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THE  
SUPREME COURT REPORTER

WITH KEY-NUMBER ANNOTATIONS

VOLUME 31  
PERMANENT EDITION

CASES ARGUED AND DETERMINED  
IN THE  
UNITED STATES SUPREME COURT  
OCTOBER TERM, 1910

DECEMBER, 1910—JULY, 1911

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(31 SUP. CT.)

JUSTICES  
OF THE  
UNITED STATES SUPREME COURT

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OCTOBER TERM, 1910

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CHIEF JUSTICE:

HON. EDWARD D. WHITE.<sup>1</sup>

ASSOCIATES:

HON. JOHN M. HARLAN.

HON. EDWARD D. WHITE.<sup>1</sup>

HON. JOSEPH McKENNA.

HON. OLIVER WENDELL HOLMES.

HON. WILLIAM R. DAY.

HON. HORACE H. LURTON.<sup>2</sup>

HON. CHARLES E. HUGHES.<sup>3</sup>

HON. WILLIS VAN DEVANTER.<sup>4</sup>

HON. JOSEPH RUCKER LAMAR.<sup>5</sup>

HON. WILLIAM H. MOODY.<sup>6</sup>

ATTORNEY GENERAL:

HON. GEORGE W. WICKERSHAM.

SOLICITOR GENERAL:

HON. LLOYD W. BOWERS.<sup>7</sup>

HON. FREDERICK W. LEHMANN.<sup>8</sup>

<sup>1</sup> Appointed Chief Justice December 12, 1910.

<sup>2</sup> Appointed December 20, 1909.

<sup>3</sup> Appointed May 2, 1910.

<sup>4</sup> Appointed December 16, 1910, vice Edward D. White appointed Chief Justice.

<sup>5</sup> Appointed December 17, 1910, vice William H. Moody, resigned.

<sup>6</sup> Resigned November 15, 1910.

<sup>7</sup> Died.

<sup>8</sup> Appointed December 19, 1910.

# ALLOTMENT OF THE JUSTICES

## OF THE

# SUPREME COURT OF THE UNITED STATES

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### FIRST CIRCUIT.

*Comprising Maine, Massachusetts, New Hampshire, and Rhode Island.*

JUSTICE OLIVER WENDELL HOLMES, of Massachusetts. Appointed December 4, 1902, by President Roosevelt.

### SECOND CIRCUIT.

*Comprising Connecticut, New York, and Vermont.*

JUSTICE CHARLES E. HUGHES, of New York. Appointed May 2, 1910, by President Taft.

### THIRD CIRCUIT.

*Comprising Delaware, New Jersey, and Pennsylvania.*

JUSTICE HORACE H. LURTON, of Tennessee. Appointed December 20, 1909, by President Taft.

JUSTICE WILLIAM H. MOODY, of Massachusetts.<sup>1</sup> Appointed December 17, 1906, by President Roosevelt.

### FOURTH CIRCUIT.

*Comprising Maryland, North Carolina, South Carolina, Virginia, and West Virginia.*

JUSTICE EDWARD D. WHITE, of Louisiana. Appointed February 19, 1894, by President Cleveland; appointed Chief Justice December 12, 1910, by President Taft.

### FIFTH CIRCUIT.

*Comprising Alabama, Florida, Georgia, Louisiana, Mississippi, and Texas.*

JUSTICE JOSEPH R. LAMAR, of Georgia. Appointed December 17, 1910, by President Taft.

### SIXTH CIRCUIT.

*Comprising Kentucky, Michigan, Ohio, and Tennessee.*

JUSTICE JOHN M. HARLAN, of Kentucky. Appointed November 29, 1877, by President Hayes.

### SEVENTH CIRCUIT.

*Comprising Illinois, Indiana, and Wisconsin.*

JUSTICE WILLIAM R. DAY, of Ohio. Appointed February 25, 1903, by President Roosevelt.

### EIGHTH CIRCUIT.

*Comprising Arkansas, Colorado, Iowa, Kansas, Minnesota, Missouri, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Utah, and Wyoming.*

JUSTICE WILLIS VAN DEVANTER, of Wyoming. Appointed December 16, 1910, by President Taft.

### NINTH CIRCUIT.

*Comprising Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon, and Washington.*

JUSTICE JOSEPH MCKENNA, of California. Appointed January 21, 1898, by President McKinley.

<sup>1</sup> Resigned November 19, 1910.

# Supreme Court Reporter References

## for cases reported in

# United States Reports

### VOL. 218, UNITED STATES REPORTS

| U. S.<br>Rep. | S. Ct.<br>Rep. | U. S.<br>Rep. | S. Ct.<br>Rep. | U. S.<br>Rep. | S. Ct.<br>Rep. | U. S.<br>Rep. | S. Ct.<br>Rep. | U. S.<br>Rep. | S. Ct.<br>Rep. | U. S.<br>Rep. | S. Ct.<br>Rep. | U. S.<br>Rep. | S. Ct.<br>Rep. | U. S.<br>Rep. | S. Ct.<br>Rep. |    |     |     |    |     |
|---------------|----------------|---------------|----------------|---------------|----------------|---------------|----------------|---------------|----------------|---------------|----------------|---------------|----------------|---------------|----------------|----|-----|-----|----|-----|
| Pg.           | Vol.           | Pg.           | Vol.           | Pg.           | Vol.           | Pg.           | Vol.           | Pg.           | Vol.           | Pg.           | Vol.           | Pg.           | Vol.           | Pg.           | Vol.           |    |     |     |    |     |
| 1             | 30             | 682           | 205            | 30            | 621            | 369           | 81             | 84            | 547            | 31            | 102            | 667           | 31             | 228           | 677            | 31 | 226 | 687 | 31 | 219 |
| 27            | 30             | 672           | 233            | 31            | 7              | 371           | 31             | 67            | 551            | 31            | 95             | 668           | 31             | 228           | 678            | 31 | 226 | 687 | 31 | 220 |
| 36            | 30             | 676           | 245            | 31            | 2              | 386           | 31             | 73            | 563            | 31            | 132            | 669           | 31             | 228           | 679            | 31 | 227 | 688 | 31 | 219 |
| 57            | 30             | 663           | 255            | 31            | 1              | 400           | 31             | 79            | 572            | 31            | 134            | 669           | 31             | 229           | 680            | 31 | 227 | 688 | 31 | 221 |
| 71            | 30             | 667           | 258            | 31            | 11             | 406           | 31             | 59            | 573            | 31            | 127            | 670           | 31             | 221           | 680            | 31 | 228 | 689 | 31 | 222 |
| 78            | 30             | 669           | 264            | 31            | 17             | 422           | 31             | 64            | 591            | 31            | 122            | 671           | 31             | 221           | 681            | 31 | 228 | 689 | 31 | 223 |
| 88            | 30             | 651           | 272            | 31            | 15             | 431           | 31             | 56            | 601            | 31            | 124            | 672           | 31             | 221           | 681            | 31 | 229 | 690 | 31 | 224 |
| 113           | 30             | 660           | 281            | 31            | 14             | 438           | 31             | 57            | 611            | 31            | 111            | 672           | 31             | 222           | 682            | 31 | 219 | 691 | 31 | 224 |
| 120           | 30             | 647           | 289            | 31            | 23             | 442           | 31             | 44            | 624            | 31            | 115            | 673           | 31             | 222           | 682            | 31 | 229 | 691 | 31 | 225 |
| 124           | 30             | 649           | 299            | 31            | 25             | 452           | 31             | 49            | 645            | 31            | 106            | 673           | 31             | 223           | 683            | 31 | 219 | 692 | 31 | 225 |
| 129           | 30             | 650           | 302            | 31            | 21             | 476           | 31             | 34            | 664            | 31            | 225            | 674           | 31             | 223           | 684            | 31 | 219 | 692 | 31 | 227 |
| 135           | 30             | 633           | 312            | 31            | 18             | 487           | 31             | 43            | 665            | 31            | 222            | 675           | 31             | 223           | 684            | 31 | 220 | 692 | 31 | 228 |
| 159           | 30             | 639           | 322            | 31            | 85             | 493           | 31             | 37            | 666            | 31            | 223            | 675           | 31             | 224           | 685            | 31 | 220 | 693 | 31 | 218 |
| 161           | 30             | 640           | 326            | 31            | 93             | 513           | 31             | 27            | 666            | 31            | 225            | 676           | 31             | 224           | 686            | 31 | 220 | 693 | 31 | 229 |
| 173           | 30             | 644           | 345            | 31            | 89             | 517           | 31             | 28            | 666            | 31            | 226            | 676           | 31             | 225           | 687            | 31 | 218 | 694 | 31 | 212 |
| 180           | 30             | 615           | 357            | 31            | 81             | 532           | 31             | 98            | 667            | 31            | 227            |               |                |               |                |    |     |     |    |     |

### VOL. 219, UNITED STATES REPORTS

| U. S.<br>Rep. | S. Ct.<br>Rep. | U. S.<br>Rep. | S. Ct.<br>Rep. | U. S.<br>Rep. | S. Ct.<br>Rep. | U. S.<br>Rep. | S. Ct.<br>Rep. | U. S.<br>Rep. | S. Ct.<br>Rep. | U. S.<br>Rep. | S. Ct.<br>Rep. | U. S.<br>Rep. | S. Ct.<br>Rep. | U. S.<br>Rep. | S. Ct.<br>Rep. |    |     |     |    |     |
|---------------|----------------|---------------|----------------|---------------|----------------|---------------|----------------|---------------|----------------|---------------|----------------|---------------|----------------|---------------|----------------|----|-----|-----|----|-----|
| Pg.           | Vol.           | Pg.           | Vol.           | Pg.           | Vol.           | Pg.           | Vol.           | Pg.           | Vol.           | Pg.           | Vol.           | Pg.           | Vol.           | Pg.           | Vol.           |    |     |     |    |     |
| 1             | 31             | 212           | 104            | 31            | 186            | 209           | 31             | 171           | 320            | 31            | 241            | 453           | 31             | 275           | 581            | 31 | 472 | 586 | 31 | 471 |
| 17            | 31             | 138           | 114            | 31            | 189            | 210           | 31             | 143           | 339            | 31            | 256            | 467           | 31             | 265           | 582            | 31 | 469 | 587 | 31 | 471 |
| 24            | 31             | 140           | 121            | 31            | 189            | 219           | 31             | 146           | 346            | 31            | 250            | 486           | 31             | 272           | 582            | 31 | 470 | 588 | 31 | 471 |
| 35            | 31             | 136           | 128            | 31            | 190            | 250           | 31             | 155           | 363            | 31            | 324            | 498           | 31             | 279           | 583            | 31 | 469 | 588 | 31 | 472 |
| 44            | 31             | 135           | 140            | 31            | 171            | 270           | 31             | 234           | 380            | 31            | 300            | 527           | 31             | 295           | 583            | 31 | 472 | 589 | 31 | 470 |
| 47            | 31             | 200           | 166            | 31            | 182            | 285           | 31             | 238           | 424            | 31            | 321            | 537           | 31             | 297           | 584            | 31 | 469 | 589 | 31 | 472 |
| 72            | 31             | 209           | 175            | 31            | 185            | 296           | 31             | 230           | 426            | 31            | 321            | 549           | 31             | 259           | 585            | 31 | 470 | 590 | 31 | 471 |
| 79            | 31             | 193           | 180            | 31            | 162            | 307           | 31             | 246           | 433            | 31            | 288            | 576           | 31             | 299           | 586            | 31 | 470 | 591 | 31 | 471 |
| 92            | 31             | 196           | 186            | 31            | 164            |               |                |               |                |               |                |               |                |               |                |    |     |     |    |     |

### VOL. 220, UNITED STATES REPORTS

| U. S.<br>Rep. | S. Ct.<br>Rep. | U. S.<br>Rep. | S. Ct.<br>Rep. | U. S.<br>Rep. | S. Ct.<br>Rep. | U. S.<br>Rep. | S. Ct.<br>Rep. | U. S.<br>Rep. | S. Ct.<br>Rep. | U. S.<br>Rep. | S. Ct.<br>Rep. | U. S.<br>Rep. | S. Ct.<br>Rep. | U. S.<br>Rep. | S. Ct.<br>Rep. |    |     |     |    |     |
|---------------|----------------|---------------|----------------|---------------|----------------|---------------|----------------|---------------|----------------|---------------|----------------|---------------|----------------|---------------|----------------|----|-----|-----|----|-----|
| Pg.           | Vol.           | Pg.           | Vol.           | Pg.           | Vol.           | Pg.           | Vol.           | Pg.           | Vol.           | Pg.           | Vol.           | Pg.           | Vol.           | Pg.           | Vol.           |    |     |     |    |     |
| 1             | 31             | 330           | 214            | 31            | 408            | 345           | 31             | 416           | 539            | 31            | 600            | 606           | 31             | 718           | 614            | 31 | 719 | 623 | 31 | 725 |
| 37            | 31             | 362           | 224            | 31            | 412            | 364           | 31             | 399           | 547            | 31            | 596            | 606           | 31             | 718           | 615            | 31 | 719 | 624 | 31 | 714 |
| 45            | 31             | 364           | 233            | 31            | 415            | 373           | 31             | 376           | 549            | 31            | 597            | 606           | 31             | 722           | 616            | 31 | 720 | 624 | 31 | 715 |
| 61            | 31             | 337           | 235            | 31            | 392            | 413           | 31             | 460           | 556            | 31            | 599            | 607           | 31             | 722           | 617            | 31 | 720 | 625 | 31 | 715 |
| 83            | 31             | 373           | 257            | 31            | 387            | 428           | 31             | 444           | 559            | 31            | 612            | 608           | 31             | 725           | 617            | 31 | 721 | 625 | 31 | 717 |
| 90            | 31             | 371           | 275            | 31            | 392            | 446           | 31             | 456           | 580            | 31            | 617            | 609           | 31             | 714           | 618            | 31 | 721 | 626 | 31 | 719 |
| 94            | 31             | 268           | 277            | 31            | 434            | 462           | 31             | 452           | 590            | 31            | 561            | 610           | 31             | 714           | 619            | 31 | 721 | 627 | 31 | 720 |
| 107           | 31             | 342           | 290            | 31            | 437            | 472           | 31             | 465           | 601            | 31            | 715            | 610           | 31             | 715           | 619            | 31 | 722 | 628 | 31 | 721 |
| 107           | 31             | 343           | 302            | 31            | 442            | 481           | 31             | 473           | 601            | 31            | 716            | 611           | 31             | 715           | 619            | 31 | 723 | 629 | 31 | 722 |
| 108           | 31             | 343           | 307            | 31            | 423            | 491           | 31             | 478           | 602            | 31            | 716            | 612           | 31             | 716           | 620            | 31 | 723 | 629 | 31 | 723 |
| 178           | 31             | 360           | 311            | 31            | 425            | 497           | 31             | 483           | 603            | 31            | 716            | 612           | 31             | 717           | 621            | 31 | 724 | 630 | 31 | 723 |
| 187           | 31             | 361           | 321            | 31            | 406            | 502           | 31             | 490           | 603            | 31            | 717            | 613           | 31             | 717           | 622            | 31 | 724 | 630 | 31 | 725 |
| 191           | 31             | 426           | 329            | 31            | 402            | 506           | 31             | 480           | 604            | 31            | 718            | 614           | 31             | 718           | 623            | 31 | 724 | 631 | 31 | 725 |
| 210           | 31             | 431           | 338            | 31            | 421            | 523           | 31             | 485           |                |               |                |               |                |               |                |    |     |     |    |     |

