

## TABLE OF CONTENTS.

### TABLE OF CASES REPORTED.

	PAGE
Abilene Cotton Oil Company, Texas and Pacific Railway Company <i>v.</i>	426
Accident Company, Doyle <i>v.</i>	599
Adams, Wallace <i>v.</i>	415
Adams County Treasurer, Chicago, Burlington & Quincy Railroad Company <i>v.</i>	585
Alkali Works, Mathieson <i>v.</i>	674
Allen <i>v.</i> United States	581
American Railroad Company of Porto Rico <i>v.</i> Castro	453
American Smelting and Refining Company <i>v.</i> Colorado <i>ex rel.</i> Lindsley	103
Armstrong <i>v.</i> Ashley	272
Arthur <i>v.</i> Texas and Pacific Railway Company	505
Ashley, Armstrong <i>v.</i>	272
Atchison, Topeka and Santa Fe Railway Company, Empire State Cattle Company <i>v.</i>	670
Atchison, Topeka and Santa Fe Railway Company, Minnesota and Dakota Cattle Company <i>v.</i>	670
Automatic Scale Company, Computing Scale Company of America <i>v.</i>	609
Babcock, Treasurer of Adams County, Nebraska, Chicago, Burlington & Quincy Railway Company <i>v.</i>	
Bachtel <i>v.</i> Wilson	36, 42
Bacon <i>v.</i> Walker	311
Badgley (Colorado <i>ex rel.</i> ), Elder <i>v.</i>	85
Ballard <i>v.</i> Hunter	241

## TABLE OF CONTENTS.

## Table of Cases Reported.

	PAGE
Bank (Eau Claire National) <i>v.</i> Jackman . . . . .	522
Benjamin H. Howell, Son & Co., United States <i>v.</i> . . . .	667
Bidwell, Crossman <i>v.</i> . . . .	675
Billings, Commissioner of Immigration, Zartarian <i>v.</i> . . . .	170
Borden <i>v.</i> Trespalacious Rice and Irrigation Company . . . . .	667
Boston and Maine Railroad <i>v.</i> Gokey . . . . .	672
Bown <i>v.</i> Walling . . . . .	320
Boynton, <i>Ex parte</i> . . . . .	668
Boynton, Mason City and Fort Dodge Railroad Com- pany <i>v.</i> . . . .	570
Bridge Company <i>v.</i> United States . . . . .	364
Brown <i>v.</i> Lanyon . . . . .	672
Buchanan <i>v.</i> Jennings . . . . .	668
Bush, Shropshire, Woodliff & Co. <i>v.</i> . . . .	186
Butler, News and Courier Company <i>v.</i> . . . .	670
Cary, Ornstine <i>v.</i> . . . .	669
Castro, American Railroad Company of Porto Rico <i>v.</i> . . . .	453
Cattle Company <i>v.</i> Atchison, Topeka and Santa Fe Rail- way Company . . . . .	670
Central Eureka Mining Company, East Central Eureka Mining Company <i>v.</i> . . . .	266
Chicago <i>v.</i> Mills . . . . .	321
Chicago, Burlington & Quincy Railway Company <i>v.</i> Bab- cock, Treasurer of Adams County, Nebraska . . . . .	585
Chicago, St. Louis, Minneapolis and Omaha Railway Company, Knudsen-Ferguson Fruit Co. <i>v.</i> . . . .	670
Cisco Oil Mill, Texas and Pacific Railway Company <i>v.</i> . . . .	449
City of Chicago <i>v.</i> Mills . . . . .	321
City of Cleveland <i>v.</i> Cleveland Electric Railway Company . . . . .	116
City of Guthrie <i>v.</i> Turner . . . . .	623
City of Phoenix, Phoenix Water Company <i>v.</i> . . . .	674
Clark <i>v.</i> Gerstley . . . . .	504
Clark, Osborne <i>v.</i> . . . .	565
Cleveland <i>v.</i> Cleveland Electric Railway Company . . . . .	116
Cleveland Electric Railway Company, City of Cleveland <i>v.</i> . . . .	116

