

ARKANSAS REPORTS
VOL. 79

CASES DETERMINED

IN THE

Supreme Court of Arkansas

FROM

MAY to JULY, 1906

T. D. CRAWFORD
REPORTER

UNIVERSITY OF ARKANSAS
LIBRARY

PUBLISHED
BY THE
STATE OF ARKANSAS
1907

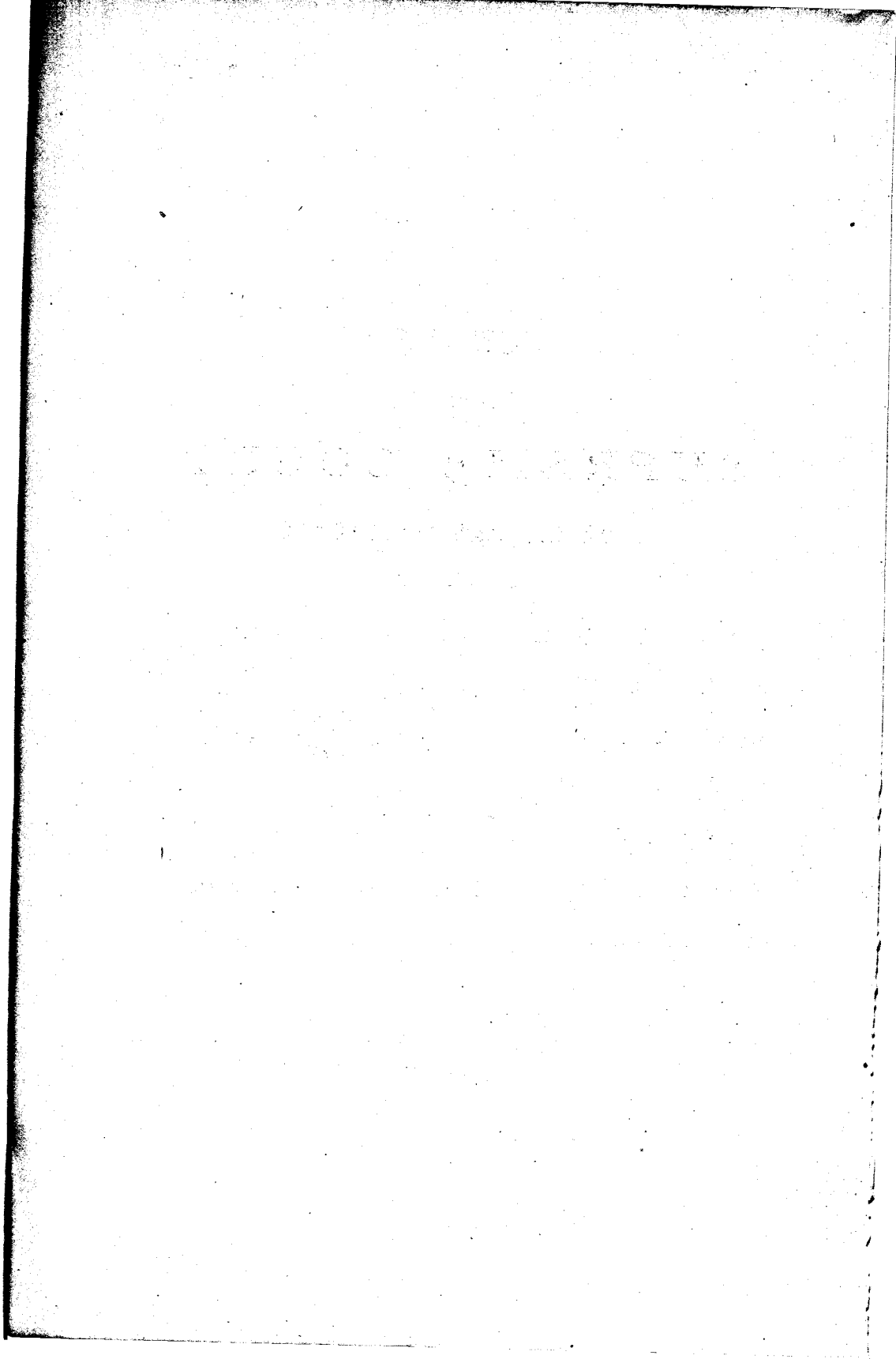
50301

COPYRIGHT, 1907,
BY O. C. LUDWIG
SECRETARY OF STATE OF ARKANSAS

LITTLE ROCK
DEMOCRAT PRINTING & LITHOGRAPHING CO.
1907

JUDGES
OF THE
SUPREME COURT
DURING THE PERIOD OF THIS VOLUME

JOSEPH M. HILL,-----	CHIEF JUSTICE.
BURRILL B. BATTLE,-----	} ASSOCIATE JUSTICES.
CARROLL D. WOOD,-----	
JAMES E. RIDDICK,-----	
EDGAR A. McCULLOCH,-----	
ROBERT L. ROGERS,-----	ATTORNEY GENERAL.
P. D. ENGLISH,-----	CLERK.



TABLE

OF CASES REPORTED

A		
<p>Aetna Life Insurance Co. <i>v.</i> Ricks 38</p> <p>Alzheimer <i>v.</i> Board of Directors of Plum Bayou Levee District 229</p> <p>Andrews (St. Louis, I. M. & S. Ry. Co. <i>v.</i>) 437</p> <p>Archer - Foster Construction Co. <i>v.</i> Vaughan 20</p> <p>Arkadelphia Lumber Co. <i>v.</i> Asman 284</p> <p>Arkansas & Louisiana Ry. Co. <i>v.</i> Lee 448</p> <p>Arkansas & Texas Grain Co. <i>v.</i> Young & Fresch Grain Co. 603</p> <p>Ark-Mo Zinc Co. <i>v.</i> Patterson. 506</p> <p>Asman (Arkadelphia Lumber Co. <i>v.</i>) 284</p> <p>Atwood (Bromley <i>v.</i>) 357</p>		<p>Billingsley (St. Louis, I. M. & S. Ry. Co. <i>v.</i>) 335</p> <p>Birch <i>v.</i> Walworth 580</p> <p>Block (St. Louis, I. M. & S. Ry. Co. <i>v.</i>) 179</p> <p>Blount (Merryman <i>v.</i>) 1</p> <p>Board of Directors of Plum Bayou Levee District (Alzheimer <i>v.</i>) 229</p> <p>—— (Leonard <i>v.</i>) 42</p> <p>Board of Directors of St. Francis Levee Dist. (Crawford <i>v.</i>) 606</p> <p>—— <i>v.</i> Meyers 14</p> <p>—— <i>v.</i> Redditt 154</p> <p>Bodcaw Lumber Co. (Strange <i>v.</i>) 490</p> <p>Bohannon (Mason <i>v.</i>) 435</p> <p>Bourland <i>v.</i> McKnight 427</p> <p>Boyd (South Omaha National Bank <i>v.</i>) 215</p> <p>Bracey <i>v.</i> St. Louis, S. F. & N. O. Rd. Co. 124</p> <p>Bromley <i>v.</i> Atwood 357</p> <p>Brown <i>v.</i> Haselman 213</p> <p>Buckner <i>v.</i> Sugg 442</p> <p>Bunch Grain Co. <i>v.</i> Law 375</p> <p>Butterfield <i>v.</i> Butterfield 164</p>
B		C
<p>Beard <i>v.</i> State 292</p> <p>Beene <i>v.</i> State 460</p> <p>Beidler (Foster <i>v.</i>) 418</p> <p>Bennett (Wheeler <i>v.</i>) 210</p> <p>Berman <i>v.</i> McBride 62</p> <p>—— (McBride <i>v.</i>) 62</p> <p>Betts <i>v.</i> Ward 146</p>		<p>Cain (St. Louis, I. M. & S. Ry. Co. <i>v.</i>) 225</p>