### VOL. 221, UNITED STATES REPORTS

| U. S.<br>Rep. | S. Ct.<br>Rep. | U. S.<br>Rep. | S. Ct.<br>Rep. | U. S.<br>Rep. | S. Ct.<br>Rep. | U. S.<br>Rep. | S. Ct.<br>Rep. | U. S.<br>Rep. | S. Ct.<br>Rep. | U. S.<br>Rep. | S. Ct.<br>Rep. | U. S.<br>Rep. | S. Ct.<br>Rep. | U. S.<br>Rep. | S. Ct.<br>Rep. |    |     |     |    |     |
|---------------|----------------|---------------|----------------|---------------|----------------|---------------|----------------|---------------|----------------|---------------|----------------|---------------|----------------|---------------|----------------|----|-----|-----|----|-----|
| Pg.           | Vol.           | Pg.           | Vol.           | Pg.           | Vol.           | Pg.           | Vol.           | Pg.           | Vol.           | Pg.           | Vol.           | Pg.           | Vol.           | Pg.           | Vol.           |    |     |     |    |     |
| 106           | 31             | 502           | 263            | 31            | 555            | 333           | 31             | 550           | 404            | 31            | 574            | 485           | 31             | 703           | 547            | 31 | 679 | 612 | 31 | 621 |
| 194           | 31             | 632           | 274            | 31            | 557            | 346           | 31             | 550           | 408            | 31            | 534            | 488           | 31             | 627           | 554            | 31 | 682 | 623 | 31 | 664 |
| 208           | 31             | 603           | 280            | 31            | 558            | 358           | 31             | 554           | 417            | 31            | 536            | 508           | 31             | 704           | 559            | 31 | 688 | 636 | 31 | 654 |
| 220           | 31             | 607           | 286            | 31            | 578            | 361           | 31             | 538           | 418            | 31            | 492            | 514           | 31             | 695           | 580            | 31 | 669 | 649 | 31 | 659 |
| 229           | 31             | 593           | 317            | 31            | 587            | 394           | 31             | 550           | 452            | 31            | 706            | 524           | 31             | 699           | 608            | 31 | 676 | 660 | 31 | 661 |
|               | 31             | 564           | 325            | 31            | 590            | 400           | 31             | 537           | 467            | 31            | 709            | 533           | 31             | 683           |                |    |     |     |    |     |

31 S.Ct.

(v)\*

# CASES REPORTED

|                                                                                                                | Page |                                                                                                                                  | Page |
|----------------------------------------------------------------------------------------------------------------|------|----------------------------------------------------------------------------------------------------------------------------------|------|
| Abaroa, Chantango v. (218 U. S. 476)....                                                                       | 34   | Atlantic Coast Line R. Co., Day v. (220 U. S. 617).....                                                                          | 720  |
| Abilene Nat. Bank v. Dolley (218 U. S. 673) .....                                                              | 223  | Atlantic Coast Line R. Co. v. Riverside Mills (219 U. S. 186).....                                                               | 164  |
| Adamson v. United States (220 U. S. 612) ..                                                                    | 716  | Atlantic, Gulf & Pacific Co. v. Government of the Philippine Islands (219 U. S. 17) ..                                           | 138  |
| A. Dreher & Co., Moore Bros. v. (218 U. S. 676).....                                                           | 225  | Atlantic Mut. Ins. Co., Quillin v. (218 U. S. 682).....                                                                          | 229  |
| Aguado v. City of Manila (220 U. S. 345) ..                                                                    | 416  | Attorney General v. Atchison, T. & S. F. R. Co. (220 U. S. 618).....                                                             | 721  |
| Ainsa, Richardson v. (218 U. S. 289).....                                                                      | 23   | Attorney General v. Chicago, R. I. & P. R. Co. (220 U. S. 618).....                                                              | 721  |
| Ainsworth, Reaves v. (219 U. S. 296).....                                                                      | 230  | Attorney General v. Gulf, C. & S. F. R. Co. (220 U. S. 618).....                                                                 | 721  |
| Alabama, Bailey v. (219 U. S. 219).....                                                                        | 145  | Attorney General v. Kansas City Southern R. Co. (220 U. S. 618).....                                                             | 721  |
| Alabama & Georgia Mfg. Co. of State of Alabama v. West Point Mfg. Co. of State of Alabama (220 U. S. 617)..... | 721  | Attorney General v. Midland Val. R. Co. (220 U. S. 618).....                                                                     | 721  |
| Alonzo Del Rio, Prado v. (219 U. S. 590) ..                                                                    | 470  | Attorney General v. Missouri, K. & T. R. Co. (220 U. S. 618).....                                                                | 721  |
| American Bank Protection Co. v. Electric Protection Co. (220 U. S. 619).....                                   | 723  | Attorney General of Commonwealth of Massachusetts, Provident Institution for Savings, in Town of Boston v. (221 U. S. 660) ..... | 661  |
| American Disappearing Bed Co. v. Arnaelsteen (220 U. S. 622).....                                              | 724  | Attorney General of State of Oklahoma v. Kansas Natural Gas Co. (221 U. S. 229) ..                                               | 564  |
| American Federation of Labor v. Buck's Stove & Range Co. (219 U. S. 581).....                                  | 472  | Attorney General v. St. Louis & S. F. R. Co. (220 U. S. 618).....                                                                | 721  |
| American Land Co. v. Zeiss (219 U. S. 47) ..                                                                   | 200  | Attorney General, People of State of Michigan ex rel., Calder v. (218 U. S. 591) ..                                              | 122  |
| American Lithographic Co. v. Werckmeister (221 U. S. 603).....                                                 | 676  | Attorney General, State of Oklahoma ex rel., v. Chicago, R. I. & P. R. Co. (220 U. S. 302).....                                  | 442  |
| American Mfg. Co. v. Zulkowski (220 U. S. 609) .....                                                           | 714  | Attorney General, State of Oklahoma ex rel., v. Gulf, C. & S. F. R. Co. (220 U. S. 290).....                                     | 437  |
| American Multigraph Co., Jared v. (220 U. S. 107).....                                                         | 342  | Austin, Gill v. (218 U. S. 677).....                                                                                             | 226  |
| American Pneumatic Service Co., Snyder v. (220 U. S. 618).....                                                 | 721  | Austin v. New York Stock Exch. (220 U. S. 621).....                                                                              | 724  |
| American Tobacco Co. v. United States (221 U. S. 106).....                                                     | 632  | Aybar v. People of Porto Rico (218 U. S. 669) .....                                                                              | 229  |
| American Turquoise Co., Sena v. (220 U. S. 497).....                                                           | 488  | Baglin v. Cusenier Co. (221 U. S. 580)....                                                                                       | 669  |
| Amos, Delaware River Ferry Co. v. (218 U. S. 688).....                                                         | 221  | Bailey, Missouri, K. & T. R. Co. of Texas v. (220 U. S. 608).....                                                                | 725  |
| Ansonia Brass & Copper Co., United States v. (218 U. S. 452).....                                              | 49   | Bailey v. State of Alabama (219 U. S. 219) ..                                                                                    | 145  |
| Appleby v. City of Buffalo (221 U. S. 524) ..                                                                  | 699  | Baker Transp. Co. v. The John A. Hughes, (220 U. S. 612).....                                                                    | 717  |
| Apsey v. Kimball (221 U. S. 514).....                                                                          | 695  | Baley v. Woolley (220 U. S. 621).....                                                                                            | 724  |
| Apsey v. Whittemore (221 U. S. 514).....                                                                       | 695  | Baltic Min. Co., Gay v. (220 U. S. 107) ..                                                                                       | 343  |
| Arkansas, Chicago, R. I. & P. R. Co. v. (219 U. S. 453).....                                                   | 275  | Baltimore & O. R. Co. v. Interstate Commerce Commission (221 U. S. 612).....                                                     | 621  |
| Arkansas Southern R. Co. v. Louisiana & A. R. Co. (218 U. S. 431).....                                         | 56   | Baltimore & O. R. Co., La Compagnie Générale Transatlantique v. (219 U. S. 585) .....                                            | 470  |
| Armsterdam v. Puente (219 U. S. 591).....                                                                      | 471  | Baltimore & O. R. Co. v. Winters (218 U. S. 671).....                                                                            | 221  |
| Arnaelsteen, American Disappearing Bed Co. v. (220 U. S. 622).....                                             | 724  | Baltimore & O. S. W. R. Co. v. United States (220 U. S. 94).....                                                                 | 368  |
| Arnett v. Reade (220 U. S. 311).....                                                                           | 425  | Bamberger, McCoach v. (218 U. S. 678) ..                                                                                         | 226  |
| Arzuaga, Van Syckel v. (220 U. S. 601) ..                                                                      | 716  | Bank Commissioner of State of Kansas, Assaria State Bank v. (219 U. S. 121) ..                                                   | 189  |
| Asaro, Government of Italy v. (219 U. S. 589) .....                                                            | 470  | Barber, United States v. (219 U. S. 72) ..                                                                                       | 209  |
| Ashton, Bird v. (220 U. S. 604).....                                                                           | 718  | Bean v. Morris (221 U. S. 485).....                                                                                              | 703  |
| Assaria State Bank v. Dolley (219 U. S. 121) .....                                                             | 189  | Becker v. Exchange Mut. Fire Ins. Co. of Pennsylvania (220 U. S. 611).....                                                       | 715  |
| Atchison, T. & S. F. R. Co., Attorney General v. (220 U. S. 618).....                                          | 721  | Beecham, Jacobs v. (221 U. S. 263).....                                                                                          | 555  |
| Atchison, T. & S. F. R. Co., State of Oklahoma v. (220 U. S. 277).....                                         | 434  | Benedict, Lester v. (220 U. S. 619).....                                                                                         | 723  |
| Atchison, T. & S. F. R. Co., United States v. (220 U. S. 37).....                                              | 362  |                                                                                                                                  |      |
| Atchison, T. & S. F. R. Co., West v. (218 U. S. 675).....                                                      | 224  |                                                                                                                                  |      |
| Atchison, T. & S. F. R. Co., West v. (220 U. S. 618).....                                                      | 721  |                                                                                                                                  |      |
| Atherton, Green v. (218 U. S. 688).....                                                                        | 221  |                                                                                                                                  |      |
| Atkinson v. United States (220 U. S. 621) ..                                                                   | 724  |                                                                                                                                  |      |
| Atlantic City R. Co. v. Clegg (220 U. S. 609) .....                                                            | 714  |                                                                                                                                  |      |

