

ARKANSAS REPORTS

VOL. 69

CASES DETERMINED

IN THE

SUPREME COURT OF ARKANSAS

FROM FEBRUARY, 1901, TO NOVEMBER, 1901.

T. D. CRAWFORD
REPORTER

PUBLISHED
BY THE
STATE OF ARKANSAS
1902

PRINTED AND BOUND BY
GAZETTE PUBLISHING COMPANY,
SUCCESSORS TO ARKANSAS LITHOGRAPH & PRINTING CO.
LITTLE ROCK, ARKANSAS.

Press of
E. W. Stephens Publishing Co.
Columbia, Mo.
1908.

JUDGES
OF THE
SUPREME COURT
DURING THE PERIOD OF THIS VOLUME.

HENRY G. BUNN,.....CHIEF JUSTICE.
BURRILL B. BATTLE,..... }
SIMON P. HUGHES,..... } ASSOCIATE JUSTICES.
CARROLL D. WOOD,..... }
JAMES E. RIDDICK,..... }
GEORGE W. MURPHY,.... ATTORNEY GENERAL.
P. D. ENGLISH,..... CLERK.
J. H. CAMPBELL,..... DEPUTY CLERK.

RULE VI. AS AMENDED—ORAL ARGUMENTS.

Where counsel on either side desire to make an oral argument in any cause, they shall notify the court of such intention on or before the day set for its submission, on which day the cause shall be submitted if ready, but the argument shall not be heard until the court shall be ready to consider the cause and shall have given notice to counsel on both sides of the day on which it will hear the argument. Only two counsel will be heard for each party, and not more than one hour will be allowed to each side for argument, without special leave of the court granted before the argument begins. The time thus allowed may be apportioned between the counsel on the same side, at their discretion. Provided, always, that a fair opening of the case shall be made by the party having the opening and closing argument. The plaintiff in error, or appellant, shall be entitled to open and conclude the argument. But where there are cross-appeals, they shall be argued together as one case, and the plaintiff in the court below shall be entitled to open and conclude the argument.

TABLE
OF CASES REPORTED.

A

Adams (Border City Ice & Coal Co. v.).....	219
— (School Dist. No. 49 of Faulkner Co. v.)..	159
Ahern v. Bd. Imp. Dist. No. 3 of Texarkana...	68
Alford v. State.....	436
Allen-West Com. Co. v. Brown.....	163
Arkansas Construction Co. v. Mullins.....	429
Arkansas & La. Ry. Co. v. Sanders.....	619
Arkansas National Bank (Sumpter v.)	224
Arndt (Lawrence County Bank v.).....	406
Arnold (Watkins v.)..	263

B

Barnett (Kansas City, P. & G. R. Co. v.)..	150
Battle (St. Louis, I. M. & S. R. Co. v.).....	369
Beavers (Hudgins v.)..	577
Bell v. State....	148
— v. Tallman....	244
Berger v. Lutterloh..	576
Bernard (Woody v.)..	579
Bims v. Collier....	245
Bigham v. Cross..	581
Blair v. State....	558

69 ARK.]

Board of Directors St. Francis Levee District (Memphis Trust Co. v.)	284
Board of Imp. Dist. No. 3 of Texarkana (Ahern v.)	68
Bonner (McWilliams v.)	99
Border City Ice & Coal Co. v. Adams.....	219
Bowen (Lovewell v.)..	501
Boyd v. Mitchell....	202
— (Richardson v.)..	369
Bragg (St. Louis, I. M. & S. R. Co. v.)..	402
Bretzfelder H. B. Claffin Co. v.).....	271
Brown (Allen-West Com. Co. v.).....	163
— v. Ennis.....	123
Burgauer v. Parker..	109
Burke (Coolidge v.)..	237
— (Lange v.)..	85
Bussey v. State....	545
Buster v. Mann....	23
Byrd v. State....	537

C

Carl Lee (St. Louis, I. M. & S. R. C. v.).....	584
Carroll County Bank. v. Rhodes.....	43
Caldwell v. State....	322
Castleberry v. State..	346
Central Coal & Coke Co. v. John Henry Shoe Co...	302

(v)

Childers <i>v.</i> Duvall....	336	Farmers' Savings & Bldg. & L. Ass'n. <i>v.</i> Ferguson	352
Clark, <i>ex parte</i>	435	Ferguson (Farmers' Sav- ings & Bldg. & L. Ass'n. <i>v.</i>)....	352
Clarke <i>v.</i> Taylor....	612	Ford <i>v.</i> Harrison....	205
Coolidge (Burke <i>v.</i>)....	237	— <i>v.</i> State....	550
Collier (Bims <i>v.</i>)....	245	Fordyce <i>v.</i> Gorey....	344
Conley <i>v.</i> Johnson....	513	Fortenberry <i>v.</i> Gaunt....	433
— <i>v.</i> State....	455	Foster (Johnson <i>v.</i>)....	617
Conant <i>v.</i> Storthz....	209	— (Saxon <i>v.</i>)....	626
Covington (Rhodes <i>v.</i>)....	357	Fuller (Sachs <i>v.</i>)....	271
Cowling <i>v.</i> Hill....	350		
Crabtree (St. Louis & S. F. R. Co. <i>v.</i> Crabtree)....	134	G	
Craighead <i>v.</i> Farmers' Bldg. & L. Ass'n....	332	Gans (St. Louis S. W. R. Co. <i>v.</i>)....	252
Crawford <i>v.</i> State....	360	Gardner (Harcrow <i>v.</i>)....	6
Cross (Bigham <i>v.</i>)....	581	Garretson <i>v.</i> White....	603
Crowder <i>v.</i> State....	330	Gates <i>v.</i> Hayes....	518
D		Gaunt (Fortenberry <i>v.</i>)	433
Davis (Miller <i>v.</i>)....	1	Gaut (Young <i>v.</i>)....	114
Deshay <i>v.</i> State....	623	Gibson <i>v.</i> Harrison..	385
Dewberry (Planters' Mut. Ins. Ass'n. of Ark. <i>v.</i>)	295	Gill <i>v.</i> Gill..	596
Dobson <i>v.</i> State....	376	Gillespie <i>v.</i> State....	573
Doss <i>v.</i> Moore....	258	Goldman (Katz <i>v.</i>)....	637
Driver (Rhodes <i>v.</i>)....	501	Goodwin <i>v.</i> Parnell..	629
— (Rhodes <i>v.</i>)....	606	Gorey (Fordyce <i>v.</i>)....	344
Duvall (Childers <i>v.</i>)....	336	Goss (Kempson <i>v.</i>)....	235, 451
E		Graham <i>v.</i> St. Louis, I. M. & S. R. Co..	562
Eastling <i>v.</i> State....	189	— <i>v.</i> W. W. Dickinson Hardware Co....	119
Elder <i>v.</i> State....	648	Grinstead <i>v.</i> Wilson..	507
Electric Supply Co. (St. Francis Electric Light Co. <i>v.</i>)....	174	H	
Ennis (Brown <i>v.</i>)....	123	Haller (Spratlin <i>v.</i>)....	281
Etter (Towell <i>v.</i>)....	34	Hanger <i>v.</i> Ives....	52
F		Harcrow <i>v.</i> Gardner....	6
Farmers' Bldg. & L. Ass'n (Craighead <i>v.</i>)....	332	Hardin <i>v.</i> McGreevy....	211
		Hance <i>v.</i> Holiman..	57

