

## SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Holmes, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, and Mr. Justice Roberts.

Louis Charney Friedman, of Paterson, N. J.; A. F. Kingdon, of Bluefield, W. Va.; Edward H. Dell, of Middletown, Ohio; Francis P. Farrell, of New York City; John E. Snyder, of Hershey, Pa.; Francis E. Delamore, of Little Rock, Ark.; William R. Carlisle, of New York City; William Geo. Junge, of Los Angeles, Calif.; Francis Harold Uriell, of Chicago, Ill.; John Butera, of Dallas, Tex.; Alean Brisley Clutts, of Detroit, Mich.; Cornelius B. Comegys, of Scranton, Pa.; Walter J. Rosston, of New York City; John A. Coleman, of Los Angeles, Calif.; Harry F. Brown, of Guthrie, Okla.; Wm. W. Montgomery, Jr., of Philadelphia, Pa.; Joe E. Daniels, of New York City; Winthrop Wadleigh, of Milford, N. H.; Ernest C. Griffith, of Los Angeles, Calif.; and K. Berry Peterson, of Phoenix, Ariz., were admitted to practice.

No. 380. R. D. Spicer et al., petitioners, *v.* The United States of America;

No. 381. G. C. Stephens, petitioner, *v.* The United States of America; and

No. 382. B. M. Wotkyns, petitioner, *v.* The United States of America. Leave granted the respondent to file brief on or before October 20, on motion of Mr. Solicitor General Thacher for the respondent.

No. 5. Indian Motorcycle Company *v.* The United States of America. Joint motion to amend certificate submitted by Mr. Solicitor General Thacher in that behalf.

No. 56. The United States, petitioner, *v.* Swift and Company. Motion to advance submitted by Mr. Solicitor General Thacher for the petitioner.

No. 231. Robert H. Lucas, Commissioner of Internal Revenue, petitioner, *v.* Chicago Railway Equipment Company. Motion to advance submitted by Mr. Solicitor General Thacher for the petitioner.

No. 69. Annette Aiken, Administratrix of the estate of Friend M. Aiken, deceased, petitioner, *v.* Robert H. Lucas, Commissioner of Internal Revenue. Motion to advance submitted by Mr. Solicitor General Thacher for the respondent.

No. 115. W. P. Brown & Sons Lumber Company, petitioner, *v.* Commissioner of Internal Revenue. Motion to advance submitted by Mr. Solicitor General Thacher for the respondent.

No. 111. Go-Bart Importing Co. et al., petitioners, *v.* The United States of America. Motion to advance submitted by Mr. Solicitor General Thacher for the respondent with leave to the petitioner to file opposition thereto by Friday next, on motion of Mr. Edward F. Colladay in that behalf.

No. 210. American Bond & Mortgage Company and Trianon, Inc., *v.* The United States of America. Motion to advance submitted by Mr. Solicitor General Thacher for The United States.

No. 60. Charles H. Nauts, Collector of Internal Revenue, petitioner, *v.* W. L. Slayton. Death of Charles H. Nauts, Former Collector suggested and U. G. Denman, Administrator substituted as the party petitioner, on motion of Mr. Solicitor General Thacher for the petitioner.

No. 31. Robert H. Lucas, Commissioner of Internal Revenue, petitioner, *v.* Sanford & Brooks Company;

No. 53. Robert H. Lucas, Commissioner of Internal Revenue, petitioner, *v.* Willingham Loan and Trust Company;

No. 61. Robert H. Lucas, Commissioner of Internal Revenue, petitioner, *v.* Niagara Falls Brewing Company et al.;

No. 69. Annette Aiken, Administratrix, etc., petitioner, *v.* Robert H. Lucas, Commissioner of Internal Revenue;

No. 81. Henry Choteau, petitioner, *v.* Robert H. Lucas, Commissioner of Internal Revenue;

No. 109. Robert H. Lucas, Commissioner of Internal Revenue, petitioner, *v.* National Industrial Alcohol Company, Inc.;

No. 115. W. P. Brown & Sons Lumber Company, petitioner, *v.* Commissioner of Internal Revenue;

No. 123. Black Hardware Company, petitioner, *v.* Commissioner of Internal Revenue;

No. 129. Robert H. Lucas, Commissioner of Internal Revenue, petitioner, *v.* Sybil Whitehouse;

No. 199. Robert H. Lucas, Commissioner of Internal Revenue, petitioner, *v.* Samuel F. Houston;

No. 202. Robert H. Lucas, Commissioner of Internal Revenue, petitioner, *v.* Salie H. Henry.

No. 203. Robert H. Lucas, Commissioner of Internal Revenue, petitioner, *v.* William Hobart Porter et al.

No. 204. United States *ex rel.* H. Wendell Endicott et al., petitioners, *v.* Andrew W. Mellon; as Secretary, etc., et al.;

No. 223. Robert H. Lucas, Commissioner of Internal Revenue, petitioner, *v.* First Trust & Savings Bank of Miami, Fla.;

No. 231. Robert H. Lucas, Commissioner of Internal Revenue, petitioner, *v.* Chicago Railway Equipment Company;

No. 232. United States *ex rel.* Edmund F. Leland, petitioner, *v.* J. R. McCarl, Comptroller General of the United States, and Robert H. Lucas, Commissioner of Internal Revenue;

No. 234. Barde Steel Products Corporation, petitioner, *v.* Commissioner of Internal Revenue;

No. 243. Anahma Realty Corporation, petitioner, *v.* Commissioner of Internal Revenue;

No. 247. Great Northern Railway Company, petitioner, *v.* Commissioner of Internal Revenue;

No. 268. William C. Newman, petitioner, *v.* Robert H. Lucas, Commissioner of Internal Revenue;

No. 277. Diamond Shoe Company, petitioner, *v.* Commissioner of Internal Revenue;

No. 288. Robert H. Lucas, Commissioner of Internal Revenue, petitioner, *v.* Thompson Oil & Gas Company;

No. 310. Miller & Vidor Lumber Company, petitioner, *v.* Commissioner of Internal Revenue; and

No. 351. A. James Eckert, petitioner, *v.* Commissioner of Internal Revenue. Resignation of Robert H. Lucas, Former Commissioner of Internal Revenue suggested, and David Burnet, present Commissioner substituted therefor on motion of Mr. Solicitor General Thacher in that behalf.

No. —, original. The State of Arizona, complainant, *v.* The State of California et al. Motion for leave to file bill of complaint submitted by Mr. K. Berry Peterson for the complainant.

No. —, original. The State of Wyoming, complainant, *v.* The State of Colorado. Motion for leave to file bill of complaint submitted by Mr. William O. Wilson for the complainant.

No. 378. Standard Oil Company et al., appellants, *v.* The United States of America. Motion to advance submitted by Mr. John B. Marsh for the appellants.

No. 232. United States *ex rel.* Edmund F. Leland, petitioner, *v.* J. R. McCarl, Comptroller General, etc., et al. Leave granted to file brief of the United States Rubber Company as *amicus curiae*, on motion of Mr. Frank S. Bright in behalf of Mr. Paul H. Arthur.

No. 12, original. The State of Connecticut, complainant, *v.* Commonwealth of Massachusetts. Exceptions of complainant to the report of the Special Master submitted by Mr. B. M. Holden for the complainant.

No. 12, original. The State of Connecticut, complainant, *v.* Commonwealth of Massachusetts. Motion to set case for hearing and disclaimer of intention to file exceptions to the report of the Special Master submitted by Mr. Joseph E. Warner for the defendant.

No. 9. Franc-Strohmenger & Cowan, Inc., petitioner, *v.* Baro-Forchheimer, doing business under the name and style of B. Forchheimer & Company, et al. Motion of Bachrach Company, Inc., and others for leave to intervene as parties respondents submitted by Mr. Milton Strasburger for the interveners in support thereof, and by Mr. Joe E. Daniels for the petitioner in opposition thereto.

No. 9. Franc-Strohmenger & Cowan, Inc., petitioner, *v.* Baro-Forchheimer, doing business under the name and style of B. Forchheimer & Company et al. Motion by the petitioner to dismiss the writ of certiorari submitted by Mr. Joe. E. Daniels for the petitioner.

No. 36. R. E. Graham and E. E. Foster, copartners, etc., petitioners, *v.* Rex B. Goodcell, Former Collector, etc. Leave granted to file brief of Marshall-Wells Company, as *amicus curiæ*, on motion of Mr. Mark J. Ryan in behalf of Mr. Wayne Johnson.

No. 464. Railroad Commission of Wisconsin et al., appellants, *v.* W. G. Maxcy, as Receiver, etc., et al. Motion to advance submitted by Mr. Suel O. Arnold for the appellants.

No. 215. Elsie Aronstein, petitioner, *v.* The New York Central Railroad Company. Leave granted to file brief of Henri Picard et al., and others as *amici curiæ*, on motion of Mr. Theodore L. Bailey in that behalf.

No. 36. R. E. Graham and E. E. Foster, copartners, etc., petitioners, *v.* Rex B. Goodcell, Former Collector, etc. Leave granted to file brief of Carl Taylor and Rollin Browne, as *amici curiæ*, on motion of Mr. Carl Taylor and Mr. Rollin Browne in that behalf.

No. 36. R. E. Graham and E. E. Foster, copartners, etc., petitioners, *v.* Rex B. Goodcell, Former Collector, etc. Leave granted to file brief of Fred Medart Manufacturing Co. and Pacific Porcelain Ware Co. as *amici curiæ*, on motion of Mr. Robert A. Littleton, Mr. John O. Altman, Mr. Abraham Lowenhaupt, and Mr. Stanley Waite in that behalf.

No. 545, October Term, 1928. Standard Oil Company et al., petitioners, *v.* City of Marysville et al. Motion for an order interpreting decision and directing form of mandate submitted by Mr. Chester I. Long for the respondents in support thereof and by Mr. James W. Reid for the petitioners in opposition thereto.



No. 5. Indian Motorcycle Company *v.* The United States of America. Leave granted to file brief of the Excelsior Motor Manufacturing & Supply Company, as *amicus curiae*, on motion of Mr. William Cogger in behalf of Mr. John E. Hughes.

No. 3, original. The State of Vermont, complainant, *v.* The State of New Hampshire. Motion for leave to file stipulation amending answer submitted by Mr. Winthrop Wadleigh in that behalf.

No. 3, original. The State of Vermont, complainant, *v.* The State of New Hampshire. Motion for progress and for reference to a Special Master submitted by Mr. Warren R. Austin for the complainant.

No. 26. Vermont Loan & Trust Company, appellant, *v.* W. D. Gillis, as Attorney General, etc.; and

No. 27. New World Life Insurance Company, appellant, *v.* W. D. Gillis, as Attorney General, etc. Motion to reverse and remand, per stipulation, submitted by Mr. Charles V. Imlay in behalf of counsel.

No. 196. Packard Motor Car Company, petitioner, *v.* The United States. Leave granted to file brief of John G. Buchanan, as *amicus curiae*, on motion of Mr. Ward Loveless in behalf of Mr. John G. Buchanan.

No. 36. R. E. Graham and E. E. Foster, copartners, etc., petitioners, *v.* Rex B. Goodcell, former collector, etc. Leave granted to file brief of Robert N. Miller, Donald V. Hunter, and S. Lyman Barber, as *amici curiae*, on motion of Mr. Ward Loveless in that behalf.

No. 265. Raymond H. Moore, petitioner, *v.* Baltimore & Ohio Railroad Company. Motion to waive rule requiring nine complete copies of the record submitted by Mr. Needham C. Turnage in behalf of Mr. Miller Belfield for the petitioner.

No. 137. Joseph B. Straton et al. *v.* Andy New, Jr., Trustee, etc. Motion to bring up the entire record and cause submitted by Mr. Arthur F. Kingdon for Andy New, Jr., Trustee, et al.

No. 156. The Texas Company, petitioner, *v.* Ray Lyman Wilbur, Secretary, etc. Leave granted to file brief of Wyoming Oil Fields Company as *amicus curiae*, on motion of Mr. Charles F. Consaul in that behalf.

No. 78. Marshall L. Mott, petitioner, *v.* The United States of America. Motion to advance submitted by Mr. M. C. Trimble in behalf of Mr. Charles B. Rogers for the petitioner.

No. 114. Various Items of Personal Property, etc., et al., petitioners, *v.* The United States of America. Leave granted to file brief of Bondholders' Committee, as *amicus curiae*, on motion of Mr. W. J. Hughes, Jr., in that behalf.

No. 63. Abie State Bank, appellant, *v.* Arthur J. Weaver, as Governor, etc., et al. Suggestion of appellee Willis M. Stebbins as to diminution of the record and motion for writ of certiorari submitted by Mr. H. R. Gower in behalf of counsel.

No. 63. Abie State Bank, appellant, *v.* Arthur J. Weaver as Governor, etc., et al. Suggestion of Mary E. Gandy and others as to a diminution of the record and motion for writ of certiorari submitted by Mr. H. R. Gower and objection thereto submitted by Mr. Frank H. Gaines, Mr. Leonard S. Flansburg, and by Mr. Seymour S. Sidner for the appellant.

No. 304. J. M. Robinson et al., appellants, *v.* L. C. Holman et al. Leave granted to file statement of points and statement as to jurisdiction out of time on motion of Mr. Charles Houston in behalf of counsel for the appellants.

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No. —. In the matter of the disbarment of Albert T. Patrick. Report of the committee of the bar presented.

No. —, original. *Ex parte*: Adele T. Salisbury. Motion for leave to proceed *in forma pauperis* and for leave to file amended petition for writ of mandamus submitted by Adele T. Salisbury *pro se*.

No. 2, original. The State of New Mexico, complainant, *v.* The State of Texas. Report and statement of expenses of the Boundary Commissioner presented.

No. 3, original. State of Vermont, complainant, *v.* State of New Hampshire. Motion of Commissioners for leave to file testimony presented.

No. 6, original. The State of Wisconsin et al., complainants, *v.* The State of Illinois et al.;

No. 10, original. State of Michigan et al., complainants, *v.* The State of Illinois et al.; and

No. 11, original. State of New York et al., complainants, *v.* State of Illinois et al. Semiannual report of the Sanitary District of Chicago filed July 1, 1930, presented.