|                                             | Page |                                              | Page |
|---------------------------------------------|------|----------------------------------------------|------|
| Benson v. Dolan (220 U. S. 631).....        | 725  | Canal-Louisiana Bank & Trust Co., Wa-        |      |
| Bierce, Ex parte (218 U. S. 693).....       | 229  | terman v. (220 U. S. 621).....               | 724  |
| Bierce v. Waterhouse (219 U. S. 320)....    | 241  | Carpenter v. Winn (221 U. S. 533).....       | 683  |
| Billings, Chin Ying Don v. (220 U. S. 629)  | 722  | Carthusian Monks v. Cusenier Co. (221 U.     |      |
| Bird v. Ashton (220 U. S. 604).....         | 718  | S. 580).....                                 | 669  |
| Blachley, Missouri, K. & T. R. Co. v. (218  |      | Cartwright v. Holcomb (218 U. S. 685)...     | 220  |
| U. S. 667).....                             | 227  | Cedar Street Co. v. Park Realty Co. (220     |      |
| Blanco v. Hubbard (220 U. S. 233).....      | 415  | U. S. 107).....                              | 342  |
| Blanco y Blanco v. Hubbard (220 U. S.       |      | Central R. Co. of New Jersey, United         |      |
| 233).....                                   | 415  | States v. (220 U. S. 275).....               | 392  |
| Board of Assessors for the Parish of Or-    |      | Chamberlin, United States v. (219 U. S.      |      |
| leans, Liverpool & London & Globe Ins.      |      | 250).....                                    | 155  |
| Co. of New York v. (221 U. S. 346)....      | 550  | Chantango v. Abaroa (218 U. S. 476)...       | 34   |
| Board of Assessors for the Parish of Or-    |      | Chase, Worth v. (220 U. S. 614).....         | 718  |
| leans, Orient Ins. Co. v. (221 U. S. 358)   | 554  | Chesapeake & O. R. Co. v. McKell (220        |      |
| Boeckman, United States v. (218 U. S. 684)  | 219  | U. S. 613).....                              | 717  |
| Boggs v. United States (220 U. S. 630)...   | 723  | Chicago, B. & Q. R. Co. v. McGuire (219      |      |
| Boise Artesian Hot & Cold Water Co. v.      |      | U. S. 549).....                              | 259  |
| Boisé City, Idaho (220 U. S. 616).....      | 720  | Chicago, B. & Q. R. Co., Mauk v. (220        |      |
| Boise City, Idaho, Boise Artesian Hot &     |      | U. S. 628).....                              | 721  |
| Cold Water Co. v. (220 U. S. 616).....      | 720  | Chicago, B. & Q. R. Co. v. United States     |      |
| Boston Wharf Co., Cook v. (220 U. S. 108)   | 343  | (220 U. S. 559).....                         | 612  |
| Bouck, Connolly v. (220 U. S. 610).....     | 714  | Chicago, B. & Q. R. Co. v. Willard (220      |      |
| Boulo, Foster v. (218 U. S. 681).....       | 228  | U. S. 413).....                              | 460  |
| Box Elder Power & Light Co. v. Brigham      |      | Chicago City R. Co., Venner v. (218 U. S.    |      |
| City (220 U. S. 603).....                   | 716  | 669).....                                    | 229  |
| Boyer, United States ex rel., v. Moore (220 |      | Chicago, I. & L. R. Co. v. United States     |      |
| U. S. 625).....                             | 717  | (219 U. S. 486).....                         | 272  |
| Bradford, Ex parte (218 U. S. 668).....     | 228  | Chicago, M. & St. P. R. Co., United States   |      |
| Bradford Kennedy Co. v. Morbeck (220 U.     |      | v. (218 U. S. 233).....                      | 7    |
| S. 629).....                                | 722  | Chicago, R. I. & P. R. Co., Attorney Gen-    |      |
| Brigham City, Box Elder Power & Light       |      | eral v. (220 U. S. 618).....                 | 721  |
| Co. v. (220 U. S. 603).....                 | 716  | Chicago, R. I. & P. R. Co. v. State of Ar-   |      |
| Brigham Hospital, Home for Destitute        |      | kansas (219 U. S. 453).....                  | 275  |
| Children v. (220 U. S. 603).....            | 716  | Chicago, R. I. & P. R. Co., State of Okla-   |      |
| Briscoe v. Commissioners of the District of |      | homa ex rel. Attorney General v. (220 U.     |      |
| Columbia (221 U. S. 547).....               | 679  | S. 302).....                                 | 442  |
| Briscoe v. Rudolph (221 U. S. 547).....     | 679  | Chicago, R. I. & P. R. Co., State of Okla-   |      |
| British & Foreign Marine Ins. Co. v. Mal-   |      | homa ex rel. West v. (220 U. S. 302)...      | 442  |
| donado & Co. (220 U. S. 622).....           | 724  | Chicago, R. I. & P. R. Co., West v. (218 U.  |      |
| Broadnax v. State of Missouri (219 U. S.    |      | S. 675).....                                 | 224  |
| 285).....                                   | 238  | Chicago, R. I. & P. R. Co., West v. (220     |      |
| Broadway Realty Co., Brundage v. (220 U.    |      | U. S. 618).....                              | 721  |
| S. 108).....                                | 343  | Chicago Rys. Co., Davies v. (220 U. S. 616)  | 720  |
| Brooke, United States v. (220 U. S. 626)... | 719  | Chicago Rys. Co., Guaranty Trust Co. of      |      |
| Brown, Fletcher v. (220 U. S. 611).....     | 715  | New York v. (220 U. S. 616).....             | 720  |
| Brown v. Horr (218 U. S. 692).....          | 225  | Chicago, St. L. & N. O. R. Co., Preston v.   |      |
| Brown v. United States (219 U. S. 346)...   | 250  | (220 U. S. 610).....                         | 714  |
| Browning, Wood v. (218 U. S. 676).....      | 224  | Chicago, St. P. M. & O. R. Co. v. Latta      |      |
| Brundage v. Broadway Realty Co. (220 U.     |      | (220 U. S. 614).....                         | 719  |
| S. 108).....                                | 343  | Chin Ying Don v. Billings (220 U. S. 629)    | 722  |
| Brunswick-Balke-Collender Co., Rexford v.   |      | Choctaw, O. & G. R. Co. v. Burgess (219      |      |
| (219 U. S. 584).....                        | 469  | U. S. 590).....                              | 471  |
| Bryant Electric Co., Marshall v. (220 U.    |      | Cincinnati, C. & E. R. Co., Devou v. (220    |      |
| S. 622).....                                | 724  | U. S. 605).....                              | 718  |
| Buck's Stove & Range Co. v. American        |      | Cincinnati Equipment Co. v. Degnan (220      |      |
| Federation of Labor (219 U. S. 581)....     | 472  | U. S. 623).....                              | 724  |
| Buck's Stove & Range Co., Gompers v.        |      | Cincinnati, I. & W. R. Co. v. City of Con-   |      |
| (221 U. S. 418).....                        | 492  | nersville (218 U. S. 336).....               | 93   |
| Buffalo, Appleby v. (221 U. S. 524).....    | 699  | City and County of Denver, Colo., Pochin     |      |
| Buffalo, R. & P. R. Co., Schlemmer v.       |      | v. (218 U. S. 666).....                      | 223  |
| (220 U. S. 500).....                        | 561  | City of Buffalo, Appleby v. (221 U. S.       |      |
| Burdett v. Burdett (220 U. S. 627).....     | 720  | 524).....                                    | 699  |
| Burgess, Choctaw, O. & G. R. Co. v. (219    |      | City of Clay Center, Kan., Merrimack Riv-    |      |
| U. S. 590).....                             | 471  | er Sav. Bank v. (218 U. S. 665).....         | 222  |
| Burgoyne v. McKillip (220 U. S. 604)....    | 718  | City of Clay Center, Merrimack River Sav.    |      |
| Burlingame, Commonwealth of Pennsylva-      |      | Bank v. (219 U. S. 527).....                 | 295  |
| nia ex rel., v. Hare (220 U. S. 627).....   | 720  | City of Cleveland, Nichols v. (220 U. S.     |      |
| Burlingham, Grace v. (218 U. S. 672)....    | 221  | 602).....                                    | 716  |
| Burroughs Adding Mach. Co., Comptograph     |      | City of Columbus v. Mercantile Trust &       |      |
| Co. v. (219 U. S. 586).....                 | 471  | Deposit Co. of Baltimore (218 U. S. 645)     | 105  |
| Burton v. Jennings (220 U. S. 613).....     | 717  | City of Connorsville, Cincinnati, I. & W. R. |      |
| Bustos v. United States (218 U. S. 689)...  | 222  | Co. v. (218 U. S. 336).....                  | 93   |
| Cafarelli, United States v. (218 U. S. 683) | 219  | City of Manila, Aguado v. (220 U. S. 345)    | 416  |
| Calder v. People of State of Michigan ex    |      | City of Manila, Trigas v. (220 U. S. 345)... | 416  |
| rel. Attorney General (218 U. S. 591)...    | 122  | City of Manila, Vilas v. (220 U. S. 345)     | 416  |
| Calloway, Preston v. (220 U. S. 610)....    | 714  | City of Memphis v. Cumberland Telephone      |      |
| Campbell v. Weyerhaeuser (219 U. S. 424)    | 321  | & Telegraph Co. (218 U. S. 624).....         | 115  |

|                                                                                                             | Page |                                                                                          | Page |
|-------------------------------------------------------------------------------------------------------------|------|------------------------------------------------------------------------------------------|------|
| City of New Orleans, Fisher v. (218 U. S. 438) .....                                                        | 57   | Conant, Kinney v. (218 U. S. 677) .....                                                  | 226  |
| City of New Orleans v. Wakefield Sheet Piling Co. (219 U. S. 585) .....                                     | 470  | Coney Island & B. R. Co., Van Derhoeff v. (220 U. S. 107) .....                          | 342  |
| City of New York, Fifth Ave. Coach Co. v. (221 U. S. 467) .....                                             | 709  | Connecticut, Griffin v. (218 U. S. 563) .....                                            | 132  |
| City of Norfolk, J. W. Perry Co. v. (220 U. S. 472) .....                                                   | 465  | Connecticut, Griffin v. (218 U. S. 572) .....                                            | 134  |
| City of Norfolk, White v. (220 U. S. 472) .....                                                             | 465  | Connecticut, Griffith v. (218 U. S. 563) .....                                           | 132  |
| City of Pond Creek v. Governor of State of Oklahoma (220 U. S. 624) .....                                   | 715  | Connecticut, Griffith v. (218 U. S. 572) .....                                           | 134  |
| City of Pond Creek v. Haskell (220 U. S. 624) .....                                                         | 715  | Connecticut General Life Ins. Co., White v. (218 U. S. 684) .....                        | 219  |
| City of Portland, Portland Ry., Light & Power Co. v. (218 U. S. 686) .....                                  | 220  | Connecticut Mut. Life Ins. Co., Schurmeier v. (219 U. S. 586) .....                      | 470  |
| City of St. Louis, United Rys. Co. of St. Louis v. (220 U. S. 607) .....                                    | 722  | Connorsville, Cincinnati, I. & W. R. Co. v. (218 U. S. 336) .....                        | 93   |
| Clark Iron Co., Mitchell v. (220 U. S. 108) .....                                                           | 343  | Connolly v. Bouck (220 U. S. 610) .....                                                  | 714  |
| Clark, Rosario Min. & Mill. Co. v. (218 U. S. 671) .....                                                    | 221  | Consolidated Land Co. v. Gilchrist (218 U. S. 687) .....                                 | 220  |
| Clay Center, Kan., Merrimack River Sav. Bank v. (218 U. S. 665) .....                                       | 222  | Consolidated Land Co. v. Governor of State of Florida (218 U. S. 687) .....              | 220  |
| Clay Center, Merrimack River Sav. Bank v. (219 U. S. 527) .....                                             | 295  | Consolidated Rubber Tire Co., Diamond Rubber Co. of New York v. (220 U. S. 428) .....    | 444  |
| Clegg, Atlantic City R. Co. v. (220 U. S. 609) .....                                                        | 714  | Converse v. Stewart (218 U. S. 666) .....                                                | 226  |
| Clemson Agricultural College of South Carolina, Hopkins v. (221 U. S. 636) .....                            | 654  | Cook v. Boston Wharf Co. (220 U. S. 108) .....                                           | 343  |
| Cleveland, Nichols v. (220 U. S. 602) .....                                                                 | 716  | Cook, Globe Printing Co. of St. Louis v. (220 U. S. 603) .....                           | 717  |
| Coastwise Transp. Co., J. M. Guffey Petroleum Co. v. (218 U. S. 680) .....                                  | 227  | Corn Exch. Nat. Bank, Miner v. (220 U. S. 107) .....                                     | 342  |
| Cobian v. Commissioner of Interior of Porto Rico (218 U. S. 684) .....                                      | 220  | Cornell Steamboat Co., Lehigh Val. R. Co. v. (218 U. S. 264) .....                       | 17   |
| Cobian v. Grahame (218 U. S. 684) .....                                                                     | 220  | Cornell Steamboat Co., Merritt & Chapman Derrick & Wrecking Co. v. (220 U. S. 617) ..... | 720  |
| Cochran v. Preston (218 U. S. 690) .....                                                                    | 224  | Corporation of St. Anthony in New Bedford v. Houlihan (220 U. S. 613) .....              | 717  |
| Coffin v. Flint (219 U. S. 589) .....                                                                       | 472  | Corporation Tax Cases (220 U. S. 107) .....                                              | 342  |
| Cohn, Western Union Tel. Co. v., two cases (220 U. S. 626) .....                                            | 719  | Corporation Tax Cases (220 U. S. 178) .....                                              | 360  |
| Coleman, Perryman v. (220 U. S. 602) .....                                                                  | 716  | Corporation Tax Cases (220 U. S. 187) .....                                              | 361  |
| Colhoun v. United States (220 U. S. 629) .....                                                              | 723  | Corrigan v. Kansas City (218 U. S. 691) .....                                            | 224  |
| Colorado & S. R. Co. v. United States (218 U. S. 689) .....                                                 | 222  | Corrington v. Westinghouse Air Brake Co. (219 U. S. 584) .....                           | 469  |
| Columbia, Briscoe v. (221 U. S. 547) .....                                                                  | 679  | Cosper, Gold v., two cases (220 U. S. 615) .....                                         | 719  |
| Columbia, Gregory v. (218 U. S. 673) .....                                                                  | 223  | Costas v. Insular Government of the Philippine Islands (221 U. S. 623) .....             | 664  |
| Columbia, Kraft v. (218 U. S. 673) .....                                                                    | 223  | Cotting, Maine Baptist Missionary Convention v. (220 U. S. 178) .....                    | 360  |
| Columbus v. Mercantile Trust & Deposit Co. of Baltimore (218 U. S. 645) .....                               | 105  | Coyle v. Secretary of State of Oklahoma (221 U. S. 559) .....                            | 688  |
| Colwell Lead Co. v. Torrance (220 U. S. 623) .....                                                          | 725  | Coyle v. Smith (221 U. S. 559) .....                                                     | 688  |
| Commercial Lead Co., Ingraham v. (220 U. S. 619) .....                                                      | 721  | Crane Co., Title Guaranty & Trust Co. of Scranton, Pa., v. (219 U. S. 24) .....          | 140  |
| Commercial Mill. Co., Western Union Tel. Co. v. (218 U. S. 406) .....                                       | 59   | Crovo, Western Union Tel. Co. v. (220 U. S. 364) .....                                   | 399  |
| Commissioner of Interior of Porto Rico, Valdes y Cobian v. (218 U. S. 684) .....                            | 220  | *Cudahy Packing Co., Ex parte (218 U. S. 668) .....                                      | 228  |
| Commissioners of District of Columbia, Briscoe v. (221 U. S. 547) .....                                     | 679  | Cumberland Telephone & Telegraph Co., City of Memphis v. (218 U. S. 624) .....           | 115  |
| Commissioner of Immigration, Lapina v. (218 U. S. 672) .....                                                | 222  | Cusenier Co., Baglin v. (221 U. S. 580) .....                                            | 669  |
| Commissioner of Immigration, Tarpenian v. (218 U. S. 692) .....                                             | 228  | Cusenier Co., Carthusian Monks v. (221 U. S. 580) .....                                  | 669  |
| Commonwealth of Kentucky, Eastern Kentucky Coal Lands Corp. v., two cases (219 U. S. 140) .....             | 171  | Cusenier Co., Superior General of the Order of Carthusian Monks v. (221 U. S. 580) ..... | 669  |
| Commonwealth of Kentucky, Illinois Cent. R. Co. of State of Illinois v. (218 U. S. 551) .....               | 95   | Daily, Strassheim v. (221 U. S. 280) .....                                               | 558  |
| Commonwealth of Kentucky, Kentucky Union Co. v. (219 U. S. 140) .....                                       | 171  | David, Swift v. (218 U. S. 679) .....                                                    | 227  |
| Commonwealth of Kentucky, Richardson v. (218 U. S. 487) .....                                               | 43   | Davies v. Chicago Rys. Co. (220 U. S. 616) .....                                         | 720  |
| Commonwealth of Massachusetts, Provident Institution for Savings in Town of Boston v. (221 U. S. 660) ..... | 661  | Day v. Atlantic Coast Line R. Co. (220 U. S. 617) .....                                  | 720  |
| Commonwealth of Pennsylvania ex rel. Burlingame v. Hare (220 U. S. 627) .....                               | 720  | Degnan, Cincinnati Equipment Co. v. (220 U. S. 623) .....                                | 724  |
| Commonwealth of Virginia v. State of West Virginia (220 U. S. 1) .....                                      | 330  | Delaware, L. & W. R. Co., Interstate Commerce Commission v. (220 U. S. 235) .....        | 392  |
| Comstock v. United States (218 U. S. 670) .....                                                             | 221  | Delaware, L. & W. R. Co., Troxell v. (219 U. S. 584) .....                               | 469  |
| Comptograph Co. v. Burroughs Adding Mach. Co. (219 U. S. 586) .....                                         | 471  | Delaware River Ferry Co. v. Amos (218 U. S. 688) .....                                   | 221  |
|                                                                                                             |      | Delk v. St. Louis & S. F. R. Co. (220 U. S. 580) .....                                   | 617  |
|                                                                                                             |      | Dempster, Mann v. (218 U. S. 672) .....                                                  | 222  |