Calhoun <i>v.</i> Moore.....	109	Fellheimer <i>v.</i> Eagle.....	201
Carter <i>v.</i> Gray.....	273	Fletcher <i>v.</i> Verser.....	271
Castevens <i>v.</i> State.....	453	Fordyce (Woman's Christian Nat'l Lib. Ass'n <i>v.</i>).....	532
Choctaw, O. & G. Rd. Co. <i>v.</i> Craig	53	—— <i>v.</i> Woman's Christian Nat'l Lib. Ass'n.....	550
Clay <i>v.</i> Penzel.....	5	Ft. Smith Light & Trac. Co. <i>v.</i> Soard.....	388
Cohn (Walnut Ridge Mercan- tile Co. <i>v.</i>)	338	Foster <i>v.</i> Beidler.....	418
Collier <i>v.</i> Trice.....	414	Franklin <i>v.</i> Triplett.....	82
Corney <i>v.</i> Corney.....	289		
Craig (Choctaw, O. & G. Rd. Co. <i>v.</i>).....	53	G	
Crawford <i>v.</i> Board of Direc- tors of St. Francis Levee District.....	606	Garner <i>v.</i> St. Louis, I. M. & S. Ry. Co.....	353
D		Giberson <i>v.</i> Wilson.....	581
Dickinson <i>v.</i> Hardie.....	364	Gorham (People's Fire Ins. Ass'n of Ark. <i>v.</i>).....	160
Dixie Cotton Oil Co. <i>v.</i> Mor- ris	113	Goyne (People's Fire Ins. Ass'n of Ark. <i>v.</i>).....	315
Dobbins <i>v.</i> Little Rock Ry. & Elec. Co.....	85	Gray (Carter <i>v.</i>)	273
Doyle (Little Rock Ry. & Elec. Co. <i>v.</i>)	378	Greenwood Dist. of Sebastian County <i>v.</i> Heartstill.....	167
Drake (Stone <i>v.</i>).....	384	Griffin <i>v.</i> Dunn.....	408
Dunn (Griffin <i>v.</i>).....	408	Grooms <i>v.</i> Neff Harness Co....	401
E		Gunter <i>v.</i> State.....	432
Eagle (Fellheimer <i>v.</i>).....	201	H	
Edwards (Wilson <i>v.</i>).....	69	Hamilton (Vaughan <i>v.</i>)	584
Enoch (Hartford Fire Ins. Co. <i>v.</i>)	475	Hardie (Dickinson <i>v.</i>)	364
Equitable Mfg. Co. (Temple- ton <i>v.</i>)	456	Harper <i>v.</i> State.....	594
Estes (Marion County <i>v.</i>) ...	504	Harris <i>v.</i> Umsted.....	499
F		Hartford Fire Ins. Co. <i>v.</i> Enoch	475
Fayetteville Grocery Co. (Hos- kins <i>v.</i>)	399	Haselman (Brown <i>v.</i>).....	213
		Heartsill (Greenwood Dist. of Sebastian County <i>v.</i>).....	167
		Hempstead Co. <i>v.</i> Phillips...	263
		Henderson (Stainback <i>v.</i>)...	176
		—— <i>v.</i> State.....	333

Hicks (Little Rock Traction & Electric Co. v.)..... 248
 Hill (St. Louis & San Francisco Rd. Co. v.) 76
 Hogue (Western Union Telegraph Co. v.)..... 33
 Hollingsworth v. McAndrew... 185
 Hoskins v. Fayetteville Grocery Co..... 399
 Houck Music Co. (Martin v. 95
 Hutchison (St. Louis S. W. Ry. Co. v.)..... 247

I

International Harvester Co. (State v.)..... 517

J

Jones (Phillips v.)..... 100
 — v. Pond & Decker Mfg. Co..... 194

K

Kendall (Vaughan v.)..... 584
 Knisel (Waters-Pierce Oil Co. v.) 608

L

Law (Bunch Grain Co. v.)... 375
 Leatherwood (Ozark Ins. Co. v.) 252
 Leder (St. Louis S. W. Ry. Co. v.) 59
 Lee (Arkansas & Louisiana Ry. Co. v.)..... 448
 Leonard v. Board of Directors of Plum Bayou Levee District..... 42

Little Rock Ry. & Electric Co. (Dobbins v.)..... 85
 — v. Doyle..... 378
 Little Rock Traction & Electric Co. v. Hicks..... 248
 Long (National Surety Co. v.) 523
 Love v. Peel..... 366
 Lovell v. Sneed..... 204

M

McAndrew (Hollingsworth v.) 185
 McBride (Berman v.)..... 62
 — v. Berman..... 62
 McKnight (Bourland v.).... 427
 — (Nunn v.)..... 393
 McNeil (St. Louis S. W. Ry. Co. v.)..... 470
 Marcy (Old National Bank of Ft. Wayne v.)..... 149
 Marion County v. Estes..... 504
 Martin v. Houck Music Co.. 95
 — v. State..... 236
 Mason v. Bohannon..... 435
 Matthews v. Taylor..... 577
 Mayo v. Mayo..... 570
 Merryman v. Blount..... 1
 Montgomery (Storm v.).... 172
 Moore (Calhoun v.)..... 109
 — (Vaughan v.)..... 584
 Morris (Dixie Cotton Oil Co. v.)..... 113
 Myar v. Poe..... 465
 Myers (Board of Directors of St. Francis Levee Dist. v.).. 14

N

Nash v. State..... 120

National Surety Co. <i>v.</i> Long..	523
Neff Harness Co. (Grooms <i>v.</i>).....	401
Nunn <i>v.</i> McKnight.....	393

O

Old National Bank of Ft. Wayne <i>v.</i> Marcy.....	149
Ozark Insurance Company <i>v.</i> Leatherwood.....	252

P

Patterson (Ark-Mo Zinc Co. <i>v.</i>).....	506
Peel (Love <i>v.</i>).....	366
Penzel (Clay <i>v.</i>).....	5
People's Fire Ins. Ass'n of Ark. <i>v.</i> Gorhan.....	160
—— <i>v.</i> Goyne.....	315
Pewett <i>v.</i> Richardson.....	66
Phillips (Hempstead Co. <i>v.</i>)... —— <i>v.</i> Jones.....	263 100
Poe (Myar <i>v.</i>).....	465
Pond & Decker Mfg. Co. (Jones <i>v.</i>).....	194

R

Ray (Stinson <i>v.</i>).....	592
Reagan (St. Louis S. W. Ry. Co. <i>v.</i>).....	484
Redditt (Board of Directors of St. Francis Levee Dist. <i>v.</i>).....	154
Richardson (Pewett <i>v.</i>).....	66
Ricks (Aetna Life Insurance Co. <i>v.</i>).....	38

S

St. Louis, & San Francisco Rd. Co. <i>v.</i> Hill.....	76
—— <i>v.</i> Wyatt.....	241
St. Louis, I. M. & S. Ry. Co. <i>v.</i> Andrews.....	437
—— <i>v.</i> Billingsley.....	335
—— <i>v.</i> Block.....	179
—— <i>v.</i> Cain.....	225
—— (Garner <i>v.</i>).....	353
—— (Scott <i>v.</i>).....	137
—— <i>v.</i> Thompson-Hailey Co.....	12
St. Louis, S. F. & N. O. Rd. Co. (Bracey <i>v.</i>).....	124
St. Louis S. W. Ry. Co. <i>v.</i> Hutchison.....	247
—— <i>v.</i> Leder.....	59
—— <i>v.</i> McNeil.....	470
—— <i>v.</i> Reagan.....	484
Scott <i>v.</i> St. Louis, I. M. & S. Ry. Co.....	137
Security Mutual Insurance Co. <i>v.</i> Woodson.....	266
Shaddock (White Sewing Ma- chine Co. <i>v.</i>).....	220
Shirey <i>v.</i> Shirey.....	473
Smith <i>v.</i> State.....	25
Sneed (Lovell <i>v.</i>).....	204
Soard (Ft. Smith Light & Traction Co. <i>v.</i>).....	388
South Omaha National Bank <i>v.</i> Boyd.....	215
Stainback <i>v.</i> Henderson.....	176
State (Beard <i>v.</i>).....	292
—— (Beene <i>v.</i>).....	460
—— (Castevens <i>v.</i>).....	453
—— (Gunter <i>v.</i>).....	432
—— (Harper <i>v.</i>).....	594

State (Henderson *v.*)..... 333
 — *v.* International Har-
 vester Co..... 517
 — (Martin *v.*)..... 236
 — (Nash *v.*)..... 120
 — (Smith *v.*)..... 25
 — (Sullins *v.*)..... 127
 — (Thrash *v.*)..... 347
 — (Wells Fargo & Co.
 Express *v.*)..... 349
 Stiewel *v.* Webb Press Co..... 45
 Stinson *v.* Ray..... 592
 Stone *v.* Drake..... 384
 Storm *v.* Montgomery..... 172
 Strange *v.* Bodcaw Lumber
 Co..... 490
 Sugg (Buckner *v.*)..... 442
 Sullins *v.* State..... 127

T

Taenzer (Waldron *v.*)..... 16
 Taylor (Matthews *v.*)..... 577
 Templeton *v.* Equitable Mfg.
 Co..... 456
 Thompson-Hailey Co. (St.
 Louis, I. M. & S. Ry. Co. *v.*) 12
 Thrash *v.* State..... 347
 Tillar *v.* Wilson..... 256
 Trice (Collier *v.*)..... 414
 Triplett (Franklin *v.*)..... 82

U

Umsted (Harris *v.*)..... 499

V

Vaughan (Archer-Foster Con-
 struction Co. *v.*)..... 20

Vaughan *v.* Hamilton..... 584
 — *v.* Kendall..... 584
 — *v.* Moore..... 584
 Verser (Fletcher *v.*)..... 271

W

Waldron *v.* Taenzer..... 16
 Walnut Ridge Mercantile Co.
v. Cohn..... 338
 Walworth (Birch *v.*)..... 580
 Ward (Betts *v.*)..... 146
 Waters-Pierce Oil Co. *v.* Kni-
 sel..... 608
 Webb Press Co. (Stiewel *v.*).. 45
 Wells Fargo & Co. Express
v. State..... 349
 Western Union Telegraph Co.
v. Hogue..... 33
 Wheeler *v.* Bennett..... 210
 White Sewing Machine Co. *v.*
 Shaddock..... 220
 Wilson *v.* Edwards..... 69
 — (Giberson *v.*)..... 581
 — (Tillar *v.*)..... 256
 Woman's Christian National
 Lib. Ass'n *v.* Fordyce..... 532
 — (Fordyce *v.*)..... 550
 Woodson (Security Mutual
 Insurance Co. *v.*)..... 266
 Wyatt (St. Louis & S. F. Rd.
 Co. *v.*)..... 241

Y

Young & Fresch Grain Co.
v. 603
 (Ark. & Texas Grain Co.

