

## Counsel for Parties.

eral and separate improvements required to be made if all of the pieces were located on unsurveyed lands, and would have to claim the same for personal use? Surely not. This law contemplated and there were actually issued several pieces of scrip to each of a large number of minors. Babies in arms were held to be entitled and to them scrip was issued, and in many cases located before the minors reached majority, as might reasonably be expected. With these facts before us can it be held that Congress thought or intended that these minors would be required by a construction of the law to personally supervise the selection of from three to five tracts of land on which to locate their pieces of scrip, or that they would have to be directly connected with each of these locations, or in case unsurveyed lands were desired they would have to claim the necessary improvements as their own?"

It is impossible to escape the force of these observations and to accept a construction of the statute which has the consequences expressed. Upon the other points discussed by counsel we do not consider it necessary to pass.

*Judgment affirmed.*

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MIDWAY COMPANY v. EATON.

ERROR TO THE SUPREME COURT OF THE STATE OF MINNESOTA.

No. 81. Argued December 4, 5, 1901.—Decided January 13, 1902.

This case is affirmed on the authority of *Midway Company v. Eaton*, ante, 602.

THE case is stated in the opinion of the court.

*Mr. Walter Ayers* for plaintiff in error. *Mr. P. H. Seymour* was on his brief.

*Mr. Jed. L. Washburn* and *Mr. Luther C. Harris* for de-

## Opinion of the Court.

defendants in error. *Mr. C. A. Towne* and *Mr. William D. Bailey* were on their briefs.

MR. JUSTICE McKENNA delivered the opinion of the court.

This action was brought by the Germania Iron Company against the defendants in error in the district court of St. Louis County, State of Minnesota, to determine adverse claims to the S. E.  $\frac{1}{4}$  of the N. W.  $\frac{1}{4}$  of section 30, T. 63 N., of range 11 W., of the fourth principal meridian, according to the government survey in said St. Louis County.

Pending the action the land was conveyed to The Midway Company, and the latter company was substituted as plaintiff for the Germania Company.

Plaintiff in error claims title under a patent issued by the United States to Emil Hartman, dated October 21, 1895, by whom the land was conveyed to the Germania Company, and by the latter to the plaintiff in error.

The defendants claim title under a certain location of Sioux half-breed scrip issued under the act of July 17, 1854. (10 Stat. 304, c. 83.)

The trial court rendered judgment for defendants, which was affirmed by the Supreme Court of the State, and this writ of error was then allowed by the Chief Justice of that court.

The facts of this case are the same and are presented upon exactly the same record, the same assignments of error and contentions, as in *The Midway Company v. Eaton et al.*, ante, 602, just decided. On the authority of that case the judgment of the Supreme Court is

*Affirmed.*