

TABLE OF CONTENTS.

TABLE OF CASES REPORTED.

| | PAGE |
|----------------------------------------------------------------------------------------------------------|------|
| Aaronstein, London, Paris and American Bank, Limited, <i>v.</i> | 641 |
| Acme Flexible Clasp Company, Cary Manufacturing Company <i>v.</i> | 427 |
| Adams, Northern Pacific Railway Company <i>v.</i> | 643 |
| Alabama, Jacobi <i>v.</i> | 133 |
| Alaska Treadwell Gold Mining Company, Corbus <i>v.</i> | 455 |
| Allegheny Oil Company <i>v.</i> Snyder | 639 |
| Ambrosini <i>v.</i> United States | 1 |
| American Bonding and Trust Company, Carstairs <i>v.</i> | 644 |
| American School of Magnetic Healing <i>v.</i> McAnnulty | 94 |
| American Surety Company <i>v.</i> Ballman | 646 |
| Annie Wright Seminary <i>v.</i> Tacoma | 639 |
| Austin <i>v.</i> Bartholomew | 650 |
| Ayres <i>v.</i> Polsdorfer | 585 |
| | |
| Baker <i>v.</i> Baldwin | 61 |
| Baldwin, Baker <i>v.</i> | 61 |
| Ballman, American Surety Company <i>v.</i> | 646 |
| Baltimore and Ohio Railroad Company, Wabash Rail- road Company <i>v.</i> | 650 |
| Bank of Iron Gate <i>v.</i> Brady | 635 |
| Bankers' Mutual Casualty Company <i>v.</i> Minneapolis, St. Paul and Sault Ste. Marie Railway Company | 648 |
| Barker, Metcalf <i>v.</i> | 165 |
| Barnes <i>v.</i> District of Columbia | 654 |
| Barnes, District of Columbia <i>v.</i> | 637 |
| Bartholomew, Austin <i>v.</i> | 650 |
| Belleville and Southern Illinois Railroad Company <i>v.</i> Citizens' Savings and Loan Association | 645 |
| Belt, Robinson and Company <i>v.</i> | 41 |

Table of Cases Reported.

| | PAGE |
|-------------------------------------------------------------------------------|------|
| Bender, King <i>v.</i> | 643 |
| Berliner Gramophone Company, Seaman <i>v.</i> | 646 |
| Bird <i>v.</i> United States | 118 |
| Birney, Chicago House Wrecking Company <i>v.</i> | 642 |
| Black River National Bank, Security Trust Company <i>v.</i> | 211 |
| Blinn <i>v.</i> Jenkins | 652 |
| Board of County Commissioners of Kearny County, Kansas, <i>v.</i> Vandriss | 642 |
| Borough of New Hope, Western Union Telegraph Com- pany <i>v.</i> | 419 |
| Boston Fruit Company <i>v.</i> Hall | 640 |
| Braden, Cope <i>v.</i> | 651 |
| Brady, Bank of Iron Gate <i>v.</i> | 635 |
| Brooks <i>v.</i> Pratt | 647 |
| Brown <i>v.</i> Drain | 635 |
| Brown, Equitable Life Assurance Society <i>v.</i> | 308 |
| Brown, Lanyon Zinc Company <i>v.</i> | 646 |
| Brown, Macfarland <i>v.</i> | 239 |
| Brown, Smith <i>v.</i> | 637 |
| Bryce Brothers Company, National Glass Company <i>v.</i> | 648 |
| Burgdorf <i>v.</i> United States | 654 |
| Burlington Trust Company <i>v.</i> Porter | 641 |
| Burt <i>v.</i> Union Central Life Insurance Company | 362 |
| Byrnes, Macfarland <i>v.</i> | 246 |
| | |
| Caldwell <i>v.</i> North Carolina | 622 |
| California Fig Syrup Company, Worden <i>v.</i> | 516 |
| Calvert <i>v.</i> Southern Railway Company | 636 |
| Cargo of Java Sugar, Mencke <i>v.</i> | 248 |
| Carnahan <i>v.</i> Connolly | 636 |
| Carpenter, Raub <i>v.</i> | 159 |
| Carstairs <i>v.</i> American Bonding and Trust Company | 644 |
| Cary Manufacturing Company <i>v.</i> Acme Flexible Clasp Company | 427 |
| Cayadutta Plank Road Company, New York <i>ex rel.</i> , <i>v.</i> Cummings | 650 |
| Chadwick <i>v.</i> Kelley | 540 |
| Cherokee Nation <i>v.</i> Hitchcock | 294 |