Harper (St. Louis S. W. R. Co. v.)....	186	Klien v. German National Bank....	140
Harrison (Ford v.)..	205	L	
—— (Gibson v.)....	385	Lange v. Burke....	85
Hayes (Gates v.)..	518	Lanigan v. North....	62
H. B. Claffin Co. v. Bretzfelder....	271	Lawrence County Bank v. Arndt....	406
Helm (State v.)....	167	Layton (Noe v.)..	551
Hill (Cowling v.)..	350	Lesser Cotton Co. v. Yates	396
Hitson v. Sims....	439	Lester v. Richardson..	198
Holiman (Hance v.)..	57	Lewis (St. Louis, I. M. & S. R. Co. v.)....	81
Hudgins v. Beavers..	577	Little (Montgomery v.)..	392
Hunter (State v.)..	548	Little Rock Traction & Electric Co. v. Morrison	289
I		Lovewell v. Bowen..	501
Inabnett v. St. Louis, I. M. & S. R. Co....	130	Lunyon (Newport Ice & Cold Storage Co. v.)...	287
Ingle (Marree v.)....	126	Lutterloh (Berger v.)..	576
Irby (Moore v.)....	102	Lynch v. State....	555
Ives (Hanger v.)....	52	M	
J		McArthur (McCarthy v.)	313
James (Morrow v.)....	539	McCarthy v. McArthur ..	313
J. I. Porter Lbr. Co. (Kendall v.)..	442	McDonald (Nichol v.)...	341
John Henry Shoe Co. (Central Coal & Coke Co. v.)	302	McGee v. Smitherman ..	632
Johnson (Conley v.)..	513	McGreevy (Hardin v.)...	211
—— v. Foster..	617	McKennon v. St. Louis, I. M. & S. Ry. Co....	104
—— (Roesch v.)..	30	McMahan v. Smith..	591
K		McWilliams v. Bonner...	99
Kansas City, P. & G. R. Co. v. Barnett..	150	Maddox v. Reynolds..	541
—— v. Pace....	256	Mann (Buster v.)..	23
—— v. Parker..	401	Marree v. Ingle....	126
Katz v. Goldman..	637	Martin (Watkins v.)..	311
Kempson v. Goss	235, 451	Massey-Herndon Shoe Co. (Powell v.)..	79
Kendall v. J. I. Porter Lbr. Co....	442	Matthews (Meyer Bros. Drug Co. v.)..	483

Memphis Trust Co. v. Bd. Directors St. Francis Levee Dist.	284	Pulaski Turnpike Co. (Ratliff v.)	264
Meyer Bros. Drug Co. v. Matthews	483	Q	
Miller v. Davis	1	Quattlebaum v. Triplett	91
Mississippi County (Read v.)	365	R	
Mitchell (Boyd v.)	202	Ratliff v. Pulaski Turnpike Co.	264
Montgomery v. Little	392	Rayburn v. State	177
Moore (Doss v.)	258	Read v. Mississippi County	365
—— v. Irby	102	Reagan (Vincenheller v.)	460
Morrison, <i>ex parte</i>	517	Reynolds (Maddox v.)	541
—— (Little Rock Traction & Electric Co. v.)	289	Rhodes (Carroll County v.)	43
Morrow v. James	539	—— v. Covington	357
Morton, <i>ex parte</i>	48	—— v. Driver	501
Mullins (Arkansas Construction Co. v.)	429	—— v. Driver	606
Myers v. Weiner	319	Richardson v. Boyd	368
N		—— (Lester v.)	198
Newport Ice & Cold storage Co. v. Lunyon	287	Roesch v. Johnson	30
Nichol v. McDonald	341	Rowe (State v.)	642
Noe v. Layton	551	S	
North (Lanigan v.)	62	Sachs v. Fuller	270
P		St. Francis Electric Light Co. v. Electric Supply Co.	174
Pace (Kansas City, P. & G. R. Co. v.)	256	St. Louis & S. F. R. Co. v. Crabtree	134
Pape v. Steward	306	—— v. Townsend	380
Parker (Burgauer v.)	109	St. Louis, I. M. & S. R. Co. v. Battle	369
—— (Kansas City, P. & G. R. Co. v.)	401	—— v. Bragg	402
Parnell (Goodwin v.)	629	—— v. Carl Lee	584
Planters' Mutual Ins. Ass'n. of Ark. v. Dewberry	295	—— (Graham v.)	562
Powell v. Massey-Herndon Shoe Company	79	—— (Inabnett v.)	130
		—— v. Lewis	81
		—— (McKennon v.)	104
		—— v. State	363
		—— v. Tomlinson	489

St. Louis Refrigerator & Wooden Gutter Co. (Thornton <i>v.</i>)... ..	424	— (Rayburn <i>v.</i>)... ..	177
St. Louis S. W. R. Co. <i>v.</i> Gans.... ..	252	— <i>v.</i> Rowe.... ..	642
— <i>v.</i> Harper... ..	186	— (St. Louis, I. M. & S. R. Co. <i>v.</i>)... ..	363
— <i>v.</i> White Sewing Machine Co.... ..	431	— (Terrell <i>v.</i>)... ..	449
Sanders (Arkansas & La. Ry. Co. <i>v.</i>)... ..	619	— (Williams <i>v.</i>)... ..	599
Sanford (Turman <i>v.</i>)... ..	95	— (Woodson <i>v.</i>).... ..	521
Saxon <i>v.</i> Foster... ..	626	State Fair Ass'n. <i>v.</i> Town- send	215
School Dist. No. 69 of Faulkner Co. <i>v.</i> Adams	159	Steward (Pape <i>v.</i>)... ..	306
Sims (Hitson <i>v.</i>)... ..	439	Storthz (Conant <i>v.</i>)... ..	209
Smith (McMahan <i>v.</i>)... ..	591	Sumpter <i>v.</i> Arkansas Nat. Bank.....	224
Smitherman <i>v.</i> McGee... ..	632	T	
Spratlin <i>v.</i> Haller.... ..	281	*Tallman (Bell <i>v.</i>)	244
State (Alford <i>v.</i>)... ..	436	Taylor (Clarke <i>v.</i>)	612
— (Bell <i>v.</i>).... ..	148	Terrell <i>v.</i> State.... ..	449
— (Blair <i>v.</i>)... ..	558	Thornton <i>v.</i> St. Louis Re- frigerator & Wooden Gutter Co... ..	424
— (Bussey <i>v.</i>)... ..	545	Tomlinson (St. Louis, I. M. & S. R. Co. <i>v.</i>)... ..	489
— (Byrd <i>v.</i>)... ..	537	Towell <i>v.</i> Etter... ..	34
— (Caldwell <i>v.</i>)... ..	322	Townsend (St. Louis & S. F. R. Co. <i>v.</i>)... ..	380
— (Castleberry <i>v.</i>)... ..	346	— (State Fair Ass'n. <i>v.</i>)... ..	215
— (Conley <i>v.</i>)... ..	454	Triplett (Quattlebaum <i>v.</i>)	91
— (Crawford <i>v.</i>)... ..	360	Turman <i>v.</i> Sanford... ..	95
— (Crowder <i>v.</i>)... ..	330	V	
— (Deshay <i>v.</i>)... ..	623	Vincenheller <i>v.</i> Reagan..	460
— (Dobson <i>v.</i>)... ..	376	W	
— (Eastling <i>v.</i>)... ..	189	Watkins <i>v.</i> Arnold... ..	263
— (Elder <i>v.</i>)... ..	648	— <i>v.</i> Martin... ..	311
— (Ford <i>v.</i>)... ..	550	Weiner (Myers <i>v.</i>)... ..	319
— (Gillespie <i>v.</i>)... ..	573	White (Garretson <i>v.</i>)	603
— <i>v.</i> Helm.... ..	167		
— <i>v.</i> Hunter... ..	548		
— (Lynch <i>v.</i>)... ..	555		

White Sewing Machine Co.	Woody v. Bernard... .. 579
(St. Louis S. W. R. Co.	W. W. Dickinson Hardware
<i>v.</i>).... .. 431	Co. (Graham <i>v.</i>) 119
Williams, <i>ex parte</i> 457	Y
— <i>v.</i> State.... .. 599	Yates Lesser Cotton Co.
Wilson (Grinstead <i>v.</i>)... 587	<i>v.</i>) 396
Woodson <i>v.</i> State.. .. 521	Young <i>v.</i> Gaut 114

TABLE OF CASES
CITED BY THE COURT.