|                                                                                                           | Page |                                                                                            | Page |
|-----------------------------------------------------------------------------------------------------------|------|--------------------------------------------------------------------------------------------|------|
| Denver, Colo., Pochin v. (218 U. S. 666)...                                                               | 223  | Erie R. Co., United States v. (220 U. S. 275) .....                                        | 392  |
| Denver Union Water Co., Venner v. (219 U. S. 583) .....                                                   | 472  | Exchange Bank of Mannington, Millan v. (219 U. S. 584) .....                               | 469  |
| Dernfeld, Fourteenth St. Sav. Bank v. (220 U. S. 619) .....                                               | 722  | Exchange Mut. Fire Ins. Co. of Pennsylvania, Becker v. (220 U. S. 611) .....               | 715  |
| Devou v. Cincinnati, C. & E. R. Co. (220 U. S. 605) .....                                                 | 718  | Ezquiaga, Ex parte (218 U. S. 668) .....                                                   | 228  |
| Dewar v. Mowinckel (218 U. S. 676) .....                                                                  | 224  | Faber v. United States (221 U. S. 649) ..                                                  | 659  |
| Diamond Rubber Co. of New York v. Consolidated Rubber Tire Co. (220 U. S. 428) .....                      | 444  | Farbenfabriken of Elberfeld Co., Kuehnsted v. (220 U. S. 622) .....                        | 724  |
| Dillingham, Jenkins v. (220 U. S. 620) ..                                                                 | 723  | Farmers' & Merchants' Bank, Kerfoot v. (218 U. S. 281) .....                               | 14   |
| Dismore v. Wood (218 U. S. 689) .....                                                                     | 223  | Fernandez v. Fernandez y Perez (220 U. S. 224) .....                                       | 412  |
| District of Columbia, Briscoe v. (221 U. S. 547) .....                                                    | 679  | Fernandez y Perez, Perez y Fernandez v. (220 U. S. 224) .....                              | 412  |
| District of Columbia, Gregory v. (218 U. S. 673) .....                                                    | 223  | Ferry, Michigan Trust Co. v. (220 U. S. 610) .....                                         | 715  |
| District of Columbia, Kraft v. (218 U. S. 673) .....                                                      | 223  | Field, Gray v. (219 U. S. 586) .....                                                       | 470  |
| Dr. Miles Medical Co. v. John D. Park & Sons Co. (220 U. S. 373) .....                                    | 376  | Fifth Ave. Coach Co. v. City of New York (221 U. S. 467) .....                             | 709  |
| Dolan, Benson v. (220 U. S. 631) .....                                                                    | 725  | Fifty Associates, Phillips v. (220 U. S. 108) .....                                        | 343  |
| Dollar S. S. Co., Maritime Ins. Co. v. (218 U. S. 674) .....                                              | 223  | First Nat. Bank of Pittsburgh, Pa., v. Guarantee Title & Trust Co. (218 U. S. 693) .....   | 229  |
| Dolley, Abilene Nat. Bank v. (218 U. S. 673) .....                                                        | 223  | First Nat. Bank of Richmond, Va., v. William R. Trigg Co. (218 U. S. 693) .....            | 218  |
| Dolley, Assaria State Bank v. (219 U. S. 121) .....                                                       | 189  | First State Bank of Holstein, Neb., Governor of State of Nebraska v. (219 U. S. 114) ..... | 189  |
| Dowagiac Mfg. Co. v. Minnesota Moline Plow Co. (219 U. S. 588) .....                                      | 471  | First State Bank of Holstein, Neb., Shallenberger v. (219 U. S. 114) .....                 | 189  |
| Dowagiac Mfg. Co. v. Smith (219 U. S. 588) .....                                                          | 471  | Fisher v. City of New Orleans (218 U. S. 438) .....                                        | 57   |
| Dowdell v. United States (221 U. S. 325) ..                                                               | 590  | Fletcher v. Brown (220 U. S. 611) .....                                                    | 715  |
| Downie, National Bank of Commerce of Seattle v. (218 U. S. 345) .....                                     | 89   | Flint, Coffin v. (219 U. S. 589) .....                                                     | 472  |
| Downie, Seattle Nat. Bank v. (218 U. S. 345) .....                                                        | 89   | Flint v. Stone Tracy Co. (220 U. S. 107) ..                                                | 342  |
| Dreher & Co., Moore Bros. v. (218 U. S. 676) .....                                                        | 225  | Flood, Hoffstot v. (218 U. S. 665) .....                                                   | 222  |
| Dreier v. Henkel (221 U. S. 394) .....                                                                    | 550  | Flood, Hofstot v. (218 U. S. 665) .....                                                    | 222  |
| Dreier v. United States (221 U. S. 394) ..                                                                | 550  | Florida, Consolidated Land Co. v. (218 U. S. 687) .....                                    | 220  |
| Dreyfus, Sexton v. (219 U. S. 339) .....                                                                  | 256  | Florida, Model Land Co. v. (218 U. S. 687) ..                                              | 218  |
| Duffer v. Seefeld (220 U. S. 616) .....                                                                   | 720  | Florida, Southern States Land & Timber Co. v. (218 U. S. 686) .....                        | 220  |
| Duncan, United States v. (218 U. S. 684) ..                                                               | 219  | Florida East Coast R. Co. v. Gilchrist (218 U. S. 687) .....                               | 219  |
| Durie, United States v. (218 U. S. 683) ..                                                                | 219  | Florida East Coast R. Co. v. Governor of State of Florida (218 U. S. 687) .....            | 219  |
| Duryea Power Co. v. Sternbergh (218 U. S. 299) .....                                                      | 25   | Florida, Empire Land Co. v. (218 U. S. 687) .....                                          | 220  |
| Eagle Min. & Imp. Co. v. Hamilton (218 U. S. 513) .....                                                   | 27   | Florida, Florida East Coast R. Co. v. (218 U. S. 687) .....                                | 219  |
| Eagle Min. & Imp. Co. v. Lund (218 U. S. 691) .....                                                       | 224  | Florida, Florida Land & Timber Co. v. (218 U. S. 686) .....                                | 220  |
| Eagle White Lead Co. v. Pfaugh (220 U. S. 615) .....                                                      | 719  | Florida Land & Timber Co. v. Gilchrist (218 U. S. 686) .....                               | 220  |
| Eastern Cherokees, In re (220 U. S. 83) ..                                                                | 373  | Florida Land & Timber Co. v. Governor of State of Florida (218 U. S. 686) .....            | 220  |
| Eastern Kentucky Coal Lands Corp. v. Commonwealth of Kentucky, two cases (219 U. S. 140) .....            | 171  | Fluhrer v. New York Life Ins. Co. (220 U. S. 108) .....                                    | 343  |
| Edington v. Masson (220 U. S. 630) .....                                                                  | 725  | Fore River Shipbuilding Co. v. Hagg (219 U. S. 175) .....                                  | 185  |
| Eidman v. Lewisohn (218 U. S. 678) .....                                                                  | 226  | Foster v. Boulo (218 U. S. 681) .....                                                      | 223  |
| Eidman v. Shepard (218 U. S. 678) .....                                                                   | 226  | Foster Hose Supporter Co. v. Taylor (220 U. S. 611) .....                                  | 715  |
| Electric Protection Co., American Bank Protection Co. v. (220 U. S. 619) .....                            | 723  | Fourteenth St. Sav. Bank v. Dernfeld (220 U. S. 619) .....                                 | 722  |
| Eliot v. Freeman (220 U. S. 178) .....                                                                    | 360  | Francis v. McNeal (220 U. S. 620) .....                                                    | 723  |
| Ely's adm'r, Richardson v. (218 U. S. 289) ..                                                             | 23   | Franklin Trust Co., State of New Jersey v. (218 U. S. 681) .....                           | 229  |
| Empire Land Co. v. Gilchrist (218 U. S. 687) .....                                                        | 220  | Franklin, United States v. (220 U. S. 624) ..                                              | 714  |
| Empire Land Co. v. Governor of State of Florida (218 U. S. 687) .....                                     | 220  | Freeman, Eliot v. (220 U. S. 178) .....                                                    | 360  |
| Empire Timber Co. v. Woodbine Timber Co. (219 U. S. 589) .....                                            | 472  | Friend v. Talcott (218 U. S. 680) .....                                                    | 227  |
| Emrick, Marrs v. (218 U. S. 671) .....                                                                    | 221  | Fudera, Government of Italy v. (219 U. S. 589) .....                                       | 470  |
| Engel v. O'Malley (219 U. S. 128) .....                                                                   | 190  | Gage v. Riverside Trust Co. (218 U. S. 690) ..                                             | 224  |
| Enriquez v. Go-Tiongco (220 U. S. 307) ..                                                                 | 423  |                                                                                            |      |
| Equitable Life Assur. Soc. of United States, State of Missouri ex rel., v. Vandiver (220 U. S. 630) ..... | 723  |                                                                                            |      |
| Erie R. Co. v. Russell (220 U. S. 607) ..                                                                 | 722  |                                                                                            |      |