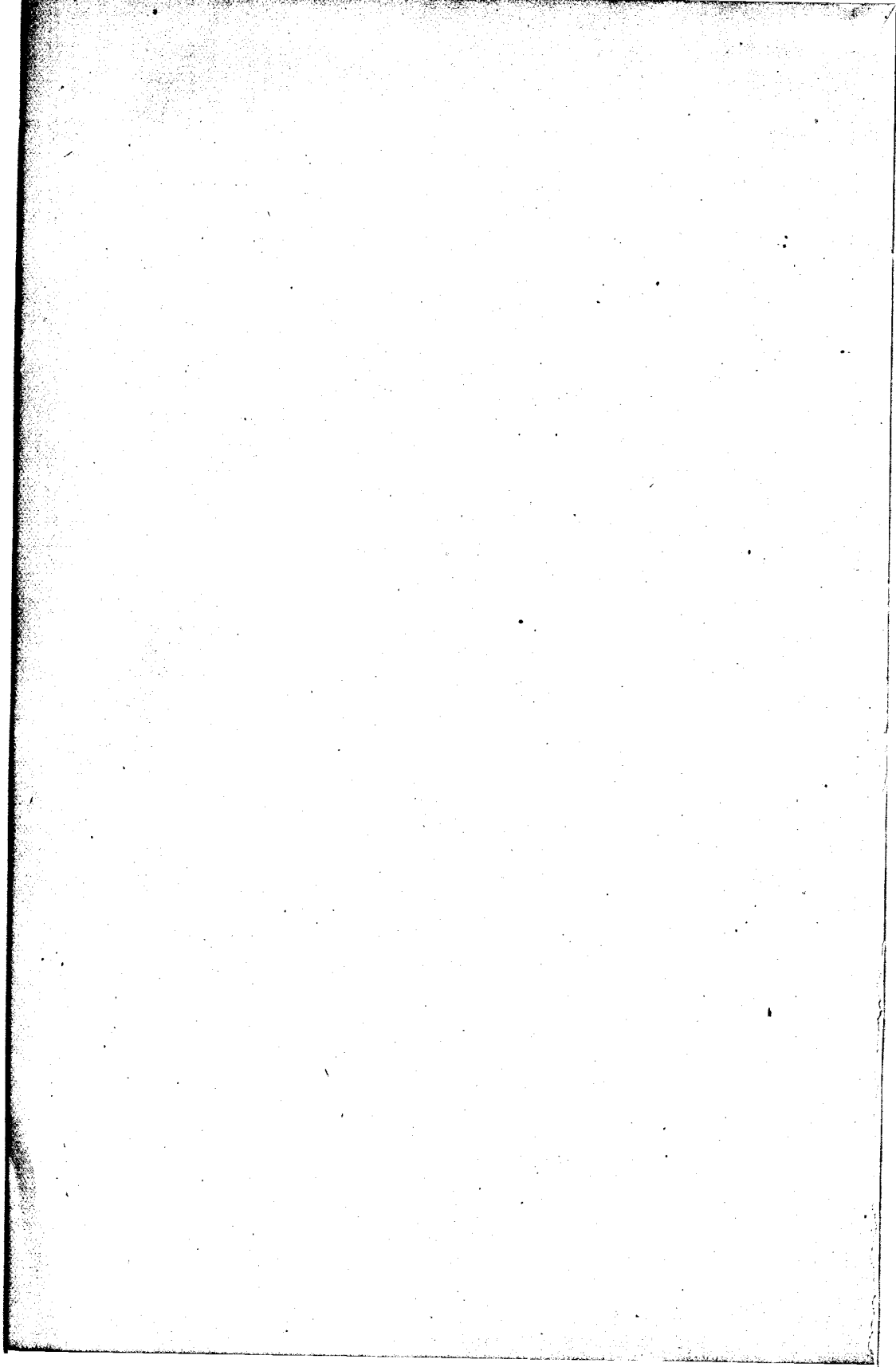


TABLE OF CASES

CITED BY THE COURT

A

<p>Accident Insurance Co. v. Crandal, 120 U. S. 527..... 407</p> <p>Aitkin v. Young, 12 Pa. St. 15.... 107</p> <p>Alabama & V. R. Co. v. Summers, 68 Miss. 566..... 142</p> <p>Allison v. State, 74 Ark. 444..... 600</p> <p>Ammant v. Turnpike Road, 13 S. & R. 210..... 567</p> <p>Anderson v. Seamans, 49 Ark. 478.. 568</p> <p>Arial v. Western Union Telegraph Co. 50 S. E. 6..... 37</p> <p>Arkadelphia v. Windham, 74 Ark. 546..... 560</p> <p>Arkadelphia Lumber Co. v. Asman, 68 Ark. 526..... 286, 287</p> <p>Arkansas & La. Ry. Co. v. Stroude, 77 Ark. 109..... 228</p> <p>Armstrong v. Kattenhorn, 11 Ohio, 265..... 107</p> <p>Artz v. Railroad Co., 34 Iowa, 153. 625</p> <p>Atkinson v. Ward, 47 Ark. 533.... 75</p> <p>Attorney General v. Bucknall, 2 Atk. 328..... 559</p> <p>— v. Jackson, 11 Ves. 367..... 559</p> <p>— v. Jeanes, 1 Atk. 355..... 559</p> <p>— v. Stamford, 2 Swanst. 591. 550</p> <p>— v. Whiteley, 11 Ves. 246.... 559</p>	<p>Barnett v. Meacham, 62 Ark. 313.. 412</p> <p>Barton v. State, 29 Ark. 68..... 314</p> <p>Beck v. Carter, 68 N. Y. 283..... 495</p> <p>Beharrell v. Quimby, 162 Mass. 571. 516</p> <p>Belknap v. Schild, 161 U. S. 17 560, 561</p> <p>Benjamin v. Birmingham, 50 Ark. 439..... 240</p> <p>— v. Ins. Co., 80 N. Y. 256.... 330</p> <p>Benson v. Hartwell, 103 Cal. 163.. 479</p> <p>Bentley v. Davidson, 74 Wis. 420.. 513</p> <p>Benton v. Hospital, 140 Mass. 13 539, 559, 562</p> <p>— v. State, 78 Ark. 284..... 603</p> <p>Berry v. American Central Ins. Co., 132 N. Y. 49..... 482</p> <p>Billingsley v. Ward, 33 Md. 48.... 107</p> <p>Bird v. Jones, 37 Ark. 195..... 418</p> <p>Biscoe v. Thweatt, 74 Ark. 545.. 555, 560</p> <p>Black v. Robinson, 70 Ark. 185.... 575</p> <p>Blackburn v. Portland Gold Mining Co., 175 N. S. 571..... 583</p> <p>Blanton v. Rose, 70 Ark. 418..... 199</p> <p>Block v. Smith, 61 Ark. 266..... 52</p> <p>Blunt v. Williams, 27 Ark. 374.... 178</p> <p>Bodwell v. Nutter, 63 N. H. 446.... 167</p> <p>Bogan v. Cleveland, 52 Ark. 101. 219, 400</p> <p>Bond v. Montgomery, 56 Ark. 563.. 410</p> <p>Bonnell v. D., L. & W. R. Co., 39 N. J. L. 189..... 141</p> <p>Bowen v. Chicago, B. & K. C. Ry. Co., 95 Mo. 268..... 81</p> <p>— v. N. Y. Central, etc., R. Co., 89 Hun, 596..... 142</p> <p>Boyd v. Roane, 49 Ark. 397..... 19</p> <p>Bozeman v. Browning, 31 Ark. 364. 418</p> <p>Bradlaugh v. Reg., 3 Q. B. Div. 607..... 298</p>
--	--

B

<p>Baker v. Railway Co., 122 Mo. 533.. 142</p> <p>Baldwin v. Burrows, 47 N. Y. 199. 502</p> <p>Ballard v. Hunter, 74 Ark. 174.... 19</p> <p>Bank of Holly Springs v. Pinsen, 58 Miss. 421..... 469</p> <p>Barnes v. Boston & Maine R. Co., 130 Mass. 388..... 107</p> <p>— v. Ward, 9 C. B. 392..... 495</p>	
--	--