TABLE OF CONTENTS.

ix

Table of Cases Reported.

| | PAGE |
|------------------------------------------------------------------------------------------------------------------|------|
| Chicago and Erie Railroad Company <i>v.</i> Shaw | 640 |
| Chicago, Burlington and Quincy Railroad Company <i>v.</i> Wolfe | 638 |
| Chicago House Wrecking Company <i>v.</i> Birney | 642 |
| Chick <i>v.</i> Fuller | 640 |
| Chisolm <i>v.</i> Johnson | 644 |
| Citizens' Savings and Loan Association, Belleville and Southern Illinois Railroad Company <i>v.</i> | 645 |
| City of New York, Home for Incurables <i>v.</i> | 155 |
| City Trust, Safe Deposit and Surety Company <i>v.</i> Glencove Granite Company | 649 |
| Clement, Cuddy <i>v.</i> | 647 |
| Clyde Steamship Company, Ropes <i>v.</i> | 645 |
| Coler, Vanderbilt <i>v.</i> | 654 |
| Collins <i>v.</i> New Hampshire | 636 |
| Colorado, Reid <i>v.</i> | 137 |
| Connolly, Carnahan <i>v.</i> | 636 |
| Continental Trust Company, Rhode Island Locomotive Works <i>v.</i> | 649 |
| Cook <i>v.</i> Tennessee | 639 |
| Cope <i>v.</i> Braden | 651 |
| Corbus <i>v.</i> Alaska Treadwell Gold Mining Company | 455 |
| County Court of Barbour County, Rommel <i>v.</i> | 654 |
| Crabb <i>v.</i> Williams | 645 |
| Craig, Southern Railway Company <i>v.</i> | 641 |
| Crowley <i>v.</i> United States | 651 |
| Cuddy <i>v.</i> Clement | 647 |
| Cummings, New York <i>ex rel.</i> Cayadutta Plank Road Company <i>v.</i> | 650 |
| Cunningham <i>v.</i> Metropolitan Lumber Company | 647 |
| Dent, Security Trust Company <i>v.</i> | 237 |
| Diamond Glue Company <i>v.</i> United States Glue Com- pany | 611 |
| District of Columbia <i>v.</i> Barnes | 637 |
| District of Columbia, Barnes <i>v.</i> | 654 |
| Dowagiac Manufacturing Company, Minnesota Moline Plow Company <i>v.</i> | 644 |

Table of Cases Reported.

| | PAGE |
|----------------------------------------------------------------------------------------------|------|
| Downs <i>v.</i> United States | 496 |
| Drain, Brown <i>v.</i> | 635 |
| Dreyer <i>v.</i> Illinois | 71 |
| Du Shen Tau <i>v.</i> United States | 652 |
| Duss, Schwartz <i>v.</i> | 8 |
| | |
| Eckman, Mexican Central Railway Company <i>v.</i> | 429 |
| Edmunds, Page <i>v.</i> | 596 |
| Elliott <i>v.</i> Toeppner | 327 |
| Equitable Life Assurance Society <i>v.</i> Brown | 308 |
| Evans <i>v.</i> Nellis | 271 |
| | |
| Fairfield, Rural Independent School District <i>v.</i> | 643 |
| Faul <i>v.</i> French | 401 |
| Fidelity and Deposit Company of Maryland <i>v.</i> United States | 315 |
| Foerster <i>v.</i> United States | 644 |
| Fort Scott, W. G. Eads Brokerage Company <i>v.</i> | 47 |
| French, Faul <i>v.</i> | 401 |
| French, Young Women's Christian Home <i>v.</i> | 401 |
| Fuller, Chick <i>v.</i> | 640 |
| | |
| Gillett, Romig <i>v.</i> | 111 |
| Glencove Granite Company, City Trust, Safe Deposit and Surety Company <i>v.</i> | 649 |
| Glucose Sugar Refining Company <i>v.</i> Harding | 651 |
| Goodyear Tire and Rubber Company, Rubber Tire Wheel Company <i>v.</i> | 641 |
| Graff, Perkins County <i>v.</i> | 642 |
| Great Southern Fire Proof Hotel Company <i>v.</i> Jones | 649 |
| Grin <i>v.</i> Shine | 181 |
| Guarantee Company of North America <i>v.</i> Phenix In- surance Company | 640 |
| | |
| Hall, Boston Fruit Company <i>v.</i> | 640 |
| Hanley <i>v.</i> Kansas City Southern Railway Company | 617 |
| Harding, Glucose Sugar Refining Company <i>v.</i> | 651 |
| Harding <i>v.</i> Hart | 638 |