|                                                                                            | Page |                                                                                              | Page |
|--------------------------------------------------------------------------------------------|------|----------------------------------------------------------------------------------------------|------|
| Galbreath Oil & Gas Co., Laurel Oil & Gas Co. v. (218 U. S. 685).....                      | 220  | Griffith v. State of Connecticut (218 U. S. 563) .....                                       | 132  |
| Gallagher v. McGourin (218 U. S. 442)....                                                  | 44   | Griffith v. State of Connecticut (218 U. S. 572) .....                                       | 134  |
| Gavieres v. United States (220 U. S. 338)...                                               | 421  | Grimaud, United States v. (220 U. S. 506).....                                               | 480  |
| Gay v. Baltic Min. Co. (220 U. S. 107).....                                                | 343  | Grizzard, United States v. (219 U. S. 180).....                                              | 162  |
| German Alliance Ins. Co. v. Hale (219 U. S. 307).....                                      | 246  | Gross, Texas & N. O. R. Co. v. (221 U. S. 417) .....                                         | 536  |
| Gilchrist, Consolidated Land Co. v. (218 U. S. 687).....                                   | 220  | Guarantee Title & Trust Co., First Nat. Bank of Pittsburgh, Pa., v. (218 U. S. 693) .....    | 229  |
| Gilchrist, Empire Land Co. v. (218 U. S. 687) .....                                        | 220  | Guaranty Trust Co. of New York v. Chicago Rys. Co. (220 U. S. 616).....                      | 720  |
| Gilchrist, Florida East Coast R. Co. v. (218 U. S. 687).....                               | 219  | Guffey Petroleum Co. v. Coastwise Transp. Co. (218 U. S. 680).....                           | 227  |
| Gilchrist, Florida Land & Timber Co. v. (218 U. S. 686).....                               | 220  | Gulf, C. & S. F. R. Co., Attorney General v. (220 U. S. 618).....                            | 721  |
| Gilchrist, Model Land Co. v. (218 U. S. 687) .....                                         | 218  | Gulf, C. & S. F. R. Co., State of Oklahoma ex rel. Attorney General v. (220 U. S. 290) ..... | 437  |
| Gilchrist, Southern States Land & Timber Co. v. (218 U. S. 686).....                       | 220  | Gulf, C. & S. F. R. Co., State of Oklahoma ex rel. West v. (220 U. S. 290).....              | 437  |
| Gill v. Austin (218 U. S. 677).....                                                        | 226  | Gulf, C. & S. F. R. Co., West v. (218 U. S. 675) .....                                       | 224  |
| Gill v. Parrish (218 U. S. 677).....                                                       | 226  | Gulf, C. & S. F. R. Co., West v. (220 U. S. 618) .....                                       | 721  |
| Globe Printing Co. of St. Louis v. Cook (220 U. S. 603).....                               | 717  | Guzman, Herencia v. (219 U. S. 44).....                                                      | 135  |
| Glucksman v. Henkel (221 U. S. 508).....                                                   | 704  | Hadley v. Huidekoper (218 U. S. 672).....                                                    | 222  |
| Glucksman v. United States Marshal (221 U. S. 508).....                                    | 704  | Hagg, Fore River Shipbuilding Co. v. (219 U. S. 175).....                                    | 185  |
| Gold v. Cosper, two cases (220 U. S. 615)...                                               | 719  | Hale, German Alliance Ins. Co. v. (219 U. S. 307).....                                       | 246  |
| Gold v. South Side Trust Co. (218 U. S. 671) .....                                         | 221  | Halligan v. Wayne (218 U. S. 680).....                                                       | 227  |
| Golden, Northern Pac. R. Co. v. (220 U. S. 625) .....                                      | 717  | Hallcock v. United States (220 U. S. 613)...                                                 | 717  |
| Gompers v. Buck's Stove & Range Co. (221 U. S. 418).....                                   | 492  | Hallowell v. United States (221 U. S. 317).....                                              | 587  |
| Goodwin v. People's United States Bank (218 U. S. 691).....                                | 224  | Hamilton, Eagle Min. & Imp. Co. v. (218 U. S. 513).....                                      | 27   |
| Gordon, Indian Protective Ass'n v. (218 U. S. 667).....                                    | 227  | Hammers, United States v. (221 U. S. 220).....                                               | 593  |
| Go-Tiongco, Enriquez v. (220 U. S. 307)...                                                 | 423  | Hannibal Bridge Co. v. United States (221 U. S. 194).....                                    | 603  |
| Government of Italy v. Asaro (219 U. S. 589) .....                                         | 470  | Harding, Ex parte (219 U. S. 363).....                                                       | 324  |
| Government of Italy v. Fudera (219 U. S. 589) .....                                        | 470  | Hare, Commonwealth of Pennsylvania ex rel. Burlingame v. (220 U. S. 627).....                | 720  |
| Government of the Philippine Islands, Atlantic, Gulf & Pacific Co. v. (219 U. S. 17) ..... | 138  | Harlan v. McGourin (218 U. S. 442).....                                                      | 44   |
| Government of the Philippine Islands, Roura v. (218 U. S. 386).....                        | 73   | Harriman, Walker v. (220 U. S. 606).....                                                     | 722  |
| Governor of State of Florida, Consolidated Land Co. v. (218 U. S. 687).....                | 220  | Harris, In re (221 U. S. 274).....                                                           | 557  |
| Governor of State of Florida, Empire Land Co. v. (218 U. S. 687).....                      | 220  | Hart v. United States (220 U. S. 609).....                                                   | 714  |
| Governor of State of Florida, Florida East Coast R. Co. v. (218 U. S. 687).....            | 219  | Haskell, City of Pond Creek v. (220 U. S. 624) .....                                         | 715  |
| Governor of State of Florida, Florida Land & Timber Co. v. (218 U. S. 686).....            | 220  | Haskell, Noble State Bank v. (219 U. S. 104) .....                                           | 186  |
| Governor of State of Florida, Model Land Co. v. (218 U. S. 687).....                       | 218  | Haskell, Noble State Bank v. (219 U. S. 575) .....                                           | 299  |
| Governor of State of Florida, Southern States Land & Timber Co. v. (218 U. S. 686).....    | 220  | Hedges, The Ira M. (218 U. S. 264).....                                                      | 17   |
| Governor of State of Nebraska v. First State Bank of Holstein, Neb. (219 U. S. 114) .....  | 189  | Heinze, United States v. (218 U. S. 532)...                                                  | 98   |
| Governor of State of Oklahoma, City of Pond Creek v. (220 U. S. 624).....                  | 715  | Heinze, United States v. (218 U. S. 547)...                                                  | 102  |
| Grace v. Burlingham (218 U. S. 672).....                                                   | 221  | Heinze v. United States (218 U. S. 675).....                                                 | 223  |
| Grahame, Valdes y Cobian v. (218 U. S. 684) .....                                          | 220  | Hendrix v. United States (219 U. S. 79)...                                                   | 193  |
| Grand Trunk Western R. Co. v. Railroad Commission of Indiana (221 U. S. 400)...            | 537  | Henkel, Dreier v. (221 U. S. 394).....                                                       | 550  |
| Gray v. Field (219 U. S. 586).....                                                         | 470  | Henkel, Glucksman v. (221 U. S. 508)...                                                      | 704  |
| Green v. Atherton (218 U. S. 688).....                                                     | 221  | Henkel, Wise v. (220 U. S. 556).....                                                         | 599  |
| Gregory, In re (219 U. S. 210).....                                                        | 143  | Hensley v. Merillat (218 U. S. 688).....                                                     | 221  |
| Gregory v. District of Columbia (218 U. S. 673) .....                                      | 223  | Hensley, Merillat v. (221 U. S. 333).....                                                    | 575  |
| Griffin v. State of Connecticut (218 U. S. 563) .....                                      | 132  | Herencia v. Guzman (219 U. S. 44).....                                                       | 135  |
| Griffin v. State of Connecticut (218 U. S. 572) .....                                      | 134  | Hermanos, Lopez' Heirs v. (219 U. S. 590).....                                               | 470  |
|                                                                                            |      | Herr v. Tweedie Trading Co. (218 U. S. 679) .....                                            | 227  |
|                                                                                            |      | Herrick & Stevens, Sargeant & Lahr v. (221 U. S. 404).....                                   | 574  |
|                                                                                            |      | Highland Glass Co., Schmertz Wire Glass Co. v. (219 U. S. 588).....                          | 472  |
|                                                                                            |      | Hillegas v. United States (219 U. S. 585).....                                               | 470  |
|                                                                                            |      | Hills & Co. v. Hoover (220 U. S. 329).....                                                   | 402  |
|                                                                                            |      | Hine v. Home Life Ins. Co. (220 U. S. 107).....                                              | 342  |
|                                                                                            |      | Hine, United States to use of, v. Morse (218 U. S. 493).....                                 | 37   |
|                                                                                            |      | Hipolite Egg Co. v. United States (220 U. S. 45).....                                        | 364  |

|                                                                                             | Page |                                                                                                                    | Page |
|---------------------------------------------------------------------------------------------|------|--------------------------------------------------------------------------------------------------------------------|------|
| Hoffstot v. Flood (218 U. S. 665).....                                                      | 222  | Jennings v. Philadelphia, B. & W. R. Co. (218 U. S. 255).....                                                      | 1    |
| Hofstot v. Flood (218 U. S. 665).....                                                       | 222  | J. M. Guffey Petroleum Co. v. Coastwise Transp. Co. (218 U. S. 680).....                                           | 227  |
| Holcomb, Cartwright v. (218 U. S. 685).....                                                 | 220  | John A. Hughes, The (220 U. S. 612)....                                                                            | 717  |
| Holt v. United States (218 U. S. 245).....                                                  | 2    | John D. Park & Sons Co., Dr. Miles Medical Co. v. (220 U. S. 373).....                                             | 376  |
| Home for Destitute Children v. Peter Bent Brigham Hospital (220 U. S. 603).....             | 716  | John J. Sesnon Co. v. United States (220 U. S. 609).....                                                           | 714  |
| Home Life Ins. Co., Hine v. (220 U. S. 107).....                                            | 342  | Johnson, United States v. (221 U. S. 488).....                                                                     | 627  |
| Hove v. United States (218 U. S. 322)....                                                   | 85   | Johnston v. State Mut. Life Ins. Co. (218 U. S. 674).....                                                          | 223  |
| Hoover, Hills & Co. v. (220 U. S. 329)....                                                  | 402  | Jones, Wilke v. (220 U. S. 614).....                                                                               | 719  |
| Hopkins v. Clemson Agricultural College of South Carolina (221 U. S. 636).....              | 654  | Jones, Willcox v. (218 U. S. 679).....                                                                             | 227  |
| Horn v. United States (219 U. S. 585).....                                                  | 470  | Jover y Costas v. Insular Government of the Philippine Islands (221 U. S. 623)...                                  | 664  |
| Horr, Brown v. (218 U. S. 692).....                                                         | 225  | Justo Puente y Amsterdam v. Puente (219 U. S. 591).....                                                            | 471  |
| Houlihan, Corporation of St. Anthony in New Bedford v. (220 U. S. 613).....                 | 717  | J. W. Perry Co. v. City of Norfolk (220 U. S. 472).....                                                            | 465  |
| House v. Mayes (219 U. S. 270).....                                                         | 234  | Kansas City, Corrigan v. (218 U. S. 691)...                                                                        | 224  |
| Hoyt, Weyerhaeuser v. (219 U. S. 380)....                                                   | 300  | Kansas City Hydraulic Press Brick Co., National Surety Co. v. (218 U. S. 682)...                                   | 229  |
| Hubbard, Blanco y Blanco v. (220 U. S. 233).....                                            | 415  | Kansas City Southern R. Co., Attorney General v. (220 U. S. 618).....                                              | 721  |
| Hubbard v. Worcester Art Museum (220 U. S. 605).....                                        | 718  | Kansas City Southern R. Co., West v. (218 U. S. 675).....                                                          | 224  |
| Hughes, The John A. (220 U. S. 612).....                                                    | 717  | Kansas City Southern R. Co., West v. (220 U. S. 618).....                                                          | 721  |
| Huidekoper, Hadley v. (218 U. S. 672)....                                                   | 222  | Kansas Natural Gas Co., Attorney General of State of Oklahoma v. (221 U. S. 229).....                              | 564  |
| Hunter v. Mutual Reserve Life Ins. Co. (218 U. S. 573).....                                 | 127  | Kansas Natural Gas Co., West v. (221 U. S. 229).....                                                               | 564  |
| Hunter v. State of South Carolina (219 U. S. 582).....                                      | 470  | Kansas State Bank Commissioner, Assaria State Bank v. (219 U. S. 121).....                                         | 189  |
| Hyde v. United States (218 U. S. 681)....                                                   | 228  | Kaw Val. Drainage Dist. of Wyandotte County, Kan., Metropolitan Water Co. of West Virginia v. (220 U. S. 615)..... | 719  |
| Illinois Cent. R. Co. of State of Illinois v. Commonwealth of Kentucky (218 U. S. 551)..... | 95   | Kelly, Moffitt v. (218 U. S. 400).....                                                                             | 79   |
| Inda, United States v. (220 U. S. 506)....                                                  | 480  | Kennedy Co. v. Morbeck (220 U. S. 629)...                                                                          | 722  |
| Indian Protective Ass'n v. Gordon (218 U. S. 667).....                                      | 227  | Kentucky, Eastern Kentucky Coal Lands Corp. v., two cases (219 U. S. 140).....                                     | 171  |
| Ingram v. Commercial Lead Co. (220 U. S. 619).....                                          | 721  | Kentucky, Illinois Cent. R. Co. of State of Illinois v. (218 U. S. 551).....                                       | 95   |
| Inspector of Public Buildings, Cochran v. (218 U. S. 690).....                              | 224  | Kentucky, Kentucky Union Co. v. (219 U. S. 140).....                                                               | 171  |
| Insular Government of the Philippine Islands v. Jover y Costas (221 U. S. 623)...           | 664  | Kentucky, Richardson v. (218 U. S. 487)...                                                                         | 43   |
| Interborough Rapid Transit Co., Lyman v. (220 U. S. 108).....                               | 343  | Kentucky Union Co. v. Commonwealth of Kentucky (219 U. S. 140).....                                                | 171  |
| International Banking Corp., Martinez v., two cases (220 U. S. 214).....                    | 408  | Kerfoot v. Farmers' & Merchants' Bank (218 U. S. 281).....                                                         | 14   |
| International Text-Book Co. v. Lynch (218 U. S. 664).....                                   | 225  | Kessler & Co.'s Trustee v. Dreyfus (219 U. S. 339).....                                                            | 256  |
| International Text-Book Co. v. Peterson (218 U. S. 664).....                                | 225  | Kessler & Co.'s Trustee v. Lloyds Bank (219 U. S. 339).....                                                        | 256  |
| Interstate Commerce Commission, Baltimore & O. R. Co. v. (221 U. S. 612)....                | 621  | Kimball, Apsey v. (221 U. S. 514).....                                                                             | 695  |
| Interstate Commerce Commission v. Delaware, L. & W. R. Co. (220 U. S. 235)....              | 392  | Kimball, Receiver of First Nat. Bank of Chelsea v. (221 U. S. 514).....                                            | 695  |
| Interstate Commerce Commission, Southern Pac. Co. v. (219 U. S. 433).....                   | 288  | Kinney v. Conant (218 U. S. 677).....                                                                              | 226  |
| Interstate Commerce Commission, Southern Pac. Terminal Co. v. (219 U. S. 498).....          | 279  | Kissel, United States v. (218 U. S. 601)...                                                                        | 124  |
| Interstate Commerce Commission, Young v. (219 U. S. 498).....                               | 279  | Klugh, Trimble v. (218 U. S. 669).....                                                                             | 228  |
| Iowa State Traveling Men's Ass'n, Tuttle v. (220 U. S. 628).....                            | 721  | Knight, Roughton v. (219 U. S. 537).....                                                                           | 297  |
| Ira M. Hedges, The (218 U. S. 264).....                                                     | 17   | Kraft v. District of Columbia (218 U. S. 673).....                                                                 | 223  |
| Italian Government v. Asaro (219 U. S. 589).....                                            | 470  | Kuehlmsted v. Farbenfabriken of Elberfeld Co. (220 U. S. 622).....                                                 | 724  |
| Italian Government v. Fudera (219 U. S. 589).....                                           | 470  | La Barre v. Maroney (218 U. S. 691).....                                                                           | 225  |
| Italy v. Asaro (219 U. S. 589).....                                                         | 470  | La Compagnie Générale Transatlantique v. Baltimore & O. R. Co. (219 U. S. 585)...                                  | 470  |
| Italy v. Fudera (219 U. S. 589).....                                                        | 470  | Lacroix v. Motor Taximeter Cab Co. (220 U. S. 108).....                                                            | 343  |
| Jackson Lumber Co. v. Turner, two cases (218 U. S. 685).....                                | 220  | Ladew v. Tennessee Copper Co. (218 U. S. 357).....                                                                 | 81   |
| Jacobs v. Beecham (221 U. S. 263).....                                                      | 555  | Iamson, United States v. (218 U. S. 682)...                                                                        | 219  |
| Jameson v. United States (218 U. S. 670)...                                                 | 221  | Iancer, Ex parte (218 U. S. 665).....                                                                              | 222  |
| Jared v. American Multigraph Co. (220 U. S. 107).....                                       | 342  | Lapina v. Williams (218 U. S. 672).....                                                                            | 222  |
| Jenkins v. Dillingham (220 U. S. 620)....                                                   | 723  | Larsen, State of Minnesota ex rel., v. Scott (219 U. S. 582).....                                                  | 469  |
| Jennings, Burton v. (220 U. S. 613).....                                                    | 717  |                                                                                                                    |      |
| Jennings, Loeb v. (219 U. S. 582).....                                                      | 469  |                                                                                                                    |      |

