: Petition denied. *Mr. John G. Winter, Mr. A. H. Garland and Mr. R. C. Garland* for petitioner. *Mr. Henry F. Ring* opposing.

No. 288. OUZTS *v.* WARD. Appeal from the Circuit Court of the United States for the District of South Carolina. May 4, 1896: Dismissed with costs pursuant to the tenth rule. *Mr. Mr. D. A. Townsend* for appellant. *Mr. Hugh L. Bond, Jr.,* for appellee.

No. 933. PERALTAREAVIS *v.* UNITED STATES. Appeal from the Court of Private Land Claims. March 16, 1896: Docketed and dismissed on motion of *Mr. Solicitor General* for appellee. No one opposing.

No. 479. PETERS *v.* UNITED STATES. Error to the Supreme Court of the Territory of Oklahoma. October 22, 1895: Dismissed pursuant to the tenth rule. *Mr. Fred. Beall* for plaintiff in error. *Mr. Attorney General* for defendant in error.

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No. 231. *PIPER v. CHIPPEWA IRON COMPANY*. Error to the Supreme Court of the State of Minnesota. April 16, 1896: Dismissed with costs pursuant to the tenth rule. *Mr. J. L. Washburn* for plaintiff in error. No appearance for defendant in error.

No. 232. *PIPER v. CHIPPEWA IRON COMPANY*. Error to the Supreme Court of the State of Minnesota. April 17, 1896: Dismissed with costs pursuant to the tenth rule. *Mr. J. L. Washburn* for plaintiff in error. No appearance for defendant in error.

No. 102. *PITTS v. UNITED STATES*. Error to the Circuit Court of the United States for the Northern District of Florida. December 3, 1895: Dismissed pursuant to the tenth rule. *Mr. James N. Castle* for plaintiff in error. *Mr. Attorney General* for defendant in error.

No. 24. *POLLARD v. BONSAK MACHINE COMPANY*. Appeal from the Circuit Court of the United States for the Western District of Virginia. October 15, 1895: Dismissed with costs pursuant to the nineteenth rule. *Mr. William D. Baldwin* for appellant. *Mr. Samuel A. Duncan* for appellee.

No. 149. *POSTAL TELEGRAPH CABLE COMPANY v. NORFOLK AND WESTERN RAILROAD COMPANY*. Error to the Supreme Court of Appeals of the State of Virginia. March 10, 1896: Dismissed with costs on motion of *Mr. William A. Maury* for plaintiff in error. *Mr. Edgar Allen* and *Mr. William A. Maury* for plaintiff in error. *Mr. George H. Fearons*, *Mr. George S. Bernard* and *Mr. Robert Stiles* for defendant in error.

No. 1012. *PRESS PUBLISHING COMPANY v. McDONALD*. Petition for a writ of *certiorari* to the United States Circuit Court of Appeals for the Second Circuit. May 25, 1896: Petition

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denied. *Mr. Charles N. Harris* and *Mr. John M. Bowers* for petitioner. *Mr. Joseph G. Deane* and *Mr. Horace E. Deming* opposing.

No. 932. PROVIDENT SAVINGS LIFE ASSURANCE SOCIETY *v.* NIXON. Petition for a writ of *certiorari* to the United States Circuit Court of Appeals for the Ninth Circuit. March 23, 1896: Petition denied. *Mr. Edwin B. Smith* and *Mr. Edmund Wetmore* for petitioner. *Mr. Stanton Warburton* opposing.

No. 825. QUAKER CITY NATIONAL BANK *v.* NOLAN COUNTY. Petition for a writ of *certiorari* to the United States Circuit Court of Appeals for the Fifth Circuit. March 2, 1896: Petition denied. *Mr. John J. Butts* for petitioner. No one opposing.

No. 434. RAVEN GOLD MINING COMPANY *v.* MINERS' UNION. Appeal from the Circuit Court of the United States for the District of Colorado. March 9, 1896: Dismissed with costs. *Mr. Charles S. Thomas* and *Mr. W. H. Byrant* for appellant. No appearance for the appellees.

No. 224. REEDER *v.* LEWIS. Appeal from Circuit Court of the United States for the District of West Virginia. April 16, 1896: Dismissed for the want of jurisdiction. *Mr. James McColgan* for appellant. *Mr. George E. Price* for appellee.