No. 8, original. The State of Louisiana, complainant, *v.* The State of Mississippi. Exceptions by defendant to the report of the Special Master presented.

No. 15, original. Commonwealth of Kentucky, complainant, *v.* State of Indiana et al. Report of defendant, the State of Indiana, filed pursuant to the decree of this Court, presented.

No. 67. The Interstate Commerce Commission, petitioner, *v.* Northern Pacific Railroad Company et al. Motion to dismiss submitted by Mr. D. F. Lyons, Mr. F. G. Dorety, and Mr. R. J. Hagman for

the respondents in support of the motion, and by Mr. Daniel W. Knowlton and Mr. Nelson Thomas for the petitioner in opposition thereto.

No. 88. The United States of America et al., appellants, *v.* Atlanta, Birmingham & Coast Railroad Company. Motion to dismiss or affirm submitted by Mr. F. B. Grier, Mr. John A. Hynds, and Mr. Robert C. Alston for the appellee in support of the motion and by Mr. Solicitor General Thacher, Mr. Assistant to the Attorney General O'Brian, Mr. Claude R. Branch, Mr. Elmer H. Collins, Mr. W. Marvin Smith, and Mr. Edward M. Reidy for the appellants in opposition thereto.

No. 133. Fred J. Elser, as special administrator, etc., petitioner, *v.* Asia Banking Corporation. Motion to dismiss submitted by Mr. Allison D. Gibbs for the respondent in support of the motion, and by Mr. Clyde Alton DeWitt, Mr. Eugene Arthur Perkins, Mr. David A. Buckley, Jr., and Mr. William Catron Rigby for the petitioner in opposition thereto.

No. 159. Thomas W. Fleming, appellant, *v.* The State of Ohio. Motion to dismiss submitted by Mr. Ray T. Miller, Mr. Robert T. Scott, and Mr. David Ralph Hertz for the appellee in support of the motion and by Mr. Alexander H. Martin for the appellant, in opposition thereto.

No. 161. A. J. Waldo, appellant, *v.* J. Q. Newell, Warden of the Oklahoma State Penitentiary. Appeal from the Supreme Court of the State of Oklahoma. Dismissed with costs, on motion of Mr. Finis E. Riddle for the appellant.

No. 187. Peter Manke, petitioner, *v.* The United States of America. Motion for leave to proceed *in forma pauperis* submitted by Mr. Charles H. Sooy for the petitioner.

No. 190. H. Ely Goldsmith, petitioner, *v.* The United States of America. Motion for leave to proceed *in forma pauperis* submitted by H. Ely Goldsmith *pro se*.

No. 220. Joseph S. Kalasanckas, petitioner, *v.* Frank T. Hines, Director of the United States Veterans' Bureau. Motion for leave to proceed *in forma pauperis* submitted by Mr. Hallock P. Long.

No. 403. Ferigus Marceaux, petitioner, *v.* Police Jury of Vermillion Parish. Motion for leave to proceed *in forma pauperis* submitted by Mr. Charles A. McCoy for the petitioner.

No. 469. Joseph F. Fitzgerald et al., petitioners, *v.* The Union Central Life Insurance Company. Motion for leave to proceed *in forma pauperis* submitted by Joseph F. Fitzgerald, *pro se*.

No. 195. Columbus & Greenville Railway Company et al., appellants, *v.* W. J. Miller, State Tax Collector, etc. Motion to dismiss

or affirm submitted by Mr. George Butler for the appellee in support of the motion, and by Mr. William H. Watkins and Mr. A. F. Gardner, sr., for the appellants, in opposition thereto.

No. 256. The American Oil Company, appellant, *v.* Josephine Metz et al. Motion to dismiss or affirm submitted by Mr. Walter C. Capper for the appellee.

No. 87. Seth M. Milliken et al., etc., petitioners, *v.* The United States. Petition for writ of certiorari to the Court of Claims submitted by Mr. D. A. Embury for the petitioners, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Rugg, Mr. Claude R. Branch, and Mr. Fred K. Dyar for the respondent.

No. 97. Roberts Sash & Door Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims submitted by Mr. Jesse I. Miller for the petitioner, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Rugg, Mr. Claude R. Branch, and Mr. George H. Foster for the respondent.

No. 98. Jeff P. Nix, petitioner, *v.* Henry Sternberg, Trustee, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. George W. Dodd for the petitioner.

No. 99. Adam Schumann Associates, Inc., petitioner, *v.* The City of New York. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. O. Ellery Edwards for the petitioner, and by Mr. Arthur J. W. Hilly and Mr. J. Joseph Lilly for the respondent.

No. 100. Riverside & Dan River Cotton Mills, Inc., petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims submitted by Mr. J. Marvin Haynes, Mr. Robert H. Montgomery, and Mr. Thomas G. Haight for the petitioner, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Rugg, Mr. Claude R. Branch, and Mr. Charles R. Pollard for the respondent.

No. 101. York Safe & Lock Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims submitted by Mr. J. Marvin Haynes, Mr. Robert H. Montgomery, and Mr. Thomas G. Haight for the petitioner, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Rugg, and Mr. Charles R. Pollard for the respondent.

No. 208. Graniteville Manufacturing Company, petitioner, *v.* The United States; and

No. 209. National Equipment Company, petitioner, *v.* The United States. Petition for writs of certiorari to the Court of Claims submitted by Mr. Homer Hendricks and Mr. J. Robert Sherrod for the

petitioners, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Rugg, Mr. Claude R. Branch, and Mr. Charles R. Pollard for the respondent.

No. 232. United States ex rel. Edmund F. Leland, petitioner, *v.* J. R. McCarl, Comptroller General of the United States et al. Petition for writ of certiorari to the Court of Appeals of the District of Columbia submitted by Mr. James Craig Peacock and Mr. John W. Townsend for the petitioner, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Youngquist, Mr. Claude R. Branch, Mr. Sewall Key, and Mr. C. M. Charest for the respondent.

No. 103. Harry F. Waite, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims submitted by Mr. O. Ellery Edwards and Mr. Joseph W. Cox for the petitioner, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Rugg, Mr. Claude R. Branch, Mr. Percy M. Cox, and Mr. W. Marvin Smith for the respondent.

No. 107. Mattie Howard, petitioner, *v.* Odie O. Owens. Petition for writ of certiorari to the Supreme Court of the State of Oklahoma submitted by Mr. William Neff for the petitioner, and by Mr. John S. Severson for the respondent.

No. 110. T. H. McCarthy et al., petitioners, *v.* Bloedel Donovan Lumber Mills. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. James A. Williams for the petitioners, and by Mr. E. S. McCord and Mr. W. B. McCord for the respondent.

No. 114. Various Items of Personal Property, etc., petitioners, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Lewis Landes for the petitioners, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Youngquist, Mr. John J. Byrne, and Mr. Paul D. Miller for the respondent.

No. 117. George A. Stewart, as Trustee, etc., et al., petitioners, *v.* Nebraska Tire & Rubber Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Edward J. McVann for the petitioners.

No. 118. Mary Burnley Wilson Christian et al., petitioners, *v.* Richard Baxter Wilson's Executors and others. Petition for writ of certiorari to the Supreme Court of Appeals of the State of Virginia submitted by Mr. S. H. Williams for the petitioners, and by Mr. Littleton M. Wickham for the respondents.

No. 119. E. Massagli, doing business as San Francisco Concrete Co., etc., petitioner, *v.* T. I. Butler Co. et al. Petition for writ of

certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Clarence A. Linn for the petitioner.

No. 120. A. R. Demory Investment Co., petitioner, *v.* John P. Haese, Trustee. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Paul B. Cromelin, Mr. Bolitha J. Laws, and Mr. Francis Price for the petitioner, and by Mr. Isaac Pacht for the respondent.

No. 121. John Davis, petitioner, *v.* Tolowa Royalties, Inc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit submitted by Mr. Charles West for the petitioner.

No. 122. American Molasses Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims submitted by Mr. Adrian C. Humphreys, Mr. S. M. Stroock, Mr. Charles C. Carlin, and Mr. M. Carter Hall for the petitioner, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Rugg, Mr. Claude R. Branch, Mr. George H. Foster, and Mr. Paul D. Miller for the respondent.

No. 123. Black Hardware Company, petitioner, *v.* David Burnet, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. John David Watkins for the petitioner, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Youngquist, Mr. J. Louis Monarch, Mr. Harvey R. Gamble, and Mr. W. Marvin Smith for the respondent.

No. 125. Walter E. Carr, Director of Immigration, etc., petitioner, *v.* Mateo Zaja. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Luhring, Mr. Claude R. Branch, and Mr. Frank M. Parrish for the petitioner.

No. 336. United States of America *ex rel.* Costas Cateches, petitioner, *v.* Benjamin M. Day, Commissioner of Immigration. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Harold Van Riper for the petitioner, and by Mr. Solicitor General Thacher, Mr. Claude R. Branch, Mr. Harry S. Ridgely, and Mr. Paul D. Miller for the respondent.

No. 127. William J. Robb, Jr., et al., petitioners, *v.* Noxon Chemical Products Co., Inc., et al. and

No. 128. Charles R. S. Leckie et al., petitioners, *v.* Noxon Chemical Products Co., Inc., et al. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. John W. Davis and Mr. Clement K. Corbin for the



petitioners in No. 127, by Mr. Maximilian M. Stallman for the petitioners in No. 128, and by Mr. James F. Meagher for the respondents.

No. 129. David Burnet, Commissioner of Internal Revenue, petitioner, *v.* Sybil Whitehouse. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit submitted by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Youngquist, Mr. Claude R. Branch, Mr. Sewall Key, and Mr. Morton P. Fisher for the petitioner, and by Mr. Spottswood D. Bowers and Mr. Robert W. Candler for the respondent.

No. 130. Leonard Daniel Ingram, petitioner, *v.* Philip A. Lewis et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit submitted by Mr. Charles A. Chandler for the petitioner, and by Mr. R. Emmett Stewart and Mr. Daniel Haden Linebaugh for the respondents.

No. 188. Leonard Daniel Ingram, petitioner, *v.* Carter W. Wesley et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Charles A. Chandler for the petitioner, and by Mr. Edward S. Boyles for the respondents.

No. 132. George B. Davis, Bankrupt, petitioner, *v.* National Surety Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Richard B. Montgomery for the petitioner.

No. 133. Fred J. Elser, as special administrator of the estate of Henry W. Elser, deceased, petitioner, *v.* Asia Banking Corporation. Petition for writ of certiorari to the Supreme Court of the Philippine Islands submitted by Mr. C. A. DeWitt and Mr. Eugene A. Perkins for the petitioner, and by Mr. Allison D. Gibbs for the respondent.

No. 135. United States Can Company, petitioner, *v.* Mrs. Theodora Ryan. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Wayne Ely for the petitioner, and by Mr. David W. Hill for the respondent.

No. 171. Spokane, Portland and Seattle Railway Company, petitioner, *v.* Cecile S. Cole. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Charles H. Carey, Mr. Charles A. Hart, and Mr. Charles E. McCulloch for the petitioner.

No. 284. Erie Railroad Company, petitioner, *v.* Charles G. Stewart. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. G. A. Foote and Mr. Benjamin D. Holt for the petitioner, and by Mr. William L. Day and Mr. Luther Day for the respondent.

No. 136. Board of County Commissioners of Rogers County, Oklahoma, petitioner, *v.* Bristow Battery Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit submitted by Mr. Eugene Jordan for the petitioner.

No. 141. Hilary Halbert, Jr., et al., petitioners, *v.* The United States of America;

No. 142. Rich Halbert, a minor, by Fred P. Halbert, Guardian, *ad litem*, petitioner, *v.* The United States of America;

No. 143. Vernon Sidney Halbert, a minor, by Benjamin F. Halbert, Guardian, *ad litem*, petitioner, *v.* The United States of America;

No. 144. Sidney E. Halbert, a minor, by Sidney Seth Halbert, Guardian, *ad litem*, petitioner, *v.* The United States of America;

No. 145. Rose Peers Pickernoll et al., petitioners, *v.* The United States of America;

No. 146. Lulu M. Elliott et al., petitioners, *v.* The United States of America;

No. 147. Mary Barichio Petit et al., petitioners, *v.* The United States of America;

No. 148. Dewey Barichio et al., petitioners, *v.* The United States of America;

No. 149. Edna May Elliott et al., petitioners, *v.* The United States of America;

No. 150. Chas. G. Elliott, Jr., petitioners, *v.* The United States of America;

No. 151. Agnes Rubens et al., petitioners, *v.* The United States of America;

No. 152. Virginia Walkowsky et al., petitioners, *v.* The United States of America;

No. 153. Lizzie Rolfson et al., petitioners, *v.* The United States of America; and

No. 154. Mary Francis Provoe et al., petitioners, *v.* The United States of America. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Overton G. Ellis for the petitioners, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Richardson, Mr. Pedro Capo Rodriguez, and Mr. W. Marvin Smith for the respondent.

No. 155. The Chesapeake and Ohio Railway Company, petitioner, *v.* H. E. Martin et al. Petition for writ of certiorari to the Supreme Court of Appeals of the State of Virginia submitted by Mr. Walter Leake for the petitioner.

No. 156. The Texas Company, petitioner, *v.* Ray Lyman Wilbur, Secretary of the Interior. Petition for writ of certiorari to the Court of Appeals of the District of Columbia submitted by Mr. A. Michell Palmer, Mr. C. B. Ames, Mr. Edward M. Freeman, and Mr. William J. Neale for the petitioner, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Richardson, Mr. Nat M. Lacy, and Mr. Paul D. Miller for the respondent.

No. 157. Henry Seinfel et al., petitioners, *v.* Theodore B. Hennenlotter, as Trustee, etc. Petition for writ of certiorari to the Supreme Court of the State of New York submitted by Mr. Harold R. Medina for the petitioners, and by Mr. Matt Goldstein for the respondents.