A	
Acruman v. Barnes, 66 Ark. 442	123
Adler-Goldman Com. Co. v. People's Bank, 65 Ark. 380	280
Ager v. Duncan, 50 Cal. 325	15
Allen v. Brown, 44 N. Y. 229	67
Allis v. McLean, 12 N. W. 640	222
Altemose v. Hufsmith, 9 Wright, 128	427
Ames Iron Works v. Kalama-zoo Pulley Co., 63 Ark. 87	310
Anderson v. Mills, 40 Ark. 192	40, 52
— v. Snyder, 21 W. Va. 641	646
Anthony v. Rice, 110 Mo. 223	3
Arkansas Coal etc. Co. v. Haley, 62 Ark. 144	431
Armstrong v. Toler, 11 Wheat. 258	18, 19
Ashmead v. Ashmead, 23 Kan. 262	432
Atlantic City R. Co. v. Goodwin, 62 N. J. L. 394	497
Auburn & C. Plank Road Co. v. Douglas, 9 N. Y. 444	269
B	
Baltimore & O. R. C. v. State, 60 Md. 449	497
Bank of Greensboro v. Clapp, 76 N. C. 482	48
Bank of Harrison v. Gibson, 60 Ark. 269	617
Barlow v. Chicago etc. R. Co., 29 Iowa 276	570
Barnard v. Kellogg, 10 Wall, 390	319
Barnes v. Board of Supervisors, 51 Miss. 305	507
Barre v. City of New Orleans, 22 La. An. 612	37, 39, 41
Baskins v. Wylds, 39 Ark. 347	591
Baxter v. Brooks, 29 Ark. 173	591
Bazemore v. Mullins, 52 Ark. 207	515, 605
Benjamin v. Hilliard, 23 How. 165	128
Bennett v. Northern Pac. Exp. Co., 12 Ore. 49	258
Benton v. State, 30 Ark. 328	326
Berkshire, etc., Co. v. Proctor, 7 Cush. 417	318
69 ARK]	
Berry v. Davis, 13 S. W. 978	618
Besondy, in re, 32 Minn. 385	453
Big Mountain Imp. Co.'s Appeal, 54 Pa. St. 361	570
Blakely v. Chicago, K. & N. R. Co., 46 Neb. 272	570
Blass v. Lee, 55 Ark. 332	55
Boehm v. Porter, 54 Ark. 665	101
Bond v. Montgomery, 56 Ark. 563	2
Boone County Bank v. Byrum, 68 Ark. 71	48
— v. Hensley, 62 Ark. 398	125
Booth v. Goodwin, 29 Ark. 633	2
Boswell v. Boswell, 117 Ind. 599	283
Bradford v. Beyer, 17 O. St. 388	15
Bradley v. Lee, 38 Cal. 362	581
Bramble v. Kingsbury, 39 Ark. 134	234
Brant v. Va. Coal & Iron Co., 93 U. S. 326	234
Brassell v. N. Y. C. etc. R. Co., 84 N. Y. 241	497
Bredon's Appeal, 92 Pa. St. 246	15
Brewer v. Fleming, 51 Pa. St. 115	427
Brooks v. Martin, 2 Wall. 70	13
Brown v. State, 55 Ark. 593	150
Bruce v. Fox, 1 Dana, 450	646
Buchan v. Sumner, 2 Barb. Ch. 165	242
Buck v. Lee, 36 Ark. 52	554
Bunch v. Schaer, 66 Ark. 104	234
Burbank v. Rockingham, 24 N. H. 550	300
Burgett v. Apperson, 52 Ark. 213	2, 519
Burns v. Thompson, 64 Ark. 489	162
Butler v. Moore, 73 Me. 151	11, 15
C	
Cadogan v. Kennett, 2 Cowp. 434	15
Caldwell v. State, 69 Ark. 322	451
Cairo & F. R. Co. v. Turner, 31 Ark. 494	107
Carl & Tobey Co. v. Beal & Fletcher Co., 64 Ark. 373	544
Cannon v. State, 60 Ark. 564	184, 185

Carnall <i>v.</i> Clark, 27 Ark. 500	312	Dartmouth College <i>v.</i> Wood-	
Carpenter <i>v.</i> McClure, 39 Vt.		ward, 4 Wheat. 518	474, 479
9	11, 15	Daudt <i>v.</i> Harmon, 16 Mo. App.	3
Carson <i>v.</i> St. Francis Levee Dis-		103	
trict, 59 Ark. 513	287	Davis <i>v.</i> Railway, 53 Ark. 118	292
Carter <i>v.</i> State, 177 U. S. 442		— <i>v.</i> Sittig, 65 Tex. 499	11
196, 197, 349		Davy <i>v.</i> Kelfey, 66 Wis. 452	11
Case <i>v.</i> Hargadine, 43 Ark. 148	118	Deutschman <i>v.</i> Byrne, 64 Ark.	
Central Nat. Bank <i>v.</i> Conn. Mut.		111	277
L. Ins. Co., 104 U. S. 54	48	Dietrich <i>v.</i> Koch, 35 Wis. 618	15
Central Trust Co. <i>v.</i> Clark, 92		Dixon <i>v.</i> Thatcher, 14 Ark. 141	68
Fed. 294	223	Driggs & Co's. Bank <i>v.</i> Nor-	
Chapman <i>v.</i> Bank of California,		wood, 50 Ark. 56	234
88 Cal. 419	283	Duncan <i>v.</i> Gilbert, 29 N. J. L.	
Charles River Bridge <i>v.</i> War-		521	146
ren Bridge, 11 Pet. 420	269	Durand <i>v.</i> New Haven, etc., Co.	
Charless <i>v.</i> Lamberson, 1 Iowa,		42 Conn. 211	530
435	597	Dyer <i>v.</i> Clark, 5 Metc. 562	243
Chicago, R. I. & P. Rd. Co. <i>v.</i>		— <i>v.</i> Homer, 22 Pick 253	11, 15
Austin, 69 Ill. 426	385	E	
— <i>v.</i> Sturm, 174 U. S. 710	618	Eason <i>v.</i> State, 11 Ark. 481	534
Childers <i>v.</i> Duvall, 69 Ark. 336	395	East Omaha Land Co. <i>v.</i> Jef-	
Christian <i>v.</i> Greenwood, 23 Ark.		fries, 40 Fed. Ren. 386	39, 40
258	544	Eaton <i>v.</i> Langley, 65 Ark. 448	304
Christy <i>v.</i> Dyer, 14 Iowa, 438	597	Elston <i>v.</i> Robinson, 23 Iowa,	
Church <i>v.</i> Muir, 33 N. J. L.		208	598
318	11, 15	Embrey <i>v.</i> Jemison, 131 U. S.	
Citizens' Bank <i>v.</i> Dows, 68 Ia.		336	19
460	281	Evans <i>v.</i> Rudy, 34 Ark. 383	500
Clark <i>v.</i> Baker, 11 Met. 186	318	— <i>v.</i> Speer Hardware Co.,	
Clemens <i>v.</i> Clemens, 28 Wis.		65 Ark. 213	146
637	15	F	
Clement <i>v.</i> Wright, 4 Wright,		Farmers' Loan & Trust Co. <i>v.</i>	
254	427	New York & N. R. Co., 150	
Cobble <i>v.</i> Tomlinson, 50 Md.		N. Y. 410	90
550	243	Farnsworth <i>v.</i> Hoover, 66 Ark.	
Cochran <i>v.</i> Baker, 56 Pac. 641	122	367	124
Collins <i>v.</i> Blantern, 2 Wis. 341	15	Eaton <i>v.</i> Ham, 35 Mo. 409	15
Commercial Bank <i>v.</i> Jones, 18		Findley <i>v.</i> Cooley, 1 Blackf.	
Tex. 811	48	252	15
Commonwealth <i>v.</i> Choate, 105		First National Bank <i>v.</i> Case,	
Mass. 456	180, 328	63 Wis. 506	62
— <i>v.</i> Flanagan, 7 Watts & S.		— <i>v.</i> Hollingsworth, 78 Iowa,	
415	179	575	598
— <i>v.</i> Markham, 7 Bush,		Fitzgerald <i>v.</i> Walker, 55 Ark.	
486	390	148	286
Candran <i>v.</i> Chicago, M. & St. P.		Fitzsimmons <i>v.</i> Academy of	
Ry. Co., 67 Fed. 522	188	Christian Brothers, 81 Mo.	
Conn. Mut. L. Ins. Co. <i>v.</i> Sprat-		37	318
ley, 172 U. S. 602	400, 431	Flaten <i>v.</i> City of Morehead, 53	
Connor <i>v.</i> Bell, 132 Pa. St. 444	567	N. W. 807	570
Cooper, <i>ex parte</i> , 3 Tex. Ct. App.		Fleener <i>v.</i> State, 58 Ark. 98	456
489	390	Flemming <i>v.</i> Roberts, 84 N. C.	
— <i>v.</i> Lee, 59 Ark. 460	358, 359	432	541
Coppell <i>v.</i> Hall, 7 Wall. 542	20	Flournoy <i>v.</i> Payne, 28 Ark. 97	591
Corley <i>v.</i> State, 50 Ark. 312	602	Fordyce <i>v.</i> Jackson, 56 Ark.	
Cox <i>v.</i> Harris, 64 Ark. 213	280	394	637
Crenshaw <i>v.</i> Bradley, 52 Ark.		— <i>v.</i> Merrill, 49 Ark. 277	375
318	50	— <i>v.</i> Nix, 58 Ark. 140	211
Croley <i>v.</i> St. Louis S. W. R.		Forrest City Ins. Co. <i>v.</i> Har-	
Co., 56 S. W. 615	108	desty, 182 Ill. 39	300
D		Foster <i>v.</i> Foster, L. R. 1 Ch.	
Dale <i>v.</i> Roosevelt, 9 Cow. 307	17	Div. 588	241

