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Statement of the Case.

titles," it is said, "must have been initiated prior to the enactment of the act." For that reason, it is further said, "the act cannot be said to be retrospective, because the language used simply designates the classes of persons to whom confirmatory grants are made." But these considerations are simply the result of dwelling upon the literal terms of the act. But this is obnoxious to the rule of the cases. Courts will not, as we have seen, enforce a literal interpretation when by doing so antecedent rights are affected or human conduct given a consequence it did not intend. Such a purpose the courts refuse to assign to the legislature unless compelled by language explicit and imperative. And we have pointed out that we are repelled from so doing by grave doubts of its legality as well as of its justice. These considerations need not be further expanded. Their strength has been pointed out and their sufficiency to prevail over a literal interpretation of a statute.

Judgment reversed and cause remanded for further proceedings not inconsistent with this opinion.

MR. JUSTICE HUGHES dissents.

MR. JUSTICE HOLMES and MR. JUSTICE PITNEY took no part in the decision.

UNION PACIFIC RAILROAD COMPANY v. SIDES.

ERROR TO THE SUPREME COURT OF THE STATE OF COLORADO.

No. 683. Submitted October 14, 1913.—Decided December 1, 1913.

Decided on the authority of *Union Pacific Railroad Co. v. Snow*, ante, p. 204.

133 Pac. Rep. 1040, reversed.

THE facts are stated in the opinion

Mr. N. H. Loomis, Mr. C. C. Dorsey and Mr. E. I. Thayer for plaintiff in error.

Mr. Milton Smith, Mr. Charles R. Brock and Mr. W. H. Ferguson for defendants in error.

MR. JUSTICE MCKENNA delivered the opinion of the court.

Action in ejectment, brought by plaintiff in error, called here plaintiff, against defendants in error, here called defendants, in the District Court of Arapahoe County, State of Colorado.

Except as to the description of the land the complaint is substantially the same as that in No. 682 and presents the same legal rights and titles. Defendant Sides demurred to the complaint; Scherrer denied being in possession of the land and disclaimed any claim to it. The demurrer was overruled and Scherrer answered, setting up defenses which are in substance the same as in No. 682. To the defenses plaintiff filed demurrers, which were sustained. Sides elected to plead no further and the case coming on for trial and certain facts being agreed upon as testified to, objection to the materiality of which was made, motions to dismiss and for judgment were also made and overruled. Judgment was entered for plaintiff. It was reversed by the Supreme Court of the State, for the reasons stated in its opinion in *Snow v. Union Pacific Railroad Co.*, that is, No. 682, *ante*, p. 204, 133 Pac. Rep. 1040.

This case was submitted with No. 682, involves the same questions and is determined by its decision.

Judgment reversed and cause remanded for further proceedings not inconsistent herewith.

MR. JUSTICE HUGHES dissents.

MR. JUSTICE HOLMES and MR. JUSTICE PITNEY took no part in the decision.