No. 158. C. D. Clay, petitioner, *v.* Mobile & Ohio Railroad Company. Petition for writ of certiorari to the Supreme Court of the State of Mississippi submitted by Mr. Marion W. Reily for the petitioner and by Mr. Carl Fox for the respondent.

No. 159. Thomas W. Fleming, petitioner, *v.* The State of Ohio. Petition for writ of certiorari to the Supreme Court of the State of Ohio submitted by Mr. Alexander H. Martin for the petitioner, and by Mr. Ray T. Miller and Mr. David Ralph Hertz for the respondent.

No. 162. Salisbury Transportation Company, petitioner, *v.* Stark Electric Railroad Company. Petition for writ of certiorari to the Supreme Court of the State of Ohio submitted by Mr. John W. Guider, Mr. Frank J. Hogan, and Mr. Sidney L. Geiger for the petitioner.

No. 163. Flora Whitebird et al., petitioners, *v.* The Eagle-Picher Lead Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit submitted by Mr. C. B. Ames for the petitioners, and by Mr. Atlee Pomerene, Mr. V. E. Thompson, and Mr. A. C. Wallace for the respondents.

No. 164. Czarnikow-Rionda Company, petitioner, *v.* United States of America, Owner of the Steamship "Lake Canaveral." Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Frank Roberson for the petitioner, and by Mr. Solicitor General Thacher and Mr. J. Frank Staley for the respondent.

No. 167. Hugh McElvogue, petitioner, *v.* The United States of America; and

No. 168. William J. Brown, petitioner, *v.* The United States of America. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Hugh McElvogue *pro se*, by William J. Brown *pro se*, and by Mr. Soli-

citor General Thacher, Mr. Assistant Attorney General Youngquist, and Mr. John J. Byrne for the respondent.

No. 169. Lila Longson, petitioner, *v.* David Belasco. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Lila Longson *pro se* and by Mr. Nathan Burkan for the respondent.

No. 170. Pillsbury Flour Mills Company, petitioner, *v.* Interlake Steamship Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. D. Roger Englar, Mr. Henry N. Longley, and Mr. Ezra G. Benedict Fox for the petitioner, and by Mr. George W. Cottrell and Mr. Thomas C. Burke for the respondent.

No. 172. Emil E. Passailaigue, petitioner, *v.* Walter I. Herron et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. N. B. K. Pettingill for the petitioner, and by Mr. Donald C. McMullen for the respondents.

No. 173. Stanley Securities Company, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Court of Claims submitted by Mr. Bernhard Knollenberg for the petitioner, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Rugg, Mr. Claude R. Branch, and Mr. W. Marvin Smith for the respondent.

No. 174. Abraham M. Ellis, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims submitted by Mr. Joseph W. Cox and Mr. F. Hunter Creech for the petitioner, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Rugg, Mr. Claude R. Branch, and Mr. William W. Scott for the respondent.

No. 175. Weed & Brother, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims submitted by Mr. Donald Horne for the petitioner, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Rugg, Mr. Claude R. Branch, Mr. Paul D. Miller, and Mr. George H. Foster for the respondent.

No. 176. Edward A. Pagel, as Administrator, etc., petitioner, *v.* Selma Hallbom. Petition for writ of certiorari to the Supreme Court of the State of Minnesota submitted by Mr. Henry T. Ronning for the petitioner.

No. 177. The Chesapeake and Ohio Railway Company, petitioner, *v.* Frank Russo, Administrator, etc., and

No. 178. The Chesapeake and Ohio Railway Company, petitioner, *v.* Frank Russo, Administrator, etc. Petition for writs of certiorari

to the Appellate Court of the State of Indiana and to the Supreme Court of the State of Indiana submitted by Mr. Albert H. Cole for the petitioner, and by Mr. Henry M. Dowling for the respondent.

No. 179. Farbwerke vormals Meister Lucius & Bruning et al., etc., petitioners, *v.* Chemical Foundation, Inc., et al.;

No. 180. Farbwerke vormals Meister Lucius & Bruning, petitioner, *v.* E. I. du Pont de Nemours & Co. et al.;

No. 181. Deutsche Gold & Silber Scheide Anstalt vorm. Roessler, petitioner, *v.* E. I. du Pont de Nemours & Co. et al.;

No. 182. Badische Anilin & Soda-Fabrik, petitioner, *v.* E. I. du Pont de Nemours & Co. et al.;

No. 271. Walter O. Woods, as Treasurer of the United States, petitioner, *v.* The Chemical Foundation, Inc.;

No. 272. Howard Sutherland, as Alien Property Custodian, petitioner, *v.* Farbwerke vormals Meister Lucius & Bruning et al.;

No. 273. Howard Sutherland, as Alien Property Custodian, petitioner, *v.* Deutsche Gold & Silber Scheide Anstalt Vorm. Roessler, et al.; and

No. 274. Howard Sutherland, as Alien Property Custodian, petitioner, *v.* Badische Anilin & Soda-Fabrik et al. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Frederick H. Wood, Mr. Almuth C. Vandiver, and Mr. Charles F. Curry for the petitioners in Nos. 179, 180, 181, and 182 by Mr. Solicitor General Thacher for the petitioners in Nos. 271, 272, 273, and 274, and by Mr. Joseph H. Choate, jr., Mr. Wm. G. Mahaffy, Mr. S. M. Stellwagin, Mr. G. Carroll Todd, Mr. J. P. Laffey, Mr. W. S. Gregg, Mr. Solicitor General Thacher, Mr. J. Frank Staley, and Mr. Thos. E. Rhodes for the respondents in Nos. 179, 180, 181, and 182, and by Mr. G. Carroll Todd, Mr. Joseph H. Choate, Mr. Wm. G. Mahaffy, and Mr. S. M. Stellwagin for the respondents in Nos. 271, 272, 273, and 274.

No. 184. M. P. Mathis, petitioner, *v.* J. A. Ligon et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit submitted by Mr. C. Dale Wolfe and Mr. W. M. Haulsee for the petitioners.

No. 185. Mary E. Little, Executrix, etc., petitioner, *v.* Harwood Keaton, Receiver, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit submitted by Mr. Frank T. McCoy for the petitioner, and by Mr. Robert B. Keenan for the respondent.

No. 186. Norfolk and Western Railway Company, petitioner, *v.* F. L. Aylor, Trading as Clarke Milling Company. Petition for writ of certiorari to the Supreme Court of Appeals of the State of Vir-

ginia submitted by Mr. F. M. Rivinus and Mr. James F. Wright for the petitioner.

No. 189. Louisville & Nashville Railroad Company, petitioner, *v.* Mamie F. Jolly, Administratrix, etc. Petition for writ of certiorari to the Court of Appeals of the State of Kentucky submitted by Mr. A. M. Warren, Mr. E. S. Jouett, Mr. J. H. McChord, and Mr. S. D. Rouse for the petitioner, and by Mr. Johnst Northcutt for the respondent.

No. 191. Joseph Reynolds et al., petitioners, *v.* Harry E. Schmidt et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit submitted by Mr. Charles West for the petitioners.

No. 192. Pan American Petroleum and Transport Company, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. C. I. Clark and Mr. Eugene Underwood for the petitioner, and by Mr. Attorney General Mitchell, Mr. Claude R. Branch, Mr. J. Frank Staley, and Mr. W. Marvin Smith for the respondent.

No. 194. The Star Metal Mfg. Co. et al., petitioners, *v.* The Allen Filter Company. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit submitted by Mr. E. Hayward Fairbanks for the petitioners, and by Mr. Percy H. Moore for the respondent.

No. 195. Columbus & Greenville Railway Company et al., petitioners, *v.* W. J. Miller, State Tax-Collector, etc. Petition for writ of certiorari to the Supreme Court of the State of Mississippi submitted by Mr. William H. Watkins and Mr. A. F. Gardner, sr., for the petitioners, and by Mr. George Butler for the respondent.

No. 196. Packard Motor Car Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims submitted by Mr. J. Robert Sherrod and Mr. Robert N. Miller for the petitioner, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Rugg, and Mr. Claude R. Branch, for the respondent.

No. 197. Mrs. Blanche F. Coughlin, petitioner, *v.* Southwestern Bell Telephone Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. D. A. Simmons and Mr. Thos. H. Ball for the petitioner, and by Mr. Nelson Phillips and Mr. Jos. W. Jamison for the respondent.

No. 198. John W. Gamble, petitioner, *v.* Herbert S. Daniel, as Receiver, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr.



Francis A. Brogan, Mr. Edgar M. Morsman, jr., and Mr. C. A. Sorensen for the petitioner, and by Mr. Arthur F. Mullen and Mr. Paul L. Martin for the respondent.

No. 199. David Burnet, Commissioner of Internal Revenue, petitioner, *v.* Samuel F. Houston. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Youngquist, Mr. J. Louis Monarch, Mr. John G. Remy, Mr. W. Marvin Smith, Mr. C. M. Charest, and Mr. Allin H. Pierce for the petitioner, and by Mr. Wm. Clarke Mason for the respondent.

No. 202. David Burnet, Commissioner of Internal Revenue, petitioner, *v.* Sallie H. Henry. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Youngquist, Mrs. J. Louis Monarch, Mr. John G. Remy, Mr. W. Marvin Smith, Mr. C. M. Charest, and Mr. Allin H. Pierce for the petitioner, and by Mr. Wm. Clarke Mason for the respondent.

No. 203. David Burnet, Commissioner of Internal Revenue, petitioner, *v.* William Hobart Porter et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Youngquist, Mr. J. Louis Monarch, Mr. John G. Remy, Mr. W. Marvin Smith, Mr. C. M. Charest, and Mr. Allin H. Pierce for the petitioner, and by Mr. Walter Lee Sheppard for the respondents.

No. 200. Daniel J. Halpin, as Trustee, etc., petitioner, *v.* Savannah River Electric Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. D. W. Robinson, Mr. E. H. Callaway, and Mr. George E. O'Connor for the petitioner, and by Mr. F. B. Grier for the respondent.

No. 201. Elizabeth Miller Bowman, petitioner, *v.* Pennsylvania Railroad Company. Petition for writ of certiorari to the Supreme Court of the State of Pennsylvania submitted by Mr. Charles A. Ludlow for the petitioner, and by Mr. Frederic D. McKenney, Mr. John Spalding Flannery, and Mr. George Bowdoin Craighill for the respondent.

No. 204. United States *ex rel.* H. Wendell Endicott et al., petitioners, *v.* Andrew W. Mellon, as Secretary, etc. Petition for writ of certiorari to the Court of Appeals of the District of Columbia submitted by Mr. J. Harry Covington, Mr. Spencer Gordon, and Mr. Newell W. Ellison for the petitioners, and by Mr. Solicitor General Thacher, Mr. Claude R. Branch, Mr. Sewall Key, Mr.

Andrew D. Sharpe, Mr. W. Marvin Smith, and Mr. C. M. Charest for the respondent.

No. 205. J. T. Rose, Collector, etc., petitioner, *v.* John W. Grant; and

No. 206. J. T. Rose, Collector, etc., petitioner, *v.* John W. Grant et al. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Youngquist, Mr. Claude R. Branch, Mr. Sewall Key, Mr. Andrew D. Sharpe, and Mr. Paul D. Miller for the petitioner in No. 205; by Mr. Solicitor General Thacher for the petitioner in No. 206; and by Mr. John M. Slaton and Mr. Richard H. Wilmer for the respondents.

No. 207. Abby F. Means, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims submitted by Mr. John M. Perry, Mr. Arthur A. Ballantine, and Mr. George E. Cleary for the petitioner, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Rugg, Mr. Claude R. Branch, and Mr. Fred K. Dyar for the respondent.

No. 211. Quick Action Ignition Company et al., petitioners, *v.* The Maytag Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Howard M. Cox and Mr. Amasa C. Paul for the petitioners, and by Mr. William H. Davis for the respondent.

No. 212. James J. Mars, Executor, etc., et al., petitioners, *v.* Daniel A. McDougal et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit submitted by Mr. John T. Smith for the petitioners, and by Mr. Daniel A. McDougal, Mr. Leonard O. Lytle, Mr. William V. Pryor, Mr. Charles B. Rockwood, and Mr. Nathan A. Gibson for the respondents.

No. 213. Osburn California Corporation, petitioner, *v.* Galen H. Welch, United States Collector, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Ralph W. Smith for the petitioner, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Youngquist, Mr. Claude R. Branch, Mr. Sewall Key, Mr. Harvey R. Gamble, Mr. W. Marvin Smith, Mr. C. M. Charest, and Mr. F. W. DeWart for the respondent.

No. 214. Bank Savings Life Insurance Company, petitioner, *v.* Nellie E. Butler. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. J. W. Broaddus and Mr. F. W. McAllister for the petitioner, and by Mr. Fred A. Boxley for the respondent.

No. 215. Elsie Aronstein, petitioner, *v.* The New York Central Railroad Company. Petition for writ of certiorari to the Supreme Court of the State of New York submitted by Mr. Emmet L. Holbrook for the petitioner, and by Mr. Jacob Aronson and Mr. William Mann for the respondent.

No. 216. The United States, petitioner, *v.* Dorothy Whitney Elm-hirst, *nee* Straight, Executrix, etc. Petition for writ of certiorari to the Court of Claims submitted by Mr. Solicitor General Thacher for the petitioner, and by Mr. Swager Sherley, Mr. Frederick DeC. Faust, and Mr. Charles F. Wilson for the respondent.

No. 221. Percy W. Pickford et al., petitioners, *v.* E. Hilton Jackson, Receiver; and

No. 222. Harry M. Kaufman et al., petitioners, *v.* E. Hilton Jackson, Receiver. Petitions for writs of certiorari to the Court of Appeals of the District of Columbia submitted by Mr. Lawrence Koenigsberger for the petitioners.

No. 223. David Burnet, Commissioner of Internal Revenue, petitioner, *v.* The First Trust & Savings Bank of Miami. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Youngquist, Mr. Sewall Key, Mr. A. H. Conner, Mr. C. M. Charest and Mr. Allin H. Pierce for the petitioner, and by Mr. W. S. Hammers for the respondent.