No. 287. RISER *v.* LANGFORD. Appeal from the Circuit Court of the United States for the District of South Carolina. May 4, 1896: Dismissed with costs pursuant to the tenth rule. *Mr. D. A. Townsend* for appellant. *Mr. Hugh L. Bond, Jr.*, for appellee.

No. 61. ROBERTSON *v.* DRUKER. No. 64. DRUKER *v.* ROBERTSON. Error to the Circuit Court of the United States for the

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Southern District of New York. October 14, 1895: Judgment reversed and cause remanded with directions to proceed according to law, per stipulation of counsel, on motion of *Mr. Solicitor General* and *Mr. Attorney General* for Robertson. *Mr. Stephen G. Clarke*, *Mr. Edwin B. Smith*, and *Mr. Charles Curie* for Druker.

No. 1021. *ROSS v. EELLS*. Appeal from the United States Circuit Court of Appeals for the Ninth Circuit. May 25, 1896: Docketed and dismissed with costs on motion of *Mr. Solicitor General* for appellees. No one opposing.

No. 705. *ROUSE v. CLOUGHLEY*. Error to the United States Circuit Court of Appeals for the Eighth Circuit. March 23, 1896: Dismissed for the want of jurisdiction per stipulation. *Mr. James Hagerman* for plaintiff in error. *Mr. Nelson Case* for defendant in error.

No. 997. *ROUSE v. HORNSBY*. Petition for a writ of *certiorari* to the United States Circuit Court of Appeals for the Eighth Circuit. May 18, 1896: Petition denied. *Mr. A. B. Browne*, *Mr. James Hagerman* and *Mr. T. N. Sedgwick* for petitioner. *Mr. Nelson Case* opposing.

No. 101. *SAGE v. ST. PAUL, STILLWATER AND TAYLOR'S FALLS RAILWAY COMPANY*. Appeal from the United States Circuit Court of Appeals for the Eighth Circuit. December 2, 1895: Dismissed with costs on motion of *Mr. A. B. Browne* for the appellant, and cause remanded to the Circuit Court of the United States for the District of Minnesota. *Mr. C. K. Davis*, *Mr. A. T. Britton* and *Mr. A. B. Browne* for appellant. *Mr. Thomas Wilson* for appellee.

No. 474. *SAGE v. WINONA AND ST. PETER RAILROAD COMPANY*. Appeal from the United States Circuit Court of Ap-

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peals for the Eighth Circuit. December 2, 1895: Dismissed with costs on motion of *Mr. A. B. Browne* for appellant, and cause remanded to the Circuit Court of the United States for the District of Minnesota. *Mr. A. T. Britton* and *Mr. A. B. Browne* for appellant. *Mr. Thomas Wilson* for appellees.

No. 29. *SALOMON v. ROBERTSON*. Error to the Circuit Court of the United States for the Southern District of New York. January 7, 1896: Dismissed with costs on the authority of counsel for plaintiffs in error. *Mr. Henry E. Tremain* and *Mr. M. W. Tyler* for plaintiffs in error. *Mr. Attorney General* for defendant in error.

No. 484. *SALT LAKE RAPID TRANSIT COMPANY v. RILEY*. Error to the Supreme Court of the Territory of Utah. August 6, 1895: Dismissed pursuant to the twenty-eighth rule. *Mr. C. W. Bennett* and *Mr. John A. Marshall* for plaintiff in error. *Mr. P. L. Williams* for defendant in error.

No. 292. *SCRANTON v. WHEELER*. Error to the United States Circuit Court of Appeals for the Sixth Circuit. April 27, 1896: Judgment reversed, costs in all United States courts to be paid by Wheeler; and cause remanded to the Circuit Court of the United States for the Western District of Michigan, with instructions to remand it to the Circuit Court of Chippewa County, Michigan, on motion of *Mr. Solicitor General* for defendant in error. *Mr. John C. Donnelly* for plaintiff in error. *Mr. Attorney General* and *Mr. Solicitor General* for defendant in error.

No. 90. *SHIPMAN v. MAGARITY*. Error to the Supreme Court of the District of Columbia. November 22, 1895: Dismissed with costs pursuant to the tenth rule. *Mr. W. Willoughby* for plaintiffs in error. *Mr. S. S. Henkle* for defendant in error.

