

SHIPS AND SHIPPING.

An Unprofitable Season for Mining in Alaska—The Far North Salmon Pack.

Not a Stone Man But a Stone Woman This Time—The "Warrimoo" Out of Dock.

Though experiencing much foggy weather on the trip the steamship City of Topeka was on schedule time in arriving here from Alaska Sunday evening, and her passengers, some of whom made the round voyage on her, report having had the most pleasant time. The ship remained in port only an hour, then proceeding to the Sound. She had no freight for Victoria and but few passengers. At Sitka, when the steamer sailed, much interest was being taken in the starting of a mining bureau for the collecting of definite and reliable information concerning the Alaskan mines and the securing of exhibits from each. A photographer named Albertson is the leader in the movement, which is expected to prove of great benefit to the miners and particularly those intending to try their fortune in Alaska. Mining generally has been a failure in Alaska this year, though such an impression would hardly have been received from an inspection of the Topeka's freight. Included in the consignments were 300 sacks of galena ore, this shipment coming from Sandum, about 150 miles north of Sitka, where one of the most active and successful mining camps in the whole of Alaska is situated. A five stamp mill is in course of construction at Sitka, but apart from mining affairs the place is quiet. In the jail there were six prisoners awaiting trial for murder, several of them for the killing of two white traders a considerable time ago while maddened by drink supplied them by the victims; and one, a native, for taking the lives of his father, mother and wife. No news from the westward had reached Sitka when the Topeka sailed. The Alaskan salmon pack this year will be away ahead of last year, while one cannery is booming another is comparatively quiet. The Loring cannery expects to put up 35,000 cases, or 8,000 more than last year. Among the passengers the Topeka brought down were two young Indians who had endeavored to abduct a native girl, about 15 years of age, from her home in Wrangell. They succeeded in securing themselves and the girl aboard the Topeka, but just as the steamer was about to sail the two became noisy over their success, thus giving away their hiding place and also causing the parents of the girl to locate her and again secure possession of her. She was both willing and anxious to run away from home, and her companions, who were both bound to Port Townsend, say they will yet carry their plans into effect. The Topeka is returning from Alaska on a peculiar mission. He went North some time ago in a sloop, which he has since sold, and is now returning for a small steam launch. This he proposes to utilize for the purpose of taking the Indians on Prince of Wales Island of one of their most sacred gods—a petrified woman with features, it is said, as distinct as in life. This treasure has already been sought in vain by speculative persons, and will again be sought at this time and now by the Indians. As a curiosity, he considers the stone woman would be worth her weight in gold if only once landed in the United States. C. F. Lundquist, a former well-known Victoria jeweler, who also was going down the Sound, has been speaking of the mining development as being only within the reach of capital and the experienced worker. He says, however, that so far as he knows or has heard there is no distress among the miners in Alaska this year. The voyage to Victoria is being very pleasant by a Presbyterian minister and his wife. The former conducted services aboard the steamer, and the latter being an accomplished vocalist sang for the passengers nearly every evening of the trip.

ASHORE IN THE HARBOR.

Coming into the harbor on Sunday morning, on her return trip from Tacoma with between five and six hundred Odd Fellows excursionists aboard, the steamer City of Kingston ran ashore and was held fast for over five hours. The shock was very slight, and the mishap caused no excitement among the passengers. By chance the tug Falcon was alongside her when all in readiness to leave for Nanaimo for coal, and at once a convenient first thing to be done was to convey the passengers ashore, and this work the Falcon accomplished in two trips by bringing into the harbor the tug while the City was held fast. A dense fog prevailed at the time and had more or less bothered the steamer throughout her entire voyage; it seemed to come down in an impenetrable bank when the harbor was reached, and in consequence the steamer was going at a slow speed. She struck on a smooth and sandy bank, and was not in any danger from the first. After a good effort had been made to free herself, the steamer was obliged to wait half an hour when the Falcon's assistance she slid off apparently uninjured. Good judgment was used in putting the passengers ashore for the vessel was then relieved of a considerable strain. The fog lifted very suddenly, and the steamer once off the bank was not further detained. A diver, of course, inspected the bottom before she left port again, but is understood to have found no signs of injury. Capt. Clements was in charge of the vessel when she grounded, and was able to take the steamer out on schedule time in the evening.

VACATES THE DOCK.

At noon yesterday the R.M.S. Warrimoo left the dry dock and at once proceeded to Vancouver for her outward cargo, a portion of which she will receive there. She will, if present plans be carried out, return to Victoria on Wednesday on her outward trip, for which there is more freight offering than can be accepted, while there is a large number of passengers to leave on her. It is understood that another vessel will be chartered to take the Warrimoo's place when she reaches Sydney, the Warrimoo being laid up for a trip to receive thorough repairs.

DETAINED ON THE "VICTORIA."