No. 224. Higman Towing Company, Owner of Tug "Lutcher Brown," petitioner, *v.* S. S. "Southseas" and Petroleum Navigation Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Brantly Harris and Mr. John David Watkins for the petitioner.

No. 225. Arthur Hind, petitioner, *v.* Jesse W. Clark, Collector of Internal Revenue, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. C. R. Dewey for the petitioner, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Youngquist, Mr. Claude R. Branch, Mr. J. Louis Monarch, and Mr. W. Marvin Smith for the respondent.

No. 226. Frischer & Co., Inc., et al., petitioners, *v.* Tariff Commission et al. Petition for writ of certiorari to the United States Court of Customs and Patent Appeals submitted by Mr. Meyer Kraushaar for the petitioners, and by Mr. Albert MacC. Barnes, jr., for the respondents.

No. 227. Will Friedrichsen, petitioner, *v.* Guaranty Trust Company of New York, and

No. 228. Will Friedrichsen, petitioner, *v.* Guaranty Trust Company of New York. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. W. C. Mathes for the petitioner, and by Mr. Edwin S. S. Sunderland and Mr. Thomas O'G. FitzGibbon for the respondents.

No. 229. Mary T. Gamage et al., petitioners, *v.* Masonic Cemetery Association et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Aaron M. Sargent, Mr. Peter tum Suden and Mr. Sidney M. Van Wyck, jr., for the petitioners, and by Mr. Edward I. Barry for the respondents.

No. 230. Lee Calvin Moore, petitioner, *v.* W. T. Pate et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. S. D. Redmond for the petitioner, and by Mr. Marcellus Green and Mr. Garner W. Green for the respondents.

No. 231. David Burnet, Commissioner of Internal Revenue, petitioner, *v.* Chicago Railway Equipment Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Solicitor General Thacher for the petitioner, and by Mr. Wm. S. Oppenheim for the respondent.

No. 233. Atlantic Coast Line Railroad Company et al., petitioners, *v.* Lurline J. Bell, as Administratrix, etc. Petition for writ of certiorari to the Supreme Court of the State of South Carolina submitted by Mr. Thomas W. Davis for the petitioners, and by Mr. Louis M. Shimmel for the respondent.

No. 234. Barde Steel Products Corporation, petitioner, *v.* David Burnet, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. W. W. Spalding and Mr. Roscoe C. Nelson for the petitioner, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Youngquist, Mr. Claude R. Branch, Mr. J. Louis Monarch, Mr. John Vaughan Groner, Mr. W. Marvin Smith, Mr. C. M. Charest, and Mr. Randolph C. Shaw for the respondent.

No. 235. Edward F. Flynn, as Executor, etc., petitioner, *v.* The New York, New Haven and Hartford Railroad Company. Petition for writ of certiorari to the Supreme Court of Errors of the State of Connecticut submitted by Mr. Thomas R. FitzSimmons for the petitioner, and by Mr. Edward R. Brumley for the respondent.

No. 236. Maryland Casualty Company, petitioner, *v.* Nannie L. Massey. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr.

Edward B. Klewer for the petitioner, and by Mr. H. D. Minor for the respondent.

No. 238. Sacramento Suburban Fruit Lands Company, petitioner, *v.* H. A. Lindquist et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. John L. McNab for the petitioner.

No. 239. Alvis Maynard, Administrator, etc., petitioner, *v.* W. K. Elliott, Trustee, etc.;

No. 240. John B. Varney, petitioner, *v.* W. K. Elliott, Trustee, etc.;

No. 241. J. M. Smith et al., petitioners, *v.* W. K. Elliott, Trustee, etc.; and

No. 242. A. G. Rutherford, petitioner, *v.* W. K. Elliott, Trustee, etc. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Randolph Bias and Mr. Wells Goodykoontz for the petitioners, and by Mr. Stanley Reed for the respondent.

No. 243. Anahma Realty Corporation, petitioner, *v.* David Burnet, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Martin Taylor and Mr. Nathaniel T. Guernsey for the petitioner, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Youngquist, Mr. Claude R. Branch, Mr. Sewall Key, Mr. John Vaughan Groner, Mr. W. Marvin Smith, and Mr. C. M. Charest for the respondent.

No. 244. Forrest Nash Robertson, petitioner, *v.* The Chicago, Rock Island & Pacific Railway Company. Petition for writ of certiorari to the Supreme Court of the State of Minnesota submitted by Mr. Frederick M. Miner for the petitioner, and by Mr. Thomas D. O'Brien, Mr. Alexander E. Horn, and Mr. Edward S. Stringer for the respondent.

No. 245. Luther H. Reichelderfer et al., etc., petitioner, *v.* American Security and Trust Company et al.; and

No. 246. Luther H. Reichelderfer et al., etc., petitioners, *v.* Christian Heurich. Petition for writs of certiorari to the Court of Appeals of the District of Columbia submitted by Mr. William W. Bride, Mr. Vernon E. West, and Mr. F. H. Stephens for the petitioners, and by Mr. Frederic D. McKenney, Mr. Wilton J. Lambert, Mr. John S. Flannery, Mr. Rudolph H. Yeatman, Mr. G. Bowdoin Craighill, and Mr. Alexander H. Bell for the respondents.

No. 414. Luther H. Reichelderfer et al., etc., petitioners, *v.* William W. Dodge. Petition for writ of certiorari to the Court of Appeals of the District of Columbia submitted by Mr. William W. Bride, Mr. Vernon E. West, and F. H. Stephens for the petitioners.



No. 247. Great Northern Railway Company, petitioner, *v.* David Burnet, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. F. G. Dorety and Mr. J. P. Plunkett for the petitioner, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Youngquist, Mr. Claude R. Branch, Mr. Sewall Key, Mr. John Vaughan Groner, Mr. W. Marvin Smith, Mr. C. M. Charest, and Mr. Percy S. Crewe for the respondent.

No. 248. The Chesapeake & Ohio Railway Company, petitioner, *v.* Ida M. Fultz, Administratrix, etc.; and

No. 249. The Chesapeake & Ohio Railway Company, petitioner, *v.* Ida M. Fultz, Administratrix, etc. Petition for writs of certiorari to the Appellate Court of the State of Indiana and to the Supreme Court of the State of Indiana submitted by Mr. Albert H. Cole for the petitioner, and by Mr. Tom Davis and Mr. Ernest A. Michel for the respondent.

No. 250. Dora I. Nickman, petitioner, *v.* The New York Life Insurance Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. John A. Cline for the petitioner, and by Mr. James R. Garfield for the respondent.

No. 251. C. Perez Rubio, petitioner, *v.* Collector of Internal Revenue. Petition for writ of certiorari to the Supreme Court of the Philippine Islands submitted by Mr. C. A. DeWitt, Mr. E. A. Perkins and Mr. David A. Buckley, jr., for the petitioner, and by Mr. William Cattron Rigby, Mr. W. A. Graham, and Mr. Edward A. Kreger for the respondent.

No. 252. The United States, petitioner, *v.* Artemus C. Wells et al., etc. Petition for writ of certiorari to the Court of Claims submitted by Mr. Solicitor General Thacher for the petitioner.

No. 253. First National Bank of Biloxi, Mississippi, et al., petitioners, *v.* Board of Supervisors of Harrison County, Mississippi. Petition for writ of certiorari to the Supreme Court of the State of Mississippi submitted by Mr. W. L. Guice and Mr. T. J. Wills for the petitioners.

No. 254. Arthur Curtiss James, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims submitted by Mr. Robert E. Coulson, Mr. Oscar W. Underwood, jr., and Mr. H. C. Kilpatrick for the petitioner, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Rugg, Mr. Claude R. Branch, and Mr. Charles R. Pollard for the respondent.

No. 255. Arthur Curtiss James et al., petitioners, *v.* The United States. Petition for writ of certiorari to the Court of Claims submitted by Mr. Robert E. Coulson, Mr. Oscar W. Underwood, jr.,



and Mr. H. C. Kilpatrick for the petitioners, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Rugg, Mr. Claude R. Branch, and Mr. Charles H. Pollard for the respondent.

No. 257. The Chesapeake and Ohio Railway Company, petitioner, *v.* George R. Smith. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Fred C. Rector for the petitioner.

No. 258. William T. May et al., petitioners, *v.* Benjamin Marbury et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. U. G. Hahn and Mr. Joseph Higgins for the petitioners, and by Mr. Albert Williams for the respondents.

No. 259. E. C. Atkins & Company, petitioner, *v.* Harry Dunn, as Auditor, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Joseph J. Daniels, Mr. Samuel Ashby, and Mr. Albert Baker for the petitioner, and by Mr. William H. Thompson and Mr. Albert L. Rabb for the respondents.

No. 260. Eunice V. Avery, petitioner, *v.* Catherine Vernon et al. Petition for writ of certiorari to the Court of Appeals of the District of Columbia submitted by Mr. George P. Lemm for the petitioner, and by Mr. Gwynn Gardiner for the respondents.

No. 261. Standard Marine Insurance Company, Ltd., petitioner, *v.* Scottish Metropolitan Assurance Company, Ltd. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Russell T. Mount for the petitioner and by Mr. T. Catesby Jones and Mr. James W. Ryan for the respondent.

No. 262. William J. Briley et al., petitioners, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Edwin W. Sims and Mr. Elwood G. Godman for the petitioners, and by Mr. Solicitor General Thacher, Mr. Assistant to the Attorney General O'Brian, Mr. Claude R. Branch, Mr. Charles H. Weston, and Mr. W. Marvin Smith for the respondent.

No. 263. Maas & Waldstein Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims submitted by Mr. George E. Holmes, Mr. W. A. Sutherland, and Mr. Donald Havens for the petitioner, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Rugg, Mr. Claude R. Branch, and Mr. Charles R. Pollard for the respondent.

No. 265. Raymond H. Moore, petitioner, *v.* Baltimore & Ohio Railroad Company. Petition for writ of certiorari to the United States

Circuit Court of Appeals for the Fourth Circuit submitted by Mr. Walter F. Boye for the petitioner, and by Mr. Arthur C. Fraser, and Mr. Duncan K. Brent for the respondent.

No. 266. Atlantic Coast Line Railroad Company, petitioner, *v.* D. D. Covington. Petition for writ of certiorari to the Supreme Court of the State of South Carolina submitted by Mr. Thomas W. Davis, and Mr. F. L. Willcox for the petitioner, and by Mr. Philip H. Arrowsmith for the respondent.

No. 267. Panhard Oil Corporation, petitioner, *v.* Societe Anonyme Des Anciens Etablissements Panhard & Levassor. Petition for writ of certiorari to the United States Court of Customs and Patent Appeals submitted by Mr. Julian S. Wooster for the petitioner, and by Mr. Hugo Mock, and Mr. Asher Blum for the respondent.

No. 268. William C. Newman, petitioner, *v.* David Burnet, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit submitted by Mr. Charles H. Garnett, Mr. Preston C. West, Mr. A. A. Davidson, Mr. Nathan A. Gibson, and Mr. Joseph L. Hull for the petitioner, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Youngquist, Mr. Claude R. Branch, Mr. J. Louis Monarch, Mr. Randolph C. Shaw, Mr. C. M. Charest, and Mr. Percy S. Crewe for the respondent.

No. 269. Piggly Wiggly Corporation, petitioner, *v.* Jitney Jungle Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Ernest W. Bradord and Mr. William H. Watkins for the petitioner, and by Mr. James N. Flowers for the respondent.

No. 270. F. W. Woolworth Company, petitioner, *v.* R. E. Davis. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit submitted by Mr. Richard K. Bridges, and Mr. Randolph Shirk for the petitioner, and by Mr. Peter Q. Nyce for the respondent.

No. 275. Central Vermont Transportation Company, petitioner, *v.* The Barge "Harford" et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Clarence Bishop Smith for the petitioner, and by Mr. T. Catesby Jones and Mr. James W. Ryan for the respondents.

No. 276. The Atlantic Refining Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims submitted by Mr. Ira Jewell Williams, Mr. Ira Jewell Williams, jr., Mr. John H. Stone, Mr. Francis Shunk Brown, and Mr. Charles L. Guerin for the petitioner, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Rugg, Mr. Claude R. Branch, and Mr. J. Frank Staley for the respondent.

No. 277. Diamond Shoe Company, petitioner, *v.* David Burnet, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. A. H. Frisch for the petitioner, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Youngquist, Mr. Claude R. Branch, Mr. J. Louis Monarch, Mr. Norman D. Keller, Mr. W. Marvin Smith, and Mr. C. M. Charest for the respondent.

No. 278. Concordia Insurance Company of Milwaukee, petitioner, *v.* School District No. 98 of Payne County;

No. 279. Royal Insurance Company, Ltd., petitioner, *v.* School District No. 98 of Payne County;

No. 280. National Fire Insurance Company, petitioner, *v.* School District No. 98 of Payne County; and

No. 281. Fire Association of Philadelphia, petitioner, *v.* School District No. 98 of Payne County. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit submitted by Mr. F. A. Rittenhouse for the petitioner, and by Mr. R. M. Rainey and Mr. Streeter B. Flynn for the respondent.

No. 282. Bonwit Teller & Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims submitted by Mr. Arthur B. Hyman for the petitioner, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Rugg, Mr. Claude R. Branch, and Mr. George H. Foster for the respondent.

No. 283. Clinchfield Railroad Company, petitioner, *v.* Elice H. Dunn, Administratrix, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. John W. Price for the petitioner, and by Mr. P. A. Bonham and Mr. Robert Burrow for the respondent.

No. 285. Hartford Accident & Indemnity Company, petitioner, *v.* Weil Brothers. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Ray Rushton for the petitioner, and by Mr. Richard T. Rives for the respondent.

No. 286. The Chesapeake and Ohio Railway Company, petitioner, *v.* Southern Coal, Coke & Mining Company. Petition for writ of certiorari to the Appellate Court of the State of Illinois, Fourth District, submitted by Mr. D. H. Leake and Mr. Wm. G. Wise for the petitioner, and by Mr. Edward C. Kramer and Mr. Bruce A. Campbell for the respondent.