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NO. 996. SHREVE *v.* CHEESMAN. Petition for a writ of *certiorari* to the United States Circuit Court of Appeals for the Eighth Circuit. May 18, 1896: Petition denied. *Mr. Charles J. Hughes, Jr.*, and *Mr. Tyson S. Dines* for petitioner. *Mr. T. M. Patterson* and *Mr. C. C. Parsons* opposing.

NO. 168. SHUTE *v.* KEYSER. Appeal from the Supreme Court of the Territory of Arizona. October 17, 1895: Dismissed per stipulation, each party to pay one half the costs in this court. *Mr. Wm. Allen Butler* and *Mr. John Notman* for appellants. *Mr. R. F. Brent* for appellee.

NO. 236. SMITH *v.* SELLECK. Error to the Circuit Court of the United States for the Eastern District of Wisconsin. April 27, 1896: Dismissed for the want of jurisdiction. *Mr. Lysander Hill* for plaintiff in error. *Mr. J. V. Quarles* and *Mr. Reese H. Voorhees* for defendant in error.

NO. 826. SOCIETY OF SHAKERS *v.* WATSON. Petition for a writ of *certiorari* to the United States Circuit Court of Appeals for the Sixth Circuit: December 23, 1895: Petition denied. *Mr. Watson Andrew Sudduth* for petitioner. *Mr. St. George R. Fitzhugh* opposing.

NO. 2. SOUTHERN PACIFIC RAILROAD COMPANY *v.* ESQUIBEL. Error to the Supreme Court of the Territory of New Mexico. October 15, 1895: Dismissed with costs pursuant to the nineteenth rule. *Mr. Charles H. Tweed* and *Mr. T. B. Catron* for plaintiff in error. *Mr. Charles H. Gildersleeve* for defendant in error.

NO. 823. SOUTHERN PACIFIC RAILROAD COMPANY *v.* PATTERSON. Appeal from the Circuit Court of the United States for

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the Southern District of California. December 10, 1895: Docketed and dismissed with costs on motion of *Mr. S. M. Stockslager* for appellees. No one opposing.

No. 821. SOUTHERN PACIFIC RAILROAD COMPANY *v.* TILLEY. Appeal from the Circuit Court of the United States for the Southern District of California. December 10, 1895: Docketed and dismissed with costs on motion of *Mr. S. M. Stockslager* for appellees. No one opposing.

No. 822. SOUTHERN PACIFIC RAILROAD COMPANY *v.* WALKER. Appeal from the Circuit Court of the United States for the Southern District of California. December 10, 1895: Docketed and dismissed with costs on motion of *Mr. S. M. Stockslager* for appellee. No one opposing.

No. 409. SOUTHWESTERN RAILROAD COMPANY *v.* CENTRAL RAILROAD AND BANKING COMPANY OF GEORGIA. Certificate from the United States Circuit Court of Appeals for the Fifth Circuit. April 14, 1896: Dismissed. *Mr. Frank H. Miller*, *Mr. Augustus O. Bacon* and *Mr. Charles C. Beaman* for the Southwestern Railroad Company. No appearance for the Central Railroad and Banking Company of Georgia.

No. 604. STARLING *v.* WEIR PLOW COMPANY. Petition for a writ of *certiorari* to the United States Circuit Court of Appeals for the Seventh Circuit. May 4, 1896: Petition denied. *Mr. William Starling* for petitioner. No one opposing.

No. 734. STEAMSHIP CENTURION *v.* AMERICAN SUGAR REFINING COMPANY. Petition for a writ of *certiorari* to the United States Circuit Court of Appeals for the Second Circuit. October 21, 1895: Petition denied. *Mr. W. W. MacFarland* for

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petitioner. *Mr. J. Parker Kirlin* and *Mr. George A. Black* opposing.

No. 992. STEAMSHIP CERES *v.* WESSELS. No. 993. SYDS-
VENSKA ANGFAITYGS AKTIEBOLAGET *v.* WESSELS. Petitions
for writs of *certiorari* to the United States Circuit Court of
Appeals for the Second Circuit. May 18, 1896: Petitions de-
nied. *Mr. J. Parker Kirlin* for petitioner in No. 992. *Mr.*
Harrington Putnam in opposition to petition in No. 992 and
in support of petition in No. 993.