- Braun v. Craven, 51 N. E. 657..... 616
 Brennan v. People, 110 Ill. 535.... 298
 Brogan v. Brogan, 63 Ark. 405.... 575
 Brooker v. Carlile, 77 Ky. 154..... 542
 Brown v. Bocquin, 57 Ark. 105..... 112
 — v. Hanauer, 48 Ark. 277... 575
 — v. Haselman, 79 Ark. 213.. 521
 — v. Meeting Street Baptist
 Soc., 9 R. I. 186..... 560
 — v. State, 55 Ark. 593..... 601
 Brownell Imp. Co. v. Critchfield,
 197 Ill. 61..... 516
 Buffington v. Chase, 152 Mass. 534.. 397
 Burlington Ins. Co. v. Lowery, 61
 Ark. 108..... 482
 Burnham v. Fond du Lac, 15 Wis.
 193..... 566
 Burks' Heirs v. Osborne, 9 B. Mon.
 579..... 412
 Burton v. Baird, 44 Ark. 556..... 357
 Bussell v. Steuben, 57 Ill. 35..... 566
- C
- Caldwell v. State, 69 Ark. 322..... 132
 Calvert v. London Dock Co., 2
 Keen, 644..... 529
 Camden v. Bennett, 64 Ark. 156.... 425
 Cannon v. State, 60 Ark. 564..... 464
 Carlisle v. Brennan, 67 Ind. 12.... 108
 Carnall v. Wilson, 21 Ark. 62..... 412
 Carpenter v. Dressler, 76 Ark. 400.. 289
 — v. Hammer, 75 Ark. 347.... 68
 — v. Smith, 76 Ark. 447..... 199
 Carthaus v. State, 78 Ark. 560..... 134
 Casey v. State, 53 Ark. 334..... 521
 Catlett v. Railway Co., 57 Ark. 466. 622
 Chase v. Carney, 60 Ark. 491..... 396
 Chestnut v. Harris, 64 Ark. 580.... 447
 Chicago & E. I. Rd. Co. v. Hedges,
 105 Ind. 404..... 142
 Chicago, Rock Island & Pac. Ry.
 Co. v. Sturm, 174 U. S. 710.. 387, 388
 Chicago, St. P., M. & O. Ry. Co. v.
 Elliott, 5 C. C. A. 349..... 617
 Chicago, S. F. & C. R. Co. v. Price,
 138 U. S. 185..... 513
 Childs v. State, 15 Ark. 204..... 314
 Choctaw, O. & G. Rd. Co. v. Jones,
 77 Ark. 367..... 56, 57
 Christy v. Barnhart, 14 Pa. St. 260. 107
 Church v. Gallic, 76 Ark. 423..... 194
 City of Davenport v. Peoria Ins. Co.,
 27 Ia. 277..... 542
 Clay v. Bilby, 72 Ark. 101..... 19
 Clorø v. Robinson, 38 S. W. 607... 606
 Coates v. State, 50 Ark. 330..... 310
 Cole v. Green, 21 Ill. 104..... 542
 Coleman v. Hill, 44 Ark. 452..... 104
 Collier v. Ft. Smith, 73 Ark. 447... 561
 Collins v. Hospital, 69 N. Y. Supp.
 106..... 539
 Coleman v. West. Va. Oil, etc., Co.,
 25 W. Va., 148..... 468
 Colonial & U. S. M't'ge. Co. v.
 Jeter, 71 Ark. 185..... 262
 Commissioners v. Martin, 4 Mich.
 557..... 565
 Commonwealth v. Burke, 105 Mass.
 376..... 305
 — v. Fogerty, 8 Gray, 489.. 311, 314
 Continental Ins. Co. v. Thomasson,
 84 S. W. 546..... 331
 Continental Life Ins. Co. v. Young,
 3 Am. St. 630..... 624
 Cooper v. Holmes, 71 Md. 20..... 446
 Corey Library v. Bliss, 151 Mass.
 365..... 538
 Cornish-Curtis-Green Co. v. Dairy
 Association, 82 Minn. 215..... 516
 Cottman v. Grace, 41 Hun, 345... 556
 Countz v. Countz, 30 Ark. 73.... 475
 Crerar v. Williams, 145 Ill. 625.... 538
 Cribbs v. Walker, 74 Ark. 104..... 502
 Crill v. Hudson, 71 Ark. 447..... 199
 Crittenden v. Woodruff, 11 Ark.
 82..... 425
 Crow v. Watkins, 48 Ark. 169.... 425
 Curtis v. Des Jardins, 55 Ark. 126.. 266
 Cutbush v. Gilbert, 4 S. & R. 555
 342, 346

D

Dansby v. Beard, 39 Ark. 254...287, 288
 Datz v. Chambers, 3 Pa. Dist. Rep. 353..... 387
 Davenport, City of, v. Peoria Ins. Co., 27 Ia. 277..... 542
 Davis v. Central Congregational Soc., 129 Mass. 372..... 557
 — v. State, 45 Ark. 470..... 314
 — v. Texas, 42 Tex. 226..... 312
 Davis Shoe Co. v. Kittanning Ins. Co., 138 Pa. St. 73..... 482
 Day v. Ferguson, 70 Ark. 298..... 59
 — v. Mayo, 154 Mass. 472..... 397
 Derr v. Ackerman, 182 Pa. St. 596.. 104
 Derry v. Flitner, 118 Mass. 131..... 616
 Dodson v. Ft. Smith, 33 Ark. 508.. 505
 Donohugh's Appeal, 86 Pa. St. 306. 538
 Dowell v. Schisler, 76 Ark. 482... 341
 Downes v. Harper Hospital, 101 Mch. 556.....539, 564
 Driggers v. Cassidy, 71 Ala. 529... 446
 Drury v. Natick, 10 Allen 169... 556
 Duame v. Chicago & N. W. Ry. Co., 72 Wis. 523.....142, 143
 Duggan v. Slocum, 83 Fed. 244..556, 559
 Duncan v. Friedlater, 6 Clark & F. 894..... 539
 Dunn v. State, 2 Ark. 230..... 297
 Dunnington v. Frick Company, 60 Ark. 250..... 341
 — v. Kirk, 57 Ark. 595..... 397
 Duplex Boiler Co. v. Garden, 101 N. Y. 387..... 514
 DuVal v. Marshall, 30 Ark. 230... 167

E

Earle v. Washburn, 89 Mass. 95.. 542
 East Ala.Ry. Co. v. Doe, 114 U. S. 340..... 565
 Eckert v. Brinkley, 134 Ind. 614... 479
 Electric Lighting Co. v. Elder, 115 Ala. 138..... 514
 Emmel v. Hayes, 102 Mo. 186... 107
 English v. Anderson, 75 Ark. 577.. 59

Estes v. German National Bank, 62 Ark. 20..... 51
 Exhaust Ventilator Co. v. C., M. & P. R. Co., 66 Wis. 218..... 514

F

Fadness v. Braundborg, 43 Wis. 257 549
 Fairbanks v. Lawson, 99 Mass. 533. 556
 Fagg v. Martin, 53 Ark. 453...544, 545
 Falconer v. Shores, 37 Ark. 386... 591
 Ferguson v. Ehrenberg, 39 Ark. 420 178
 — v. Josey, 70 Ark. 98..... 148
 — v. Wisconsin Cent. Ry. Co., 63 Wis. 152..... 142
 Ferris v. Boxell, 34 Minn. 262.... 346
 Fidelity Mutual Life Ins. Co. v. Bussell, 75 Ark. 25..... 326
 Fifth Ward Bank v. First Nat. Bank, 48 N. J. L. 518..... 52
 Fire Asso. v. Yeagley, 72 N. E. 1035 331
 Fire Ins. Patrol v. Boyd, 120 Pa. St. 624539, 562, 564
 Fithian v. New York & E. R. Co., 31 Pa. 114..... 387
 Fletcher v. State, 12 Ark. 170.... 314
 Fordyce v. Key, 74 Ark. 19..... 440
 Fort Smith v. York, 52 Ark. 84.... 561
 Fort Smith Oil Co. v. Glover, 58 Ark. 168.....23, 24
 Foster v. Ins. Assoc., 79 Pac. 798. 331
 Francetown v. Deering, 41 N. H. 438..... 167
 Frank v. Dungan, 76 Ark. 599.... 176
 — v. Taunton Branch Railroad,
 Freeman v. Lazarus, 61 Ark. 247.. 505
 French v. Patterson, 61 Me. 203... 446
 — v. Taunton Branch Railroad, 116 Mass. 537.....141, 142