TABLE OF CONTENTS.

xi

Table of Cases Reported.

| | PAGE |
|-------------------------------------------------------------------------------------|------|
| Hart, Harding <i>v.</i> | 638 |
| Hartford Fire Insurance Company <i>v.</i> Wilson | 467 |
| Hendryx, Perkins <i>v.</i> | 643 |
| Herman, Kansas City Suburban Belt Railway Com- pany <i>v.</i> | 63 |
| Herriott, Manchester Fire Assurance Company <i>v.</i> | 651 |
| Herriott, Scottish Union and National Insurance Com- pany <i>v.</i> | 651 |
| Hitchcock, Cherokee Nation <i>v.</i> | 294 |
| Hitchcock, Lone Wolf <i>v.</i> | 553 |
| Home for Incurables <i>v.</i> City of New York | 155 |
| Home Land and Cattle Company, McNamara <i>v.</i> | 642 |
| Horman <i>v.</i> United States | 641 |
| Illinois, Dreyer <i>v.</i> | 71 |
| Indiana Power Company <i>v.</i> St. Joseph and Elkhart Power Company | 636 |
| Interstate Building and Loan Association, Thomas <i>v.</i> . . | 652 |
| Iowa <i>v.</i> Rood | 87 |
| Iowa Life Insurance Company <i>v.</i> Lewis | 335 |
| Jack, Southern Pacific Railroad Company <i>v.</i> | 653 |
| Jacobi <i>v.</i> Alabama | 133 |
| Jarman, Knights Templars' and Masons' Life Indemnity Company <i>v.</i> | 197 |
| Jenkins, Blinn <i>v.</i> | 652 |
| Johnson, Chisolm <i>v.</i> | 644 |
| Johnson <i>v.</i> New York Life Insurance Company | 491 |
| Jones, Great Southern Fire Proof Hotel Company <i>v.</i> . . | 649 |
| Jones, Reid <i>v.</i> | 153 |
| Kansas City Southern Railway Company, Hanley <i>v.</i> . . . | 617 |
| Kansas City Suburban Belt Railway Company <i>v.</i> Her- man | 63 |
| Kelley, Chadwick <i>v.</i> | 540 |
| Ketchum <i>v.</i> United States | 653 |
| Kilham <i>v.</i> Wilson | 648 |
| King <i>v.</i> Bender | 643 |

Table of Cases Reported.