No. 287. The Collector of Internal Revenue of the Philippine Islands, petitioner, *v.* The Manila Railroad Company of the Philippine Islands. Petition for writ of certiorari to the Supreme Court

of the Philippine Islands submitted by Mr. William Catron Rigby and Mr. E. A. Kreger for the petitioner, and by Mr. Jose C. Abreu for the respondent.

No. 288. David Burnet, Commissioner of Internal Revenue, petitioner, *v.* Thompson Oil & Gas Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit submitted by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Younquist, Mr. Sewall Key, Mr. J. Louis Monarch, Mr. Paul D. Miller, and Mr. C. M. Charest for the petitioner.

No. 289. Dora Wenglinsky, petitioner, *v.* John L. Zurbrick, District Director of Immigration, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Leonard S. Coyne for the petitioner, and by Mr. Solicitor General Thacher, Mr. Claude R. Branch, Mr. Harry S. Ridgely, Mr. Frank M. Parrish, Mr. W. Marvin Smith, and Mr. Albert E. Reitzel for the respondent.

No. 291. John H. Glass, Trustee in Bankruptcy, etc., petitioner, *v.* John Cumming, Jr. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. John Arthur Brown for the petitioner, and Mr. Eugene Mackey for the respondent.

No. 292. The United States of America ex rel. Stanton K. Livingston, petitioner, *v.* Frank T. Hines, Director, etc. Petition for writ of certiorari to the Court of Appeals of the District of Columbia submitted by Mr. Samuel T. Ansell and Mr. George M. Wilmeth for the petitioner, and by Mr. Solicitor General Thacher, Mr. Claude R. Branch, Mr. J. Frank Staley, Mr. W. Clifton Stone, Mr. W. Marvin Smith, and Mr. James T. Brady for the respondent.

No. 293. Fred E. Suits et al., petitioners, *v.* Magnolia Petroleum Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit submitted by Mr. Fred E. Suits, Mr. J. B. Dudley, Mr. J. H. Everest, and Mr. Wilbur J. Holleman for the petitioners, and by Mr. W. H. Francis, Mr. B. B. Blakeney, and Mr. Hubert Ambrister for the respondent.

No. 294. Henry Vogt Machine Co., petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims submitted by Mr. Adrian C. Humphreys and Mr. Chester A. Gwinn for the petitioner, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Rugg, Mr. Claude R. Branch, and Mr. George H. Foster for the respondent.

No. 295. Bellaire, Benwood and Wheeling Ferry Company, petitioner, *v.* The Interstate Bridge Company, etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for

the Fourth Circuit submitted by Mr. Robert F. Cogswell for the petitioner, and by Mr. James Morgan Clarke and Mr. Charles McCamic for the respondents.

No. 297. A. D. Pierce et al., petitioners, *v.* Albion Idaho Land Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. S. T. Lowe for the petitioners.

No. 298. White River Levee District, petitioner, *v.* McWilliams Dredging Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Charles T. Coleman for the petitioner, and by Mr. T. W. Davis for the respondent.

No. 299. Carlo DeLuca, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims submitted by Mr. Henry Woog and Mr. William D. Harris for the petitioner, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Rugg, and Mr. Claude R. Branch for the respondent.

No. 300. Sam E. Finley, petitioner, *v.* MacDougald Construction Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Clifford L. Anderson for the petitioner, and by Mr. John M. Slaton, Mr. John A. Sibley, and Mr. Ellis Spear, jr., for the respondent.

No. 301. Mary Louise Thomas, a minor, etc., petitioner, *v.* Sid Jones et al. Petition for writ of certiorari to the Supreme Court of the State of Oklahoma submitted by Mr. Fred E. Suits for the petitioner.

No. 302. Marco Colpo, petitioner, *v.* Commonwealth of Pennsylvania. Petition for writ of certiorari to the Superior Court of the State of Pennsylvania submitted by Mr. E. Lowry Humes for the petitioner.

No. 303. Josefa Aguayo Casals, petitioner, *v.* Elvira Juana Manuela Joaquina Garcia Fernandez. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit submitted by Mr. Jose Tous Soto for the petitioner.

No. 305. The La Mesa, Lemon Grove and Spring Valley Irrigation District, petitioner, *v.* City of San Diego. Petition for writ of certiorari to the Supreme Court of the State of California submitted by Mr. Albert J. Lee, Mr. H. W. O'Melveny, Mr. Walter K. Tuller for the petitioner, and by Mr. Wm. J. Hunsaker, Mr. E. W. Britt, and Mr. T. B. Cosgrove for the respondent.

No. 308. B. Altman & Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims submitted by Mr. Joseph M. Hartfield and Mr. A. C. Newlin for the petitioner,



and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Rugg, Mr. Claude R. Branch, and Mr. Fred K. Dyar for the respondent.

No. 309. Robert Proctor, Receiver of New England Oil Refining Co., et al., petitioners, *v.* First National Bank of Boston. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit submitted by Mr. Romney Spring for the petitioner, and by Mr. George S. Fuller for the respondent.

No. 310. Miller & Vidor Lumber Company, petitioner, *v.* David Burnet, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Wm. S. Hammers and Mr. John Neethe for the petitioner, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Youngquist, Mr. Claude R. Branch, Mr. J. Louis Monarch, Miss Helen R. Carloss, Mr. Paul D. Miller, Mr. C. M. Charest, and Mr. John Mac C. Hudson for the respondent.

No. 311. National Brake & Electric Company, petitioner, *v.* Niels A. Christensen and Allis-Chalmers Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Charles A. Brown and Mr. Paul Synnestvedt for the petitioner, and by Mr. Louis Quarles, Mr. Newton D. Baker, Mr. Joseph B. Cotton, and Mr. William R. Rummler for the respondents.

No. 312. Charles Burnham Squire, petitioner, *v.* H. Ray Paige. Petition for writ of certiorari to the Supreme Court of the State of New York submitted by Mr. Frank Hendrick for the petitioner.

No. 314. Sigvard B. Johnsen, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Robert B. McMillan for the petitioner, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Youngquist, Mr. Claude R. Branch, Mr. A. W. Henderson, and Mr. Paul D. Miller for the respondent.

No. 315. Hannah M. Smith, Administratrix, etc., petitioner, *v.* Springdale Amusement Park, Ltd., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. E. Howard McCaleb and Mr. John E. Sater for the petitioner.

No. 317. Associated Bill Posters of the United States and Canada et al., petitioners, *v.* Wm. H. Rankin Co.; and

No. 318. Associated Bill Posters of the United States and Canada et al., petitioners, *v.* Charles A. Ramsey Company. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. George F. Hurd and Mr.



Richard T. Green for the petitioners, and by Mr. Nathan Burkan, Mr. Emanuel Harris, Mr. Thos. G. Haight, and Mr. Sol A. Rosenblatt for the respondents. .

No. 319. The Denver and Salt Lake Railway Company, petitioner, *v.* Frank Lombardi. Petition for writ of certiorari to the Supreme Court of the State of Colorado submitted by Mr. Elmer L. Brock, Mr. David W. Oyler, and Mr. E. R. Campbell for the petitioner, and by Mr. Arthur B. Bouton for the respondent.

No. 320. Edward Blanchard, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. George S. Atkinson for the petitioner, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Youngquist, Mr. Claude R. Branch, and Mr. W. Marvin Smith for the respondent.

No. 321. Garnett D. Ripley et al., petitioners, *v.* Howard Sutherland, Alien Property Custodian, etc., et al. Petition for writ of certiorari to the Court of Appeals of the District of Columbia submitted by Mr. C. C. Calhoun, Mr. Walter C. Balderson, Mr. M. Carter Hall, and Mr. Morton K. Yonts for the petitioners, and by Mr. Solicitor General Thacher, Mr. Claude R. Branch, Mr. J. Frank Staley, Mr. Thos. E. Rhodes, Mr. Paul D. Miller, Mr. Charles Henry Butler, Mr. John A. Kratz, Mr. George L. Shearer, and Mr. McCready Sykes for the respondent.

No. 323. Second National Bank of Saginaw, Trustee, etc., petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims submitted by Mr. W. A. Sutherland for the petitioner, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Rugg, Mr. Claude R. Branch, and Mr. W. Marvin Smith for the respondent.

No. 325. Josephine S. Scripps, as sole executrix, etc., petitioner, *v.* Robert Payne Scripps, as sole executor, etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Frank H. Shaffer, jr., Mr. Nathan L. Miller, Mr. John Weld Peck, Mr. Charles A. Brodek, and Mr. John H. Perry for the petitioner, and by Mr. Newton D. Baker for the respondents.

No. 326. Missouri Pacific Railroad Company, petitioner, *v.* Chicago, Rock Island & Pacific Railway Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. R. E. Wiley and Mr. Edward J. White for the petitioner.

No. 327. Foreman Trust & Savings Bank, as Trustee, etc., et al., petitioners, *v.* City of Chicago. Petition for writ of certiorari to the Supreme Court of the State of Illinois submitted by Mr. Howard

F. Bishop, Mr. John F. Caskey, and Mr. Geo. W. Schurman for the petitioners, and by Mr. Samuel A. Ettelson and Mr. Gotthard A. Dahlberg for the respondent.

No. 328. State of Louisiana *ex rel.* Board of School Directors, etc., petitioner, *v.* Brooklyn Cooperage Company. Petition for writ of certiorari to the Supreme Court of the State of Louisiana submitted by Mr. Peyton R. Sandoz for the petitioner, and by Mr. E. B. Dubuisson for the respondent.

No. 329. Bridgeport Irrigation District, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. William Ritchie, jr., for the petitioner, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Richardson, Mr. Claude R. Branch, Mr. E. T. Burke, and Mr. Paul D. Miller for the respondent.

No. 330. Twin City Pipe Line Company et al., petitioners, *v.* Harding Glass Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. J. P. Woods for the petitioners, and by Mr. Joseph R. Brown and Mr. James B. McDonough for the respondent.

No. 331. The Annapolis Company, petitioner, *v.* Harry Wardman et al. Petition for writ of certiorari to the Court of Appeals of the District of Columbia submitted by Mr. Camden R. McAtee for the petitioner.

No. 332. Robert Proctor, Receiver, etc., petitioner, *v.* American Trust Company, Successor Manager. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit submitted by Mr. Romney Spring and Mr. Wm. G. Thompson for the petitioner, and by Mr. Edmund K. Arnold for the respondent.

No. 335. The People of the State of New York, petitioner, *v.* Isaac G. Johnson & Company. Petition for writ of certiorari to the Supreme Court of the State of New York submitted by Mr. Robert P. Beyer and Mr. Hamilton Ward for the petitioner, and by Mr. John Jay McKelvey, Mr. Morgan J. O'Brien, Mr. Martin Conboy, and Mr. Harry B. Chambers for the respondent.

No. 337. Boston Pressed Metal Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims submitted by Mr. Harry Friedman for the petitioner, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Rugg, Mr. Claude R. Branch, and Mr. M. Marvin Smith for the respondent.

No. 338. George Zarate, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Herbert

Stanton Phillips for the petitioner, and by Mr. Solicitor General Thacher, Mr. Claude R. Branch, Mr. Harry S. Ridgely, and Mr. Paul D. Miller for the respondent.

No. 339. Southern Railway Company in Kentucky, petitioner, *v.* The Frankfort Distillery, Inc., et al. Petition for writ of certiorari to the Court of Appeals of the State of Kentucky submitted by Mr. Edward P. Humphrey for the petitioner, and by Mr. Thomas C. Mapother for the respondents.

No. 340. Hudson River Navigation Company, petitioner, *v.* Steamship "Cedarhurst" et al.; and

No. 341. Steamer "Trojan" et al., petitioner, *v.* Steamer Freeport Corporation. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Horace L. Cheyney for the petitioners, and by Mr. E. Curtis Rouse for the respondents.

No. 342. Southern Railway Company, petitioner, *v.* Jack W. Hussey. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Charles A. Houts and Mr. H. N. Quigley for the petitioner, and by Mr. Jesse W. Barrett for the respondent.

No. 343. Levi Strauss Realty Company, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. John C. Altman for the petitioner, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Youngquist, Mr. Claude R. Branch, Mr. Sewall Key, Mr. A. H. Conner, Mr. W. Marvin Smith, and Mr. C. M. Charest for the respondent.

No. 344. States Steamship Company, petitioner, *v.* Christian J. Berglann. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Erskine Wood for the petitioner.

No. 345. George S. Hamilton et al., petitioners, *v.* Atlantic Mortgage & Finance Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. A. L. Nash for the petitioners, and by Mr. H. P. Adair and Mr. John C. Cooper, jr., for the respondent.

No. 346. John T. Clarke et al., petitioners, *v.* Asmus Boysen et al.;

No. 347. Henry B. Pogson, Trustee, et al., petitioners, *v.* Big Horn Power Company et al.; and

No. 348. John T. Clarke et al., petitioners, *v.* Chicago, Burlington & Quincy Railroad Company. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit sub-

mitted by Mr. Fred R. Wright and Mr. O. Ellery Edwards for the petitioners, and by Mr. J. Q. Dier, Mr. J. C. James, and Mr. Bruce Scott for the respondents.

No. 349. Hans Nelson, petitioner, *v.* Puget Sound Navigation Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Winter S. Martin for the petitioner, and by Mr. H. B. Jones for the respondent.

No. 351. A. James Eckert, petitioner, *v.* David Burnet, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. C. R. Dewey for the petitioner, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Youngquist, Mr. Claude R. Branch, Mr. Sewall Key, and Mr. A. H. Conner for the respondent.

No. 352. V. Loewers Gambrinus Brewery Company, petitioner, *v.* Charles W. Anderson, Individually and as Collector, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Arthur B. Hyman and Mr. Karl D. Loos for the petitioner, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Youngquist, Mr. Claude R. Branch, Mr. J. Louis Monarch, and Mr. Norman D. Keller for the respondent.

No. 353. Phoenix Assurance Company, petitioner, *v.* R. O. Fleming et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Robert E. Steiner, jr., for the petitioner, and by Mr. W. O. Mulkey for the respondents.