G

Gainus v. Cannon, 12 Ark. 511..... 75
 Gaither v. Wasson, 42 Ark. 126.287, 288

- Galveston, H. & S. A. Ry. Co. v. Daniels, 20 S. W. 955..... 81
- Garibaldi v. Jones, 48 Ark. 230.. 411, 412
- Garner v. St. Louis, I. M. & S. Ry. Co., 79 Ark. 353..... 459, 460
- Geer v. Connecticut, 161 N. S. 519. 352
- German-American Ins. Co. v. Yeagley, 71 N. E. 332..... 332
- v. Yellow Poplar Lumber Co., 84 S. W. 551..... 329
- German Bank v. American Fire Ins. Co., 83 Ia. 491..... 387
- Germania Ins. Co. v. Bromwell, 62 Ark. 43..... 270
- German Ins. Co. v. Gibson, 53 Ark. 494..... 483
- v. Humphrey, 62 Ark. 348.. 483
- Gibson v. Barrett, 75 Ark. 205... 219
- v. State, 17 Tex. App. 574... 312
- Gilliam v. Brown, 43 Miss. 641... 363
- Gillock v. People, 171 Ill. 307.... 434
- Girard v. Philadelphia, 7 Wall. 15.. 565
- Glavin v. Rhode Island, 12 R. I. 411..... 540, 550, 558
- Glenn v. Glenn, 44 Ark. 46..... 475
- Godfrey v. Valentine, 45 Minn. 502 446
- Gottlieb v. Rinaldo, 78 Ark. 123, 262, 426, 459, 594
- Goodman v. Simonds, 20 How. 343. 154
- Gouglemann v. People, 3 Parker, Cr. Rep. 15..... 311
- Could v. Dwellinghouse Ins. Co., 134 Pa. St. 570..... 482
- Grace v. State, 40 Ark. 97..... 521
- Grand Trunk Ry. Co. v. Cummings, 106 U. S. 700..... 407
- Grand View Bldg. Assoc. v. Northern Assurance Co., 102 N. W. 246, 330
- Granger v. Pulaski County, 26 Ark. 36..... 561
- Graves v. Pinchback, 47 Ark. 475.. 575
- Green v. Groves, 109 Ind. 519..... 107
- v. Marks, 25 Ill. 221..... 542
- Greenlee v. Greenlee, 22 Pa. St. 235 104, 107
- Grissom v. Hill, 17 Ark. 483.. 538, 539, 543, 547, 567, 569, 570
- G. V. B. Mining Co. v. First Nat. Bank, 95 Fed. 23..... 51
- H**
- Hudley v. Taylor, L. R. 1 C. P. 53. 495
- Hall v. Memphis & C. R. Co., 15 Fed. 57..... 488
- v. Roulston, 70 Ark. 343.... 400
- Halliday v. St. Leonard's Vestry, 11 C. B. N. S. 192..... 539
- Hamilton v. McLaughlin, 145 Mass. 20..... 98
- v. Rhodes, 72 Ark. 625..... 4
- Hammock v. Creekmore, 48 Ark. 263..... 431
- Hancock v. Brinker, 6 Ky. 247.... 542
- Hardin v. State, 66 Ark. 53... 132, 133
- Harmon v. Com., 12 S. & R. 69 311, 312, 313
- Harrington v. State, 77 Ark. 480.. 308
- Harris v. Howard, 56 Vt. 695.... 397
- Harrison v. Trader, 29 Ark. 85.... 480
- Hartford Fire Ins. Co. v. Enoch, 72 Ark. 47..... 476
- v. Keating, 86 Md. 130..... 483
- Harvey v. Great Northern Ry. Co., 50 Minn. 405..... 387
- Heard v. Ewan, 73 Ark. 513..... 480
- Hearns v. Waterbury Hospital, 31 L. R. A. 224..... 539, 558
- Hecht v. Hecht, 28 Ark. 92..... 475
- Heriot's Hospital v. Ross, 12 Cl. & F. 507..... 563
- v. Ross, 12 Clark & F. 507.. 540
- Hershey v. Baer, 45 Ark. 240..... 266
- Heymann v. Reg, 8 L. R. Q. B. 102 298
- Hill v. Boston, 122 Mass. 352..... 566
- v. Draper, 63 Ark. 141..... 480
- v. New River, 9 B. & S. 303 497
- Hitchcock v. Galveston, 96 U. S. 341..... 233
- Hoadley v. Northern Transportation Co., 115 Mass. 304..... 616

Hoag v. Railroad Co., 85 Pa. St. 293..... 617
 Holbrook v. Ins. Co., 25 Minn. 229: 482
 Holland v. Rea, 48 Mich. 218..... 606
 Hollis v. State, 59 Ark. 211..... 400
 Home Mut. Ins. Co. v. Nichols, 72 S. W. 440..... 330
 Hopkins v. Young, 15 R. I. 48..... 446
 Hot Springs Ry. Co. v. Deloney, 65 Ark. 177..... 488
 — v. Moher, 48 Ark. 522..... 513
 Hot Springs St. Rd. Co. v. Hildreth, 72 Ark. 572..... 89, 622
 Howard v. Smedly, 140 Pa. St. 81. 514
 — v. State, 58 Ark. 229..... 302
 Howland v. Chicago, R. I. & P. R. Co., 134 Mo. 474..... 387
 Hughes v. Johnson, 38 Ark. 285... 397
 — v. Johnson, 38 Ark. 285... 397
 — v. State, 6 Ark. 131..... 521
 — v. Western Union Tel. Co., 50 S. E. 6..... 37
 Humphry v. Sadler, 40 Ark. 100... 591
 Humphreys v. Butler, 51 Ark. 351.. 75
 Hunt v. Gardner, 74 Ark. 583..... 581
 Hutton v. Doxsee, 116 Iowa 25.... 107

I

Illick v. Flint & P. M. R. Co., 35 N. W. 708..... 81
 Inglis v. Trustees, 3 Pet. 99..... 560
 Insurance Company v. Brodie, 52 Ark. 11 323, 483
 — v. Wilkinson, 13 Wall. 222, 322, 323, 324, 326
 Insurance Co. of North America v. McDowell, 50 Ill. 120..... 482

J

Jackson v. State, 114 Ga. 861.... 313
 James v. Gibson, 73 Ark. 440..... 575
 Johnson v. Aetna Fire Ins. Co., 51 S. E. 339..... 331
 — v. Craig, 21 Ark. 533..... 108
 — v. Lesser, 76 Ark. 465..... 19
 — v. Lewis, 47 Ark. 66..... 11

Johnson v. Richardson, 44 Ark. 365. 425
 — v. State, 36 Ark. 242..... 308
 Johnston v. Glancy, 4 Blackf. 98 104, 107
 Jones v. Habersham, 107 U. S. 189. 556

K

Kansas City, P. & G. Ry. Co. v. Parker, 69 Ark. 401..... 386
 Kansas City Southern Ry. Co. v. Murphy, 74 Ark. 256..... 33, 59
 Kaufman v. Cook, 114 Ill. 14..... 107
 Keely v. Sanders, 99 U. S. 441..... 446
 Kelly v. Carter, 55 Ark. 112..... 263
 — v. Salinger, 53 Ark. 114.... 446
 Kelsay v. Missouri Pac. Ry. Co., 30 S. W. 339..... 624
 Kessinger v. Wilson, 53 Ark. 400 411, 413
 Kihlberg v. U. S., 97 U. S. 398.... 513
 Killeam v. Carter, 65 Ark. 68..... 411
 Killough v. Hinton, 54 Ark. 65.... 575
 Kirkland v. State, 72 Ark. 171.... 148
 Knoll v. Harvey, 19 Wis. 99..... 107
 Knox v. Hellums, 38 Ark. 413.... 178
 Koch v. Kimberling, 55 Ark. 547, 68 179
 Koontz v. Chicago, Rock Island & Pac. Ry. Co., 65 Iowa 224..... 81
 Krauth v. Thiele, 45 N. J. Eq. 407.. 167

L

Lake Erie & W. Rd. Co. v. Stick, 143 Ind. 449..... 624
 Lancashire Ins. Co. v. Corbetts, 165 Ill. 592..... 387
 Lane v. State, 67 Ark. 293..... 600
 Langan v. State, 27 Tex. App. 498. 313
 Lawhon v. Toors, 73 Ark. 476..... 529
 Lawrence v. La Cade, 46 Ark. 378. 418
 Leoni v. State, 44 Ala. 110..... 313
 Leslie v. Bell, 73 Ark. 339..... 75
 Less v. Arndt, 68 Ark. 399..... 397
 Lester v. State, 106 Ga. 371..... 434
 Levy, *Ex parte*, 43 Ark. 42..... 505
 Lewis v. Greider, 51 N. Y. 237.... 606