| | PAGE |
|---------------------------------------------------------------------------------------------------------------------|------|
| King Dung <i>v.</i> United States | 655 |
| Knights Templars' and Masons' Life Indemnity Com- pany <i>v.</i> Jarman | 197 |
| Lackmann, Tsukamoto <i>v.</i> | 635 |
| Lanyon Zinc Company <i>v.</i> Brown | 646 |
| Lawder <i>v.</i> Stone | 281 |
| Lawrence & Co. <i>v.</i> Weis | 646 |
| Layton <i>v.</i> Missouri | 356 |
| Lee Ah Yin <i>v.</i> United States | 655 |
| Lee Chin Ching <i>v.</i> United States | 652 |
| Lee Ling <i>v.</i> United States | 655 |
| Lemon, Turpin <i>v.</i> | 51 |
| Leonard, Orient Insurance Company <i>v.</i> | 645 |
| Leonard, Phenix Insurance Company <i>v.</i> | 645 |
| Lewis, Iowa Life Insurance Company <i>v.</i> | 335 |
| London, Paris and American Bank, Limited, <i>v.</i> Aaronstein. | 641 |
| Lone Wolf <i>v.</i> Hitchcock | 553 |
| McAnnulty, American School of Magnetic Healing <i>v.</i> | 94 |
| McCabe, Sun Life Insurance Company <i>v.</i> | 650 |
| McCann <i>v.</i> Pennsylvania | 653 |
| Macfarland <i>v.</i> Brown | 239 |
| Macfarland <i>v.</i> Byrnes | 246 |
| McNamara <i>v.</i> Home Land and Cattle Company | 642 |
| Manchester Fire Assurance Company <i>v.</i> Herriott | 651 |
| Manley <i>v.</i> Park | 547 |
| Maryland, Northern Central Railway Company <i>v.</i> | 258 |
| Mencke <i>v.</i> Cargo of Java Sugar | 248 |
| Metcalf <i>v.</i> Barker | 165 |
| Metropolitan Lumber Company, Cunningham <i>v.</i> | 647 |
| Mexican Central Railway Company <i>v.</i> Eckman | 429 |
| Mexican National Railroad Company, Slater <i>v.</i> | 647 |
| Minneapolis, St. Paul and Sault Ste. Marie Railway Company, Bankers' Mutual Casualty Company <i>v.</i> | 648 |
| Minnesota Moline Plow Company <i>v.</i> Dowagiac Manufac- turing Company | 644 |
| Missouri, Layton <i>v.</i> | 356 |

TABLE OF CONTENTS.

xiii

Table of Cases Reported.

| | PAGE |
|-------------------------------------------------------------------------------------------------------------|------|
| Mobile, Mobile Transportation Company <i>v.</i> | 479 |
| Mobile Transportation Company <i>v.</i> Mobile | 479 |
| Moore <i>v.</i> Parker | 644 |
| Moseley, United States <i>v.</i> | 322 |
| Moy Yee Tai <i>v.</i> United States | 652 |
| Muir, United States Fidelity and Guaranty Company <i>v.</i> | 648 |
| National Glass Company <i>v.</i> Bryce Brothers Company | 648 |
| Nellis, Evans <i>v.</i> | 271 |
| New Hampshire, Collins <i>v.</i> | 636 |
| New Hope, Borough of, Western Union Telegraph Com- pany <i>v.</i> | 419 |
| New Orleans and Washington Packet Company <i>v.</i> Rail- road Commission of Louisiana | 652 |
| New York <i>ex rel.</i> Cayadutta Plank Road Company <i>v.</i> Cummings | 650 |
| New York, City of, Home for Incurables <i>v.</i> | 155 |
| New York Life Insurance Company, Johnson <i>v.</i> | 491 |
| North Carolina, Caldwell <i>v.</i> | 622 |
| Northern Central Railway Company <i>v.</i> Maryland | 258 |
| Northern Pacific Railway Company <i>v.</i> Adams | 643 |
| Old Colony Trust Company, Wall <i>v.</i> | 637 |
| Omaha Building and Construction Company, United States Fidelity and Guaranty Company <i>v.</i> | 642 |
| Orient Insurance Company <i>v.</i> Leonard | 645 |
| Oshkosh, Oshkosh Water Works Company <i>v.</i> | 437 |
| Oshkosh Water Works Company <i>v.</i> Oshkosh | 437 |
| Otis <i>v.</i> Parker | 606 |
| Owens, Wilkinson <i>v.</i> | 646 |
| Pacific Coast Company <i>v.</i> Reynolds | 640 |
| Pacific Coast Steamship Company <i>v.</i> United States | 454 |
| Pacific Steam Whaling Company <i>v.</i> United States | 447 |
| Page <i>v.</i> Edmunds | 596 |
| Pam-to-pee <i>v.</i> United States | 371 |
| Park, Manley <i>v.</i> | 547 |
| Parker, Moore <i>v.</i> | 644 |
| Parker, Otis <i>v.</i> | 606 |

Table of Cases Reported.