No. 354. James Hamilton Lewis, petitioner, *v.* Canadian Pacific Railway Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Andrew R. Sheriff for the petitioner, and by Mr. Wirt E. Humphrey and Mr. Edwin H. Cassels for the respondents.

No. 355. I. G. Farbenindustrie, A. G., Assignee of Rudolf Wietzel, deceased, petitioner, *v.* Burritt Samuel Lacy. Petition for writ of certiorari to the United States Court of Customs and Patent Appeals submitted by Mr. Livingston Gifford and Mr. Wm. E. Warland for the petitioner, and by Mr. Julian S. Wooster for the respondent.

No. 357. Bruce M. Wood, et al., petitioners, *v.* Salt River Valley Water Users Association, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. John W. Ray for the petitioners, and by Mr. Walter Bennett, Mr. John L. Gust, and Mr. Frank O. Smith for the respondent.

No. 359. Florida East Coast Railway Company, petitioner, *v.* Mary C. Clark, as Administratrix, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Robert H. Anderson for the petitioner, and by Mr. George C. Bedell for the respondent.

No. 362. Gasoline Products Company, Inc., petitioner, *v.* Champlin Refining Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit submitted by Mr. John B. Marsh for the petitioner, and by Mr. Horace G. McKeever, Mr. Harry O. Glasser, and Mr. Carl C. Jones for the respondent.

No. 363. F. Wm. Lensing, Receiver, etc., petitioner, *v.* J. Fred Rayzor. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. E. B. Stroud, jr., for the petitioner, and by Mr. J. Newton Rayzor for the respondent.

No. 364. *Ex parte*: L. N. Frantz, petitioner. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. Russell S. Ritz for the petitioner.

No. 365. O. R. Seagraves, petitioner, *v.* Henry M. Wallace et al.; and

No. 366. O. R. Seagraves, petitioner, *v.* Henry M. Wallace et al. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Clyde A. Sweeton for the petitioner, and by Mr. John Neethe and Mr. S. J. Brooks for the respondents.

No. 367. The Bankers Reserve Life Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims submitted by Mr. Charles Kerr for the petitioner, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Rugg, Mr. Claude R. Branch, and Mr. Lisle A. Smith for the respondent.

No. 370. J. W. Alford, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Thos. M. Foley for the petitioner, and by Mr. Solicitor General Thacher, Mr. Claude R. Branch, and Mr. Harry S. Ridgely for the respondent.

No. 371. William Wingert, petitioner, *v.* The President, Directors, and Company of the Hagerstown Bank, et al.;

No. 372. Miller Wingert, petitioner, *v.* The President, Directors, and Company of the Hagerstown Bank, et al.;

No. 373. Lewis P. Wingert, petitioner, *v.* The President, Directors, and Company of the Hagerstown Bank, et al.;



No. 374. Martha A. Wingert, petitioner, *v.* The President, Directors, and Company of the Hagerstown Bank, et al.;

No. 375. The Hagerstown Silk Company, petitioner, *v.* The President, Directors, and Company of the Hagerstown Bank, et al.; and

No. 376. The Antietam Knitting Company, petitioner, *v.* The President, Directors, and Company of the Hagerstown Bank, et al. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. Miller Wingert for the petitioner.

No. 377. J. S. Cvitkovich et al., petitioners, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. John F. Dore for the petitioners, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Youngquist, Mr. Claude R. Branch, Mr. John J. Byrne, and Mr. Paul D. Miller for the respondent.

No. 379. The Farmers Bank of Mt. Pulaski, Illinois, et al., petitioners, *v.* A. P. Bickenbach, Trustee in Bankruptcy, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Lawrence B. Stringer for the petitioners, and by Mr. William L. Patton for the respondent.

No. 380. R. D. Spicer et al., petitioners, *v.* The United States of America;

No. 381. C. G. Stephens, petitioner, *v.* The United States of America; and

No. 382. B. M. Wotkyns, petitioner, *v.* The United States of America. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Edward Hohfeld and Mr. Herbert W. Clark for the petitioners in No. 380; by Mr. John L. McNab for the petitioner in No. 381; by Mr. Joseph E. Davies and Mr. Ernest C. Carman for the petitioner in No. 382.

No. 383. Standard Oil Company (Indiana), petitioner, *v.* Pennsylvania Railroad Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. L. L. Stephens, Mr. Frederick E. Brown, Mr. John R. Cochran, and Mr. Thos. Williamson for the petitioner, and by Mr. Frederic D. McKenney, Mr. John S. Flannery, and Mr. G. Bowdoin Craighill for the respondent.

No. 385. Edward Kaminski, petitioner, *v.* Chicago, Milwaukee, St. Paul & Pacific Railroad Company. Petition for writ of certiorari to the Supreme Court of the State of Minnesota submitted by Mr. Frederick M. Miner for the petitioner, and by Mr. O. W. Dynes, Mr. F. W. Root, and Mr. A. C. Erdall for the respondent.

No. 386. Chevrolet Motor Company, petitioner, *v.* Ray V. Gladding. Petition for writ of certiorari to the United States Circuit



Court of Appeals for the Fourth Circuit submitted by Mr. William H. Hudgins for the petitioner.

No. 388. Erie Railroad Company, petitioner, *v.* Howard C. Firth. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. George S. Hobart for the petitioner, and by Mr. William J. Kraft for the respondent.

No. 389. United States of America on the relation of Knickerbocker Insurance Company of New York, Successor, etc., petitioner, *v.* Andrew W. Mellon, Secretary of the Treasury et al. Petition for writ of certiorari to the Court of Appeals of the District of Columbia submitted by Mr. H. Stanley Hinrichs, Mr. John Walsh and Mr. Frank S. Bright for the petitioner, and by Mr. Solicitor General Thacher, Mr. Claude R. Branch, Mr. J. Frank Staley, and Mr. Thos. E. Rhodes for the respondent.

No. 390. Pacent Reproducer Corporation et al., petitioners, *v.* Western Electric Company, Inc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Wm. Houston Kenyon and Mr. Theodore S. Kenyon for the petitioners, and by Mr. Charles Neave and Mr. Wm. R. Ballard for the respondents.

No. 460. Charles D. Chisholm, trading as Chisholm Co. et al., petitioner, *v.* Benjamin Bernard Deitel. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. C. P. Goepel for the petitioner, and by Mr. W. P. Preble for the respondent.

No. 391. The Jones Store Co., Kansas City Socialer Turnverein et al., petitioners, *v.* Kansas City, Missouri. Petition for writ of certiorari to the Supreme Court of the State of Missouri submitted by Mr. Maurice H. Winger for the petitioners, and by Mr. J. C. Petherbridge for the respondent.

No. 392. Edwin C. Kudy et al., petitioners, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. M. M. Doyle and Mr. Martin J. Brennan for the petitioners, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Youngquist, Mr. Claude R. Branch, Mr. John J. Byrne, and Mr. Paul D. Miller for the respondent.

No. 394. Miles Tatham et al., petitioners, *v.* Sacramento Suburban Fruit Lands Company;

No. 395. John V. Kral, petitioner, *v.* Sacramento Suburban Fruit Lands Company;

No. 396. C. A. Wagner, petitioner, *v.* Sacramento Suburban Fruit Lands Company;

No. 397. Anton Handler et al., petitioners, *v.* Sacramento Suburban Fruit Lands Company; and

No. 398. Harry C. Klaffenbach et al., petitioners, *v.* Sacramento Suburban Fruit Lands Company. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Ray T. Coughlin and Mr. Ralph H. Lewis for the petitioners.

No. 399. Howe P. Cochran, petitioner, *v.* James Couzens. Petition for writ of certiorari to the Court of Appeals of the District of Columbia submitted by Mr. Harry Friedman for the petitioner, and by Mr. Adrian F. Busick, Mr. Joseph E. Davies, Mr. Raymond N. Beebe, Mr. Clarence E. Wilcox, and Mr. Arthur J. Lacy for the respondent.

No. 401. C. J. Farley and Company, petitioner, *v.* Earl D. Stoll. Petition for writ of certiorari to the Supreme Court of the State of Michigan submitted by Mr. Julius H. Amberg for the petitioner.

No. 404. Mailliard & Schmiedell et al., petitioners, *v.* Pacific Steamship Company; and

No. 418. American-Hawaiian Steamship Company, petitioner, *v.* Pacific Steamship Company, Owner, etc. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Howard S. Cosgrove, Mr. Robert S. Terhune, and Mr. William H. Gorham for the petitioners in No. 404; by Mr. Louis T. Hengstler and Mr. Frederick W. Dorr for the petitioner in No. 418; and by Mr. Hugh Montgomery for the respondent.

No. 406. Moran Towing & Transportation Company, petitioner, *v.* J. W. Higman Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Chauncey I. Clark for the petitioner, and by Mr. Horace L. Cheyney, Mr. John A. McManus, and Mr. G. Noyes Slayton for the respondents.

No. 407. Samuel Malinow et al., petitioners, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. R. Palmer Ingram for the petitioners and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Younquist, Mr. Claude R. Branch, and Mr. Paul D. Miller for the respondent.

No. 408. Stevens Hotel Company, petitioner, *v.* Chicago Yacht Club et al. Petition for writ of certiorari to the Supreme Court of the State of Illinois submitted by Mr. George P. Merrick and Mr. Tappan Gregory for the petitioner, and by Mr. Edwin W. Sims for the respondents.

No. 409. Texas and New Orleans Railroad Company, petitioner, *v.* John Bonura & Company, Inc. Petition for writ of certiorari to the

Court of Appeals of the State of Louisiana submitted by Mr. Harry McCall, Mr. Victor Leovy, Mr. Henry H. Chaffe, and Mr. Jas. Hy. Bruns for the petitioner, and by Mr. Burt W. Henry for the respondent.

No. 410. Oscar Goldschlag, petitioner, *v.* William F. Deegan, as Tenement House Commissioner, etc. Petition for writ of certiorari to the Supreme Court of the State of New York submitted by Mr. Bernard Hershkoff for the petitioner and by Mr. Arthur J. W. Hilly, Mr. Hamilton Ward, and Mr. J. Joseph Lilly for the respondent.

No. 415. Ida S. Graustein, petitioner, *v.* Westminster National Bank et al. Petition for writ of certiorari to the Superior Court of the State of Massachusetts, Worcester County, submitted by Ida S. Graustein, *pro se.*

No. 417. John R. Smith, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Arthur I. Moulton for the petitioner and by Mr. Solicitor General Thatcher, Mr. Assistant Attorney General Youngquist, Mr. Claude R. Branch, and Mr. W. Marvin Smith for the respondent.

No. 419. Nancy C. Williams, petitioner, *v.* The Order of United Commercial Travelers of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Dwight L. Pendleton for the petitioner, and by Mr. Beverley R. Jouett for the respondent.

No. 420. George S. Grueby et al., petitioners, *v.* Theodora M. Christopher, Adm'x., et al, and

No. 421. G. A. Grueby et al., petitioners, *v.* Theodora M. Christopher, Adm'x., et al. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the First Circuit submitted by Mr. Foye M. Murphy for the petitioners in No. 420; by Mr. Dudley H. Dorr for the petitioners in No. 421; and by Mr. George Stanley Harvey for the respondents.

No. 422. W. W. Custer, petitioner, *v.* Rob B. McCutchen, Substituted for F. M. Breshears, deceased, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. James R. Bothwell for the petitioner and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Richardson, Mr. Claude R. Branch, Mr. E. T. Burke, and Mr. Paul D. Miller for the respondent.

No. 423. Francisco Lopez Sanchez, petitioner, *v.* Antonia Gautier y Borrás. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit submitted by Mr. Nelson

Gammans for the petitioner, and by Mr. Henry G. Molina for the respondent.

No. 424. Mattie Willis, now Mattie Rogers, petitioner, *v.* Lonie Scott et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit submitted by Mr. Guy H. Sigler and Mr. P. M. Jackson for the petitioner, and by Mr. W. F. Semple and Mr. Marion W. Reily for the respondents.

No. 425. Group No. 1 Oil Corporation, petitioner, *v.* James W. Bass, Collector of Internal Revenue, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the fifth Circuit submitted by Mr. Homer L. Bruce for the petitioner, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Youngquist, Mr. Claude R. Branch, Mr. Sewall Key, and Mr. John G. Remy for the respondent.

No. 426. B. D. McCaughn, Collector, petitioner, *v.* Hershey Chocolate Co.;

No. 427. Est. E. Lederer, Collector, petitioner, *v.* Hershey Chocolate Co.;

No. 428. Est. B. F. Davis, Collector, petitioner, *v.* Hershey Chocolate Co.;

No. 429. Est. E. Lederer, Collector, petitioner, *v.* Hershey Chocolate Co.;

No. 430. B. D. McCaughn, Collector, petitioner, *v.* Hershey Chocolate Co.;

No. 431. Est. B. F. Davis, Collector, petitioner, *v.* Hershey Chocolate Co.;

No. 432. Est. B. F. Davis, Collector, petitioner, *v.* Klein Chocolate Co.;

No. 433. Est. E. Lederer, Collector, petitioner, *v.* Klein Chocolate Co.;

No. 434. Est. E. Lederer, Collector, petitioner, *v.* Klein Chocolate Co.;

No. 435. B. D. McCaughn, Collector, petitioner, *v.* Klein Chocolate Co.;

No. 436. Est. E. Lederer, Collector, petitioner, *v.* Wilbur-Suchard Chocolate Co.;

No. 437. Est. E. Lederer, Collector, petitioner, *v.* Wilbur-Suchard Chocolate Co.;

No. 438. B. D. McCaughn, Collector, petitioner, *v.* Wilbur-Suchard Chocolate Co.;

No. 439. Est. B. F. Davis, Collector, petitioner, *v.* York Chocolate Co.;

No. 440. Est. E. Lederer, Collector, petitioner, *v.* York Chocolate Co.; and

No. 441. B. D. McCaughn, Collector, petitioner, *v.* York Chocolate Co. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Youngquist, Mr. Claude R. Branch, Mr. Sewall Key, Mr. J. Louis Monarch, and Mr. C. M. Charest for the petitioner, and by Mr. A. Allen Woodruff and Mr. Wm. Clarke Mason for the respondent.