|                                                                                                                      | Page |                                                                                                                   | Page |
|----------------------------------------------------------------------------------------------------------------------|------|-------------------------------------------------------------------------------------------------------------------|------|
| Latta, Chicago, St. P. M. & O. R. Co. v. (220 U. S. 614).....                                                        | 719  | Marshall v. Bryant Electric Co. (220 U. S. 622).....                                                              | 724  |
| Laurel Oil & Gas Co. v. Galbreath Oil & Gas Co. (218 U. S. 685).....                                                 | 220  | Martel v. State of Maine (218 U. S. 666).....                                                                     | 225  |
| Leesnitzer, Taylor v. (220 U. S. 90).....                                                                            | 371  | Martinez v. International Banking Corp., two cases (220 U. S. 214).....                                           | 408  |
| Lehigh Val. R. Co. v. Cornell Steamboat Co. (218 U. S. 264).....                                                     | 17   | Marx & Rawolle v. United States (220 U. S. 623).....                                                              | 724  |
| Lehigh Val. R. Co., United States v. (220 U. S. 257).....                                                            | 387  | Maryland Dredging & Contracting Co., Neall v. (219 U. S. 589).....                                                | 472  |
| Lester v. Benedict (220 U. S. 619).....                                                                              | 723  | Mason, United States v., three cases (218 U. S. 517).....                                                         | 28   |
| Lesure Lumber Co. v. State of Minnesota (220 U. S. 606).....                                                         | 718  | Massachusetts, Provident Institution for Savings in Town of Boston v. (221 U. S. 660).....                        | 661  |
| Lewis v. Lockett (221 U. S. 554).....                                                                                | 682  | Masson, Edington v. (220 U. S. 630).....                                                                          | 725  |
| Lewis Const. Co., Semple v. (218 U. S. 679).....                                                                     | 227  | Mauk v. Chicago, B. & Q. R. Co. (220 U. S. 628).....                                                              | 721  |
| Lewisohn, Eidman v. (218 U. S. 678).....                                                                             | 226  | Mayes, House v. (219 U. S. 270).....                                                                              | 234  |
| Light v. United States (220 U. S. 523).....                                                                          | 485  | Memphis v. Cumberland Telephone & Telegraph Co. (218 U. S. 624).....                                              | 115  |
| Lindsley v. Natural Carbonic Gas Co. (220 U. S. 61).....                                                             | 337  | Mengel v. Mengel (218 U. S. 694).....                                                                             | 218  |
| Ling Su Fan v. United States (218 U. S. 302).....                                                                    | 21   | Mercantile Trust & Deposit Co. of Baltimore, City of Columbus v. (218 U. S. 645).....                             | 105  |
| Liverpool & London & Globe Ins. Co. of New York v. Board of Assessors for the Parish of Orleans (221 U. S. 346)..... | 550  | Merillat, Hensley v. (218 U. S. 688).....                                                                         | 221  |
| Lloyds Bank, Sexton v. (219 U. S. 339).....                                                                          | 256  | Merillat v. Hensley (221 U. S. 333).....                                                                          | 575  |
| Loeb v. Jennings (219 U. S. 582).....                                                                                | 469  | Merrimack River Sav. Bank v. City of Clay Center, Kan. (218 U. S. 665).....                                       | 222  |
| Lopez Heirs v. Hermanos (219 U. S. 590).....                                                                         | 470  | Merrimack River Sav. Bank v. City of Clay Center (219 U. S. 527).....                                             | 295  |
| Louisiana & A. R. Co., Arkansas Southern R. Co. v. (218 U. S. 431).....                                              | 56   | Merritt & Chapman Derrick & Wrecking Co. v. Cornell Steamboat Co. (220 U. S. 617).....                            | 720  |
| Louisville & N. R. Co. v. Mottley (219 U. S. 467).....                                                               | 265  | Metropolitan Life Ins. Co., State of Missouri ex rel., v. Vandiver (220 U. S. 630).....                           | 723  |
| Louisville & N. R. Co. v. Scott (219 U. S. 209).....                                                                 | 171  | Metropolitan Trust Co. of City of New York, In re (218 U. S. 312).....                                            | 18   |
| Lovell, State of New Jersey v. (219 U. S. 587).....                                                                  | 471  | Metropolitan Water Co. of West Virginia, Ex parte (220 U. S. 530).....                                            | 600  |
| Lockett, Lewis v. (221 U. S. 554).....                                                                               | 682  | Metropolitan Water Co. of West Virginia v. Kaw Val. Drainage Dist. of Wyandotte County, Kan. (220 U. S. 615)..... | 719  |
| Lund, Eagle Min. & Imp. Co. v. (218 U. S. 691).....                                                                  | 224  | Michigan ex rel. Attorney General, Calder v. (218 U. S. 591).....                                                 | 122  |
| Lyman v. Interborough Rapid Transit Co. (220 U. S. 108).....                                                         | 343  | Michigan Trust Co. v. Ferry (220 U. S. 610).....                                                                  | 715  |
| Lynch, International Text-Book Co. v. (218 U. S. 664).....                                                           | 225  | Midland Val. R. Co., Attorney General v. (220 U. S. 618).....                                                     | 721  |
| Lynch v. Travelers Ins. Co. (220 U. S. 614).....                                                                     | 719  | Midland Val. R. Co., West v. (218 U. S. 675).....                                                                 | 224  |
| McChesney, Richardson v. (218 U. S. 487).....                                                                        | 43   | Midland Val. R. Co., West v. (220 U. S. 618).....                                                                 | 721  |
| McCoach v. Bamberger (218 U. S. 678).....                                                                            | 226  | Millan v. Exchange Bank of Mannington (219 U. S. 584).....                                                        | 469  |
| McGourin, Gallagher v. (218 U. S. 442).....                                                                          | 44   | Miller, Texas & N. O. R. Co. v. (221 U. S. 408).....                                                              | 534  |
| McGourin, Harlan v. (218 U. S. 442).....                                                                             | 44   | Miller v. West Virginia Pulp & Paper Co. (220 U. S. 619).....                                                     | 722  |
| McGuire, Chicago, B. & Q. R. Co. v. (219 U. S. 549).....                                                             | 259  | Miller & Lux, Rickey Land & Cattle Co. v. (218 U. S. 258).....                                                    | 11   |
| McKell, Chesapeake & O. R. Co. v. (220 U. S. 613).....                                                               | 717  | Mills, Wise v. (220 U. S. 549).....                                                                               | 597  |
| MacKenzie v. Woods (220 U. S. 628).....                                                                              | 721  | Miner v. Corn Exch. Nat. Bank (220 U. S. 107).....                                                                | 342  |
| McKillip, Burgoyne v. (220 U. S. 604).....                                                                           | 718  | Mineral Point Zinc Co., Neureuther v. (220 U. S. 612).....                                                        | 716  |
| McNeal, Francis v. (220 U. S. 620).....                                                                              | 723  | Minneapolis Syndicate, Zonne v. (220 U. S. 187).....                                                              | 361  |
| Maine Baptist Missionary Convention v. Cotting (220 U. S. 178).....                                                  | 360  | Minnesota, Lesure Lumber Co. v. (220 U. S. 606).....                                                              | 718  |
| Maine, Martel v. (218 U. S. 666).....                                                                                | 225  | Minnesota, Rat Portage Lumber Co. v. (220 U. S. 606).....                                                         | 718  |
| Maldonado & Co., British & Foreign Marine Ins. Co. v. (220 U. S. 622).....                                           | 724  | Minnesota Moline Plow Co., Dowagiac Mfg. Co. v. (219 U. S. 588).....                                              | 471  |
| Mallory S. S. Co., Ex parte (218 U. S. 667).....                                                                     | 228  | Minnesota ex rel. Larsen v. Scott (219 U. S. 582).....                                                            | 469  |
| Malone, Provident Institution for Savings in Town of Boston v. (221 U. S. 660).....                                  | 661  | Missouri, Broadnax v. (219 U. S. 285).....                                                                        | 238  |
| Manila, Aguado v. (220 U. S. 345).....                                                                               | 416  | Missouri, Webber v. (220 U. S. 625).....                                                                          | 717  |
| Manila, Trigas v. (220 U. S. 345).....                                                                               | 416  | Missouri ex rel. Equitable Life Assur. Soc. of the United States v. Vandiver (220 U. S. 630).....                 | 723  |
| Manila, Vilas v. (220 U. S. 345).....                                                                                | 416  |                                                                                                                   |      |
| Manington, Ex parte (220 U. S. 604).....                                                                             | 718  |                                                                                                                   |      |
| Mann v. Dempster (218 U. S. 672).....                                                                                | 222  |                                                                                                                   |      |
| Maria del Encarnación Prado v. Succession of Alonzo del Rio (219 U. S. 590).....                                     | 470  |                                                                                                                   |      |
| Marion County, Or., St. Benedict's Abbey v. (218 U. S. 688).....                                                     | 219  |                                                                                                                   |      |
| Maritime Ins. Co. v. M. S. Dollar S. S. Co. (218 U. S. 674).....                                                     | 223  |                                                                                                                   |      |
| Marks & Rawolle v. United States (220 U. S. 623).....                                                                | 724  |                                                                                                                   |      |
| Maroney, La Barre v. (218 U. S. 691).....                                                                            | 225  |                                                                                                                   |      |
| Marrs v. Emrick (218 U. S. 671).....                                                                                 | 221  |                                                                                                                   |      |

|                                                                                     | Page |                                                                                               | Page |
|-------------------------------------------------------------------------------------|------|-----------------------------------------------------------------------------------------------|------|
| Missouri ex rel. Metropolitan Life Ins. Co. v. Vandiver (220 U. S. 630).....        | 723  | New Orleans, Fisher v. (218 U. S. 438)...                                                     | 57   |
| Missouri ex rel. Prudential Ins. Co. of America v. Vandiver (220 U. S. 630).....    | 723  | New Orleans v. Wakefield Sheet Piling Co. (219 U. S. 585).....                                | 470  |
| Missouri, K. & T. R. Co., Attorney General v. (220 U. S. 618).....                  | 721  | New York, Fifth Ave. Coach Co. v. (221 U. S. 467).....                                        | 709  |
| Missouri, K. & T. R. Co. v. Blachley (218 U. S. 667).....                           | 227  | New York Cent. & H. R. R. Co. v. Schradin (220 U. S. 606).....                                | 722  |
| Missouri, K. & T. R. Co. v. Richardson (220 U. S. 601).....                         | 715  | New York Life Ins. Co., Fluhrer v. (220 U. S. 108).....                                       | 343  |
| Missouri, K. & T. R. Co., West v. (218 U. S. 675).....                              | 224  | New York, N. H. & H. R. Co., Union Ferry Co. of New York and Brooklyn v. (218 U. S. 676)..... | 225  |
| Missouri, K. & T. R. Co., West v. (220 U. S. 618).....                              | 721  | New York Stock Exch., Austin v. (220 U. S. 621).....                                          | 724  |
| Missouri, K. & T. R. Co. of Texas v. Bailey (220 U. S. 608).....                    | 725  | Nichols v. City of Cleveland (220 U. S. 602).....                                             | 716  |
| Mitchell v. Clark Iron Co. (220 U. S. 108).....                                     | 343  | Nicola, Ex parte (218 U. S. 668).....                                                         | 228  |
| Mobile, J. & K. C. R. Co. v. Turnipseed (219 U. S. 35).....                         | 136  | Noble State Bank v. Haskell (219 U. S. 104).....                                              | 186  |
| Model Land Co. v. Gilchrist (218 U. S. 687).....                                    | 218  | Noble State Bank v. Haskell (219 U. S. 575).....                                              | 299  |
| Model Land Co. v. Governor of State of Florida (218 U. S. 687).....                 | 218  | Norfolk, J. W. Perry Co. v. (220 U. S. 472).....                                              | 465  |
| Moffitt v. Kelly (218 U. S. 400).....                                               | 79   | Norfolk, White v. (220 U. S. 472).....                                                        | 465  |
| Moffitt v. Treasurer of Alameda County, Cal. (218 U. S. 400).....                   | 79   | Norfolk & W. R. Co., Powhatan Coal & Coke Co. (218 U. S. 690).....                            | 224  |
| Monson, United States v. (218 U. S. 683).....                                       | 219  | Northern Pac. R. Co. v. Golden (220 U. S. 625).....                                           | 717  |
| Montana Min. Co. v. St. Louis Min. & Mill. Co. of Montana (220 U. S. 611).....      | 715  | Northern Pac. R. Co. v. Trodick (221 U. S. 208).....                                          | 607  |
| Montello Salt Co. v. State of Utah (221 U. S. 452).....                             | 706  | Northern Pac. R. Co. v. Wass (219 U. S. 426).....                                             | 321  |
| Montezuma Canal Co. v. Smithville Canal Co. (218 U. S. 371).....                    | 67   | Northern Trust Co., Smith v. (220 U. S. 107).....                                             | 342  |
| Moore v. Security Trust & Life Ins. Co. (219 U. S. 583).....                        | 469  | O'Brien, United States v. (220 U. S. 321).....                                                | 406  |
| Moore, Smith v. (219 U. S. 587).....                                                | 471  | Oklahoma, Ex parte (220 U. S. 191).....                                                       | 426  |
| Moore, United States ex rel. Boyer v. (220 U. S. 625).....                          | 717  | Oklahoma, Ex parte (220 U. S. 210).....                                                       | 431  |
| Moore Bros. v. A. Dreher & Co. (218 U. S. 676).....                                 | 225  | Oklahoma v. Atchison, T. & S. F. R. Co. (220 U. S. 277).....                                  | 434  |
| Moore Printing Typewriter Co. v. National Savings & Trust Co. (218 U. S. 422).....  | 64   | Oklahoma, City of Pond Creek v. (220 U. S. 624).....                                          | 715  |
| Morbeck, Bradford Kennedy Co. v. (220 U. S. 629).....                               | 722  | Oklahoma, Coyle v. (221 U. S. 559).....                                                       | 688  |
| Morris, Bean v. (221 U. S. 485).....                                                | 703  | Oklahoma v. Kansas Natural Gas Co. (221 U. S. 229).....                                       | 564  |
| Morse, United States to Use of Hine v. (218 U. S. 493).....                         | 37   | Oklahoma ex rel. Attorney General v. Chicago, R. I. & P. R. Co. (220 U. S. 302).....          | 442  |
| Motor Taximeter Cab Co., Lacroix v. (220 U. S. 108).....                            | 343  | Oklahoma ex rel. Attorney General v. Gulf, C. & S. F. R. Co. (220 U. S. 290).....             | 437  |
| Mottley, Louisville & N. R. Co. v. (219 U. S. 467).....                             | 265  | Oklahoma ex rel. West v. Chicago, R. I. & P. R. Co. (220 U. S. 302).....                      | 442  |
| Mowinkel, Dewar v. (218 U. S. 676).....                                             | 224  | Oklahoma ex rel. West v. Gulf, C. & S. F. R. Co. (220 U. S. 290).....                         | 437  |
| M. S. Dollar S. S. Co., Maritime Ins. Co. v. (218 U. S. 674).....                   | 223  | O'Malley, Engel v. (219 U. S. 128).....                                                       | 190  |
| Murphy, Shea v. (220 U. S. 612).....                                                | 716  | Ong Chang Wing v. United States (218 U. S. 272).....                                          | 15   |
| Murphy, Tanner v. (220 U. S. 612).....                                              | 716  | Orient Ins. Co. v. Board of Assessors for the Parish of Orleans (221 U. S. 358).....          | 554  |
| Muskat v. United States (219 U. S. 346).....                                        | 250  | Orleans, Orient Ins. Co. v. (221 U. S. 358).....                                              | 554  |
| Mutual Reserve Life Ins. Co., Hunter v. (218 U. S. 573).....                        | 127  | Pabst Brewing Co. v. Thorley (219 U. S. 583).....                                             | 469  |
| Nash v. United States (219 U. S. 587).....                                          | 471  | Pacific Mail S. S. Co., United States v. (218 U. S. 692).....                                 | 227  |
| National Bank of Commerce of St. Louis, Mo., Williams v. (220 U. S. 628).....       | 721  | Park Realty Co., Cedar Street Co. v. (220 U. S. 107).....                                     | 342  |
| National Bank of Commerce of Seattle v. Downie (218 U. S. 345).....                 | 89   | Park & Sons Co., Dr. Miles Medical Co. v. (220 U. S. 373).....                                | 376  |
| National Savings & Trust Co., Moore Printing Typewriter Co. v. (218 U. S. 422)..... | 64   | Parish of Orleans, Orient Ins. Co. v. (221 U. S. 358).....                                    | 554  |
| National Surety Co. v. Kansas City Hydraulic Press Brick Co. (218 U. S. 682).....   | 229  | Parrish, Gill v. (218 U. S. 677).....                                                         | 226  |
| Natural Carbonic Gas Co., Lindsley v. (220 U. S. 61).....                           | 337  | Pennsylvania ex rel. Burlingame v. Hare (220 U. S. 627).....                                  | 720  |
| Neall v. Maryland Dredging & Contracting Co. (219 U. S. 589).....                   | 472  | Pennsylvania R. Co., United States v. (220 U. S. 275).....                                    | 392  |
| Nebraska v. First State Bank of Holstein, Neb. (219 U. S. 114).....                 | 189  | People of Porto Rico, Aybar v. (218 U. S. 669).....                                           | 229  |
| Neureuther v. Mineral Point Zinc Co. (220 U. S. 612).....                           | 716  | People of State of Michigan, ex rel. Attorney General, Calder v. (218 U. S. 591).....         | 122  |
| New Jersey v. Franklin Trust Co. (218 U. S. 681).....                               | 229  |                                                                                               |      |
| New Jersey v. Lovell (219 U. S. 587).....                                           | 471  |                                                                                               |      |