## TABLE OF CONTENTS.

vii

## Table of Cases Reported.

	PAGE
Cleveland Electric Railway Company <i>v.</i> Cleveland and the Forest City Railway Company . . . . .	116
Cleveland and the Forest City Railway Company, Cleveland Electric Railway Company <i>v.</i> . . . .	116
Clow & Sons, Merchants Heat and Light Company <i>v.</i>	286
Coffey <i>v.</i> County of Harlan . . . . .	659
Cogswell, Jerome <i>v.</i> . . . .	1
Colorado <i>ex rel.</i> Badgley, Elder <i>v.</i> . . . .	85
Colorado <i>ex rel.</i> Lindsley, American Smelting and Refining Co. <i>v.</i> . . . .	103
Commissioner of Immigration, Zartarian <i>v.</i> . . . .	170
Common Council of City of Phoenix, Phoenix Water Company <i>v.</i> . . . .	674
Comptroller of the State of New York, Honoré <i>v.</i> . . . .	675
Computing Scale Company of America <i>v.</i> Automatic Scale Company . . . . .	609
Continental Wall Paper Company <i>v.</i> Lewis Voight & Sons Company . . . . .	673
Copper Mining and Smelting Company <i>v.</i> Lewisohn . . . . .	673
Cotton Oil Company, Texas and Pacific Railway Company <i>v.</i> . . . .	426
County of Harlan, Coffey <i>v.</i> . . . .	659
Cramp & Sons Ship and Engine Building Company, Tromp <i>v.</i> . . . .	671
Crossman <i>v.</i> Bidwell . . . . .	675
Crowe <i>v.</i> Harmon . . . . .	241
Crowe <i>v.</i> Trickey . . . . .	228
Cunningham <i>v.</i> Springer . . . . .	647
Dastas, Garrozi <i>v.</i> . . . .	64
Davis <i>v.</i> Wilson . . . . .	42
Douglas County Treasurer, Union Pacific Railroad Company <i>v.</i> . . . .	585
Doyle <i>v.</i> London Guarantee and Accident Company, Limited . . . . .	599
Duke, Mayor of the City of Guthrie <i>v.</i> Turner . . . . .	623

## Table of Cases Reported.

	PAGE
East Central Eureka Mining Company <i>v.</i> Central Eureka Mining Company . . . . .	266
Eau Claire National Bank <i>v.</i> Jackman . . . . .	522
Elder <i>v.</i> Colorado <i>ex rel.</i> Badgley . . . . .	85
Empire State Cattle Company <i>v.</i> Atchison, Topeka and Santa Fe Railway Company . . . . .	670
Enameling and Stamping Company, Wecker <i>v.</i> . . . .	176
Erie Railroad Company <i>v.</i> Erie and Western Transportation Company . . . . .	220
Erie and Western Transportation Company, Erie Railroad Company <i>v.</i> . . . . .	220
<i>Ex parte</i> Boynton . . . . .	668
<i>Ex parte</i> Montana Mining Company . . . . .	667
Falk & Brother, United States <i>v.</i> . . . .	143
Fidelity and Guaranty Company <i>v.</i> United States for the benefit of Kenyon . . . . .	349
Fink, Treasurer of Douglas County, Nebraska, Union Pacific Railroad Company <i>v.</i> . . . .	585
Flickinger <i>v.</i> United States . . . . .	671
Fruit Company <i>v.</i> Chicago, St. Louis, Minneapolis and Omaha Railway Company . . . . .	670
Fruit Company <i>v.</i> Michigan Central Railroad Company . . . . .	671
Garrozi <i>v.</i> Dastas . . . . .	64
Gates, Newman <i>v.</i> . . . .	89
Gerstley, Clark <i>v.</i> . . . .	504
Gerstley, McGuire <i>v.</i> . . . .	489
G. Falk & Brother, United States <i>v.</i> . . . .	143
Gokey, Boston and Maine Railroad Company <i>v.</i> . . . .	672
Goldsborough, McCallum <i>v.</i> . . . .	672
Green, J. B. Orcutt Company <i>v.</i> . . . .	96
Greenberg, Western Turf Association <i>v.</i> . . . .	359
Guarantee and Accident Company, Doyle <i>v.</i> . . . .	599
Guaranty Company <i>v.</i> United States for the benefit of Kenyon . . . . .	349