No. 445. Floy P. Baldwin, petitioner, *v.* Iowa State Traveling Men's Association. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. C. W. Prince, Mr. James Beery and Mr. F. W. Lehmann, jr., for the petitioner, and by Mr. J. M. Parsons for the respondent.

No. 446. Sarah Powers et al., petitioners, *v.* The New York, Chicago & St. Louis Railroad Company et al. Petition for writ of certiorari to the Supreme Court of the State of Ohio submitted by Mr. Donald M. Hamilton for the petitioners, and by Mr. Leslie Nichols and Mr. Alfred Clum for the respondents.

No. 450. L. J. A. Petree, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Charles T. Cates, jr., for the petitioner, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Youngquist, Mr. Claude R. Branch, Mr. Sewall Key, Mr. John H. McEvers, Mr. W. Marvin Smith, and Mr. C. M. Charest for the respondent.

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The Chief Justice announced that the Court, after entertaining motions for admission to the bar and other motions noticed for to-day, will adjourn.

The Court will meet upon Monday next, October 13, and upon that day it will announce orders and receive such motions as may be submitted, and will then adjourn from that day until Monday, October 20, when arguments in cases especially set and cases on the regular docket will be commenced. The Court will thus be enabled to devote time during the next two weeks to the disposition of the petitions for writs of certiorari which were submitted to-day.

Adjourned until Monday, next, at 12 o'clock.

SUPREME COURT OF THE UNITED STATES

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Present: The Chief Justice, Mr. Justice Holmes, Mr. Justice Van Devanter, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, and Mr. Justice Roberts.

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F. Cadmus Damrell, of Washington, D. C.; Joseph Rossman, of Washington, D. C.; Noah S. Amstutz, of Valparaiso, Ind.; David Eustace Henderson, of Kansas City, Kans.; William B. O'Connell, of Washington, D. C.; Irving Morris Engel, of New York City; Maxwell W. Wells, of Orlando, Fla.; Irving A. Jennings, of Phoenix, Ariz.; Thomas Marshall, of Chicago, Ill.; James Gillmore Leovy, of Los Angeles, Calif.; John W. Fisher, of Washington, D. C.; Guy M. Page, of Burlington, Vt.; and Brice Clagett, of Los Angeles, Calif., were admitted to practice.

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The Chief Justice announced the following orders of the Court:

No. 528, October Term, 1929. Broad River Power Company et al., petitioners, *v.* State of South Carolina *ex rel.* John M. Daniel, Attorney General. The petition for a rehearing is granted and the case is assigned for reargument on Monday, November 24 next.

No. —. In Re George F. Curtis. It having been shown to the Court that George F. Curtis, of Washington, District of Columbia, a member of the bar of this Court, has been disbarred from the practice of the law by the Supreme Court of the District of Columbia,

And it appearing that by order of June 2, 1930, this Court suspended the said George F. Curtis from the practice of the law in this Court and directed that the Clerk of this Court send to the said Curtis notice to show cause on or before Monday, October 6, 1930, why he should not be disbarred from the practice of the law in this Court, and it further appearing that the Clerk on June 4, 1930, did send to the said Curtis the notice to show cause and certified copy of the order of June 2, 1930;

And the return day of said notice to show cause having passed and the said Curtis having failed to make any return or answer to said notice to show cause,

It is now here ordered that the said George F. Curtis, be, and he is hereby, disbarred, and that his name be stricken from the roll of attorneys admitted to practice in this Court.



No. —, original. The State of Arizona, complainant, *v.* The State of California et al. The motion for leave to file the bill of complaint herein is granted and process is ordered to issue returnable on Monday, January 5, 1931.

No. —, original. The State of Wyoming *v.* The State of Colorado. The motion for leave to file the bill of complaint herein is granted and process is ordered to issue returnable on Monday, January 5, 1931.

No. 3, original. The State of Vermont, complainant, *v.* The State of New Hampshire. The motion for leave to file a stipulation to amend the answer is granted.

No. 3, original. The State of Vermont, complainant, *v.* The State of New Hampshire. The motion of the Commissioners for leave to file the transcript of proceedings together with the exhibits before the Commissioners in this cause is granted and such transcript, with exhibits, is ordered to be filed.

The motion of the complainant for an order directing the defendant to file its transcript of proceedings and testimony and all of its exhibits is granted, and the defendant is ordered to file the same on or before November 1, 1930.

No. 3, original. The State of Vermont, complainant, *v.* The State of New Hampshire. The motion for the appointment of a Special Master in this case is granted; and Edmund F. Trabue, Esquire, of Louisville, State of Kentucky, is appointed special master in this cause. The master is directed to make special findings of fact and conclusions of law, and to submit the same to this Court with all convenient speed, together with his recommendations for a decree; he shall accord to the parties a full hearing on all questions in the cause, whether of fact or of law, and shall base his findings and recommendations on the entire record as heretofore made and this day ordered to be filed in this Court. The findings, conclusions, and recommendations of the special master shall be subject to consideration, revision, or approval by the Court.

No. 8, original. The State of Louisiana, complainant, *v.* The State of Mississippi. The exceptions to the report of the special master are ordered filed and the case is assigned for hearing on Monday, January 5, next. It is ordered that brief for the defendant shall be filed three weeks prior to the date of argument and that of the complainant one week prior to that date.

No. 12, original. The State of Connecticut, complainant, *v.* The Commonwealth of Massachusetts. It is ordered that this cause be, and it is hereby, set for hearing on Monday, January 5, 1931, on the complainant's exceptions to the report of the special master. The

parties are directed to file an abstract of the evidence in this case on or before November 15, 1930, and briefs for each party are directed to be filed on or before December 1, 1930. Reply briefs, if any, may be filed on or before December 15, 1930.

No. 26. Vermont Loan & Trust Company, appellant, *v.* W. D. Gillis, as Attorney General of the State of Idaho. Appeal from the District Court of the United States for the District of Idaho. *Per curiam*: On consideration of the stipulation of the parties filed in this cause on the sixth day of October, 1930, setting forth the opinion and judgment of the Supreme Court of the State of Idaho rendered July 31, 1930, in the case entitled in that court "Utah Mortgage Loan Corporation *v.* W. D. Gillis,"

It is ordered that the judgment entered September 19, 1929, in this cause by the specially constituted District Court of the United States for the District of Idaho be, and the same is hereby, reversed, and the cause is remanded to that Court with directions to dismiss the bill of complaint on the ground set forth in the stipulation of the parties herein.

No. 27. New World Life Insurance Company, appellant, *v.* W. D. Gillis, as Attorney General of the State of Idaho. Appeal from the District Court of the United States for the District of Idaho. *Per curiam*: On consideration of the stipulation of the parties filed in this cause on the sixth day of October, 1930, setting forth the opinion and judgment of the Supreme Court of the State of Idaho rendered July 31, 1930, in the case entitled in that court "Utah Mortgage Loan Corporation *v.* W. D. Gillis,"

It is ordered that the judgment entered September 19, 1929, in this cause by the specially constituted District Court of the United States for the District of Idaho be, and the same is hereby, reversed, and the cause is remanded to that Court with directions to dismiss the bill of complaint on the ground set forth in the stipulation of the parties herein.

No. 111. Go-Bart Importing Co. et al., petitioners, *v.* The United States of America. The motion to advance this case is granted and the case assigned for hearing on Monday, November 24 next, after the case heretofore assigned for that day.

No. 378. Standard Oil Company (Indiana) et al., appellants, *v.* The United States of America. The motion to advance this case is granted and the case assigned for hearing on Monday, January 12, 1931.

No. 56. The United States, petitioner, *v.* Swift and Company; and

No. 113. The Pottstown Iron Company, petitioner, *v.* The United States. The motion to advance the case of United States *v.* Swift

& Company, No. 56, is granted, and the case is advanced and assigned for hearing immediately following the case of *United States v. Iron Cap Copper Co.*, No. 43.

The order of this Court of June 2, 1930, advancing the case of *Pottstown Iron Co. v. The United States*, No. 113, for hearing immediately following case No. 43 is amended, and case No. 113 is assigned for hearing immediately following case No. 56.

No. 231. David Burnet, Commissioner of Internal Revenue, petitioner, *v. Chicago Railway Equipment Company*. The motion to advance this case is granted and the case is assigned for argument immediately following No. 23, Charles H. Stange, petitioner, *v. The United States*.

No. 69. Annette Aiken, Administratrix, etc., petitioner, *v. David Burnet, Commissioner of Internal Revenue*. The motion to advance this case is granted and the case is advanced and assigned for hearing immediately following No. 231, Burnet, Commissioner of Internal Revenue, *v. Chicago Railway Equipment Co.*

No. 115. W. P. Brown & Sons Lumber Company, petitioner, *v. David Burnet, Commissioner of Internal Revenue*. The motion to advance this case is granted and the case is advanced and assigned for hearing immediately following No. 69, Aiken, Adm'x., *v. Burnet, Commissioner of Internal Revenue*.

No. 210. American Bond & Mortgage Company and Trianon, Inc., *v. The United States of America*. The motion to advance this case is granted and the case is advanced and assigned for hearing immediately following No. 29, *White v. Johnson*.

No. 464. Railroad Commission of Wisconsin et al. appellants, *v. W. G. Maxcy, as Receiver of the Washburn Water Works Company et al.* The motion to advance this case is granted and the case is advanced and assigned for hearing on Monday, November 24 next, after the cases heretofore assigned for that day.

No. 78. Marshall L. Mott, petitioner, *v. The United States of America*. The motion to advance this case is granted and the case is advanced and assigned for argument immediately following No. 21, *United States v. Equitable Trust Co. et al.*

No. 112. *The United States of America v. Edward Benz*. It is ordered that this case be, and it is hereby, advanced and assigned for hearing on Monday, November 24 next, after the cases heretofore assigned for that day.

No. 5. *Indian Motorcycle Company v. The United States of America*. The motion to amend the certificate in this case is granted.

No. 9. *Franc-Strohmenger & Cowan, Inc., petitioner, v. Baro Forchheimer, doing business under the name and style of B. Forch-*

heimer & Company et al. On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. *Per curiam*: The motion of Bachrach Co., Inc., Hut Neckwear Co., McCurrach Organization, Inc., I. Isaac & Co., and Kramer-Brandeis, Inc., for leave to intervene in this Court as parties respondent in this cause is denied.

The motion of petitioner to dismiss the writ of certiorari is granted.

No. 545. October Term, 1928, Standard Oil Company et al., petitioners, *v.* City of Marysville et al. The motion for an order interpreting the decision of this Court is denied.

No. 63. Abie State Bank, appellant, *v.* Arthur J. Weaver, as Governor, etc., et al. On suggestions of diminution of the record, the motions for writs of certiorari are granted.

No. 265. Raymond H. Moore, petitioner, *v.* Baltimore & Ohio Railroad Company. The motion for the consideration of the petition on the printed records as filed is granted.

No. 137. Joseph B. Straton et al., *v.* Andy New, Jr., Trustee, etc., The motion to bring up the entire record and cause is denied.

No. 67. The Interstate Commerce Commission, petitioner, *v.* Northern Pacific Railroad Company et al. On writ of certiorari to the Court of Appeals of the District of Columbia. *Per curiam*: The motion of respondents to dismiss the writ of certiorari in this case is granted. The writ is dismissed; the judgment of the Court of Appeals of the District of Columbia is reversed, and the cause is remanded to the Supreme Court of the District of Columbia with directions to set aside its order for the issuance of a peremptory writ of mandamus and to dismiss the petition for writ of mandamus.

No. 133. Fred J. Elser, as special administrator, etc., petitioner, *v.* Asia Banking Corporation. The motion of the respondent to dismiss is denied.

No. —, original. *Ex parte*: Adele T. Salisbury, petitioner. The motion for leave to file petition for a writ of mandamus and the motion for leave to proceed further herein *in forma pauperis* are severally denied.

No. 187. Peter Manke, petitioner, *v.* The United States of America. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. *Per curiam*: The motion for leave to proceed further herein *in forma pauperis* is denied, for the reason that the Court, upon examination of the unprinted record herein submitted, finds that there is no ground upon which a writ of certiorari should be issued. The petition for writ of certiorari is therefore also denied. The costs already incurred herein shall be paid by the Clerk, as provided in the order of October 29, 1926.

No. 190. H. Ely Goldsmith, petitioner, *v.* The United States of America. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. *Per curiam:* The motion for leave to proceed further herein *in forma pauperis* is denied, for the reason that the Court, upon examination of the unprinted record herein submitted, finds that there is no ground upon which a writ of certiorari should be issued. The petition for writ of certiorari is therefore also denied. The costs already incurred herein shall be paid by the Clerk as provided in the order of October 29, 1926.

No. 220. Joseph S. Kalasanckas, petitioner, *v.* Frank T. Hines, Director of the United States Veterans' Bureau. On petition for writ of certiorari to the Court of Appeals of the District of Columbia. *Per curiam:* The motion for leave to proceed further herein *in forma pauperis* is denied, for the reason that the Court, upon examination of the unprinted record herein submitted, finds that there is no ground upon which a writ of certiorari should be issued. The petition for writ of certiorari is therefore also denied. The costs already incurred herein shall be paid by the Clerk as provided in the order of October 29, 1926.

No. 403. Ferigus Marceaux, petitioner, *v.* Police Jury of Vermillion Parish. On petition for writ of certiorari to the Court of Appeals, First Circuit, State of Louisiana. *Per curiam:* The motion for leave to proceed further herein *in forma pauperis* is denied, for the reason that the Court, upon examination of the unprinted record herein submitted, finds that there is no ground upon which a writ of certiorari should be issued. The petition for writ of certiorari is therefore also denied. The costs already incurred herein shall be paid by the Clerk as provided in the order of October 29, 1926.

No. 469. Joseph F. Fitzgerald and Mary A. Fitzgerald, petitioners, *v.* The Union Central Life Insurance Company. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. *Per curiam:* The motion for leave to proceed further herein *in forma pauperis* is denied, for the reason that the Court, upon examination of the unprinted record herein submitted, finds that there is no ground upon which a writ of certiorari should be issued. The petition for writ of certiorari is therefore also denied. The costs already incurred herein shall be paid by the Clerk, as provided in the order of October 29, 1926.