Five Chinese merchants who came over on the Northern Pacific steamship Victoria are still detained aboard the vessel at Tacoma awaiting receipt by the custom house of further information regarding their right to land. Deputy Collector Drum will allow

none of the five to come ashore until the fact is absolutely proven that they are legitimate merchants who, previous to departing for China, had been doing business in the United States.

MARINE NOTES.

There was not nearly sufficient cabin accommodation on the steamer Maude for all the passengers leaving for the West coast last night. The steamer was late in starting on the trip, and with a big cargo was deeply laden. Among the passengers were Colonel Hamilton, of Seattle, and J. C. Anderson, prominent Alaskan mining men; S. Appleton, A. T. Clare, of the N.P.R.; Ald. John Hall and wife, and Miss Maude Schwegler, who make the round trip on the Maude; Miss Spring who is going to Kyquok; John Piercy who will also make the round trip; W. J. Feker and Duncan C. Ross. In addition to these a big party of San Juan settlers left on the steamer.

Early on Monday morning, says the Tacoma Ledger, at the little steamer Wildwood, of Port Townsend, and the steamer City of Kingston, from Victoria, were entering the harbor they came into collision in the fog off Brown's point. The Wildwood, having her nose into the baggage room of the steamer to great extent. The big lost considerable woodwork forward, but was not seriously damaged.

Both P. C. Alaska steamers are due in port to-day, the City of Topeka on her way North and the Queen on her way South. Cut rates for the former will be better than for the latter, the round cabin passage being \$30. So far the local agents have received no notification of the Queen's reported extra trip, and think it probable that the vessel will go South after her present voyage.

Among the Victoria passengers for California by the steamer Unatilla, sailing on Sunday, were the following: F. H. Short, Mrs. A. Greenberg, Mrs. M. Kenwick, Miss Renwick, H. M. Feiler, Joe M. Smith, Benj. F. Cobb, D. Sampson, Mrs. J. S. Jones, Miss Debeck and S. A. Harloe and wife.

The Northern Pacific steamship Victoria, Capt. Phanton, en route to the Orient, arrived here from the Sound at 6 o'clock Sunday evening, and will sail probably early this morning. She has a full load of freight and a good many steerage passengers, some of whom are from Victoria. She also received a small quantity of freight here.

The tug Pioneer went ashore near the Tacoma mill on Friday night. On account of the dense fog Captain Neilson lost his bearings, and the first thing he knew his tug was stuck fast in the mud. As the tug was running very slowly she did not hit the mud very hard, and she floated off all right at high tide last night.

H. M. S. Nymple left yesterday on a friendly tour of the three cities of Puget Sound—Port Townsend, Seattle and Tacoma.

Yesterday the bark Shakespeare came around to the outer wharf from Esquimalt to discharge Victoria freight.

The Maude came in from Nanaimo with coal yesterday, and will leave for the West Coast to-day.

The R. M. S. Empress of India arrived at Yokohama from this port yesterday.

FROM THE DAILY COLONIST, AUGUST 21.

THE CITY.

G. M. LEISHMAN, representative of the Ogilvie Milling Company, yesterday received a telegram from Winnipeg stating that the frost of Monday night had injured 40 per cent of the Manitoba wheat crop.

This morning the tug Sadie will leave for Darcy Island with the Chinese leper patients in the infectious diseases hospital since his discovery in Chinatown on Sunday last. The steamer will carry besides the quarterly supplies for the lazaretto.

The offer made at Beaver Lake is completed and yesterday there was inside of it only inches of water. The steam pumps ordered from the Sound arrived yesterday and will be taken out to the lake to-day. They will be in working order in a day or two. Yesterday Ald. Partridge paid a visit to the lake to see how the improvements are getting along. To-night's council meeting it is expected will be largely devoted to discussing waterworks matters.

The ladies' auxiliary of the Jubilee hospital added at a meeting held yesterday to hold the annual ball on the evening of November 6, when it is expected the Governor General and Lady Aberdeen will attend. The ladies decided also to have a band concert on the grounds of their president, Mrs. A. J. Smith, 38 Superior street, on the evening of September 3. Mr. Finn kindly offering to have his band play on that occasion. Everybody interested in the hospital should make it a point to be present. The admission including refreshments will be twenty-five cents.

UNDER the capable management of Mrs. E. Lang and with Mr. Ernest Wolf as musical director, the first production of this evening of the "Four Leaved Clover" opera in the A.O.U.W. hall should prove a popular attraction. The opera will also be presented to-morrow evening, and as the preparations have been going on for some time past very successfully, the events will doubtless be highly successful. Among them the dances of "Corona de Ross" by little Sonnetta Juanta between acts three and four. Upwards of fifty little ones take part in the programme, and with brilliant costumes and excellent training the piece should be a real success.