- Little Rock & Ft. S. Ry. Co. v. Greer, 77 Ark. 387..... 122
 — v. Hunter, 42 Ark. 200..... 356
 — v. Oppenheimer, 64 Ark. 211..... 521
 Little Rock Ry. & El. Co. v. Dobbins, 78 Ark. 553..... 87, 94
 — v. Newman, 77 Ark. 599..... 252
 Little Rock Traction & Electric Co. v. Nelson, 66 Ark. 501..... 89
 — v. Walker, 65 Ark. 109..... 95
 Lockwood v. Mechanics' Nat. Bank, 11 Am. Rep. 253..... 469
 Lonergan v. Baber, 50 Ark. 15..... 446
 Louisville & N. R. Co. v. Spink, 104 Ga. 692..... 488, 489
 Lovewell v. Bowen, 75 Ark. 452..... 480
 Lowe v. Walker, 77 Ark. 103..... 52
- M**
- McAndrew v. Hollingsworth, 72 Ark. 446..... 186, 193, 411
 McCloy v. Arnett, 47 Ark. 445..... 410
 McConnell v. Day, 61 Ark. 464..... 112
 McDonald v. Hospital, 120 Mass. 432..... 539, 546, 556, 559
 McDonogh v. Murdoch, 15 How. 367..... 567
 McGhee v. White, 66 Fed. 502..... 141
 McGuigan v. Gaines, 71 Ark. 614..... 262, 426, 594
 McKinney v. Demby, 44 Ark. 74..... 266
 McNeil v. Jones, 21 Ark. 278..... 104
 McRae v. Holcomb, 46 Ark. 306..... 418
 Madden v. Pheonix Ins. Co., 70 S. C. 295..... 331
 Madisonville Traction Co. v. St. Bernard Mining Co., 196 U. S. 239..... 61
 Magee v. People, 139 Ill. 138..... 434
 Mahana v. Blunt, 20 Iowa, 142. 107, 108
 Malachi v. State, 89 Ala. 134..... 434
 Marland v. Pittsburg & L. E. R. Co., 123 Pa. St. 487..... 624
 Marsh v. Nelson, 101 Pa. St. 51..... 446
 Martinsburg & Potomac Ry. Co. v. March, 114 U. S. 549..... 513
 Maupin v. Insurance Co., 53 W. Va. 557..... 331
 Mays v. Rogers, 37 Ark. 155..... 575
 Mears v. Com., 2 Grant's Cases, 385..... 313
 Medley v. Ins. Co., 55 W. Va. 344.. 331
 Merchants' Nat. Bank v. Citizens' Gas Light Co., 159 Mass. 505.... 233
 Merritt v. Farmers Ins. Co., 42 Ia. 13..... 482
 Mersey Docks v. Gibbs, 11 H. of L. 686..... 541, 558, 564
 Milner v. Freeman, 40 Ark. 62.... 167
 Miss., etc., Rd. Co. v. Gaster, 20 Ark. 458..... 240
 Missouri Pacific R. Co. v. Flannigan, 47 Ill. App. 322..... 387
 Mooney v. Buford & Mfg. Co., 72 Fed. 32..... 387
 Moore v. Gordon, 44 Ark. 334..... 102, 107, 108
 — v. Potter, 155 N. Y. 481... 606
 — v. Terry, 66 Ark. 393..... 262
 Morrison v. Lennard, 3 C. & P. 127. 89
 Morton v. Morton, 112 Ky. 706... 412
 Murray v. Rapley, 30 Ark. 568.... 567
 Murtaugh v. St. Louis, 44 Mo. 479..... 539
 Mutual Life Ins. Co. v. Parrish, 66 Ark. 615..... 183
 Myers v. B. & O. R. Co., 150 Pa. 386..... 624
- N**
- Nash v. State, 73 Ark. 399..... 122
 National Contracting Co. v. Commonwealth, 183 Mass. 89..... 513
 National Fire Ins. Co. v. Chambers, 53 N. J. Eq. 463..... 387
 — v. Ming, 60 Pac. 720..... 387
 National Surety Co. v. Long, 60 C. C. A. 623..... 528
 Neal v. Burrows, 34 Ark. 491..... 240
 Nebraska Meal Mills v. St. Louis S. W. Ry. Co., 64 Ark. 169.... 459
 Neufelder v. German-American Ins. Co., 6 Wash. 336..... 387

New Orleans v. Gaines, 138 U. S.
594 107
Nichols v. Shearon, 49 Ark. 75.... 410
Northern Assurance Co. v. Grand
View Bldg. Assoc., 183 U. S. 308
..... 324, 327, 328, 329, 330
Norton v. Norton, 94 Ala. 481..... 412
Nunnally v. Becker, 52 Ark. 550.... 74
Nute v. Hartford Fire Ins. Co., 83
S. W. 83..... 331

O

O'Connell v. State, 6 Minn. 279
..... 312, 313
Ohio Farmers' Ins. Co. v. Vogel,
73 N. E. 612..... 331
Old South Soc. v. Crocker, 119
Mass. 1..... 555
O'Neill v. Lake Superior Iron Co.,
67 Mich. 560..... 134
Organ v. State, 56 Ark. 267..... 352
Orient Ins. Co. v. McKnight, 64
N. E. 339..... 330
Ould v. Washington Hospital, 95
U. S. 303..... 555, 559
Overton Bridge Co. v. Means, 33
Neb. 857..... 567
Ozan Lumber Co. v. Haynes, 68
Ark. 185..... 513

P

Padgett v. Norman, 44 Ark. 490... 412
Palmer v. Detroit, etc., Rd. Co.,
56 Mich. 1..... 142
Palmore v. State, 29 Ark. 248..... 601
Parks v. Webb, 48 Ark. 293..... 431
—— 48 Ark. 293..... 176
Pattillo v. Allen-West Com. Co.,
131 Fed. 680..... 398
Patton v. Texas & P. Ry. Co., 179
U. S. 658..... 81
Payne v. Chicago & A. R. Co., 38
S. W. 308..... 624
Pearson v. East, 36 Ind. 27..... 107
Peckham v. Balch, 49 Mich. 179... 108

People v. Butler Street Foundry,
201 Ill. 236..... 521
—— v. Hesterberg, 76 N. E. 1032
..... 353
—— v. Leet, 23 Cal. 161..... 446
—— v. Roby, 52 Mich. 579..... 352
—— v. Schultz, 85 Mich. 114..... 298
—— v. Stickman, 34 Cal. 242... 434
—— v. Swenson, 49 Cal. 388..... 298
People's Mutual Ins. Co. v. Goyne,
79 Ark. 315..... 483
Perin v. Carey, 24 How. 465..... 567
Perry v. Cunningham, 40 Ark. 185.. 266
—— v. House of Refuge, 52 Am.
Rep. 495..... 539, 546
Phillips v. Fones, 39 Ark. 17..... 24
—— v. Milwaukee & N. Rd. Co.,
77 Wis. 349..... 142, 144
Phillips County v. Lee County, 34
Ark. 240..... 505
Phoenix Ins. Co. v. Flemming, 65
Ark. 54..... 483
Pickering v. Shotwell, 10 Pa. St. 23
..... 556
Pindall v. Trevor, 30 Ark. 249.... 102
Pipkin v. Williams, 57 Ark. 242... 219
Pittsburg, C. C. & St. L. R. Co. v.
Bartels, 108 Ky. 216..... 387
Planters Ins. Co. v. Loyd, 67 Ark.
584 483
Pledger v. Garrison, 42 Ark. 246.. 102
Pond v. National Mortgage, etc.,
Co., 6 Kan. App. 718..... 468
Porter v. Blood, 5 Pick 54..... 397
Potter v. Bank, 102 U. S. 163..... 418
Powers v. Mass. Homeopathic Hos-
pital, 109 Fed. 294.....
..... 540, 546, 549, 556, 558
Presbyterian Congregation v. Cole,
2 Grant's Cas. 75..... 549, 556
Prescott & N. Ry. Co. v. Smith,
70 Ark. 183..... 393
Primrose v. Western Union Tele-
graph Co., 154 U. S. 1..... 37
Puckett v. State, 71 Ark. 62..... 600

Pulaski County v. Lincoln, 9 Ark.
326 297

O

Queen Ins. Co. v. Union Bank &
Trust Co., 111 Fed. 699..... 329
Quertermous v. Hatfield, 54 Ark. 16. 341

R

Ragan v. Hill, 72 Ark. 307..... 73
Rahrer, *In re*, 140 U. S. 545..... 352
Railway Co. v. Amos, 54 Ark. 159.. 266
— v. Chambliss, 54 Ark. 214.. 248
— v. Murphy, 60 Ark. 333.... 356
— v. Neil, 56 Ark. 279..... 356
— v. Smith, 60 Ark. 240..... 241
— v. Torrey, 58 Ark. 217...23, 24
— v. Triplett, 54 Ark. 289..... 24
Randall v. Railroad, 132 Mass. 269.. 142
Rector v. Board, 50 Ark. 116..... 240
Reed v. Rice, 25 Vt. 171..... 342, 345
Reed v. Williamsburg City Fire Ins.
Co., 74 Me. 537..... 482
Reeve v. Attorney General, 3 Hare,
191 560
Regina v. Allen, 2 Moody, 179..... 307
— v. Camplin, 1 Den. C. C. 94
..... 304, 310
— 1 Cox, Cr. Cas. 220..... 304
— v. Dee, 15 Cox, Cr. Cas. 579.. 310
— v. Fletcher, 8 Cox, Cr. Cas.
131 303
— v. Ryan, 2 Cox, Cr. Cas.
115 304
Reilly v. Empire Life Ins. Co., 90
N. Y. Sup. 866..... 331
Remington v. Fidelity & Dep. Co.,
27 Wash. 429..... 530
Richardson v. Matthews, 58 Ark.
484 200
Riendeau v. Bullock, 147 N. Y. 269
..... 605
Ring v. Jamison, 2 Mo. App. 584.. 397
Robertson v. Bullions, 11 N. Y.
243 549
— v. State, 40 Fla. 509..... 434