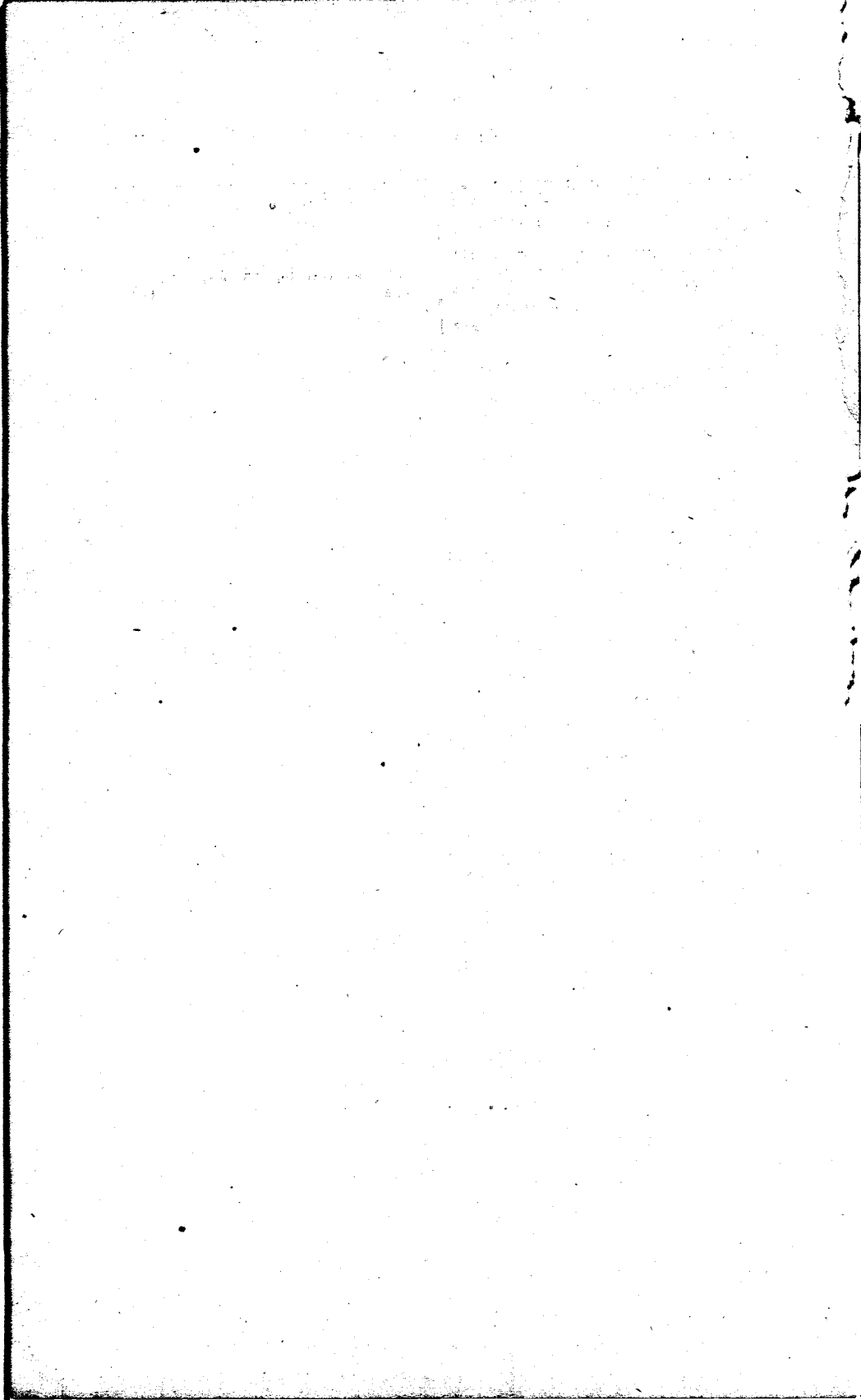
— v. Gaston, 23 N. E. 1005	120	Harvey v. Varney, 98 Mass.	118
— v. Pitts, 63 Ark.	387		11, 13
Frazee v. Inslee, 1 Green,	230	Harwood v. Knapper, 50 Mo.	456
Freeman v. People, 4 Denio,	19		15
	171, 173	Hawes v. Loader, Yelv.	187
Frick v. St. Louis, etc., R. Co.,		Heard v. Knights of Honor,	56
3 Am. & Eng. R. Co's. 289	123	Ark.	263
	G	Hearne v. Marine Ins. Co.,	20
Gage v. Maschmeyer, 72 Ia.	606	Wall.	492
Gaines v. Summers, 50 Ark.	322		318, 319
	448	Heinlein v. Boston & P. R. Co.,	147
Galloway v. Robinson, 19 Ark.	396	Mass.	136
	244	Heller v. Strenmel, 52 Mo.	309
Galpin v. Galpin, 74 Ia.	454		286
Garritte v. Popple, 73 Md.	322	Henrietta Mining & Milling Co.	v. Johnson, 173 U. S.
	283		221, 399, 431
Gates v. Tusten, 14 S. W.	827	Hickman v. Richburg, 26 So.	136
Gary v. Jacobson, 55 Ark.	204		279
George Taylor Com. Co. v. Bell,	62	Hill v. Draper, 54 Ark.	395
Ark.	26		242
	234	Hilliard v. Bunker, 68 Ark.	349
Georgia Home Ins. Co. v. Kin-			577
nier, 8 Grat.	88	Hilz v. Mo. Pac. Ry. Co.,	101
Georgia Pac. R. Co. v. Lee, 92	270	Mo.	36
Ala.	270		133
	383	Hoback v. Hoback, 33 Ark.	399
Gerdine v. State, 64 Miss.	798		597
	138	Hobbs v. Texas & Pac. Ry. Co.,	49
Germania Fire Ins. Co. v. Home		Ark.	357
Ins. Co., 144 N. Y.	195		84
	301	Hole v. Rittenhouse, 1 Wright,	116
Gibbs v. Dickson, 33 Ark.	107		427
Gibson v. Buckner, 65 Ark.	84	Holiman v. Hance, 61 Ark.	115
	313		58
Gilbert v. Neely, 35 Ark.	24	Holler v. State, 37 Ind.	57
	2		150
Gilliam v. Brown, 43 Miss.	641	Hot Springs Rd. Co. v. Deloney,	65
Gist v. Gans, 30 Ark.	285	Ark.	177
	144		85
Givans v. Dewey, 47 Iowa,	414	Howard v. Priest, 5 Mete.	582
	598		243
Glaspy v. Cabot, 135 Mass.	435	Howe v. McGivern, 25 Wis.	525
	304		3
Goode v. Gaines, 145 U. S.	141	Huffstedler v. Kibler, 67 Ark.	239
	233		5
Goodtitle v. Billington, 2 Doug.	753	Hull v. Chicago, St. P. M. &	O. Ry., 16 Am. St.
	322		722
Goudy v. Gebhart, 1 O. St.	262		258
	15	Hunt v. Rousmanier, 8 Wheat.	174
Govan v. Jackson, 32 Ark.	553		412
	508	Hyman v. Coleman, 82 Cal.	653
Graves v. Colwell, 90 Ill.	616		65
Gray v. Palmer, 28 Cal.	416		I
	52	Illinois Central Rd. Co. v. Wel-	don, 52 Ill.
Greenwood v. Freight Co.,	105		290
U. S.	13	Insurance Company v. Fried-	man, 74 Tex.
	527		56
Griffey v. Northcutt, 5 Heisk.	757	Insurance Company v. Wright,	1
	243	Wall.	456
Griswold v. Hazard, 141 U. S.	260		318
	416		J
Gwynn v. McCauley, 32 Ark.	97	Jackman Will Case, 27 Wis.	417
	605		646
	H	Jackson v. First Nat. Bank, 42	N. J. L.
Haines v. R. Co., 41 Ia.	227		177
	138	Jackson v. Hathaway, 15 Johns.	447
Hale v. Phillips, 68 Ark.	382		448
	614, 617	Jager Iron Co. v. Walker, 76	N. Y.
Hall v. Trucks, 38 Ark.	257		522
	40		62
Halleck v. Mixer, 16 Cal.	579	James v. Dyer, 31 Ark.	489
	427		51
Hamilton v. Scull, 25 Mo.	165	Jansen v. Grimshaw, 125 Ill.	468
	15		62
— v. State, 62 Ark.	506	Jefferis v. East Omaha Land	Co., 134 U. S.
	561		178
Hardin v. State, 66 Ark.	53		39
	325	Jennings v. McIlvoy, 42 Ark.	236
Harlan v. Harlan, 3 Harris,	607		280
	427		
Harris v. Harris, 26 Grat.	737		
	15		
Hartford F. Ins. Co. v. Ross, 23	Ind.		
	180		