## TABLE OF CONTENTS.

ix

## Table of Cases Reported.

	PAGE
Gulf, Colorado and Santa Fe Railway Company <i>v.</i> Texas	403
Guthrie, Mayor of City of, <i>v.</i> Turner . . . . .	623
Haire (Montana <i>ex rel.</i> ) <i>v.</i> Rice, State Treasurer . . . . .	291
Hammond <i>v.</i> Whittredge . . . . .	538
Harmon, Crowe <i>v.</i> . . . .	241
Harlan County, Coffey <i>v.</i> . . . .	659
Hatch (New York <i>ex rel.</i> ) <i>v.</i> Reardon . . . . .	152
Haynes <i>v.</i> Watkins . . . . .	673
Heat and Light Company <i>v.</i> Clow & Sons . . . . .	286
Hite, United States <i>v.</i> . . . .	343
Honoré <i>v.</i> Wilson . . . . .	675
Howell, Son & Co., United States <i>v.</i> . . . .	667
Hulitt, Ohio Valley National Bank <i>v.</i> . . . .	162
Hunter, Ballard <i>v.</i> . . . .	241
Hunter <i>v.</i> Johnson . . . . .	673
Iglehart <i>v.</i> Iglehart . . . . .	478
Jackman, Eau Claire National Bank <i>v.</i> . . . .	522
J. B. Orcutt Company <i>v.</i> Green . . . . .	96
Jennings, State of South Carolina, <i>ex rel.</i> Buchanan <i>v.</i> . . . .	667
Jerome <i>v.</i> Cogswell . . . . .	1
Johnson, Hunter <i>v.</i> . . . .	673
Kalyton <i>v.</i> Kalyton, see McKay <i>v.</i> Kalyton . . . . .	458
Kalyton, McKay <i>v.</i> . . . .	458
Kann <i>v.</i> King . . . . .	43
Kansas <i>v.</i> United States . . . . .	331
Keatley, United States <i>v.</i> . . . .	562
Kenyon (United States for the benefit of), United States Fidelity and Guaranty Company <i>v.</i> . . . .	349
King, Kann <i>v.</i> . . . .	43
King, Webb <i>v.</i> . . . .	43
Kirk, United States <i>v.</i> . . . .	668
Klutt, Philadelphia and Reading Railway Company <i>v.</i> . . . .	672

## TABLE OF CONTENTS.

## Table of Cases Reported.

	PAGE
Knudsen-Ferguson Fruit Company <i>v.</i> Chicago, St. Louis, Minneapolis and Omaha Railway Company . . .	670
Knudsen-Ferguson Fruit Company <i>v.</i> Michigan Central Railroad Company . . . . .	671
Lanyon, Brown <i>v.</i> . . . . .	672
Leigh, Zell <i>v.</i> . . . . .	669
Lewisohn, Old Dominion Mining and Smelting Com- pany <i>v.</i> . . . . .	673
Lewis Voight & Sons Company, Continental Wall Paper Co. <i>v.</i> . . . . .	673
Life Association <i>v.</i> McDonough . . . . .	8
Lindsley (Colorado <i>ex rel.</i> ), American Smelting and Re- fining Company <i>v.</i> . . . . .	103
London Guarantee and Accident Company, Limited, Doyle <i>v.</i> . . . . .	599
Louisville and Nashville Railroad Company <i>v.</i> Smith, Huggins & Company . . . . .	551
Lumber Company <i>v.</i> O'Brien . . . . .	190
McCallum <i>v.</i> Goldsborough . . . . .	672
McDonough, Old Wayne Mutual Life Association <i>v.</i> . . .	8
McGuire <i>v.</i> Gerstley . . . . .	489
McKay <i>v.</i> Kalyton . . . . .	458
McLoud, Walker <i>v.</i> . . . . .	302
Mason City and Fort Dodge Railroad Company <i>v.</i> Boyn- ton . . . . .	570
Mathieson, Mathieson Alkali Works <i>v.</i> . . . . .	674
Mathieson Alkali Works <i>v.</i> Mathieson . . . . .	674
Matter of Harrison Boynton, Petitioner . . . . .	668
Matter of Montana Mining Company . . . . .	667
Mayor of the City of Guthrie <i>v.</i> Turner . . . . .	623
Merchants Heat and Light Company <i>v.</i> Clow & Sons . . .	286
Michigan Central Railroad Company, Knudsen-Ferguson Fruit Company <i>v.</i> . . . . .	671
Miller <i>v.</i> Wilson . . . . .	42
Mills, City of Chicago <i>v.</i> . . . . .	321