| | PAGE |
|------------------------------------------------------------------------------------------|------|
| Peck Bros. & Co., Peck Brothers Company <i>v.</i> | 643 |
| Peck Brothers Company <i>v.</i> Peck Bros. & Co. | 643 |
| Peerless Rubber Manufacturing Company, White <i>v.</i> | 649 |
| Pennsylvania, McCann <i>v.</i> | 653 |
| Perkins <i>v.</i> Hendryx | 643 |
| Perkins County <i>v.</i> Graff | 642 |
| Phenix Insurance Company, Guarantee Company of North America <i>v.</i> | 640 |
| Phenix Insurance Company <i>v.</i> Leonard | 645 |
| Pickens <i>v.</i> Roy | 177 |
| Polsdorfer, Ayres <i>v.</i> | 585 |
| Porter, Burlington Trust Company <i>v.</i> | 641 |
| Pratt, Brooks <i>v.</i> | 647 |
| | |
| Railroad Commission of Louisiana, New Orleans and Washington Packet Company <i>v.</i> | 652 |
| Railroad Equipment Company <i>v.</i> Southern Railway Company | 653 |
| Raub <i>v.</i> Carpenter | 159 |
| Rawson <i>v.</i> Western Sand Blast Company | 649 |
| Reid <i>v.</i> Colorado | 137 |
| Reid <i>v.</i> Jones | 153 |
| Reynolds, Pacific Coast Company <i>v.</i> | 640 |
| Rhode Island Locomotive Works <i>v.</i> Continental Trust Company | 649 |
| Rio Grande Western Railway Company, Telluride Power Transmission Company <i>v.</i> | 569 |
| Robinson and Company <i>v.</i> Belt | 41 |
| Romig <i>v.</i> Gillett | 111 |
| Rommel <i>v.</i> County Court of Barbour County | 654 |
| Rood, Iowa <i>v.</i> | 87 |
| Ropes <i>v.</i> Clyde Steamship Company | 645 |
| Røy, Pickens <i>v.</i> | 177 |
| Royston <i>v.</i> Weis | 646 |
| Rubber Tire Wheel Company <i>v.</i> Goodyear Tire and Rub- ber Company | 641 |
| Rural Independent School District <i>v.</i> Fairfield | 643 |
| Russian Sugar Bounty Case | 496 |

TABLE OF CONTENTS.

XV

Table of Cases Reported.

| | PAGE |
|-----------------------------------------------------------------------------------|------|
| St. Joseph and Elkhart Power Company, Indiana Power Company <i>v.</i> | 636 |
| Sampson, United States <i>v.</i> | 436 |
| Say On <i>v.</i> United States | 655 |
| Schwartz <i>v.</i> Duss | 8 |
| Scottish Union and National Insurance Company <i>v.</i> Herriott | 651 |
| Seaman <i>v.</i> Berliner Gramophone Company | 646 |
| Security Trust Company <i>v.</i> Black River National Bank | 211 |
| Security Trust Company <i>v.</i> Dent | 237 |
| Shaw, Chicago and Erie Railroad Company <i>v.</i> | 640 |
| Shine, Grin <i>v.</i> | 181 |
| Siegel <i>v.</i> Swarts | 638 |
| Slater <i>v.</i> Mexican National Railroad Company | 647 |
| Smith <i>v.</i> Brown | 637 |
| Snyder, Allegheny Oil Company <i>v.</i> | 639 |
| Southern Pacific Railroad Company <i>v.</i> Jack | 653 |
| Southern Pacific Railroad Company <i>v.</i> Wood | 652 |
| Southern Railway Company, Calvert <i>v.</i> | 636 |
| Southern Railway Company <i>v.</i> Craig | 641 |
| Southern Railway Company, Railroad Equipment Company <i>v.</i> | 650 |
| Stewart <i>v.</i> Washington and Alaska Steamship Company. | 466 |
| Stone, Lawder <i>v.</i> | 281 |
| Sun Life Insurance Company <i>v.</i> McCabe | 650 |
| Swarts, Siegel <i>v.</i> | 638 |
| Tacoma, Annie Wright Seminary <i>v.</i> | 639 |
| Telluride Power Transmission Company <i>v.</i> Rio Grande Western Railway Company | 569 |
| Tennessee, Cook <i>v.</i> | 639 |
| Texas and Pacific Railway Company <i>v.</i> White | 654 |
| Thomas <i>v.</i> Interstate Building and Loan Association | 652 |
| Toeppner, Elliott <i>v.</i> | 327 |
| Tsukamoto <i>v.</i> Lackmann | 635 |
| Turpin <i>v.</i> Lemon | 51 |
| Union Central Life Insurance Company, Burt <i>v.</i> | 362 |