Johnston v. Turner, Ark. 280	597	McKinnon v. Meston, 104 Mich. 642	427
Jones, <i>ex parte</i> , 49 Ark. 110	459	McLeod v. Dial, 63 Ark. 10	447
— v. Johnson, 18 How. 150	37	McMullen v. Hoffman, 174 U. S. 639	20
— v. State, 61 Ark. 88	561	McNeil v. Arnold, 17 Ark. 154	68
K			
Kansas City, P. & G. R. Co. v. Parker, 69 Ark. 401	618	— v. Garland, 27 Ark. 343	312
Kansas City & S. E. R. Co. v. Kansas City S. W. R. Co., 108 Mo. 50	570	McNutt v. State, 48 Ark. 30	217
Kelley v. Adams, 183 Ill. 193	505	McVey v. McVey, 51 Mo. 406	541
Kelley's Heirs v. McGuire, 15 Ark. 556	244	Magness v. State, 67 Ark. 594	139, 575
King v. Cross, 175 U. S. 396	618	Main v. Alexander, 9 Ark. 112	166
— v. State, 55 Ark. 604	150	Maitland v. Citizens' Bank, 40 Md. 561	146
Kline v. Ragland, 47 Ark. 111	97	Manuel v. Chicago R. Co., 56 Ia. 655	138
L			
Langan v. St. Louis, I. M. & S. Ry. Co., 72 Mo. 392	497	Martin v. Clarke, 8 R. I. 389	17
Lawrence v. Rector, 137 U. S. 139	233	Maul v. Rider, 59 Pa. St. 167	99
Ledbetter v. Hall, 62 Mo. 422	506	Maxwell v. Campbell, 45 Ind. 360	541
Lee v. DeBardleben Coal etc. Co., 162 Ala. 628	382	Mayor, etc., of Baltimore, 64 Md. 10	74
Leep v. Railway Co., 58 Ark. 407	528, 535	Meeker v. Claghorn, 44 Cal. 349	67
Leigh v. Evans, 64 Ark. 26	312	Merchants' & Planters' Bank v. Meyer, 56 Ark. 499	310
Lenow v. Fones, 48 Ark. 563	242	Merrick v. Butler, 2 Lans 103	15
Lesser Cotton Co. v. Yates, 69 Ark. 396	431	Meyer v. State, 19 Ark. 156	326
Levy v. Levy, 78 Pa. St. 507	66	Michigan Cent. R. Co. v. Northern Ind. R. Co., 3 Ind. 240	378
— v. Martin, 48 Ark. 198	144	Miles v. Shepard, 30 Conn. 98	98
— v. Williams, 79 Ala. 171	544	Miller v. State, 15 Wall. 498	531
Lincoln v. Little Rock Granite Co., 56 Ark. 405	119	Mitchell v. Rochester Ry. Co., 151 N. Y. 107	405
Little River County v. Joyner, 57 Ark. 185	51	Mokelumne Hill, etc., Co. v. Woodbury, 14 Cal. 265	65
Little Rock & Ft. S. R. Co. v. Blewitt, 65 Ark. 233	382	Morgan v. Moore, 3 Gray, 319	569
— v. Hunter, 42 Ark. 203	157	Morley v. Lake Shore etc. R. Co., 146 U. S. 162	367
— v. Pankhurst, 36 Ark. 371	382	Morrison v. Morey, 146 Mo. 543	286
— v. Trotter, 37 Ark. 593	622	Muldowney v. Ill. Cent. R. Co., 32 Ia. 181	138
Little Rock M. R. & T. R. Co. v. Haynes, 47 Ark. 497	382	Mulford v. Beveridge, 78 Ill. 455	541
Little Rock Traction & El. Co. v. Nelson, 66 Ark. 494	383, 560	N	
Loffin v. Watson, 32 Ark. 414	477	Nantasket Beach Railroad v. Ransom, 147 Mass. 240	647
Lothrop v. Stedman, 42 Conn. 590	530	National Bank v. Burkhardt, 100 U. S. 692	318
Love v. State, 22 Ark. 340	602	Neal v. Coe, 35 Iowa, 497	593
Lyon v. Gormley, 53 Pa. St. 261	448	Nebraska National Bank v. Walsh, 68 Ark. 433	65
M			
Mabry v. State, 50 Ark. 494	326	Neidig v. Whiteford, 29 Md. 178	201
McBlair v. Gibbes, 17 How. 232	13	Nellis v. Clark, 20 Wend. 24	11, 15
McCausland v. Ralston, 28 Am. Rep. 781	15	— v. Clark, 4 Hill, 424	11, 15
McCloy v. Trotter, 47 Ark. 345	2	Nettles, <i>ex parte</i> , 58 Ala. 268	561
McCulloch v. Campbell, 49 Ark. 373	249	Nevada County v. Hick, 50 Ark. 416	366
McEwen v. McKinnon, 11 N. W. 828	222	Niver v. Best, 10 Barb. 369	15, 19
		Norman v. Fife, 61 Ark. 33	435
		Norris v. Norris, 9 Dana, (Ky.) 317	11, 15

Norwood v. Baker, 172 U. S. 269	76, 77	Rayburn v. State, 69 Ark. 177	328
O		Rector v. Board of Improvement, 50 Ark. 116	74
Oelricks v. Ford, 23 How. 63	317	— v. Gibbon, 111 U. S. 276	233
Olcott v. Rathbone, 5 Wend. 490	61, 62	Reed v. State, 65 Ark. 475	328
O'Neal v. Kelley, 65 Ark. 550	123	Reeves v. Ladies' Building Association, 56 Ark. 335	356
Organ v. M. & L. R. R. Co., 57 Ark. 255	107	Reynolds v. McCallum, 28 Ark. 453	293
Orient Ins. Co. v. Daggs, 172 U. S. 566	529	— v. Tenant, 51 Ark. 84	114
Orr v. Bailey, 59 Neb. 128	505	Richardson v. German Ins. Co., 89 Ky. 571	300
Ouachita County v. Rolland, 60 Ark. 516	51	Ringo v. Woodruff, 43 Ark. 498	201
F		Roanoke Investment Co. v. Kansas City S. W. R. Co., 129 Mo. 62	570
Pacific Mut. L. Ins. Co. v. Walker, 67 Ark. 147	497	Roberts v. Am. B. & L. Ass'n., 62 Ark. 572	613
Paldi v. Paldi, 84 Mich. 346	567	Robinson v. Missisquoi R. Co., 59 Vt. 426	570
Palmore v. State, 29 Ark. 248	149, 561	Roe v. Kiser, 62 Ark. 92	17
Parker v. Sanders, 46 Ark. 229	459	Roth v. Williams, 45 Ark. 447	554
Parkhill v. Brighton, 61 Ia. 103	138	S	
Parvin v. Wimberg, 130 Ind. 561	506	St. Louis, I. M. & S. Ry. Co. v. Camden Bank, 47 Ark. 541	66
Patrick v. Baxter, 42 Ark. 175	597	— v. Freeman, 36 Ark. 46	383
Paul v. Virginia, 8 Wall. 168	528	— v. Jordan, 65 Ark. 429	382
Payne v. Bruton, 10 Ark. 53	11, 15	— v. Leathers, 62 Ark. 235	387
Pearce, <i>ex parte</i> , 44 Ark. 509	591	— v. Ledbetter, 45 Ark. 250	382
Peay v. Western Union Tel. Co., 64 Ark. 358	85, 405	— v. Matthews, 64 Ark. 398	535
Peck v. Curtis, 31 Cal. 208	52	— v. Monday, 49 Ark. 257	382
People v. Alivire, 55 Cal. 263	150	— v. Paul, 64 Ark. 83	528
— v. Arnold, 15 Cal. 476	150	— v. Paul, 173 U. S. 409	527, 528
— v. Chicago Gas Trust Co., 130 Ill. 268	530	— v. Taylor, 64 Ark. 364	382
— v. Giblin, 116 N. Y. 196	179	St. Louis S. W. Ry. Co. v. Russell, 64 Ark. 236	623
Perkins v. Dibble, 10 Ohio. 433	42	Sawyer v. Dickson, 66 Ark. 77	355
Peters v. Banta, 120 Ind. 422	14	Schattler v. Cassinelli, 56 Ark. 178	359
Pettigrew v. Washington County, 43 Ark. 33	591	Scheffer v. Railroad Co., 105 U. S. 249	405
Pettis v. Town of Pomfret, 28 Conn. 566	646	School District v. Bennett, 52 Ark. 511	480
Pickard v. Shantz, 12 So. 544	129	School Dist. No. 49 of Faulkner County v. Adams, 69 Ark. 159	480
Polk v. State, 45 Ark. 170	325	Sentell v. New Orleans & etc., Rd. Co., 166 U. S. 698	390
Powell v. Inman, 82 Am. Dec. 426	15	Sharp v. Taylor, 22 Eng. Ch. 801	12
Powers v. Tilley, 87 Me. 34	304	Sherk v. Endress, 3 W. & S. 255	15
Preston, <i>re</i> , 52 L. R. A. 523	537	Sherman v. Kane, 86 N. Y. 68	567
Proctor v. Whitcomb, 137 Mass. 303	146	Shields v. Ohio, 95 U. S. 319	531
Pulaski Turnpike Co. v. Pulaski County, Martins Ch. Dec. 339	269	— v. Smith, 37 Ark. 47	516
Putnam v. Tyler, 117 Pa. St. 570	39	Sibley v. Ratcliffe, 50 Ark. 483	382
R		Siloam Springs v. Thompson, 41 Ark. 456	262
Railway Co. v. Johnson, 59 Ark. 122	496	Simmons, <i>in re</i> , 55 Ark. 485	241, 242
— v. Lawton, 55 Ark. 433	496	Simpson v. Biffe, 63 Ark. 299	114
— v. Lewis, 60 Ark. 409	133	— v. Davis, 119 Mass. 269	144
— v. Murphy, 60 Ark. 338	157, 317		
— v. Petty, 57 Ark. 359	103		
— v. Shoecraft, 53 Ark. 96	312		
Rasher v. E. Detroit, etc., R. Co., 90 Mich. 413	15		