## TABLE OF CONTENTS.

xi

## Table of Cases Reported.

	PAGE
Mining Company (Central Eureka), East Central Eureka Mining Company <i>v.</i> . . . . .	266
Mining Company (East Central Eureka) <i>v.</i> Central Eureka Mining Company . . . . .	266
Mining Company (Montana), <i>Ex parte</i> . . . . .	667
Mining Company (Montana) <i>v.</i> St. Louis Mining and Milling Company . . . . .	204
Mining and Milling Company (St. Louis), Montana Mining Company <i>v.</i> . . . . .	204
Minnesota and Dakota Cattle Company <i>v.</i> Atchison, Topeka and Santa Fe Railway Company . . . . .	670
Montana <i>ex rel.</i> Haire <i>v.</i> Rice, State Treasurer . . . . .	291
Montana Mining Company, <i>Ex parte</i> . . . . .	667
Montana Mining Company, Limited, <i>v.</i> St. Louis Mining and Milling Company . . . . .	204
Montana State Treasurer, Haire <i>v.</i> . . . . .	291
Mortiga, Serra <i>v.</i> . . . . .	470
Mutual Life Association <i>v.</i> McDonough . . . . .	8
National Bank (Eau Claire) <i>v.</i> Jackman . . . . .	522
National Bank (Ohio Valley) <i>v.</i> Hulitt . . . . .	162
National Enameling and Stamping Company, Wecker <i>v.</i> Newman <i>v.</i> Gates . . . . .	176
News and Courier Company <i>v.</i> Butler . . . . .	89
New York <i>ex rel.</i> Hatch <i>v.</i> Reardon, Peace Officer of the County of New York . . . . .	670
New York State Comptroller, Honoré <i>v.</i> . . . . .	152
Northern Lumber Company <i>v.</i> O'Brien . . . . .	675
North German Lloyd, Palson <i>v.</i> . . . . .	190
O'Brien, Northern Lumber Company <i>v.</i> . . . . .	671
Ohio Valley National Bank <i>v.</i> Hulitt . . . . .	190
Oil Mill, Texas and Pacific Railway Company <i>v.</i> . . . . .	162
Old Dominion Copper Mining and Smelting Company <i>v.</i> Lewisohn . . . . .	449
Old Wayne Mutual Life Association of Indianapolis <i>v.</i> McDonough . . . . .	673
	8