THERE will be numerous competitors in the various events which are to be contested at the St. Andrew's and Caledonian Societies celebration on Saturday. For the five-a-side football contest there are already seven entries. The entries in this event close at noon on Friday, and on Friday evening at half past six the preliminary trials will be played off, leaving the finals to be settled next day at the sports. On Saturday evening a chorus of 50 voices under direction of Mr. J. G. Brown, the vice-president of the society, will furnish a programme of Scotch songs. Dancing will be engaged in during the evening. The splendid band of the B.C.B.A. will provide the music for the afternoon. Full arrangements will be made for the comfort and convenience of those attending the games; both gates will be open, refreshments will be on the grounds, and the tramway company will run a special car service. The afternoon games start promptly at half-past one, in order to complete the lengthy programme by 6 o'clock. To avoid confusion no one engaged in the sports and games committee, but the press and those competing in the particular events they have entered for will be allowed within the enclosure. Pipers Anderson and McDonald have been engaged to play on the national instrument during the afternoon and evening, and for the dancing competition. It is expected that the Caledonian grounds will be taxed to their utmost capacity as the prices of admission have been made to suit the times, and no doubt the society will find themselves rewarded by the largest attendance ever seen on the grounds.

THE COURTS.

Judgment Given by the Divisional Court in the Appeal of Kimp-ton v. McKay.

Full Text of Mr. Justice Crease's Decision—The Draper Appeal Dismissed.

The Divisional court, consisting of Justices Crease, Walker and Drake, gave judgment yesterday in Kimp-ton v. McKay, dismissing the appeal. The full text of Mr. Justice Crease's judgment is as follows: KIMP-TON v. MCKAY.—Mr. Charles Wilson, Q.C., for the defendant, appealed against the order of the Chief Justice dismissing the motion to set aside the order for a ca. re. herein and the writ itself on two grounds: (a) that it disclosed no intention of defendant to leave the country with intent to defraud his creditors; (b) that the ca. re. was issued without a proper basis, which is a necessary preliminary to set aside a ca. re. issued against the defendant on the 29th July, chiefly on the ground that a judge's order was necessary to the issue of the writ under the latter part of the Queen's Bench Act, and that the affidavit should have shown an intention to quit the province with intent to defraud his creditors generally.

The position of the case stood as follows: On the 30th January, 1895, the defendant was arrested for debt under a ca. re. and detained in custody in default of bail. The writ of habeas corpus was granted on the 12th February, and the defendant was released on the 29th July, on a ca. re. issued without a proper basis, which is a necessary preliminary to set aside a ca. re. issued against the defendant on the 29th July, chiefly on the ground that a judge's order was necessary to the issue of the writ under the latter part of the Queen's Bench Act, and that the affidavit should have shown an intention to quit the province with intent to defraud his creditors generally.

Two separate applications were made by the defendant to the Chief Justice to discharge the defendant out of custody on the ca. re. and a ca. re. Whereon the Chief Justice at the hearing dismissed the application to set aside the ca. re. with costs, but set aside the ca. re. with costs for want of proper basis. At the same time to facilitate an appeal by the defendant, he ordered the defendant's discharge in fourteen days, unless the Divisional court should otherwise order, in default of which he was to be discharged.

Mr. Wilson's appeals are against these orders. The question that arises is the meaning of sections 7, 8, 9, and 10 of the Execution Act. After considerable debate and canvassing of authorities, I am of opinion that section 9 of the Execution Act is independent of section 10 and has nothing to do with the ca. re. issued against the defendant. It is a contempt for non-payment of money, such as certain costs, trustee matters and the like, ordered by a decree for which attachment is the usual remedy enforced in accordance against the person, and the affidavit required is to show that the defendant is procuring a writ of attachment against a ca. re. and refers to such proceedings for a ca. re. are those under the 10th Vic. chap. 110, which is made part of the 2nd ed. of the Queen's Bench Act, and the Chief Justice has given the law on this subject.

The proceedings by that statute and the practice thereunder which required only that you should satisfy the judge that there is a probability of the defendant's flight, and the ca. re. once obtained and the defendant held to special bail the ca. re. follows under section 10 and is therefore in this case valid. If a defendant is not held to special bail and is sought to hold him under a ca. re. a judge can only do so on the conditions of the last part of section 10. This construction makes all parts of this division of the execution act work together harmoniously.

The application that the ca. re. should be set aside because the price, which Mr. Plunkett tendered to the proper officer in due course, form and time, and by him refused as unnecessary and therefore not taken or entered, was, I think, for this purpose, and under the circumstances sufficiently pressed to be considered as a tender. To have waited for a summons and declaration of the Judge would have been to risk the very object of the writ. A price is not now a part of the writ, but rather a notice of it, the proper officer showed that he considered it to be a tender, and the writ was not set aside. Neither was the defendant thereby injured. That being the case, the writ of ca. re. must be deemed to have been, and to be, valid, and the application to set it aside dismissed; but, as the act of the officer of the court in the act of the expense, without costs. The plaintiff having succeeded is entitled to costs of this appeal.