Sinking Fund Cases, 99 U. S.		Titman v. Rieker, 43 N. J. Eq.	
700	527, 532	122	
Slaughter v. Com, 11 Leigh,		Tumlinson v. Swinney, 22 Ark.	
681	561	400	
Smith v. Mississippi, 162 U. S.		Turman v. Sanford, 69 Ark. 95	2
596	349	U	
— v. State, 58 S. W. 97	196, 197	Union Guaranty & Trust Co. v.	
Smythe v. Boswell, 117 Ind.		Craddock, 59 Ark. 593	
365	283	Union Mutual Ins. Co. v. Mow ²	
Snell v. Insurance Co., 98 U.		ry, 96 U. S. 544	516
S. 35	414, 420	United States v. Hartwell, 6	
Sorber v. Willing, 10 Watts, 141	427	Wall. 393	474
Southern Bldg. & L. Ass'n. v.		— v. Maurice, 2 Brock, 96	473
Hallum, 59 Ark. 583	398, 400	V	
Spade v. Lynn & Boston R. Co.,		Vance v. State, 56 Ark. 402	325
168 Mass. 285	405	Vaughan v. State, 58 Ark. 353	561
Spaulding v. Wayme, 45 S. W.		Virginia v. Rives, 100 U. S.	
770	618	313	192
Standard L. Ins. Co. v. Schmaltz,		W	
66 Ark. 588	145	Walker v. McConnico, 10 Yerg.	
Stanton v. State, 13 Ark. 317	561	228	15
State v. Alleghany Oil Co., 85		Walls v. Bailey, 49 N. Y. 464	
Fed. 872	647	318, 319	
— v. Hopkirk, 84 Mo. 278	179	Ware v. State, 59 Ark. 379	180, 327
— v. Johnson, 17 Ark. 407	610	Washabaugh v. Eutriken, 10	
— v. Johnson, 72 Ia. 393	179	Casey, 74	427
— v. Lancashire Ins. Co., 66		Waters' Pierce Oil Co. v. Texas,	
Ark. 406	528	177 U. S. 28	528
— v. Lake Erie, etc., R. Co.,		Watts v. Cook, 24 Kan. 278	541
85 Fed. 3	647	Weber v. Ry. Co., 58 N. Y. 451	133
— v. Leffingwell, 54 Mo. 458	286	Wells v. Rice, 34 Ark. 346	541
— v. Peacock, 50 N. J. L.		Wenzel v. Commercial Insurance	
34	171	Co., 67 Cal. 440	301
— v. Reed, 41 La. Ann. 581	171	West v. Ross, 53 Mo. 350	506
— v. Sloan, 66 Ark. 575		Westcott v. Fargo, 61 N. Y. 542	
	473, 477		258
— v. Williams, 48 Ark. 227	459	Wheeler v. Smith, 9 How, 55	415
Stayner v. Joyce, 120 Ind. 99	145	Whittaker v. Reynolds, 14 Bush	
Sternberg v. Larkin, 48 Pac.		(Ky.) 616	144
861	243	White v. Yawkey, 108 Ala. 270	304
Still v. Buzzell, 60 Vt. 478	11	Whittaker v. Watson, 68 Ark.	
Stillings v. Turner, 153 Mass.		555	511
534	11	Whitworth v. Thomas, 3 Am.	
Sweet v. Tinslar, 52 Barb. 271	15	St. Rep. 727	11
Sykes v. Beadon, 11 Ch. Div.		Wigglesworth v. Dallison, 1 Sm.	
170	12	L. C. 934	318
T		Willett v. Shepard, 34 Mich.	
Tabor v. Merchants' National		106	144
Bank, 48 Ark. 454	334	Williams v. Clink, 90 Mich.	
Taylor v. Armstrong, 24 Ark.		297	15
102	448	— v. Dorris, 31 Ark. 466	
Telford v. Adams, 6 Watts, 429	15	597, 598	
Tennessee, etc., R. Co. v. East		— v. Green, 14 Ark. 315	119
Ala. R. Co., 75 Ala. 524	568	— v. Western Union R. Co.,	
Ferry v. Rosell, 32 Ark. 478	98	50 Wis. 70	570
Texarkana & Ft. S. R. Co. v.		Wilson v. Dean, 10 Ark. 309	51
Anderson, 67 Ark. 123	85	— v. Haecker, 85 Ill. 349	17
Texas, etc., R. Co. v. Hare, 23		— v. Hayes, 40 Minn. 531	144
S. W. 42	382	— v. Owen, 43 Mich. 474	13
Tillinghast v. Champlin, 4 R.		Winn v. State, 55 Ark. 360	40
I. 207	243	Winter v. Fain, 47 Ark. 496	118
Tinsley v. Craig, 54 Ark. 346	554	Winton v. Freeman, 102-Pa. St.	
		366	11, 15

Witting v. St. Louis & S. F. R. Co., 20 Am. St. 636	258	Woollen v. Hillen, 9 Gill, 185	201
Wolcott v. Wolcott, 32 Wis.	144	Wright v. Guier, 9 Watts,	172
187 63	144		427, 428
Wood v. Keith, 60 Ark. 425	544	Y	
Woodenware Co. v. United States,	304	Young v. Herdic, 55 Pa. St.	427
196 U. S. 432	304	172	
Woodward-Holmes Co. v. Nudd,	243		
58 Minn. 236	243		



APPENDIX.

I.

OPINIONS NOT REPORTED.

West v. State use of Griggs; appeal from Conway circuit court; Jeremiah G. Wallace, judge; reversed and dismissed March 16, 1901; *per* Riddick, J.

White v. Beal & Fletcher Grocer Co.; appeal from Conway circuit court; Jesse C. Hart, special judge; affirmed May 4, 1901; *per* Bunn, C. J.

Butler v. State; appeal from Benton circuit court; John N. Pittman, judge; affirmed May 4, 1901; *per* Battle, J.

Highsmith v. State; appeal from White circuit court; Hance N. Hutton, judge; affirmed June 1, 1901; *per* Bunn, C. J.

Gazzolo & Co. v. Barstow; appeal from Monroe circuit court; George M. Chapline, judge; affirmed June 22, 1901; *per* Bunn, C. J.