No. 122. STEED *v.* NORFOLK AND WESTERN RAILROAD COM-
PANY. Error to the Circuit Court of the United States for the
Western District of Virginia. October 14, 1895: Dismissed
with costs, on authority of counsel for plaintiff in error. *Mr.*
Michael L. Woods and *Mr. James H. Bible* for plaintiff in error.
No appearance for the defendant in error.

No. 162. ST. LOUIS AND SAN FRANCISCO RAILWAY COMPANY
v. LEE. Error to the Supreme Court of the State of Arkansas.
October 14, 1895: Dismissed with costs on motion of *Mr. A.*
B. Browne for plaintiff in error. *Mr. A. T. Britton*, *Mr. A.*
B. Browne, *Mr. George R. Peck* and *Mr. F. D. Kenna* for
plaintiff in error. *Mr. A. H. Garland* and *Mr. R. C. Garland*
for defendant in error.

No. 163. ST. LOUIS AND SAN FRANCISCO RAILWAY COM-
PANY *v.* RYAN. Error to the Supreme Court of the State
of Arkansas. October 14, 1895: Dismissed with costs on
motion of *Mr. A. B. Browne* for plaintiff in error. *Mr. A.*
T. Britton, *Mr. A. B. Browne*, *Mr. George R. Peck* and
Mr. E. D. Kenna for plaintiff in error. *Mr. A. H. Garland*
and *Mr. R. C. Garland* for defendant in error.

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No. 945. *STRICKLAND v. LOMM*. Petition for a writ of *certiorari* to the United States Circuit Court of Appeals for the Fourth Circuit. April 20, 1896: Petition denied. *Mr. Robert Hughes* for petitioner. *Mr. Wilhelmus Mynderse* opposing.

No. 923. *SUN INSURANCE OFFICE v. INTERNATIONAL TRUST COMPANY*. Petition for a writ of *certiorari* to the United States Circuit Court of Appeals for the Eighth Circuit. March 16, 1896: Petition denied. *Mr. T. J. O'Donnell*, *Mr. W. S. Decker* and *Mr. Milton Smith* for petitioner. *Mr. Henry Wise Garnett* and *Mr. N. T. N. Robinson* opposing.

No. 307. *TAYLOR v. GIRARD LIFE INSURANCE ANNUITY AND TRUST COMPANY*. Error to the Court of Appeals of the District of Columbia. May 5, 1896: Dismissed with costs pursuant to the tenth rule. *Mr. Nathaniel Wilson*, *Mr. R. Ross Perry* and *Mr. Ludovic Bennett* for appellants. *Mr. Walter H. Smith* and *Mr. W. L. Cole* for appellee.

No. 114. *TEXAS AND PACIFIC RAILWAY COMPANY v. ROSEDALE STREET RAILWAY COMPANY*. Error to the Court of Appeals of the State of Texas. November 14, 1895: Dismissed with costs on motion of *Mr. John F. Dillon* for plaintiff in error. *Mr. W. S. Pierce* and *Mr. John F. Dillon* for plaintiff in error. No appearance for defendant in error.

No. 729. *THORNTON v. UNITED STATES*. Error to the Circuit Court of the United States for the Western District of Arkansas. January 13, 1896: Judgment reversed and cause remanded with a direction to set aside the verdict and grant a new trial, upon confession of errors by counsel for defendant in error. No appearance for the plaintiff in error. *Mr. Attorney General*, *Mr. Solicitor General*, *Mr. Assistant*

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Attorney General Whitney and Mr. Assistant Attorney General Dickinson for defendant in error.

NO. 69. THORP *v.* TENAM DITCH COMPANY. Appeal from the Supreme Court of the State of Washington. October 18, 1895: Dismissed with costs pursuant to the tenth rule. *Mr. A. H. Garland and Mr. H. J. May* for appellants. No appearance for appellee.

NO. 824. TRAVELERS' INSURANCE COMPANY *v.* HENDERSON. Petition for a writ of *certiorari* to the United States Circuit Court of Appeals for the Eighth Circuit. December 16, 1895: Petition denied. *Mr. J. J. Darlington* for petitioner. *Mr. T. F. Burke and Mr. B. D. Lee* opposing.

NO. 452. TUBMAN *v.* DEMENT. Error to the Court of Appeals of the State of Maryland. January 27, 1896: Dismissed with costs on motion of *Mr. J. Hubley Ashton* for plaintiff in error. *Mr. J. Hubley Ashton* for the plaintiffs in error. No appearance for defendant in error.