Table of Cases Reported.

| | PAGE |
|---------------------------------------------------------------------------------------------------------|------|
| United States, Ambrosini <i>v.</i> | 1 |
| United States, Bird <i>v.</i> | 118 |
| United States, Burgdorf <i>v.</i> | 654 |
| United States, Crowley <i>v.</i> | 651 |
| United States, Downs <i>v.</i> | 496 |
| United States, Du Shen Tau <i>v.</i> | 652 |
| United States, Fidelity and Deposit Company of Maryland <i>v.</i> | 315 |
| United States, Foerster <i>v.</i> | 644 |
| United States, Horman <i>v.</i> | 641 |
| United States, Ketchum <i>v.</i> | 653 |
| United States, King Dung <i>v.</i> | 655 |
| United States, Lee Ah Yin <i>v.</i> | 655 |
| United States, Lee Chin Ching <i>v.</i> | 652 |
| United States, Lee Ling <i>v.</i> | 655 |
| United States <i>v.</i> Moseley | 322 |
| United States, Moy Yee Tai <i>v.</i> | 652 |
| United States, Pacific Coast Steamship Company <i>v.</i> | 454 |
| United States, Pacific Steam Whaling Company <i>v.</i> | 447 |
| United States, Pam-to-pee <i>v.</i> | 371 |
| United States <i>v.</i> Sampson | 436 |
| United States, Say On <i>v.</i> | 655 |
| United States, Yee Toy <i>v.</i> | 655 |
| United States Fidelity and Guaranty Company <i>v.</i> Muir | 648 |
| United States Fidelity and Guaranty Company <i>v.</i> Omaha Building and Construction Company | 642 |
| United States Glue Company, Diamond Glue Company <i>v.</i> | 611 |
| Vanderbilt <i>v.</i> Coler | 654 |
| Vandriss, Board of County Commissioners of Kearny County, Kansas, <i>v.</i> | 642 |
| W. G. Eads Brokerage Company <i>v.</i> Fort Scott | 647 |
| Wabash Railroad Company, Baltimore and Ohio Railroad Company <i>v.</i> | 650 |
| Wall <i>v.</i> Old Colony Trust Company | 637 |
| Washington and Alaska Steamship Company, Stewart <i>v.</i> | 466 |
| Weis, Lawrence & Co. <i>v.</i> | 646 |

TABLE OF CONTENTS.

xvii

Table of Cases Reported.

| | PAGE |
|---------------------------------------------------------------------------------|------|
| Weis, Royston <i>v.</i> | 646 |
| Western Sand Blast Company, Rawson <i>v.</i> | 649 |
| Western Union Telegraph Company <i>v.</i> Borough of New Hope | 419 |
| White <i>v.</i> Peerless Rubber Manufacturing Company | 649 |
| White, Texas and Pacific Railway Company <i>v.</i> | 654 |
| Wilkinson <i>v.</i> Owens | 646 |
| Williams, Crabb <i>v.</i> | 645 |
| Wilson, Hartford Fire Insurance Company <i>v.</i> | 467 |
| Wilson, Kilham <i>v.</i> | 648 |
| Wolfe, Chicago, Burlington and Quincy Railroad Com- pany <i>v.</i> | 638 |
| Wood, Southern Pacific Railroad Company <i>v.</i> | 652 |
| Worden <i>v.</i> California Fig Syrup Company | 516 |
| Yee Toy <i>v.</i> United States | 655 |
| Young Women's Christian Home <i>v.</i> French. | 401 |

| | |
|--------------------------------------------------------|--------|
| APPOINTMENT OF THE REPORTER | v |
| ASSIGNMENTS TO CIRCUITS | xxxiii |
| PROCEEDINGS ON THE DEATH OF MR. JUSTICE GRAY | xxxv |
| INDEX | 657 |