Hudspeth v. Files; appeal from Ashley chancery court; Marcus L. Hawkins, chancellor; affirmed June 22, 1901; *per* Hughes, J.

St. Louis, I. M. & S. Ry. Co. v. Woodard; appeal from Sebastian circuit court; Styles T. Rowe, judge; reversed and remanded July 6, 1901; *per* Battle, J.

Choctaw & Memphis R. Co. v. Bobbitt; appeal from Crittenden circuit court; Felix G. Taylor, judge; reversed and remanded July 13, 1901; *per* Wood, J.

Collins v. Gage; appeal from Craighead chancery court; Edward D. Robertson, chancellor; affirmed with modification October 12, 1901; *per* Hughes, J.

Supreme Lodge Knights of Pythias v. Faucette; appeal from Pope circuit court; William L. Moose, judge; reversed and new trial ordered October 26, 1901; *per curiam*.

St. Louis, I. M. & S. R. Co. v. Cline; appeal from Hot Spring circuit court; Alexander M. Duffie, judge; reversed and new trial ordered November 9, 1901; *per curiam*.

Lanigan v. Gordon; appeal from Sebastian circuit court; Edgar E. Bryant, judge; reversed and remanded January 19, 1901; *per* Riddick, J.

69 Ark.]

(659)

II

CASES DISPOSED OF ORALLY.

Hight v. Cummings; appeal from Madison circuit court; James M. Pittman, judge; affirmed for non-compliance with rule nine February 11, 1901; *per curiam*.

Westmoreland v. McLendon; appeal from Garland chancery court; Leland Leatherman, chancellor; dismissed for non-compliance with rule nine February 11, 1901; *per curiam*.

Dozier v. Tapp; appeal from St. Francis chancery court; Edward D. Robertson, chancellor; affirmed February 16, 1901; *per* Bunn, C. J.

Bewley v. Bewley; appeal from Pope circuit court in chancery; Jeremiah G. Wallace, judge; affirmed February 16, 1901; *per* Bunn, C. J.

Miller v. Wilkerson; appeal from St. Francis circuit court; Hance N. Hutton, judge; dismissed for non-compliance with rule nine February 18, 1901; *per curiam*.

Kansas City, P. & G. R. R. Co. v. York; appeal from Polk circuit court; Will P. Feazel, judge; affirmed February 23, 1901; *per* Battle, J.

Peace v. Walker; appeal from Madison circuit court; James M. Pittman, judge; dismissed for non-compliance with rule nine February 25, 1901; *per curiam*.

Casey v. Barnett; appeal from Clay circuit court; S. A. D. Eaton, special judge; dismissed for non-compliance with rule nine February 25, 1901; *per curiam*.

Edrington v. Moss; appeal from Clay circuit court; Felix G. Taylor, judge; dismissed for non-compliance with rule nine February 25, 1901; *per curiam*.

Hall v. Little; appeal from Polk circuit court; Will P. Feazel, judge; affirmed for non-compliance with rule nine February 25, 1901; *per curiam*.

Kansas City, Ft. Scott & M. Ry. Co. v. Elkins; appeal from Craighead circuit court; Felix G. Taylor, judge; dismissed for non-compliance with rule nine February 25, 1901; *per curiam*.

Miller & Jones Furniture Co. v. O'Neal & Berry; appeal from Sebastian circuit court; Styles T. Rowe, judge; compromised and appeal dismissed by consent February 25, 1901; *per curiam*.

Crenshaw v. Campbell; appeal from Boone circuit court; Elbridge G. Mitchell, judge; affirmed March 2, 1901; *per* Bunn, C. J.

Joyner v. McCrary; appeal from Little River circuit court; Will P. Feazel, judge; affirmed on motion for non-compliance with rule nine March 2, 1901; *per curiam*.

Bowden *v.* Bowden; appeal from Lee chancery court; Edward D. Robertson, chancellor; affirmed March 9, 1901; *per* Bunn, C. J.

Washington County *v.* Carroll County; appeal from Washington circuit court; Lafayette W. Gregg, special judge; dismissed for non-compliance with rule nine March 11, 1901; *per curiam*.

Arkansas & Oklahoma Ry. Co. *v.* Lovelady; appeal from Benton circuit court; James M. Pittman, judge; dismissed for non-compliance with rule nine March 11, 1901; *per curiam*.

Dudley Bros. *v.* Sun Mutual Ins. Co.; appeal from Hempstead circuit court; John H. Crawford, special judge; affirmed March 16, 1901; *per* Bunn, C. J.

St. Louis & S. F. Ry. Co. *v.* Boles; appeal from Washington circuit court; James M. Pittman, judge; affirmed March 16, 1901; *per* Battle, J.

St. Louis, I. M. & S. R. Co. *v.* McClure; appeal from Independence circuit court; Frederick D. Fulkerson, judge; affirmed March 16, 1901; *per* Hughes, J.

Jones *v.* Comer; appeal from Little River circuit court in chancery; Will P. Feazel, judge; affirmed March 16, 1901; *per* Riddick, J.

Kelley *v.* Schreck; appeal from Sebastian circuit court; Styles T. Rowe, judge; compromised and appeal dismissed March 16, 1901; *per curiam*.

Hale *v.* Cunningham; appeal from Carroll circuit court in chancery; James M. Pittman, judge; compromised and appeal dismissed March 18, 1901; *per curiam*.

Page *v.* Sumpter; appeal from Garland circuit court; Alexander M. Duffie, judge; affirmed under rule seven; *per curiam*.

Eagle *v.* Lonoke County; appeal from Lonoke circuit court; Sam W. Williams, special judge; affirmed March 23, 1901; *per* Bunn, C. J.

Kempson *v.* Goss; appeal from White circuit court; Hance N. Hutton, judge; affirmed March 23, 1901; *per* Battle, J.

St. L., I. M. & S. R. Co. *v.* Bain; appeal from Hot Spring circuit court; Alexander M. Duffie, judge; affirmed March 23, 1901; *per* Wood, J.

Wood *v.* Holland; appeal from White chancery court; Thomas B. Martin, chancellor; appeal dismissed March 23, 1901; *per* Wood, J.

Bryant *v.* Germania Ins. Co.; appeal from Hempstead circuit court; John H. Crawford, special judge; affirmed by consent March 23, 1901; *per curiam*.

Southwestern Tel., etc., Co. *v.* McClain; appeal from Saline circuit court; Alexander M. Duffie, judge; affirmed by consent March 23, 1901; *per curiam*.

North Ark. & Western Ry. Co. *v.* Cooper; appeal from Washington circuit court; James M. Pittman, judge; compromised and appeal dismissed March 23, 1901; *per curiam*.

Ross *v.* Satterfield; appeal from St. Francis circuit court; Hance N. Hutton, judge; affirmed March 30, 1901; *per* Battle, J.

Western Ass. Co. v. Barker; appeal from Yell circuit court; Elbridge Geary Mitchell, judge; affirmed March 30, 1901; *per Hughes, J.*
Bauer Grocer Co. v. Boshears; appeal from Clay circuit court; Felix G. Taylor, judge; dismissed for non-compliance with rule nine April 1, 1901; *per curiam.*

Underwood v. Cooper; appeal from White circuit court; Hance N. Hutton, judge; affirmed April 6, 1901; *per Wood, J.*

Clark v. Seidel; appeal from Carroll circuit court in chancery; James M. Pittman, judge; dismissed by consent April 13, 1901; *per curiam.*

Grigsby Construction Co. v. Knight; appeal from Little River circuit court; James D. Shaver, special judge; affirmed April 20, 1901; *per Battle, J.*

St. Louis & S. F. Ry. Co. v. Bryan; appeal from Washington circuit court; Edward S. McDaniel, judge; affirmed April 20, 1901; *per Riddick, J.*

Less v. Frager; appeal from Little River circuit court; Will P. Feazel, judge; appeal dismissed for non-compliance with rule nine; *per curiam.*

Sachs v. Fuller; appeal from Poinsett circuit court; Felix G. Taylor, judge; affirmed April 27, 1901; *per Battle, J.*

Ferguson v. Washington County Bank; appeal from Washington circuit court; E. C. Meacham, special judge; affirmed April 27, 1901; *per Hughes, J.*

Franklin v. Fitzgerald; appeal from Jefferson chancery court; John M. Elliott, chancellor; dismissed for non-compliance with rule nine April 29, 1901; *per curiam.*

Pultz v. Thomas; appeal from Polk circuit court; Will P. Feazel, judge; affirmed May 4, 1901; *per Bunn, C. J.*

Kendall v. Porter Lumber Co.; appeal from Jefferson circuit court; Antonio B. Grace, judge; affirmed May 11, 1901; *per Bunn, C. J.*

Deering v. Independence County; appeal from Independence circuit court; John B. McCaleb, judge; affirmed May 11, 1901; *per Bunn, C. J.*

Taylor v. Cheatham; appeal from Miller circuit court; Joel D. Conway, judge; compromised and appeal dismissed May 13, 1901; *per curiam.*

Burk v. Kaiser Lumber Co.; appeal from Phillips chancery court; Edward D. Robertson, chancellor; affirmed May 18, 1901; *per Wood, J.*

Bussey v. Sawyer; appeal from Chicot chancery court; George W. Norman, special chancellor; affirmed May 18, 1901; *per Wood, J.*

Western Electric Supply Co. v. Odell; appeal from Pulaski circuit court; Joseph W. Martin, judge; dismissed for non-compliance with rule nine May 20, 1901; *per curiam.*

Taylor v. Cheatham; appeal from Miller circuit court; Joel D. Conway, judge; settled and appeal dismissed May 20, 1901; *per curiam.*

Streett v. Lindsay; appeal from Chicot circuit court; Marcus L.

