



Office of the Solicitor General,
Washington, D.C.

December 14, 1903.

My dear Mr. Chief Justice:-

Will you excuse my not calling, and my dictating this letter instead of writing it with my own hand?

I saw Mr. Bunn last evening about the Northern Securities case. It seems that they will ask for four hours' time and to be heard by three counsel, probably Mr. Bunn himself, Mr. Griggs and Mr. Johnson. They will consent to the case going to Mr. Justice Brown on the record and briefs, and will also consent to its being heard by eight Justices, with this condition or request, that if perchance the judgment below should be affirmed by a divided court, a reargument before the full Bench shall be ordered.

I remain, Sir,

Very respectfully and sincerely yours,

Henry H. Fay

To
Mr. Chief Justice Fuller.

P. S.

Since dictating the above, I have received a note from Mr. Johnson, of which I enclose a copy, and as you will observe, the position is about as I stated above.

Smith.