

UNITED STATES CIRCUIT COURT OF APPEALS,
EIGHTH CIRCUIT.

Ans June 1

St. Paul, Minn., May 29, 1911.

My dear Judge Van Devanter:-

Yours of the 23d expressing your satisfaction in having the opinion in the merger case handed down June 24th if we are then disposed to take that course was duly received. We have thought over the matter and discussed it carefully and in view of Judge Hook's embarrassment and practical determination to withdraw entirely from the case in the event the handing down was postponed later we have all thought it far better to fix upon that date and have it settled. This relieves Judge Hook entirely and he is pleased.

Moreover, I find that considerable inquiry has been made why we have not reached a decision in the case and conjectures of one kind or another have been indulged. In as much as we dispose of the case solely on the question of fact we are unable to see how our decision can in any event have a disturbing effect. It is only those opinions emanating from your court, the final arbiter that settle great principles, which have disturbing effect. As I have written you before however, in substance, what I repeat, that the opinion in the Standard Oil case seems to me to be so essentially reasonable and right that it will take but little time for the public mind to accept its doctrine as reasonable and right.

Judge Hook leaves today for his summer vacation after going for a few days to Leavenworth. I leave today for Vermont. Judge Sanborn plans to leave sometime in June. Judge Smith intends to remain in the Circuit.

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W.V.D. 2.

We have committed the original opinion, the dissenting opinion and the decree to Judge Marshall, who is here assisting us in the Court of Appeals, to take charge of and to hand down in Sale Lake on the 24th. We have also made arrangements for their simultaneous publication in St. Louis and St. Paul; and thus if no unforeseen conditions arise which should change our minds a final disposition is now made of our case.

We had a conference Saturday in regard to who would go to Denver for the September Term. I have agreed to go. Who else will go is as yet uncertain. If you should happen to be in the west what a pleasure it would be to have you drop in and sit with us a little while at least. I tried to get the court held at Cheyenne but Judge Smith, who thinks he will attend, desired specifically to go to Denver, and it did not seem best to make an issue. Always with best wishes and sincere and kindest regards for yourself and Mrs. Van Devanter from both Mrs. Adams and myself, I am,

Sincerely yours,

Elmer B. Adams

To the Honorable Willis Van Devanter,

Associate Justice United States Supreme Court,

Washington, D.C.