|                                                                                                                               | Page |                                                                                                                            | Page |
|-------------------------------------------------------------------------------------------------------------------------------|------|----------------------------------------------------------------------------------------------------------------------------|------|
| People's United States Bank, Goodwin v. (218 U. S. 691).....                                                                  | 224  | Receiver of First Nat. Bank of Chelsea v. Kimball (221 U. S. 514).....                                                     | 695  |
| Perez, Perez y Fernandez v. (220 U. S. 224).....                                                                              | 412  | Receiver of First Nat. Bank of Chelsea v. Whittemore (221 U. S. 514).....                                                  | 695  |
| Perez y Fernandez v. Fernandez y Perez (220 U. S. 224).....                                                                   | 412  | Rexford v. Brunswick-Balke-Collender Co. (219 U. S. 584).....                                                              | 469  |
| Perry Co. v. City of Norfolk (220 U. S. 472).....                                                                             | 465  | Rhodes, Sperry & Hutchinson Co. v. (220 U. S. 502).....                                                                    | 490  |
| Perryman v. Coleman (220 U. S. 602).....                                                                                      | 716  | Richards v. United States (218 U. S. 670).....                                                                             | 221  |
| Peter Bent Brigham Hospital, Home for Destitute Children v. (220 U. S. 603).....                                              | 716  | Richardson v. Ainsa (218 U. S. 289).....                                                                                   | 23   |
| Peterson, International Text-Book Co. v. (218 U. S. 664).....                                                                 | 225  | Richardson v. McChesney (218 U. S. 487).....                                                                               | 43   |
| Pflugh, Eagle White Lead Co. v. (220 U. S. 615).....                                                                          | 719  | Richardson, Missouri, K. & T. R. Co. v. (220 U. S. 601).....                                                               | 715  |
| Phenix Nat. Bank, Waterbury v. (220 U. S. 625).....                                                                           | 715  | Richardson v. Secretary of State of Commonwealth of Kentucky (218 U. S. 487).....                                          | 43   |
| Philadelphia, B. & W. R. Co., Jennings v. (218 U. S. 255).....                                                                | 1    | Rickey Land & Cattle Co. v. Miller & Lux (218 U. S. 258).....                                                              | 11   |
| Philadelphia, B. & W. R. Co. v. Tucker (220 U. S. 608).....                                                                   | 725  | Rickey Land & Cattle Co. v. Wood (218 U. S. 258).....                                                                      | 11   |
| Philadelphia & R. R. Co. v. United States (219 U. S. 590).....                                                                | 471  | Rimer, United States v. (220 U. S. 547).....                                                                               | 596  |
| Philippine Islands, Atlantic, Gulf & Pacific Co. v. (219 U. S. 17).....                                                       | 138  | Ripley v. United States (220 U. S. 491).....                                                                               | 478  |
| Philippine Islands, Roura v. (218 U. S. 386).....                                                                             | 73   | Ripper v. United States (218 U. S. 680).....                                                                               | 228  |
| Phillips v. Fifty Associates (220 U. S. 108).....                                                                             | 343  | Riverside Mills, Atlantic Coast Line R. Co. v. (219 U. S. 186).....                                                        | 164  |
| Pittsburgh Const. Co., West Side Belt R. Co. v. (219 U. S. 92).....                                                           | 196  | Riverside Trust Co., Gage v. (218 U. S. 690).....                                                                          | 224  |
| Pla, San Juan Light & Transit Co. v. (218 U. S. 692).....                                                                     | 228  | Robertson v. United States (220 U. S. 616).....                                                                            | 720  |
| Pochin v. City and County of Denver, Colo. (218 U. S. 666).....                                                               | 223  | Rosario Min. & Mill. Co. v. Clark (218 U. S. 671).....                                                                     | 221  |
| Pollitz, Wabash R. Co. v. (218 U. S. 677).....                                                                                | 226  | Roughton v. Knight (219 U. S. 537).....                                                                                    | 297  |
| Pond Creek v. Haskell (220 U. S. 624).....                                                                                    | 715  | Roura v. Government of the Philippine Islands (218 U. S. 386).....                                                         | 73   |
| Pond Creek v. Governor of State of Oklahoma (220 U. S. 624).....                                                              | 715  | Rouss, United States v. (218 U. S. 678).....                                                                               | 226  |
| Portland, Portland Ry. Light & Power Co. v. (218 U. S. 686).....                                                              | 220  | Rudolph, Briscoe v. (221 U. S. 547).....                                                                                   | 679  |
| Portland Ry. Light & Power Co. v. City of Portland (218 U. S. 686).....                                                       | 220  | Rudolph, Shea v. (220 U. S. 630).....                                                                                      | 723  |
| Porto Rico, Aybar v. (218 U. S. 669).....                                                                                     | 229  | Rumsey, Sanders v. (218 U. S. 678).....                                                                                    | 226  |
| Powhatan Coal & Coke Co. v. Norfolk & W. R. Co. (218 U. S. 690).....                                                          | 224  | Russell, Erie R. Co. v. (220 U. S. 607).....                                                                               | 722  |
| Prado v. Succession of Alonzo del Rio (219 U. S. 590).....                                                                    | 470  | Sac and Fox Indians of the Mississippi in Iowa v. Sac and Fox Indians of the Mississippi in Oklahoma (220 U. S. 481).....  | 473  |
| Press Pub. Co., United States v. (219 U. S. 1).....                                                                           | 212  | Sac and Fox Indians of the Mississippi in Oklahoma, Sac and Fox Indians of the Mississippi in Iowa v. (220 U. S. 481)..... | 473  |
| Preston v. Calloway (220 U. S. 610).....                                                                                      | 714  | St. Benedict's Abbey v. Marion County, Or. (218 U. S. 688).....                                                            | 219  |
| Preston v. Chicago, St. L. & N. O. R. Co. (220 U. S. 610).....                                                                | 714  | St. Louis, United Rys. Co. of St. Louis v. (220 U. S. 607).....                                                            | 722  |
| Preston, Cochran v. (218 U. S. 690).....                                                                                      | 224  | St. Louis Min. & Mill. Co. of Montana, Montana Min. Co. v. (220 U. S. 611).....                                            | 715  |
| Preston v. Sturgis Mill. Co. (220 U. S. 610).....                                                                             | 714  | St. Louis Street Flushing Mach. Co., Sanitary Street Flushing Mach. Co. v. (219 U. S. 588).....                            | 471  |
| Price, Shelton v. (219 U. S. 587).....                                                                                        | 471  | St. Louis & S. F. R. Co., Attorney General v. (220 U. S. 618).....                                                         | 721  |
| Provident Institution for Savings in Town of Boston v. Attorney General of Commonwealth of Massachusetts (221 U. S. 660)..... | 661  | St. Louis & S. F. R. Co., Delk v. (220 U. S. 580).....                                                                     | 617  |
| Provident Institution for Savings in Town of Boston v. Malone (221 U. S. 660).....                                            | 661  | St. Louis & S. F. R. Co., West v. (218 U. S. 675).....                                                                     | 224  |
| Prudential Ins. Co. of America, State of Missouri ex rel., v. Vandiver (220 U. S. 630).....                                   | 723  | St. Louis & S. F. R. Co., West v. (220 U. S. 618).....                                                                     | 721  |
| Puente, Justo Puente y Amsterdam v. (219 U. S. 591).....                                                                      | 471  | Samuels v. Read (220 U. S. 624).....                                                                                       | 714  |
| Puente y Amsterdam v. Puente (219 U. S. 591).....                                                                             | 471  | San Antonio & A. P. R. Co. v. State of Texas (218 U. S. 689).....                                                          | 223  |
| Quillin v. Atlantic Mut. Ins. Co. (218 U. S. 682).....                                                                        | 229  | Sanders v. Rumsey (218 U. S. 678).....                                                                                     | 226  |
| Radin v. United States (220 U. S. 623).....                                                                                   | 724  | Sanitary Street Flushing Mach. Co. v. St. Louis Street Flushing Mach. Co. (219 U. S. 588).....                             | 471  |
| Railroad Commission of Indiana, Grand Trunk Western R. Co. v. (221 U. S. 400).....                                            | 537  | San Juan Light & Transit Co. v. Pla (218 U. S. 692).....                                                                   | 228  |
| Rat Portage Lumber Co. v. State of Minnesota (220 U. S. 606).....                                                             | 718  | Sargeant & Lahr v. Herrick & Stevens (221 U. S. 404).....                                                                  | 574  |
| Read, Samuels v. (220 U. S. 624).....                                                                                         | 714  | Schlemmer v. Buffalo, R. & P. R. Co. (220 U. S. 590).....                                                                  | 561  |
| Reade, Arnett v. (220 U. S. 311).....                                                                                         | 425  | Schmertz Wire Glass Co. v. Highland Glass Co. (219 U. S. 588).....                                                         | 472  |
| Reaves v. Ainsworth (219 U. S. 296).....                                                                                      | 230  | Schradin, New York Cent. & H. R. R. Co. v. (220 U. S. 606).....                                                            | 722  |