Robinson v. Thornton, 46 Pac. 79.. 479
Ross v. Royal, 77 Ark. 324..... 366
Roth v. Holland, 56 Ark. 633..... 575
Rucker v. Dixon, 78 Ark. 99..... 201
Rush v. Weaver, 62 Ark. 51..... 112

S

Saint Louis & S. F. Ry. Co. v.
Brown, 62 Ark. 259..... 89
Saint Louis, I. M. & S. Ry. v. Aven,
61 Ark. 141..... 497
— v. Briggs, 47 Ark. 59..... 176
— v. Boyles, 77 Ark. 374.. 68, 92, 179
— v. Combs, 76 Ark. 132..... 13
— v. Dawson, 77 Ark. 434..... 13
— v. Dillard, 78 Ark. 520..... 245
— v. Gaines, 46 Ark. 555..... 81
— v. Harper, 44 Ark. 527..... 81
— v. Law, 68 Ark. 218..... 473
— v. Luther Hitt, 76 Ark. 224
..... 57, 145
— v. Martin, 61 Ark. 549..... 622
— v. Needham, 52 Ark. 371... 65
— v. Power, 67 Ark. 142..... 183
— v. Rice, 51 Ark. 467.. 81, 440, 622
— v. Robert Hitt, 76 Ark. 224.. 245
Saint Louis S. W. Ry. Co. v. Clay
County Gin Co., 77 Ark. 357..... 62
— v. Plumlee, 78 Ark. 147..... 393
Sale v. McLean, 29 Ark. 612..... 166
School District v. Bennett, 52 Ark.
511 240
— v. Williams, 38 Ark. 454... 561
Schuman v. Sanderson, 73 Ark. 187
..... 575
Security Mut. Ins. Co. v. Woodson,
79 Ark. 266..... 483
Sharp v. State, 51 Ark. 155..... 622
Shaul v. Duprey, 48 Ark. 331.... 289
Sherman v. Crosby, 11 Johns. 70
..... 342, 345
Shorter University v. Franklin, 75
Ark. 571..... 179
Shoshone Mining Co. v. Ritter, 177
U. S. 505..... 583
Silverstein v. O'Brien, 165 Mass.
512 346

Sims <i>v.</i> Cumby, 53 Ark. 418..... 3	State <i>v.</i> Williford, 36 Ark. 155..... 567
——— <i>v.</i> Phillips, 54 Ark. 193.... 400	——— <i>v.</i> Woodbridge, 42 N. J. L. 401..... 446
Singerly <i>v.</i> Thayer, 108 Pa. St. 291.. 514	State <i>ex rel.</i> Ry. Co. <i>v.</i> Rowe, 69 Ark. 642..... 159
Skaggs <i>v.</i> State, 108 Ind. 53..... 90	Stayton <i>v.</i> Halpern, 50 Ark. 329... 410
Smith <i>v.</i> McCann, 65 U. S. 298.... 542	Stephenson <i>v.</i> McClintock, 141 Ill. 604..... 167
——— <i>v.</i> James, 53 Ark. 135..... 404	Sternaman <i>v.</i> Met. Life Ins. Co., 170 N. Y. 13..... 331
——— <i>v.</i> Messer, 17 N. H. 426..... 446	Stevens <i>v.</i> McKibben, 15 C. C. A. 498..... 502
——— <i>v.</i> Smith, 62 Ill. 493..... 468	Stewart <i>v.</i> Colter, 31 Minn. 385... 446
Snyder <i>v.</i> Nations, 5 Blackf. 295... 89	——— <i>v.</i> State, 13 Ark. 742..... 134
Sonfield <i>v.</i> Thompson, 42 Ark. 46.. 240	Stout <i>v.</i> State, 43 Ark. 414.... 215, 521
Southern Ins. Co. <i>v.</i> White, 58 Ark. 227..... 483	Strong <i>v.</i> Manufacturers' Ins. Co., 10 Pick. 40..... 482
Southern Pac. Rd. <i>v.</i> U. S., 168 U. S. 1..... 542	Stuart <i>v.</i> Easton, 170 U. S. 383.. 548, 557
Spalding <i>v.</i> New Hampshire Fire Ins. Co., 52 Atl. 858..... 332	Sullivant <i>v.</i> State, 8 Ark. 400... 302, 309
Sparks <i>v.</i> Farris, 71 Ark. 117... 199, 201	Sutton <i>v.</i> Wyrick, 39 Ark. 424..... 107
Sprott <i>v.</i> Insurance Co., 53 Ark. 215..... 483	Sweeden <i>v.</i> State, 19 Ark. 205..... 314
Stafford <i>v.</i> Chippewa Valley Elec. Ry. Co., 110 Wis. 331..... 624	Sweeney <i>v.</i> United States, 109 U. S. 618..... 513
Standard Fashion Co. <i>v.</i> Siegel-Cooper Co., 157 N. Y. 60..... 45	Swift <i>v.</i> Applebone, 23 Mich. 253.. 90
Stanley <i>v.</i> Colt, 5 Wall. 160..... 560	——— <i>v.</i> Smith, 102 U. S. 442..... 154
——— <i>v.</i> Wilkerson, 63 Ark. 556.. 418	Swigart <i>v.</i> McGee, 19 Ark. 473.... 343
State <i>v.</i> Anderson, 1 S. W. 140.... 626	
——— <i>v.</i> Arkadelphia Lumber Co., 70 Ark. 329..... 521	
——— <i>v.</i> Babcock, 22 Neb. 618.... 234	
——— <i>v.</i> Booe, 62 Ark. 512..... 308	
——— <i>v.</i> Carl, 43 Ark. 353..... 357	
——— <i>v.</i> Culbreath, 71 Ark. 80... 308	
——— <i>v.</i> Dale, 141 Mo. 284..... 434	
——— <i>v.</i> DeWolf, 20 Am. Dec. 90.. 90	
——— <i>v.</i> Jim, 12 N. C. 142..... 314	
——— <i>v.</i> Johnson, 67 N. C. 55.... 314	
——— <i>v.</i> Knowles, 34 Kan. 393.... 298	
——— <i>v.</i> Lancashire Ins. Co., 66 Ark. 466..... 521	
——— <i>v.</i> March, 132 N. C. 1000... 314	
——— <i>v.</i> Nelson, 39 S. Car. 322... 90	
——— <i>v.</i> Peak, 130 N. C. 711..... 313	
——— <i>v.</i> Powell, 106 N. C. 635... 314	
——— <i>v.</i> Redmond, 36 Ark. 58.... 352	
——— <i>v.</i> Turlington, 15 S. W. 141.. 626	
	T
	Taylor <i>v.</i> Beckham, 178 U. S. 548.. 591
	Terry <i>v.</i> Rosell, 32 Ark. 478..... 104
	Texarkana & Ft. Smith Ry. Co. <i>v.</i> Bemis, 67 Ark. 542..... 51
	Texas, etc., Ry. Co. <i>v.</i> Marshall, 136 U. S. 393..... 45
	Textor <i>v.</i> Shipley, 86 Md. 440.... 446
	Thompson <i>v.</i> Love, 61 Ark. 81.... 153
	——— <i>v.</i> Traders Ins. Co., 169 Mo. 124..... 327
	Tiffin <i>v.</i> St. Louis, I. M. & S. Ry. Co., 78 Ark. 55..... 141
	Tinsley <i>v.</i> Craige, 54 Ark. 346.... 431
	Topeka Primary Assoc. <i>v.</i> Martin, 39 Kan. 750..... 52
	Towell <i>v.</i> Etter, 69 Ark. 34..... 447
	Tucker <i>v.</i> Hawkins, 72 Ark. 21.... 266
	Turner <i>v.</i> Israel, 64 Ark. 244..... 356

Tyler *v.* Aetna Ins. Co., 12 Wend.
507482

U

Union Pac. Ry. *v.* Artist, 60 Fed.
365539, 558
— *v.* Daniels, 152 U. S. 684... 407

V

Vance *v.* State, 70 Ark. 272..... 349
Vangindertaelen *v.* Phoenix Ins. Co.,
82 Wis. 112..... 482
Van Tassell *v.* Hospital, 15 N. Y.
Supp. 620..... 539
Vesey *v.* Com. Union Assoc. Co.,
101 N. W. 1074..... 331
Vidal *v.* Girard, 2 How. 195..... 560
Vincenheller *v.* Reagan, 69 Ark. 460
..... 591
Virginia F. & M. Ins. Co. *v.* Rich-
mond Mica Co., 46 S. E. 462.... 328