Hawkins, judge; affirmed for non-compliance with rule nine May 20, 1901; *per curiam*.

Grimes v. Beloit; certiorari to Lawrence circuit court in chancery; Hance N. Hutton, judge; settled and dismissed May 25, 1901; *per curiam*.

Harper v. State (two cases); appeals from Sebastian circuit court; Styles T. Rowe, judge; affirmed for non-compliance with rule nine May 27, 1901; *per curiam*.

Ballard v. Ballard; appeal from Garland chancery court; Leland Leatherman, chancellor; affirmed for non-compliance with rule nine May 27, 1901; *per curiam*.

Nicola v. Moore; appeal from Crittenden circuit court; Felix G. Taylor, judge; affirmed June 1, 1901; *per Wood, J.*

Anderson v. State; appeal from Pulaski circuit court; Robert J. Lea, judge; affirmed June 8, 1901; *per Bunn, C. J.*

Phoenix Ins. Co. v. Nibler; appeal from Sebastian circuit court; Styles T. Rowe, judge; affirmed June 8, 1901; *per Bunn, C. J.*

Routh v. Madison County; appeal from Madison circuit court; Lafayette W. Gregg, special judge; dismissed for non-compliance with rule nine June 10, 1901; *per curiam*.

Southwestern Telegraph, etc., Co. v. Chandler; appeal from Saline circuit court; Alexander M. Duffie, judge; affirmed June 15, 1901; *per Battle, J.*

St. Louis Southwestern Ry. Co. v. Jenkins; appeal from Jefferson circuit court; Antonio B. Grace, judge; affirmed June 15, 1901; *per Riddick, J.*

Hudgins v. Hudgins; appeal from Polk circuit court in chancery; Will P. Feazel, judge; affirmed for non-compliance with rule nine June 17, 1901; *per curiam*.

Gazzolla v. Bartrow; appeal from Monroe circuit court; George M. Chapline, judge; affirmed June 22, 1901; *per Bunn, C. J.*

Malin v. Webb; appeal from Clay chancery court; Edward D. Robertson, chancellor; affirmed June 22, 1901; *per Wood, J.*

Kansas City, P. & G. R. Co. v. Morris; appeal from Benton circuit court; James M. Pittman, judge; compromised and appeal dismissed July 6, 1901; *per curiam*.

Wyckhoff v. State; appeal from Sebastian circuit court; Styles T. Rowe, judge; reversed on confession of error July 13, 1901; *per curiam*.

Thomas v. Matthews; appeal from Sebastian circuit court; Styles T. Rowe, judge; appeal dismissed by consent October 7, 1901; *per curiam*.

Sims v. Files; appeal from Ashley circuit court; Marcus L. Hawkins, judge; appeal dismissed by consent October 7, 1901; *per curiam*.

Philan v. Philan; appeal from Sebastian circuit court in chancery;

Styles T. Rowe, judge; appeal dismissed by consent October 7, 1901; *per curiam*.

New *v.* State; appeal from Cleburne circuit court; Elbridge G. Mitchell, judge; affirmed October 12, 1901; *per* Bunn, C. J.

Lynch *v.* State; appeal from Arkansas circuit court; George M. Chapline, judge; affirmed October 12, 1901; *per* Hughes, J.

Nunnally *v.* State; appeal from Columbia circuit court; Charles W. Smith, judge; affirmed October 12, 1901; *per* Riddick, J.

Foley *v.* State; appeal from St. Francis circuit court; Hance N. Hutton, judge; affirmed October 19, 1901; *per* Bunn, C. J.

Walker *v.* Reiff; appeal from Pulaski circuit court; Joseph W. Martin, judge; affirmed October 19, 1901; *per* Hughes, J.

~~Monroe, Distillery Co. v. Matthews~~; appeal from Ashley chancery court; Marcus L. Hawkins, chancellor; affirmed October 19, 1901; *per* Hughes, J.

Pryor Lumber Co. *v.* Roach; appeal from Polk circuit court; Will P. Feazel, judge; affirmed October 26, 1901; *per curiam*.

Beecher *v.* Abbott; appeal from Randolph circuit court; John B. McCaleb, judge; affirmed October 26, 1901; *per* Hughes, J.

Mayer *v.* Hemingway; appeal from Jefferson chancery court; James F. Robinson, chancellor; affirmed October 28, 1891; *per* Bunn, C. J.

Kelley *v.* Jaegersfeld; appeal from Little River circuit court in chancery; Will P. Feazel, judge; affirmed October 28, 1901; *per curiam*.

Steen *v.* Helmer (two cases); appeals from Pulaski circuit court; Joseph W. Martin, judge; affirmed November 2, 1901; *per* Hughes, J.

St. L., I. M. & S. Ry. Co. *v.* Fondren; appeal from Sebastian circuit court; Styles T. Rowe, judge; affirmed November 2, 1901; *per* Wood, J.

Rosenberg *v.* Bloxham; appeal from Little River circuit court; Will P. Feazel, judge; affirmed November 2, 1901; *per* Wood, J.

Grubs *v.* Wood Machine Co.; appeal from Hot Spring circuit court; Alexander M. Duffie, judge; affirmed November 2, 1901; *per* Riddick, J.

Jones *v.* Chromister; appeal from Conway circuit court; William L. Moose, judge; dismissed for non-compliance with rule nine November 4, 1901; *per curiam*.

White *v.* North American Trust Co.; appeal from Pulaski circuit court; Joseph W. Martin, judge; affirmed for non-compliance with rule nine November 4, 1901; *per curiam*.

Smith *v.* Knight; appeal from Marion circuit court in chancery; Elbridge G. Mitchell, judge; affirmed November 9, 1901; *per* Bunn, C. J.

Kirtley *v.* Winston; appeal from Conway circuit court in chancery; Jeremiah G. Wallace, judge; affirmed November 9, 1901; *per* Battle, J.

Paxton *v.* State; appeal from Marion circuit court; Elbridge G.

Mitchell, judge; affirmed November 9, 1901; *per* Wood, J.

Hoxie, P. & N. R. Co. *v.* Bigger; appeal from Randolph circuit court; John B. McCaleb, judge; compromised and appeal dismissed November 9, 1901; *per curiam*.

St. Louis S. W. Ry. Co. *v.* Paxton; appeal from Miller circuit court; Joel D. Conway, judge; compromised and appeal dismissed November 11, 1901; *per curiam*.

Hicks *v.* Bronaugh; appeal from Prairie chancery court; John M. Elliott, chancellor; appeal dismissed for non-compliance with rule nine November 11, 1901; *per curiam*.

St. Louis S. W. Ry. Co. *v.* Allen; appeal from Miller circuit court; Joel D. Conway, judge; compromised and appeal dismissed November 11, 1901; *per curiam*.

Grady *v.* Farrar; appeal from Lee chancery court; Edward D. Robertson, chancellor; affirmed November 16, 1901; *per* Bunn, C. J.

St. Louis, I. M. & S. Ry. Co. *v.* Shell; appeal from Drew circuit court; Zachariah T. Wood, judge; affirmed November 16, 1901; *per* Hughes, J.

Whitelaw *v.* Hopkins-Weller Drug Co.; appeal from Washington circuit court in chancery; James M. Pitman, judge; affirmed November 16, 1901; *per* Hughes, J.