"HENRY P. FELLEW CREASE, J." On preparing to read our judgments on the cross appeal herein, Mr. C. Wilson, Q.C., without desiring to recommence the discussion which had already taken place before the Court, begged, before the judgment was given, to submit a case, the Roca Coal Mining Company v. 31 L.J., on the consideration of the judge, who strongly insisted that as soon as the decision, such as had already been given, "left the lips of the judges," when noted by the judge, it was a complete judgment, which could not be set aside by the Court, and asked the Court to consider whether, that being the case, they would deliver what might be a futile judgment after the point had not been raised by either side during the previous argument. The Court, after some time to consider and examine the point, after conference and consideration of authorities, especially seeing that the decision had been orally delivered, was before the Court, begged, before the judgment was given, to submit a case, the Roca Coal Mining Company v. 31 L.J., on the consideration of the judge, who strongly insisted that as soon as the decision, such as had already been given, "left the lips of the judges," when noted by the judge, it was a complete judgment, which could not be set aside by the Court, and asked the Court to consider whether, that being the case, they would deliver what might be a futile judgment after the point had not been raised by either side during the previous argument. The Court, after some time to consider and examine the point, after conference and consideration of authorities, especially seeing that the decision had been orally delivered, was before the Court, begged, before the judgment was given, to submit a case, the Roca Coal Mining Company v. 31 L.J., on the consideration of the judge, who strongly insisted that as soon as the decision, such as had already been given, "left the lips of the judges," when noted by the judge, it was a complete judgment, which could not be set aside by the Court, and asked the Court to consider whether, that being the case, they would deliver what might be a futile judgment after the point had not been raised by either side during the previous argument. The Court, after some time to consider and examine the point, after conference and consideration of authorities, especially seeing that the decision had been orally delivered, was before the Court, begged, before the judgment was given, to submit a case, the Roca Coal Mining Company v. 31 L.J., on the consideration of the judge, who strongly insisted that as soon as the decision, such as had already been given, "left the lips of the judges," when noted by the judge, it was a complete judgment, which could not be set aside by the Court, and asked the Court to consider whether, that being the case, they would deliver what might be a futile judgment after the point had not been raised by either side during the previous argument. The Court, after some time to consider and examine the point, after conference and consideration of authorities, especially seeing that the decision had been orally delivered, was before the Court, begged, before the judgment was given, to submit a case, the Roca Coal Mining Company v. 31 L.J., on the consideration of the judge, who strongly insisted that as soon as the decision, such as had already been given, "left the lips of the judges," when noted by the judge, it was a complete judgment, which could not be set aside by the Court, and asked the Court to consider whether, that being the case, they would deliver what might be a futile judgment after the point had not been raised by either side during the previous argument. The Court, after some time to consider and examine the point, after conference and consideration of authorities, especially seeing that the decision had been orally delivered, was before the Court, begged, before the judgment was given, to submit a case, the Roca Coal Mining Company v. 31 L.J., on the consideration of the judge, who strongly insisted that as soon as the decision, such as had already been given, "left the lips of the judges," when noted by the judge, it was a complete judgment, which could not be set aside by the Court, and asked the Court to consider whether, that being the case, they would deliver what might be a futile judgment after the point had not been raised by either side during the previous argument. The Court, after some time to consider and examine the point, after conference and consideration of authorities, especially seeing that the decision had been orally delivered, was before the Court, begged, before the judgment was given, to submit a case, the Roca Coal Mining Company v. 31 L.J., on the consideration of the judge, who strongly insisted that as soon as the decision, such as had already been given, "left the lips of the judges," when noted by the judge, it was a complete judgment, which could not be set aside by the Court, and asked the Court to consider whether, that being the case, they would deliver what might be a futile judgment after the point had not been raised by either side during the previous argument. The Court, after some time to consider and examine the point, after conference and consideration of authorities, especially seeing that the decision had been orally delivered, was before the Court, begged, before the judgment was given, to submit a case, the Roca Coal Mining Company v. 31 L.J., on the consideration of the judge, who strongly insisted that as soon as the decision, such as had already been given, "left the lips of the judges," when noted by the judge, it was a complete judgment, which could not be set aside by the Court, and asked the Court to consider whether, that being the case, they would deliver what might be a futile judgment after the point had not been raised by either side during the previous argument. The Court, after some time to consider and examine the point, after conference and consideration of authorities, especially seeing that the decision had been orally delivered, was before the Court, begged, before the judgment was given, to submit a case, the Roca Coal Mining Company v. 31 L.J., on the consideration of the judge, who strongly insisted that as soon as the decision, such as had already been given, "left the lips of the judges," when noted by the judge, it was a complete judgment, which could not be set aside by the Court, and asked the Court to consider whether, that being the case, they would deliver what might be a futile judgment after the point had not been raised by either side during the previous argument. The Court, after some time to consider and examine the point, after conference and consideration of authorities, especially seeing that the decision had been orally delivered, was before the