W

Walker *v.* Holtzclaw, 57 S. C. 459 ..530
Wall *v.* Looney, 52 Ark. 113..... 287
Wallace *v.* Sisson, 45 Pac. 1000... 479
Wallis *v.* Doe, 2 Sm. & M. 220.... 412
Walsh *v.* London Assurance Cor-
poration, 151 Pa. St. 607..... 482
Waltham *v.* Kemper, 55 Ill. 346.... 566
Walton *v.* State, 29 Tex. App. 163.. 304
Warner *v.* State, 54 Ark. 664...310, 314
Watkins *v.* Griffith, 59 Ark. 344
.....240, 521
Weaver *v.* Fletcher, 27 Ark. 510... 263
— *v.* Rush, 62 Ark. 51..... 412
Weed *v.* Hamburg, etc., Ins. Co.,
133 N. Y. 134..... 482
Western Union Telegraph Co. *v.*
Coffin, 30 S. W. 896..... 37
— *v.* Ford, 77 Ark. 531..... 452
— *v.* Short, 53 Ark. 434..... 37

West-Winfree Tobacco Co. *v.* Wal-
ler, 66 Ark. 445..... 262
Whissen *v.* Furth, 73 Ark. 366..... 158
White *v.* Bond County, 58 Ill. 297.. 566
— *v.* Chaffin, 32 Ark. 69..... 567
— *v.* Swann, 68 Ark. 102..... 400
Whitmore *v.* Dwellinghouse Ins.
Co., 148 Pa. St. 406..... 482
Whittaker *v.* State, 50 Wis. 523... 310
Williams *v.* Industrial School, 23
L. R. A. 200..... 539
— *v.* Roger Williams Ins. Co.,
107 Mass. 377..... 482
— *v.* State, 105 Ga. 814..... 434
— *v.* State, 1 Tex. App. 90..... 312
Williams Co. *v.* Standard Brass Co.,
173 Mass. 356..... 514
Williamsport *v.* Commonwealth, 84
Pa. St. 487..... 233
Willis *v.* State, 33 Tex. Cr. App.
168 434
Wills *v.* Stradling, 3 Ves. 378..... 103
Wilmer *v.* Farris, 40 Iowa, 309.... 108
Wilson *v.* Massie, 70 Ark. 25..... 111
— *v.* United States, 162 U. S.

613 434
Womack *v.* Womack, 73 Ark. 281.. 292
Woman's Christian Nat. Lib. Assoc.
v. Fordyce, 79 Ark. 532..... 553
Woolfolk *v.* Buckner, 67 Ark. 411.. 199
Woolfork *v.* Buckner, 60 Ark. 165.. 201
Wood *v.* State, 47 Ark. 488..... 308
Wright *v.* Morgan, 191 U. S. 55
.....548, 557

Y

York *v.* Maine Cent. Rd. Co., 84
Me. 117.....142, 144
Young *v.* Stevenson, 75 Ark. 181.. 341

Z

Zeigler *v.* Eckert, 47 Am. Dec. 428.. 363

APPENDIX

I.

OPINIONS NOT REPORTED.

Scott *v.* Scott; appeal from Sebastian Chancery Court, Greenwood District; J. Virgil Bourland, chancellor; affirmed May 14, 1906; per McCulloch, J.

Clark *v.* St. Louis, S. F. & N. O. Ry. Co.; appeal from Hempstead Circuit Court; Joel D. Conway, judge; reversed May 14, 1906; per Wood, J.

Connerly *v.* Inman; appeal from Chicot Circuit Court; Zachariah T. Wood, judge; reversed May 28, 1906; per Riddick, J.

Stark Grain Co. *v.* House; appeal from Miller Circuit Court; Joel D. Conway, judge; affirmed May 28, 1906; per Riddick, J.

St. Louis, I. M. & S. Ry. Co. *v.* Mize; appeal from Lee Circuit Court; Hance N. Hutton, judge; affirmed May 28, 1906; per Hill, C. J.

Johnson *v.* Smothers; appeal from Pulaski Circuit Court; affirmed June 4, 1906; per Hill, C. J.

Kelley *v.* McDuffey; appeal from Phillips Circuit Court; Hance N. Hutton, judge; affirmed June 11, 1906; per McCulloch, J.

Western Coal & Mining Co. *v.* Honaker; appeal from Franklin Circuit Court; Jephtha H. Evans, judge; affirmed June 11, 1906; per Wood, J.

National Cooperage & Woodenware Co. *v.* Aydelott; appeal from Prairie Circuit Court; George M. Chapline, judge; affirmed June 11, 1906; per Hill, C. J.

Shackelford *v.* Williams; appeal from Pulaski Circuit Court; Edward W. Winfield, judge; affirmed June 18, 1906; per Wood, J.

Fitch *v.* Madison County Bank; appeal from Madison Chancery Court; T. H. Humphreys, chancellor; affirmed June 25, 1906; per Battle, J.

II.

CASES DISPOSED OF ON MOTION.

Ben Reynolds *v.* Mike Kelley; Boone Circuit Court; Jno. N. Tillman, judge, on exchange of circuits; settled and appeal dismissed May 14, 1906; *per curiam*.

W. T. Huddleston *et al.*, partners as W. N. Grammar *v.* A. Bauer & Company; Independence Circuit Court; F. D. Fulkerson, judge; appeal dismissed for non-compliance with rule nine, May 21, 1900; *per curiam*.

B. W. Greer *v.* J. F. Lyons and P. P. Dowdy; White Chancery Court; Jesse C. Hart, chancellor; appeal dismissed for non-compliance with rule nine, May 21, 1906; *per curiam*.

T. B. Weathersby *v.* J. M. & Hattie E. Stewart; Lafayette Circuit Court; Charles W. Smith, judge; appeal dismissed for non-compliance with rule nine, May 21, 1906; *per curiam*.

I. N. Easton, *Ex parte*; certiorari to Jefferson Circuit Court; Antonio B. Grace, judge; application for bail allowed, May 21, 1906; *per curiam*.

Rudson Sparks *v.* The State of Arkansas; Sevier Circuit Court; James S. Steel, judge; affirmed on motion of Attorney General, May 28, 1906; *per curiam*.

Brooks Griffin *v.* The State of Arkansas; Pulaski Circuit Court, First Division; Robert J. Lea, judge; affirmed on motion of Attorney General, May 28, 1906; *per curiam*.

H. L. Remmel *v.* Lewis E. Williams; Randolph Circuit Court; J. W. Meeks, judge; appeal dismissed for non-compliance with rule nine, May 28, 1906; *per curiam*.

W. B. Hurst *v.* Fayetteville Ice & Cold Storage Company *et al.*; Washington Chancery Court; T. H. Humphreys chancellor; appeal dismissed for non-compliance with rule nine, May 28, 1906; *per curiam*.

St. Louis Southwestern Railway Company *v.* Kelly Brothers; Lafayette Circuit Court; Charles W. Smith, judge; appeal dismissed for non-compliance with rule nine, June 4, 1906; *per curiam*.

G. W. Walker *v.* Walter Evans; Prairie Circuit Court; Geo. M. Chapline, judge; appeal dismissed for non-compliance with rule nine, June 11, 1906; *per curiam*.

North American Trust Company *v.* Malinda E. Chappell; Scott Chancery Court; J. Virgil Bourland, chancellor; appeal dismissed for non-compliance with rule nine, June 11, 1906; *per curiam*.

E. G. Connelly *v.* E. H. Rogers; Sebastian Circuit Court, Greenwood District; Styles T. Rowe, judge; affirmed as a delay case, with penalty, June 11, 1906; *per curiam*.

Wm. C. Macklin *et al. v.* Wm. T. Hardie; Chicot Chancery Court; Marcus L. Hawkins, chancellor; affirmed for non-compliance with rule nine, June 11, 1906; *per curiam*.

W. H. Tomlinson *v.* St. Louis, Iron Mountain & Southern Railway Company; Independence Circuit Court; F. D. Fulkerson, judge; appeal dismissed for non-compliance with rule nine, June 18, 1906; *per curiam*.

C. C. Taylor *v.* J. H. Findley *et al.*; Searcy Chancery Court; T. H. Humphreys, chancellor; appeal dismissed for non-compliance with rule nine, June 25, 1906; *per curiam*.

R. O. Durden *v.* J. M. Waller; Sebastian Circuit Court, Greenwood District; Styles T. Rowe, judge; appeal dismissed for non-compliance with rule nine, June 25, 1906; *per curiam*.

Henry Johns *v.* W. S. Pollard; Washington Circuit Court; John N. Tillman, judge; affirmed under rule seven, June 25, 1906; *per curiam*.

Lem Height *v.* Mrs. Mattie Henton; Crawford Circuit Court; Jephtha H. Evans, judge; affirmed as delay case, with penalty, June 25, 1906; *per curiam*.

George C. Griffith *v.* G. D. Holloway; White Circuit Court; Hance N. Hutton, judge; appeal dismissed for non-compliance with rule nine, July 2, 1906; *per curiam*.

W. W. Mitchell and E. R. Buster *v.* J. N. Lee; Bradley Circuit Court; Zachariah T. Wood, judge; appeal dismissed for non-compliance with rule nine, July 9, 1906; *per curiam*.