## Table of Cases Reported.

	PAGE
Orcutt Company <i>v.</i> Green . . . . .	96
Ornstine <i>v.</i> Cary . . . . .	669
Osborne <i>v.</i> Clark . . . . .	565
Palson <i>v.</i> North German Lloyd . . . . .	671
Peace Officer of the County of New York, New York <i>ex rel.</i> Hatch <i>v.</i> . . . . .	152
People <i>ex rel.</i> Hatch, <i>v.</i> Reardon, Peace Officer of the County of New York . . . . .	152
Philadelphia and Reading Railway Company <i>v.</i> Klutt	672
Phoenix, Phoenix Water Company <i>v.</i> . . . .	674
Phoenix Water Company <i>v.</i> Common Council of the City of Phoenix . . . . .	674
Porto Rican Railroad Company (American) <i>v.</i> Castro	453
 Railroad Company (American, of Porto Rico) <i>v.</i> Castro	453
Railroad Company (Boston & Maine) <i>v.</i> Gokey . . .	672
Railroad Company (Erie) <i>v.</i> Erie and Western Transporta- tion Company . . . . .	220
Railroad Company (Louisville & Nashville) <i>v.</i> Smith, Huggins & Co. . . . .	551
Railroad Company (Mason City & Ft. Dodge) <i>v.</i> Boynton	570
Railroad Company (Union Pacific) <i>v.</i> Fink . . .	585
Railway Company (Atchison, T. & S. F.), Empire State Cattle Company <i>v.</i> . . . . .	670
Railway Company (Atchison, T. & S. F.), Minnesota and Dakota Cattle Company <i>v.</i> . . . . .	670
Railway Company (C., B. & Q.) <i>v.</i> Babcock . . .	585
Railway Company (Chicago, St. L. M. & O.), Knudsen- Ferguson Fruit Company <i>v.</i> . . . . .	670
Railway (Cleveland Electric), City of Cleveland <i>v.</i> . .	116
Railway (Cleveland Electric) <i>v.</i> Cleveland and the Forest City Railway Company . . . . .	116
Railway Company (Gulf, Colo. & S. F.) <i>v.</i> Texas . .	403
Railway Company (Mich. Cent.), Knudsen-Ferguson Fruit Company <i>v.</i> . . . . .	671
Railway Company (Phila. & Reading) <i>v.</i> Klutt . .	672



## TABLE OF CONTENTS.

xiii

## Table of Cases Reported.

	PAGE
Railway Company (Texas & Pac.) <i>v.</i> Abilene Cotton Oil Company . . . . .	426
Railway Company (Texas & Pac.), <i>Arthur v.</i> . . . .	505
Railway Company (Texas & Pac.) <i>v.</i> Cisco Oil Mill . . . .	449
Reardon, New York <i>ex rel.</i> Hatch <i>v.</i> . . . .	152
Rice, State Treasurer, Montana <i>ex rel.</i> Haire <i>v.</i> . . . .	291
Rice and Irrigation Company, Borden <i>v.</i> . . . .	667
Scale Company (Computing) <i>v.</i> Automatic Scale Company	609
Secretary of the Treasury, Wilson <i>v.</i> . . . .	24
Serra <i>v.</i> Mortiga . . . . .	470
Shaw, Wilson <i>v.</i> . . . .	24
Shropshire, Woodliff & Co. <i>v.</i> Bush . . . . .	186
Smelting and Refining Company <i>v.</i> Colorado <i>ex rel.</i> Lindsley . . . . .	103
Smith, Huggins & Co., Louisville and Nashville Railroad Company <i>v.</i> . . . .	551
Smith, Smithers <i>v.</i> . . . .	632
Smithers <i>v.</i> Smith . . . . .	632
South Carolina <i>ex rel.</i> Buchanan <i>v.</i> Jennings . . . .	667
Springer, Cunningham <i>v.</i> . . . .	647
St. Louis Mining and Milling Company, Montana Mining Company <i>v.</i> . . . .	204
State of Colorado <i>ex rel.</i> Badgley, Elder <i>v.</i> . . . .	85
State of Colorado <i>ex rel.</i> Lindsley, American Smelting and Refining Company <i>v.</i> . . . .	103
State of Kansas <i>v.</i> United States . . . . .	331
State of Montana <i>ex rel.</i> Haire <i>v.</i> Rice, State Treasurer	291
State of South Carolina <i>ex rel.</i> Buchanan <i>v.</i> Jennings	667
State of Texas, Gulf, Colorado and Santa Fe Railway Company <i>v.</i> . . . .	403
State Treasurer of Montana, Haire <i>v.</i> . . . .	291
Stearns <i>v.</i> Todd . . . . .	669
Sum Gay alias Sam Lee <i>v.</i> United States . . . . .	668
Taggart, Thomas <i>v.</i> . . . .	670
Texas, Gulf, Colorado and Santa Fe Railway Company <i>v.</i>	403