Court, begged, before the judgment was given, to submit a case, the Roca Coal Mining Company v. 31 L.J., on the consideration of the judge, who strongly insisted that as soon as the decision, such as had already been given, "left the lips of the judges," when noted by the judge, it was a complete judgment, which could not be set aside by the Court, and asked the Court to consider whether, that being the case, they would deliver what might be a futile judgment after the point had not been raised by either side during the previous argument. The Court, after some time to consider and examine the point, after conference and consideration of authorities, especially seeing that the decision had been orally delivered, was before the Court, begged, before the judgment was given, to submit a case, the Roca Coal Mining Company v. 31 L.J., on the consideration of the judge, who strongly insisted that as soon as the decision, such as had already been given, "left the lips of the judges," when noted by the judge, it was a complete judgment, which could not be set aside by the Court, and asked the Court to consider whether, that being the case, they would deliver what might be a futile judgment after the point had not been raised by either side during the previous argument. The Court, after some time to consider and examine the point, after conference and consideration of authorities, especially seeing that the decision had been orally delivered, was before the Court, begged, before the judgment was given, to submit a case, the Roca Coal Mining Company v. 31 L.J., on the consideration of the judge, who strongly insisted that as soon as the decision, such as had already been given, "left the lips of the judges," when noted by the judge, it was a complete judgment, which could not be set aside by the Court, and asked the Court to consider whether, that being the case, they would deliver what might be a futile judgment after the point had not been raised by either side during the previous argument. The Court, after some time to consider and examine the point, after conference and consideration of authorities, especially seeing that the decision had been orally delivered, was before the Court, begged, before the judgment was given, to submit a case, the Roca Coal Mining Company v. 31 L.J., on the consideration of the judge, who strongly insisted that as soon as the decision, such as had already been given, "left the lips of the judges," when noted by the judge, it was a complete judgment, which could not be set aside by the Court, and asked the Court to consider whether, that being the case, they would deliver what might be a futile judgment after the point had not been raised by either side during the previous argument. The Court, after some time to consider and examine the point, after conference and consideration of authorities, especially seeing that the decision had been orally delivered, was before the Court, begged, before the judgment was given, to submit a case, the Roca Coal Mining Company v. 31 L.J., on the consideration of the judge, who strongly insisted that as soon as the decision, such as had already been given, "left the lips of the judges," when noted by the judge, it was a complete judgment, which could not be set aside by the Court, and asked the Court to consider whether, that being the case, they would deliver what might be a futile judgment after the point had not been raised by either side during the previous argument. The Court, after some time to consider and examine the point, after conference and consideration of authorities, especially seeing that the decision had been orally delivered, was before the Court, begged, before the judgment was given, to submit a case, the Roca Coal Mining Company v. 31 L.J., on the consideration of the judge, who strongly insisted that as soon as the decision, such as had already been given, "left the lips of the judges," when noted by the judge, it was a complete judgment, which could not be set aside by the Court, and asked the Court to consider whether, that being the case, they would deliver what might be a futile judgment after the point had not been raised by either side during the previous argument. The Court, after some time to consider and examine the point, after conference and consideration of authorities, especially seeing that the decision had been orally delivered, was before the Court, begged, before the judgment was given, to submit a case, the Roca Coal Mining Company v. 31 L.J., on the consideration of the judge, who strongly insisted that as soon as the decision, such as had already been given, "left the lips of the judges," when noted by the judge, it was a complete judgment, which could not be set aside by the Court, and asked the Court to consider whether, that being the case, they would deliver what might be a futile judgment after the point had not been raised by either side during the previous argument. The Court, after some time to consider and examine the point, after conference and consideration of authorities, especially seeing that the decision had been orally delivered, was before the Court, begged, before the judgment was given, to submit a case, the Roca Coal Mining Company v. 31 L.J., on the consideration of the judge, who strongly insisted that as soon as the decision, such as had already been given, "left the lips of the judges," when noted by the judge, it was a complete judgment, which could not be set aside by the Court, and asked the Court to consider whether, that being the case, they would deliver what might be a futile judgment after the point had not been raised by either side during the previous argument. The Court, after some time to consider and examine the point, after conference and consideration of authorities, especially seeing that the decision had been orally delivered, was before the Court, begged, before the judgment was given, to submit a case, the Roca Coal Mining Company v. 31 L.J., on the consideration of the judge, who strongly insisted that as soon as the decision, such as had already been given, "left the lips of the judges," when noted by the judge, it was a complete judgment, which could not be set aside by the Court, and asked the Court to consider whether, that being the case, they would deliver what might be a futile judgment after the point had not been raised by either side during the previous argument. The Court, after some time to consider and examine the point, after conference and consideration of authorities, especially seeing that the decision had been orally delivered, was before the Court, begged, before the judgment was given, to submit a case, the Roca Coal Mining Company v. 31 L.J., on the consideration of the judge, who strongly insisted that as soon as the decision, such as had already been