NO. 118. UNION PACIFIC RAILWAY COMPANY *v.* CHILTON. Error to the Supreme Court of the Territory of Utah. August 6, 1895: Dismissed pursuant to the twenty-eighth rule. *Mr. John F. Dillon* for plaintiff in error. *Mr. Lindsay R. Rogers* for defendant in error.

NO. 250. UNION PACIFIC RAILWAY COMPANY *v.* COLORADO EASTERN RAILWAY COMPANY. Error to the United States Circuit Court of Appeals for the Eighth Circuit. November 14, 1895: Dismissed with costs on motion of *Mr. John F. Dillon* for plaintiff in error, and cause remanded to the Circuit Court of the United States for the District of Colorado. *Mr. John F. Dillon* for plaintiff in error. No appearance for defendant in error.

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No. 103. UNION PACIFIC RAILWAY COMPANY *v.* JONES. Error to the United States Circuit Court of Appeals for the Eighth Circuit. November 14, 1895: Dismissed with costs on motion of *Mr. John F. Dillon* for plaintiff in error, and cause remanded to the Circuit Court of the United States for the District of Colorado. *Mr. John F. Dillon* and *Mr. John M. Thurston* for plaintiff in error. *Mr. E. T. Wells* and *Mr. R. T. McNeal* for defendant in error.

No. 245. UNION PACIFIC RAILWAY COMPANY *v.* REESE. Error to the United States Circuit Court of Appeals for the Ninth Circuit. April 20, 1896: Dismissed with costs pursuant to the tenth rule. *Mr. Samuel Shellabarger*, *Mr. J. M. Wilson* and *Mr. John M. Thurston* for plaintiff in error. *Mr. S. M. Stockslager* and *Mr. George C. Heard* for defendant in error.

No. 913. UNITED STATES *v.* ARNOLD. Petition for a writ of *certiorari* to the United States Circuit Court of Appeals for the Seventh Circuit. March 9, 1896: Petition denied. *Mr. Hiram T. Gilbert* for petitioner. *Mr. Levy Mayer* opposing.

No. 106. UNITED STATES *v.* AULICK. Appeal from the Court of Claims. October 14, 1895: Dismissed on motion of *Mr. Solicitor General* for the appellant. *Mr. Attorney General* and *Mr. Solicitor General* for appellant. No appearance for appellee.

No. 249. UNITED STATES *v.* FINCH. Appeal from the Court of Claims. October 14, 1895: Dismissed on motion of *Mr. Solicitor General* for appellant. *Mr. Attorney General* for appellant. *Mr. J. Altheus Johnson* for the appellee.

No. 814. UNITED STATES *v.* HARDEN. Petition for a writ of *certiorari* to the United States Circuit Court of Appeals for

Cases not otherwise Reported.

the Second Circuit. December 16, 1895: Petition denied. *Mr. Attorney General* and *Mr. Solicitor General Conrad* for petitioners. *Mr. Charles Curie*, *Mr. W. Wickham Smith* and *Mr. D. I. Mackie*, opposing.

No. 108. UNITED STATES *v.* LOVELL. Appeal from the Court of Claims. October 14, 1895: Dismissed on motion of *Mr. Solicitor General* for appellant. *Mr. Attorney General* and *Mr. Solicitor General* for appellants. No appearance for appellee.

No. 700. UNITED STATES *v.* UNION PACIFIC RAILWAY COMPANY. Appeal from the United States Circuit Court of Appeals for the Eighth Circuit. March 23, 1896: Dismissed per stipulation. *Mr. Attorney General* and *Mr. Solicitor General* for appellants. *Mr. M. R. Kelly* and *Mr. A. L. Williams* for appellee.

No. 483. UNITED STATES *v.* ZUCKER. Error to the District Court of the United States for the Southern District of New York. May 18, 1896: Dismissed, per stipulation, on motion of *Mr. Solicitor General* for plaintiff in error. *Mr. Attorney General* and *Mr. Solicitor General* for plaintiffs in error. *Mr. Abram J. Rose* for defendants in error.

No. 965. WALRATH *v.* CHAMPION MINING COMPANY. Petition for a writ of *certiorari* to the United States Circuit Court of Appeals for the Ninth Circuit. April 20, 1896: Petition denied. *Mr. James F. Smith* for petitioner. No one opposing.