|                                                                                        | Page |                                                                                                            | Page |
|----------------------------------------------------------------------------------------|------|------------------------------------------------------------------------------------------------------------|------|
| Schurmeier v. Connecticut Mut. Life Ins. Co. (219 U. S. 586).....                      | 470  | State of Florida, Consolidated Land Co. v. (218 U. S. 687).....                                            | 220  |
| Scott, Louisville & N. R. Co. v. (219 U. S. 209).....                                  | 171  | State of Florida, Empire Land Co. v. (218 U. S. 687).....                                                  | 220  |
| Scott, State of Minnesota ex rel. Larsen v. (219 U. S. 582).....                       | 469  | State of Florida, Florida East Coast R. Co. v. (218 U. S. 687).....                                        | 219  |
| Seattle Nat. Bank v. Downie (218 U. S. 345).....                                       | 89   | State of Florida, Florida Land & Timber Co. v. (218 U. S. 686).....                                        | 220  |
| Secretary of State of Commonwealth of Kentucky, Richardson v. (218 U. S. 487).....     | 43   | State of Florida, Model Land Co. v. (218 U. S. 687).....                                                   | 218  |
| Secretary of State of Oklahoma, Coyle v. (221 U. S. 559).....                          | 688  | State of Florida, Southern States Land & Timber Co. v. (218 U. S. 686).....                                | 220  |
| Security Trust & Life Ins. Co., Moore v. (219 U. S. 583).....                          | 469  | State of Maine, Martel v. (218 U. S. 666).....                                                             | 225  |
| Seefeld, Duffer v. (220 U. S. 616).....                                                | 720  | State of Michigan ex rel. Attorney General, Calder v. (218 U. S. 591).....                                 | 122  |
| Simple v. Lewis Const. Co. (218 U. S. 679).....                                        | 227  | State of Minnesota, Lesure Lumber Co. v. (220 U. S. 606).....                                              | 718  |
| Sena v. American Turquoise Co. (220 U. S. 497).....                                    | 488  | State of Minnesota, Rat Portage Lumber Co. v. (220 U. S. 606).....                                         | 718  |
| Sesnon Co. v. United States (220 U. S. 609).....                                       | 714  | State of Minnesota ex rel. Larsen v. Scott (219 U. S. 582).....                                            | 469  |
| Sexton v. Dreyfus (219 U. S. 339).....                                                 | 256  | State of Missouri, Broadnax v. (219 U. S. 285).....                                                        | 238  |
| Sexton v. Lloyds Bank (219 U. S. 339).....                                             | 256  | State of Missouri, Webber v. (220 U. S. 625).....                                                          | 717  |
| Shallenberger v. First State Bank of Holstein, Neb. (219 U. S. 114).....               | 189  | State of Missouri ex rel. Equitable Life Assur. Soc. of the United States v. Vandiver (220 U. S. 630)..... | 723  |
| Shawnee Sewerage & Drainage Co. v. Stearns (220 U. S. 462).....                        | 452  | State of Missouri ex rel. Metropolitan Life Ins. Co. v. Vandiver (220 U. S. 630).....                      | 723  |
| Shea v. Murphy (220 U. S. 612).....                                                    | 716  | State of Missouri ex rel. Prudential Ins. Co. of America v. Vandiver (220 U. S. 630).....                  | 723  |
| Shea v. Rudolph (220 U. S. 630).....                                                   | 723  | State of Nebraska v. First State Bank of Holstein, Neb. (219 U. S. 114).....                               | 189  |
| Shelton v. Price (219 U. S. 587).....                                                  | 471  | State of New Jersey v. Franklin Trust Co. (218 U. S. 681).....                                             | 229  |
| Shepard, Eidman v. (218 U. S. 678).....                                                | 226  | State of New Jersey v. Lovell (219 U. S. 587).....                                                         | 471  |
| Smith, Coyle v. (221 U. S. 559).....                                                   | 688  | State of Oklahoma, Ex parte (220 U. S. 191).....                                                           | 426  |
| Smith, Dowagiac Mfg. Co. v. (219 U. S. 588).....                                       | 471  | State of Oklahoma, Ex parte (220 U. S. 210).....                                                           | 431  |
| Smith v. Moore (219 U. S. 587).....                                                    | 471  | State of Oklahoma v. Atchison, T. & S. F. R. Co. (220 U. S. 277).....                                      | 434  |
| Smith v. Northern Trust Co. (220 U. S. 107).....                                       | 342  | State of Oklahoma, City of Pond Creek v. (220 U. S. 624).....                                              | 715  |
| Smithville Canal Co., Montezuma Canal Co. v. (218 U. S. 371).....                      | 67   | State of Oklahoma, Coyle v. (221 U. S. 559).....                                                           | 688  |
| Snyder v. American Pneumatic Service Co. (220 U. S. 618).....                          | 721  | State of Oklahoma v. Kansas Natural Gas Co. (221 U. S. 229).....                                           | 564  |
| Sobrinosa de Ezquiaga, Ex parte (218 U. S. 668).....                                   | 228  | State of Oklahoma ex rel. Attorney General v. Chicago, R. I. & P. R. Co. (220 U. S. 302).....              | 442  |
| Société Nouvelle d'Armement, United S. S. Co. v. (218 U. S. 674).....                  | 223  | State of Oklahoma ex rel. Attorney General v. Gulf, C. & S. F. R. Co. (220 U. S. 290).....                 | 437  |
| South Carolina, Hunter v. (219 U. S. 582).....                                         | 470  | State of Oklahoma ex rel. West v. Chicago, R. I. & P. R. Co. (220 U. S. 302).....                          | 442  |
| Southern Pac. Co. v. Interstate Commerce Commission (219 U. S. 433).....               | 288  | State of Oklahoma ex rel. West v. Gulf, C. & S. F. R. Co. (220 U. S. 290).....                             | 437  |
| Southern Pac. Terminal Co. v. Interstate Commerce Commission (219 U. S. 498).....      | 279  | State of South Carolina, Hunter v. (219 U. S. 582).....                                                    | 470  |
| Southern States Land & Timber Co. v. Gilchrist (218 U. S. 686).....                    | 220  | State of Texas, San Antonio & A. P. R. Co. v. (218 U. S. 689).....                                         | 223  |
| Southern States Land & Timber Co. v. Governor of State of Florida (218 U. S. 686)..... | 220  | State of Utah, Montello Salt Co. v. (221 U. S. 452).....                                                   | 706  |
| South Side Trust Co., Gold v. (218 U. S. 671).....                                     | 221  | State of West Virginia, Commonwealth of Virginia v. (220 U. S. 1).....                                     | 330  |
| Sperry & Hutchinson Co. v. Rhodes (220 U. S. 502).....                                 | 490  | Stearns, Shawnee Sewerage & Drainage Co. v. (220 U. S. 462).....                                           | 452  |
| Spokane & B. C. R. Co. v. Washington & G. N. R. Co. (219 U. S. 166).....               | 182  | Sternbergh, Duryea Power Co. v. (218 U. S. 299).....                                                       | 25   |
| Standard Oil Co. of New Jersey v. United States (221 U. S. 1).....                     | 502  | Stevenson, Texas & P. R. Co. v. (219 U. S. 591).....                                                       | 471  |
| Standard Oil Co. of New York v. United States (218 U. S. 681).....                     | 229  | Stewart, Converse v. (218 U. S. 666).....                                                                  | 226  |
| Standard Paint Co. v. Trinidad Asphalt Mfg. Co. (220 U. S. 446).....                   | 456  | Stirlin v. United States (220 U. S. 617).....                                                              | 721  |
| State Mut. Life Ins. Co., Johnston v. (218 U. S. 674).....                             | 223  | Stott, United States v. (218 U. S. 683).....                                                               | 219  |
| State of Alabama, Bailey v. (219 U. S. 219).....                                       | 145  | Stone Tracy Co., Flint v. (220 U. S. 107).....                                                             | 342  |
| State of Arkansas, Chicago, R. I. & P. R. Co. v. (219 U. S. 453).....                  | 275  |                                                                                                            |      |
| State of Connecticut, Griffin v. (218 U. S. 563).....                                  | 132  |                                                                                                            |      |
| State of Connecticut, Griffin v. (218 U. S. 572).....                                  | 134  |                                                                                                            |      |
| State of Connecticut, Griffith v. (218 U. S. 563).....                                 | 132  |                                                                                                            |      |
| State of Connecticut, Griffith v. (218 U. S. 572).....                                 | 134  |                                                                                                            |      |

|                                                                                              | Page |                                                                    | Page |
|----------------------------------------------------------------------------------------------|------|--------------------------------------------------------------------|------|
| Strassheim v. Daily (221 U. S. 280).....                                                     | 558  | United States, Adamson v. (220 U. S. 612)                          | 716  |
| Stuart v. Union Pac. R. Co. (218 U. S. 673).....                                             | 222  | United States v. American Tobacco Co. (221 U. S. 106).....         | 632  |
| Stubblefield v. Stubblefield (218 U. S. 634).....                                            | 218  | United States v. Ansonia Brass & Copper Co. (218 U. S. 452).....   | 49   |
| Sturgis Mill Co., Preston v. (220 U. S. 610).....                                            | 714  | United States v. Atchison, T. & S. F. R. Co. (220 U. S. 37).....   | 362  |
| Superior General of the Order of Carthusian Monks v. Cusenier Co. (221 U. S. 580).....       | 669  | United States, Atkinson v. (220 U. S. 621).....                    | 724  |
| Swift v. David (218 U. S. 679).....                                                          | 227  | United States, Baltimore & O. S. W. R. Co. v. (220 U. S. 94).....  | 368  |
| Talcott, Friend v. (218 U. S. 630).....                                                      | 227  | United States v. Barber (219 U. S. 72).....                        | 209  |
| Tamer, Western Union Tel. Co. v., two cases (220 U. S. 627).....                             | 720  | United States v. Boeckman (218 U. S. 684).....                     | 219  |
| Tanner v. Murphy (220 U. S. 612).....                                                        | 716  | United States, Boggs v. (220 U. S. 630).....                       | 723  |
| Tarpenian v. Williams (218 U. S. 692).....                                                   | 228  | United States v. Brooke (220 U. S. 623).....                       | 719  |
| Taylor, Foster Hose Supporter Co. v. (220 U. S. 611).....                                    | 715  | United States, Brown v. (219 U. S. 346).....                       | 250  |
| Taylor v. Leesnitzer (220 U. S. 90).....                                                     | 371  | United States, Bustos v. (218 U. S. 689).....                      | 222  |
| Tennessee Copper Co., Ladew v. (218 U. S. 357).....                                          | 81   | United States v. Cafarelli (218 U. S. 683).....                    | 219  |
| Tennessee Copper Co., Wetmore v. (218 U. S. 369).....                                        | 84   | United States v. Central R. Co. of New Jersey (220 U. S. 275)..... | 392  |
| Texas, San Antonio & A. P. R. Co. v. (218 U. S. 689).....                                    | 223  | United States v. Chamberlin (219 U. S. 250).....                   | 155  |
| Texas & P. R. Co. v. Stevenson (219 U. S. 591).....                                          | 471  | United States, Chicago, B. & Q. R. Co. v. (220 U. S. 559).....     | 612  |
| Texas & N. O. R. Co. v. Gross (221 U. S. 417).....                                           | 536  | United States, Chicago, I. & L. R. Co. v. (219 U. S. 486).....     | 272  |
| Texas & N. O. R. Co. v. Miller (221 U. S. 408).....                                          | 534  | United States v. Chicago, M. & St. P. R. Co. (218 U. S. 233).....  | 7    |
| Thomas v. Thomas (220 U. S. 607).....                                                        | 722  | United States, Colhoun v. (220 U. S. 629).....                     | 723  |
| Thompson v. Thompson (218 U. S. 611).....                                                    | 111  | United States, Colorado & S. R. Co. v. (218 U. S. 689).....        | 222  |
| Thorley, Pabst Brewing Co. v. (219 U. S. 588).....                                           | 469  | United States, Comstock v. (218 U. S. 670).....                    | 221  |
| Tiffany & Co., United States v. (218 U. S. 675).....                                         | 223  | United States, Dowdell v. (221 U. S. 325).....                     | 590  |
| Tiger v. Western Inv. Co. (221 U. S. 286).....                                               | 578  | United States, Dreier v. (221 U. S. 394).....                      | 550  |
| Title Guarantee & Trust Co. v. Ward (220 U. S. 620).....                                     | 723  | United States v. Duncan (218 U. S. 684).....                       | 219  |
| Title Guaranty & Trust Co. of Scranton, Pa., v. Crane Co. (219 U. S. 24).....                | 140  | United States v. Durie (218 U. S. 683).....                        | 219  |
| Torrance, Colwell Lead Co. v. (220 U. S. 623).....                                           | 725  | United States v. Erie R. Co. (220 U. S. 275).....                  | 392  |
| Travelers Ins. Co., Lynch v. (220 U. S. 614).....                                            | 719  | United States, Faber v. (221 U. S. 649).....                       | 659  |
| Treasurer of Alameda County, Cal., Moffitt v. (218 U. S. 400).....                           | 79   | United States v. Franklin (220 U. S. 624).....                     | 714  |
| Trigas v. City of Manila (220 U. S. 345).....                                                | 416  | United States, Gavieres v. (220 U. S. 338).....                    | 421  |
| Trigg Co., First Nat. Bank of Richmond, Va., v. (218 U. S. 693).....                         | 218  | United States v. Grimaud (220 U. S. 506).....                      | 480  |
| Trimble v. Klugh (218 U. S. 669).....                                                        | 228  | United States v. Grizzard (219 U. S. 180).....                     | 162  |
| Trinidad Asphalt Mfg. Co., Standard Paint Co. v. (220 U. S. 446).....                        | 456  | United States, Hallock v. (220 U. S. 613).....                     | 717  |
| Triplet v. United States (218 U. S. 671).....                                                | 221  | United States, Hallowell v. (221 U. S. 317).....                   | 587  |
| Triplett v. United States (218 U. S. 671).....                                               | 221  | United States v. Hammers (221 U. S. 220).....                      | 593  |
| Trodick, Northern Pac. R. Co. v. (221 U. S. 208).....                                        | 607  | United States, Hannibal Bridge Co. v. (221 U. S. 194).....         | 603  |
| Troxell v. Delaware, L. & W. R. Co. (219 U. S. 584).....                                     | 469  | United States, Hart v. (220 U. S. 609).....                        | 714  |
| Tucker, Philadelphia, B. & W. R. Co. v. (220 U. S. 608).....                                 | 725  | United States v. Heinze (218 U. S. 532).....                       | 98   |
| Turner, Jackson Lumber Co. v., two cases (218 U. S. 685).....                                | 220  | United States v. Heinze (218 U. S. 547).....                       | 102  |
| Turnipseed, Mobile, J. & K. C. R. Co. v. (219 U. S. 35).....                                 | 136  | United States, Heinze v. (218 U. S. 675).....                      | 223  |
| Tuttle v. Iowa State Traveling Men's Ass'n (220 U. S. 628).....                              | 721  | United States, Hendrix v. (219 U. S. 79).....                      | 193  |
| Tweedie Trading Co., Herr v. (218 U. S. 679).....                                            | 227  | United States, Hillegas v. (219 U. S. 555).....                    | 470  |
| Union Ferry Co. of New York and Brooklyn v. New York, N. H. & H. R. Co. (218 U. S. 676)..... | 225  | United States, Hipolite Egg Co. v. (220 U. S. 45).....             | 364  |
| Union Pac. R. Co., Stuart v. (218 U. S. 673).....                                            | 222  | United States, Holt v. (218 U. S. 245).....                        | 2    |
| United Rys. Co. of St. Louis v. City of St. Louis (220 U. S. 607).....                       | 722  | United States, Hooe v. (218 U. S. 322).....                        | 85   |
| United S. S. Co. v. Société Nouvelle d'Arme-ment (218 U. S. 674).....                        | 223  | United States, Horn v. (219 U. S. 585).....                        | 470  |
|                                                                                              |      | United States, Hyde v. (218 U. S. 681).....                        | 228  |
|                                                                                              |      | United States v. Inda (220 U. S. 506).....                         | 480  |
|                                                                                              |      | United States, Jameson v. (218 U. S. 670).....                     | 221  |
|                                                                                              |      | United States, John J. Seson Co. v. (220 U. S. 609).....           | 714  |
|                                                                                              |      | United States v. Johnson (221 U. S. 488).....                      | 627  |
|                                                                                              |      | United States v. Kissel (218 U. S. 601).....                       | 124  |
|                                                                                              |      | United States v. Lamson (218 U. S. 682).....                       | 219  |
|                                                                                              |      | United States v. Lehigh Val. R. Co. (220 U. S. 257).....           | 387  |
|                                                                                              |      | United States, Light v. (220 U. S. 523).....                       | 485  |
|                                                                                              |      | United States, Ling Su Fan v. (218 U. S. 302).....                 | 21   |
|                                                                                              |      | United States, Marks & Rawolle v. (220 U. S. 623).....             | 724  |
|                                                                                              |      | United States, Marx & Rawolle v. (220 U. S. 623).....              | 724  |
|                                                                                              |      | United States v. Mason, three cases (218 U. S. 517).....           | 28   |
|                                                                                              |      | United States v. Monson (218 U. S. 683).....                       | 219  |
|                                                                                              |      | United States, Muskrat v. (219 U. S. 346).....                     | 250  |