given, "left the lips of the judges," when noted by the judge, it was a complete judgment, which could not be set aside by the Court, and asked the Court to consider whether, that being the case, they would deliver what might be a futile judgment after the point had not been raised by either side during the previous argument. The Court, after some time to consider and examine the point, after conference and consideration of authorities, especially seeing that the decision had been orally delivered, was before the Court, begged, before the judgment was given, to submit a case, the Roca Coal Mining Company v. 31 L.J., on the consideration of the judge, who strongly insisted that as soon as the decision, such as had already been given, "left the lips of the judges," when noted by the judge, it was a complete judgment, which could not be set aside by the Court, and asked the Court to consider whether, that being the case, they would deliver what might be a futile judgment after the point had not been raised by either side during the previous argument. The Court, after some time to consider and examine the point, after conference and consideration of authorities, especially seeing that the decision had been orally delivered, was before the Court, begged, before the judgment was given, to submit a case, the Roca Coal Mining Company v. 31 L.J., on the consideration of the judge, who strongly insisted that as soon as the decision, such as had already been given, "left the lips of the judges," when noted by the judge, it was a complete judgment, which could not be set aside by the Court, and asked the Court to consider whether, that being the case, they would deliver what might be a futile judgment after the point had not been raised by either side during the previous argument. The Court, after some time to consider and examine the point, after conference and consideration of authorities, especially seeing that the decision had been orally delivered, was before the Court, begged, before the judgment was given, to submit a case, the Roca Coal Mining Company v. 31 L.J., on the consideration of the judge, who strongly insisted that as soon as the decision, such as had already been given, "left the lips of the judges," when noted by the judge, it was a complete judgment, which could not be set aside by the Court, and asked the Court to consider whether, that being the case, they would deliver what might be a futile judgment after the point had not been raised by either side during the previous argument. The Court, after some time to consider and examine the point, after conference and consideration of authorities, especially seeing that the decision had been orally delivered, was before the Court, begged, before the judgment was given, to submit a case, the Roca Coal Mining Company v. 31 L.J., on the consideration of the judge, who strongly insisted that as soon as the decision, such as had already been given, "left the lips of the judges," when noted by the judge, it was a complete judgment, which could not be set aside by the Court, and asked the Court to consider whether, that being the case, they would deliver what might be a futile judgment after the point had not been raised by either side during the previous argument. The Court, after some time to consider and examine the point, after conference and consideration of authorities, especially seeing that the decision had been orally delivered, was before the Court, begged, before the judgment was given, to submit a case, the Roca Coal Mining Company v. 31 L.J., on the consideration of the judge, who strongly insisted that as soon as the decision, such as had already been given, "left the lips of the judges," when noted by the judge, it was a complete judgment, which could not be set aside by the Court, and asked the Court to consider whether, that being the case, they would deliver what might be a futile judgment after the point had not been raised by either side during the previous argument. The Court, after some time to consider and examine the point, after conference and consideration of authorities, especially seeing that the decision had been orally delivered, was before the Court, begged, before the judgment was given, to submit a case, the Roca Coal Mining Company v. 31 L.J., on the consideration of the judge, who strongly insisted that as soon as the decision, such as had already been given, "left the lips of the judges," when noted by the judge, it was a complete judgment, which could not be set aside by the Court, and asked the Court to consider whether, that being the case, they would deliver what might be a futile judgment after the point had not been raised by either side during the previous argument. The Court, after some time to consider and examine the point, after conference and consideration of authorities, especially seeing that the decision had been orally delivered, was before the Court, begged, before the judgment was given, to submit a case, the Roca Coal Mining Company v. 31 L.J., on the consideration of the judge, who strongly insisted that as soon as the decision, such as had already been given, "left the lips of the judges," when noted by the judge, it was a complete judgment, which could not be set aside by the Court, and asked the Court to consider whether, that being the case, they would deliver what might be a futile judgment after the point had not been raised by either side during the previous argument. The Court, after some time to consider and examine the point, after conference and consideration of authorities, especially seeing that the decision had been orally delivered, was before the Court, begged, before the judgment was given, to submit a case, the Roca Coal Mining Company v. 31 L.J., on the consideration of the judge, who strongly insisted that as soon as the decision, such as had already been given, "left the lips of the judges," when noted by the judge, it was a complete judgment, which could not be set aside by the Court, and asked the Court to consider whether, that being the case, they would deliver what might be a futile judgment after the point had not been raised by either side during the previous argument. The Court, after some time to consider and examine the point, after conference and consideration of authorities, especially seeing that the decision had been orally delivered, was before the Court, begged, before the judgment was given, to submit a case, the Roca Coal Mining Company v. 31 L.J., on the consideration of the judge, who strongly insisted that as soon as the decision, such as had already been given, "left the lips of the judges," when noted by the judge, it was a complete judgment, which could not be set aside by the Court, and asked the Court to consider whether, that being the case, they would