No. 178. WASHINGTON STATE *v.* BOARD OF HARBOR LINE COMMISSIONERS. Error to the Supreme Court of the State of Washington. October 14, 1895: Dismissed per stipulation. *Mr. A. H. Holmes* for plaintiff in error. *Mr. W. C. Jones* for defendant in error.

Cases not otherwise Reported.

No. 264. WASHINGTON STATE *v.* BOARD OF TIDE LAND APPRAISERS OF WHATCOM COUNTY. Error to the Supreme Court of the State of Washington. April 29, 1896: Dismissed with costs pursuant to the tenth rule. *Mr. W. H. Calkins* for plaintiffs in error. *Mr. Alfred L. Black* for defendants in error.

No. 727. WAYNE LUMBER COMPANY *v.* COLLINS. Error to the Supreme Court of the State of Missouri. May 4, 1896: Dismissed for want of jurisdiction. *Mr. J. N. Morrison* and *Mr. Warwick Massey Hough* for plaintiff in error. *Mr. Eleneious Smith* for defendants in error.

No. 275. WESTERN UNION TELEGRAPH COMPANY *v.* CHARLESTON. Appeal from the Circuit Court of the United States for the District of South Carolina. October 14, 1895: Dismissed with costs on authority of counsel for appellants. *Mr. A. T. Smythe* for appellant. No appearance for appellees.

No. 257. WESTERN UNION TELEGRAPH COMPANY *v.* CHESTER. Error to the Supreme Court of the State of Pennsylvania. April 27, 1896: Dismissed with costs on the authority of counsel for plaintiff in error. *Mr. Silas W. Pettit* for plaintiff in error. No appearance for the defendant in error.

No. 235. WHEELER *v.* CLOYD. Appeal from the Circuit Court of the United States for the Southern District of Illinois. April 27, 1896: Dismissed for the want of jurisdiction. *Mr. H. Tompkins* for appellants. *Mr. J. C. Clayton*, *Mr. Lemuel Skidmore*, *Mr. Edwin Beecher* and *Mr. Henry C. Whitney* for appellees.

No. 708. WHITE *v.* LENNIG. Error to the Supreme Court of Appeals of the State of Virginia. February 3, 1896: Dismissed for the want of jurisdiction on the authority of *John-*

Cases not otherwise Reported.

son v. Risk, 137 U. S. 300, and *Eustis v. Bolles*, 150 U. S. 361. *Mr. John E. Roller* for plaintiff in error. *Mr. Holmes Conrad* and *Mr. E. H. Conrad* for defendants in error.

No. 809. *WILKEY alias DAVIS v. UNITED STATES*. Error to the Circuit Court of the United States for the Western District of Arkansas. March 9, 1896: Judgment affirmed. No appearance for the plaintiff in error. *Mr. Attorney General* and *Mr. Assistant Attorney General Dickinson* for defendant in error.

No. 123. *WILLIAMS v. WILBUR*. Error to the Circuit Court of the United States for the District of Kansas. December 11, 1895: Dismissed with costs pursuant to the tenth rule. *Mr. C. O. Tichenor* for plaintiff in error. *Mr. Willard Teller* for defendant in error.

No. 554. *WILLMAN v. FRIEDMAN*. Error to the Supreme Court of the State of Idaho. December 23, 1895: Dismissed with costs per stipulation. *Mr. A. L. Rhodes* for plaintiff in error. *Mr. Arthur Brown* for defendant in error.

No. 726. *YANCEY v. IVY*. Error to the Supreme Court of the State of Missouri. May 4, 1896: Dismissed for the want of jurisdiction. *Mr. J. N. Morrison*, *Mr. Warwick Massey Hough* and *Mr. Warwick Hough* for plaintiff in error. *Mr. George G. Vest* for defendant in error.

II.

SUMMARY STATEMENT OF BUSINESS OF THE SUPREME COURT OF THE UNITED STATES FOR OCTOBER TERM, 1895.

Original Docket.

Number of cases	11
Number of cases disposed of	5
Leaving undisposed of	<u>6</u>

Appellate Docket.

Number of cases on appellate docket at close of the October Term, 1894, not disposed of	640
Number of cases docketed during October Term, 1895	<u>382</u>
Total	1022
Number of cases disposed of October Term, 1895	<u>489</u>
Number of cases remaining undisposed of, showing a reduc- tion of 107 cases	<u>533</u>