## Table of Cases Reported.

	PAGE
Texas and Pacific Railway Company <i>v.</i> Abilene Cotton Oil Company . . . . .	426
Texas and Pacific Railway Company, Arthur <i>v.</i> . . . .	505
Texas and Pacific Railway Company <i>v.</i> Cisco Oil Mill . . . . .	449
Thomas <i>v.</i> Taggart . . . . .	670
Todd, Stearns <i>v.</i> . . . .	669
Transportation Company (Erie & Western), Erie Rail- road Company <i>v.</i> . . . .	220
Treasurer of Adams County, Nebraska, Chicago, Burling- ton & Quincy Railway Company <i>v.</i> . . . .	585
Treasurer of Douglas County, Nebraska, Union Pacific Railroad Company <i>v.</i> . . . .	585
Trespalacios Rice and Irrigation Company, Borden <i>v.</i> . . . .	667
Trickey, Crowe <i>v.</i> . . . .	228
Tromp <i>v.</i> William Cramp & Sons Ship and Engine Build- ing Company . . . . .	671
Turf Association <i>v.</i> Greenberg . . . . .	359
Turner, Duke, Mayor of the City of Guthrie <i>v.</i> . . . .	623
Union Bridge Company <i>v.</i> United States . . . . .	364
Union Pacific Railroad Company <i>v.</i> Fink, Treasurer of Douglas County, Nebraska . . . . .	585
United States, Allen <i>v.</i> . . . .	581
United States <i>v.</i> Benjamin H. Howell, Son & Co. . . . .	667
United States, Flickinger <i>v.</i> . . . .	671
United States <i>v.</i> G. Falk & Brother . . . . .	143
United States <i>v.</i> Hite . . . . .	343
United States, Kansas <i>v.</i> . . . .	331
United States <i>v.</i> Keatley . . . . .	562
United States <i>v.</i> Kirk . . . . .	668
United States, Sum Gay alias Sam Lee <i>v.</i> . . . .	668
United States, Union Bridge Company <i>v.</i> . . . .	364
United States, Wilder <i>v.</i> . . . .	674
United States, Yee Yuen <i>v.</i> . . . .	674
United States for the benefit of Kenyon, United States Fidelity and Guaranty Company <i>v.</i> . . . .	349

## TABLE OF CONTENTS.

XV

## Table of Cases Reported.

	PAGE
United States Fidelity and Guaranty Company <i>v.</i> United States for the benefit of Kenyon . . . . .	349
Van Horn <i>v.</i> Wilson, Sheriff . . . . .	42
Voight & Sons, Continental Wall Paper Company <i>v.</i> . . . .	673
Walker, Bacon <i>v.</i> . . . . .	311
Walker <i>v.</i> McLoud . . . . .	302
Wallace <i>v.</i> Adams . . . . .	415
Walling, Bown <i>v.</i> . . . . .	320
Wall Paper Company <i>v.</i> Lewis Voight & Sons Co. . . . .	673
Water Company <i>v.</i> City of Phoenix . . . . .	674
Watkins, Haynes <i>v.</i> . . . . .	673
Wayne Mutual Life Association <i>v.</i> McDonough . . . . .	8
Webb <i>v.</i> King . . . . .	43
Wecker <i>v.</i> National Enameling and Stamping Company . . . . .	176
Western Turf Association <i>v.</i> Greenberg . . . . .	359
Whittredge, Hammond <i>v.</i> . . . . .	538
Wilder <i>v.</i> United States . . . . .	674
William Cramp & Sons Ship and Engine Building Company, Tromp <i>v.</i> . . . . .	671
Wilson, Bachtel <i>v.</i> . . . . .	36, 42
Wilson, Davis <i>v.</i> . . . . .	42
Wilson, Honoré <i>v.</i> . . . . .	675
Wilson, Miller <i>v.</i> . . . . .	42
Wilson <i>v.</i> Shaw, Secretary of the Treasury . . . . .	24
Wilson, Van Horn <i>v.</i> . . . . .	42
Yee Yuen <i>v.</i> United States . . . . .	674
Zartarian <i>v.</i> Billings, Commissioner of Immigration . . . . .	170
Zell <i>v.</i> Leigh . . . . .	669