deliver what might be a futile judgment after the point had not been raised by either side during the previous argument. The Court, after some time to consider and examine the point, after conference and consideration of authorities, especially seeing that the decision had been orally delivered, was before the Court, begged, before the judgment was given, to submit a case, the Roca Coal Mining Company v. 31 L.J., on the consideration of the judge, who strongly insisted that as soon as the decision, such as had already been given, "left the lips of the judges," when noted by the judge, it was a complete judgment, which could not be set aside by the Court, and asked the Court to consider whether, that being the case, they would deliver what might be a futile judgment after the point had not been raised by either side during the previous argument. The Court, after some time to consider and examine the point, after conference and consideration of authorities, especially seeing that the decision had been orally delivered, was before the Court, begged, before the judgment was given, to submit a case, the Roca Coal Mining Company v. 31 L.J., on the consideration of the judge, who strongly insisted that as soon as the decision, such as had already been given, "left the lips of the judges," when noted by the judge, it was a complete judgment, which could not be set aside by the Court, and asked the Court to consider whether, that being the case, they would deliver what might be a futile judgment after the point had not been raised by either side during the previous argument. The Court, after some time to consider and examine the point, after conference and consideration of authorities, especially seeing that the decision had been orally delivered, was before the Court, begged, before the judgment was given, to submit a case, the Roca Coal Mining Company v. 31 L.J., on the consideration of the judge, who strongly insisted that as soon as the decision, such as had already been given, "left the lips of the judges," when noted by the judge, it was a complete judgment, which could not be set aside by the Court, and asked the Court to consider whether, that being the case, they would deliver what might be a futile judgment after the point had not been raised by either side during the previous argument. The Court, after some time to consider and examine the point, after conference and consideration of authorities, especially seeing that the decision had been orally delivered, was before the Court, begged, before the judgment was given, to submit a case, the Roca Coal Mining Company v. 31 L.J., on the consideration of the judge, who strongly insisted that as soon as the decision, such as had already been given, "left the lips of the judges," when noted by the judge, it was a complete judgment, which could not be set aside by the Court, and asked the Court to consider whether, that being the case, they would deliver what might be a futile judgment after the point had not been raised by either side during the previous argument. The Court, after some time to consider and examine the point, after conference and consideration of authorities, especially seeing that the decision had been orally delivered, was before the Court, begged, before the judgment was given, to submit a case, the Roca Coal Mining Company v. 31 L.J., on the consideration of the judge, who strongly insisted that as soon as the decision, such as had already been given, "left the lips of the judges," when noted by the judge, it was a complete judgment, which could not be set aside by the Court, and asked the Court to consider whether, that being the case, they would deliver what might be a futile judgment after the point had not been raised by either side during the previous argument. The Court, after some time to consider and examine the point, after conference and consideration of authorities, especially seeing that the decision had been orally delivered, was before the Court, begged, before the judgment was given, to submit a case, the Roca Coal Mining Company v. 31 L.J., on the consideration of the judge, who strongly insisted that as soon as the decision, such as had already been given, "left the lips of the judges," when noted by the judge, it was a complete judgment, which could not be set aside by the Court, and asked the Court to consider whether, that being the case, they would deliver what might be a futile judgment after the point had not been raised by either side during the previous argument. The Court, after some time to consider and examine the point, after conference and consideration of authorities, especially seeing that the decision had been orally delivered, was before the Court, begged, before the judgment was given, to submit a case, the Roca Coal Mining Company v. 31 L.J., on the consideration of the judge, who strongly insisted that as soon as the decision, such as had already been given, "left the lips of the judges," when noted by the judge, it was a complete judgment, which could not be set aside by the Court, and asked the Court to consider whether, that being the case, they would deliver what might be a futile judgment after the point had not been raised by either side during the previous argument. The Court, after some time to consider and examine the point, after conference and consideration of authorities, especially seeing that the decision had been orally delivered, was before the Court, begged, before the judgment was given, to submit a case, the Roca Coal Mining Company v. 31 L.J., on the consideration of the judge, who strongly insisted that as soon as the decision, such as had already been given, "left the lips of the judges," when noted by the judge, it was a complete judgment, which could not be set aside by the Court, and asked the Court to consider whether, that being the case, they would deliver what might be a futile judgment after the point had not been raised by either side during the previous argument. The Court, after some time to consider and examine the point, after conference and consideration of authorities, especially seeing that the decision had been orally delivered, was before the Court, begged, before the judgment was given, to submit a case, the Roca Coal Mining Company v. 31 L.J., on the consideration of the judge, who strongly insisted that as soon as the decision, such as had already been given, "left the lips of the judges," when noted by the judge, it was a complete judgment, which could not be set aside by the Court, and asked the Court to consider whether, that being the case, they would deliver what might be a futile judgment after the point had not been raised by either side during the previous argument. The Court, after some time to consider and examine the point, after conference and consideration of authorities, especially seeing that the decision had been orally delivered, was before the Court, begged, before the judgment was given, to submit a case, the Roca Coal Mining Company v. 31 L.J., on the consideration of the judge, who strongly insisted that as soon as the decision, such as had already been given, "left the lips of the judges," when noted by the judge, it was a complete judgment, which could not be set aside by the Court, and asked the Court to consider whether, that being the case, they would deliver what might be a futile judgment after the point had not been raised by either side during the previous argument. The Court, after some time to consider and examine the point, after conference and consideration of authorities, especially seeing that the decision had been orally delivered, was before the Court, begged, before the judgment was given, to submit a case, the Roca Coal Mining Company v. 31 L.J., on the consideration of the judge, who strongly insisted that as soon as the decision, such as had already been given, "left the lips of the judges," when noted by the judge, it was a complete judgment, which could not be set aside by the Court, and asked the Court to consider whether, that being the case, they would deliver what might be a futile judgment after the point had not been raised by either side during the previous argument. The Court, after some time to consider and examine the point, after conference and consideration of authorities, especially seeing that the decision had been orally delivered, was before the Court, begged, before the judgment was given, to submit a case, the Roca Coal Mining Company v. 31 L.J., on the consideration of the judge, who strongly insisted that as soon as the decision, such as had already been given, "left the lips of the judges," when noted by the judge, it was a complete judgment, which could not be set aside by the Court, and asked the Court to consider whether, that being the case, they would deliver what might be a futile judgment after the point had not been raised by either side during the previous argument. The Court, after some time to consider and examine the point, after conference and consideration of authorities, especially seeing that the decision had been orally delivered, was before the Court, begged, before the judgment was given, to submit a case, the Roca Coal Mining Company v. 31 L.J., on the consideration of the judge, who strongly insisted that as soon as the decision, such as had already been given, "left the lips of the judges," when noted by the judge, it was a complete judgment, which could not be set aside by the Court, and asked the Court to consider whether, that being the case, they would deliver what might be a futile judgment after the point had not been raised by either side during the previous argument. The Court, after some time to consider and examine the point, after conference and consideration of authorities, especially seeing that the decision had been orally delivered, was before the Court, begged, before the judgment was given, to submit a case, the Roca Coal Mining Company v. 31 L.J., on the consideration of the judge, who strongly insisted that as soon as the decision, such as had already been given, "left the lips of the judges," when noted by the judge, it was a complete judgment, which could not be set aside by the Court, and asked the Court to consider whether, that being the case, they would deliver what might be a futile judgment after the point had not been raised by either side during the previous argument. The Court, after some time to consider and examine the point, after conference and consideration of authorities, especially seeing that the decision had been orally delivered, was before the Court, begged, before the judgment was given, to submit a case, the Roca Coal Mining Company v. 31 L.J., on the consideration of the judge, who strongly insisted that as soon as the decision, such as had already been given, "left the lips of the judges," when noted by the judge, it was a complete judgment, which could not be set aside by the Court, and asked the Court to consider whether, that being the case, they would deliver what might be a futile judgment after the point had not been raised by either side during the previous argument. The Court, after some time to consider and examine the point, after conference and consideration of authorities, especially seeing that the decision had been orally delivered, was before the Court, begged, before the judgment was given, to submit a case, the Roca Coal Mining Company v. 31 L.J., on the consideration of the judge, who strongly insisted that as soon as the decision, such as had already been given, "left the lips of the judges," when noted by the judge, it was a complete judgment, which could not be set aside by the Court, and asked the Court to consider whether, that being the case, they would deliver what might be a futile judgment after the point had not been raised by either side during the previous argument. The Court, after some time to consider and examine the point, after conference and consideration of authorities, especially seeing that the decision had been orally delivered, was before the Court, begged, before the judgment was given, to submit a case, the Roca Coal Mining Company v. 31 L.J., on the consideration of the judge, who strongly insisted that as soon as the decision, such as had already been given, "left the lips of the judges," when noted by the judge, it was a complete judgment, which could not be set aside by the Court, and asked the Court to consider whether, that being the case, they would deliver what might be a futile judgment after the point had not been raised by either side during the previous argument. The Court, after some time to consider and examine the point, after conference and consideration of authorities, especially seeing that the decision had been orally delivered, was before the Court, begged, before the judgment was given, to submit a case, the Roca Coal Mining Company v. 31 L.J., on the consideration of the judge, who strongly insisted that as soon as the decision, such as had already been given, "left the lips of the judges," when noted by the judge, it was a complete judgment, which could not be set aside by the Court, and asked the Court to consider whether, that being the case, they would deliver what might be a futile judgment after the point had not been raised by either side during the previous argument. The Court, after some time to consider and examine the point, after conference and consideration of authorities, especially seeing that the decision had been orally delivered, was before the Court, begged, before the judgment was given, to submit a case, the Roca Coal Mining Company v. 31 L.J.,