No. 125. Walter E. Carr, Director, etc., petitioner, *v.* Mateo Zaja. The petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted and the case is assigned for hearing immediately following case No. 92.

No. 336. United States of America *ex rel.* Costas Cateches, petitioner, *v.* Benjamin M. Day, Commissioner of Immigration. The petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted and the case is assigned for hearing immediately following case No. 125.

No. 278. Concordia Insurance Company of Milwaukee, petitioner, *v.* School District No. 98, etc.;

No. 279. Royal Insurance Company, Ltd., petitioner, *v.* School District No. 98, etc.;

No. 280. National Fire Insurance Company, petitioner, *v.* School District No. 98, etc.; and

No. 281. Fire Association of Philadelphia, petitioner, *v.* School District No. 98, etc. The petition for writs of certiorari in these cases is granted and the cases assigned for hearing on Monday, January 12 next, after the case heretofore assigned for that day.

No. 289. Dora Wenglinsky, petitioner, *v.* John L. Zurbrick, District Director of Immigration, et al. On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. *Per curiam*: The petition for a writ of certiorari is granted. The judgment of the Circuit Court of Appeals is reversed and the cause is remanded to the United States District Court for the Eastern District of Michigan with directions to sustain the writ of habeas corpus.

No. 87. Seth M. Milliken et al., petitioners, *v.* The United States. Petition for writ of certiorari to the Court of Claims granted.

No. 103. Harry F. Waite, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims granted.

No. 114. Various Items of Personal Property, etc., et al., petitioners, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 129. David Burnet, Commissioner of Internal Revenue, petitioner, *v.* Sybil Whitehouse. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit granted.

No. 141. Hilary Halbert, Jr., et al., petitioners, *v.* The United States of America;

No. 142. Rich Halbert, a minor, etc., petitioner, *v.* The United States of America;

No. 143. Vernon Sidney Halbert, a minor, etc., petitioner, *v.* The United States of America;

No. 144. Sidney E. Halbert, a minor, etc., petitioner, *v.* The United States of America;

No. 145. Rose Peers Pickernoll et al., petitioners, *v.* The United States of America;



- No. 146. Lulu M. Elliott et al. petitioners, *v.* The United States of America;
- No. 147. Mary Barichio Petit et al., petitioners, *v.* The United States of America;
- No. 148. Dewey Barichio et al., petitioners, *v.* The United States of America;
- No. 149. Edna May Elliott et al., petitioners, *v.* The United States of America;
- No. 150. Chas. G. Elliott, Jr., et al., petitioners, *v.* The United States of America;
- No. 151. Agnes Rubens et al., petitioners, *v.* The United States of America;
- No. 152. Virginia Walkowsky et al., petitioners, *v.* The United States of America;
- No. 153. Lizzie Rolfson et al., petitioners, *v.* The United States of America; and
- No. 154. Mary Francis Provoe et al., petitioners, *v.* The United States of America. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted.
- No. 155. The Chesapeake and Ohio Railway Company, petitioner, *v.* H. E. Martin and W. H. Porter. Petition for writ of certiorari to the Supreme Court of Appeals of the State of Virginia granted.
- No. 176. Edward A. Pagel, as Administrator, etc., petitioner, *v.* Selma Hallbom. Petition for writ of certiorari to the Supreme Court of the State of Minnesota granted.
- No. 179. Farbwerke vormals Meister Lucius & Bruning et al., etc., petitioners, *v.* Chemical Foundation, Inc., et al.;
- No. 180. Farbwerke vormals Meister Lucius & Bruning, petitioner, *v.* E. I. du Pont de Nemours & Co. et al.;
- No. 181. Deutsche Gold & Silber Scheide Anstalt vorm. Roessler, petitioner, *v.* E. I. du Pont de Nemours & Co. et al.;
- No. 182. Badische-Anilin & Soda-Fabrik, petitioner, *v.* E. I. du Pont de Nemours & Co. et al.;
- No. 271. Walter O. Woods, as Treasurer, etc., petitioner, *v.* The Chemical Foundation, Inc., et al.;
- No. 272. Howard Sutherland, as Alien Property Custodian, petitioner, *v.* Farbwerke vormals Meister Lucius & Bruning et al.;
- No. 273. Howard Sutherland, as Alien Property Custodian, petitioner, *v.* Deutsche Gold & Silber Scheide Anstalt Vorm. Roessler et al.; and
- No. 274. Howard Sutherland, as Alien Property Custodian, petitioner, *v.* Badische Anilin & Soda-Fabrik et al. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Third Circuit granted.

No. 199. David Burnet, Commissioner of Internal Revenue, petitioner, *v.* Samuel F. Houston. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit granted.

No. 202. David Burnet, Commissioner of Internal Revenue, petitioner, *v.* Sallie H. Henry. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit granted.

No. 203. David Burnet, Commissioner of Internal Revenue, petitioner, *v.* William Hobart Porter et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit granted.

No. 205. J. T. Rose, Collector, etc., petitioner, *v.* John W. Grant; and

No. 206. J. T. Rose, Collector, etc., petitioner, *v.* John W. Grant et al. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit granted.

No. 231. David Burnet, Commissioner of Internal Revenue, petitioner, *v.* Chicago Railway Equipment Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted.

No. 235. Edward F. Flynn, as Executor, etc., petitioner, *v.* The New York, New Haven and Hartford Railroad Company. Petition for writ of certiorari to the Supreme Court of Errors of the State of Connecticut granted.

No. 239. Alvis Maynard, Administrator, etc., petitioner, *v.* W. K. Elliott, Trustee, etc.;

No. 240. John B. Varney, petitioner, *v.* W. K. Elliott, Trustee, etc.;

No. 241. J. M. Smith et al., petitioners, *v.* W. K. Elliott, Trustee, etc., and

No. 242. A. G. Rutherford, petitioner, *v.* W. K. Elliott, Trustee, etc. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit granted.

No. 252. The United States, petitioner, *v.* Artemus C. Wells et al. Petition for writ of certiorari to the Court of Claims granted.

No. 261. Standard Marine Insurance Company, Ltd., petitioner, *v.* Scottish Metropolitan Assurance Company, Ltd. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit granted.

No. 263. Maas & Waldstein Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims granted.

No. 282. Bonwit Teller & Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims granted.

No. 288. David Burnet, Commissioner of Internal Revenue, petitioner, *v.* Thompson Oil & Gas Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit granted.

No. 315. Hannah M. Smith, Administratrix of the Estate of Owen P. Smith, petitioner, *v.* Springdale Amusement Park et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit granted.

No. 97. Roberts Sash & Door Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 98. Jeff P. Nix, petitioner, *v.* Henry Sternberg, Trustee, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 99. Adam Schumann Associates, Inc., petitioner, *v.* The City of New York. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 100. Riverside & Dan River Cotton Mills, Inc., petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 101. York Safe & Lock Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 208. Graniteville Manufacturing Company, petitioner, *v.* The United States; and

No. 209. National Equipment Company, petitioner, *v.* The United States. Petition for writs of certiorari to the Court of Claims denied.

No. 232. United States *ex rel.* Edmund F. Leland, petitioner, *v.* J. R. McCarl, Comptroller General of the United States et al. Petition for writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 107. Mattie Howard, petitioner, *v.* Odie O. Owens. Petition for writ of certiorari to the Supreme Court of the State of Oklahoma denied.

No. 110. T. H. McCarthy et al., petitioners, *v.* Bloedel Donovan Lumber Mills. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 117. George A. Stewart, as Trustee, etc., et al, petitioners, *v.* Nebraska Tire & Rubber Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 118. Mary Burnley Wilson Christian et al., petitioners, *v.* Richard Baxter Wilson's Executors and others. Petition for writ of certiorari to the Supreme Court of Appeals of the State of Virginia denied.

No. 119. E. Massagli, doing business as San Francisco Concrete Co., etc., petitioner, *v.* T. I. Butler Co.\*et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 120. A. R. Demory Investment Co., petitioner, *v.* John P. Haese, Trustee. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 121. John Davis, petitioner, *v.* Tolowa Royalties, Inc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 122. American Molasses Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 123. Black Hardware Company, petitioner, *v.* David Burnet, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 127. William J. Robb, Jr., et al., petitioners, *v.* Noxon Chemical Products Co., Inc., et al.; and

No. 128. Charles R. S. Leckie et al., petitioners, *v.* Noxon Chemical Products Co., Inc., et al. Petition for writs of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 130. Leonard Daniel Ingram, petitioner. *v.* Philip A. Lewis et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 188. Leonard Daniel Ingram, petitioner, *v.* Carter W. Wesley et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 132. George B. Davis, Bankrupt, petitioner, *v.* National Surety Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 133. Fred J. Elser, as special administrator, etc., petitioner, *v.* Asia Banking Corporation. Petition for writ of certiorari to the Supreme Court of the Philippine Islands denied.

No. 135. United States Can Company, petitioner, *v.* Mrs. Theodora Ryan. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 171. Spokane, Portland and Seattle Railway Company, petitioner, *v. Cecile S. Cole*. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 284. Erie Railroad Company, petitioner, *v. Charles G. Stewart*. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 136. Board of County Commissioners of Rogers County, Oklahoma, petitioner, *v. Bristow Battery Company et al.* Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 156. The Texas Company, petitioner, *v. Ray Lyman Wilbur*, Secretary of the Interior. Petition for writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 157. Henry Seinfel et al., petitioners, *v. Theodore B. Hennenlotter*, as Trustee, etc. Petition for writ of certiorari to the Supreme Court of the State of New York denied.

No. 158. C. D. Clay, petitioner, *v. Mobile & Ohio Railroad Company*. Petition for writ of certiorari to the Supreme Court of the State of Mississippi denied.

No. 162. Salisbury Transportation Company, petitioner, *v. Stark Electric Railroad Company*. Petition for writ of certiorari to the Supreme Court of the State of Ohio denied.

No. 163. Flora Whitebird et al., petitioners, *v. The Eagle-Picher Lead Company et al.* Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 164. Czarnikow-Rionda Company, petitioner, *v. United States of America*, Owner of the Steamship "Lake Canaveral." Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 167. Hugh McElvogue, petitioner, *v. The United States of America*; and

No. 168. William J. Brown, petitioner, *v. The United States of America*. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 169. Lila Longson, petitioner, *v. David Belasco*. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 170. Pillsbury Flour Mills Company, petitioner, *v. Interlake Steamship Company*. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 172. Emil E. Passailaigue, petitioner, *v. Walter I. Herron et al.* Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 173. Stanley Securities Company, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Court of Claims denied.

No. 174. Abraham M. Ellis, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 175. Weed & Brother, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 177. The Chesapeake and Ohio Railway Company, petitioner, *v.* Frank Russo, Administrator, etc.; and

No. 178. The Chesapeake and Ohio Railway Company, petitioner, *v.* Frank Russo, Administrator, etc. Petition for writs of certiorari to the Appellate Court of Indiana and to the Supreme Court of the State of Indiana denied.

No. 184. M. P. Mathis, petitioner, *v.* J. A. Ligon et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 185. Mary E. Little, Executrix, etc., petitioner, *v.* Harwood Keaton, Receiver, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 186. Norfolk and Western Railway Company, petitioner, *v.* F. L. Aylor, Trading as Clarke Milling Company. Petition for writ of certiorari to the Supreme Court of Appeals of the State of Virginia denied.

No. 189. Louisville & Nashville Railroad Company, petitioner, *v.* Mamie F. Jolly, Administratrix, etc. Petition for writ of certiorari to the Court of Appeals of the State of Kentucky denied.

No. 191. Joseph Reynolds et al., petitioners, *v.* Harry E. Schmidt et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 192. Pan American Petroleum and Transport Company, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 194. The Star Metal Mfg. Co. et al., petitioners, *v.* The Allen Filter Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 196. Packard Motor Car Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 197. Mrs. Blanche F. Coughlin, petitioner, *v.* Southwestern Bell Telephone Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.



No. 198. John W. Gamble, petitioner, *v.* Herbert S. Daniel, as Receiver, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 200. Daniel J. Halpin, as Trustee, etc., petitioner, *v.* Savannah River Electric Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 201. Elizabeth Miller Bowman, petitioner, *v.* Pennsylvania Railroad Company. Petition for writ of certiorari to the Supreme Court of the State of Pennsylvania denied.

No. 204. United States *ex rel.* H. Wendell Endicott et al., petitioners, *v.* Andrew W. Mellon, as Secretary of the Treasury et al. Petition for writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 207. Abby F. Means, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 211. Quick Action Ignition Company et al., petitioners, *v.* The Maytag Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 212. James J. Mars, Executor, etc., petitioners, *v.* Daniel A. McDougal et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 213. Osburn California Corporation, petitioner, *v.* Galen H. Welch, United States Collector, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 214. Bank Savings Life Insurance Company, petitioner, *v.* Nellie E. Butler. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 215. Elsie Aronstein, petitioner, *v.* The New York Central Railroad Company. Petition for writ of certiorari to the Supreme Court of the State of New York denied.

No. 216. The United States, petitioner, *v.* Dorothy Whitney Elm-hirst, *nee* Straight, Executrix, etc. Petition for writ of certiorari to the Court of Claims denied.

No. 221. Percy W. Pickford et al., petitioners, *v.* E. Hilton Jackson, Receiver. Petition for writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 222. Harry M. Kaufman et al., petitioners, *v.* E. Hilton Jackson, Receiver. Petition for writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 223. David Burnet, Commissioner of Internal Revenue, petitioner, *v.* First Trust & Savings Bank of Miami, Fla. Petition for

writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 224. Higman Towing Company, Owner, etc., petitioner, *v.* S. S. "Southseas" et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 225. Arthur Hind, petitioner, *v.* Jesse W. Clark, Collector of Internal Revenue, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 226. Frischer & Co., Inc., et al., petitioners, *v.* Tariff Commission and Bakelite Corporation et al. Petition for writ of certiorari to the United States Court of Customs and Patent Appeals denied.

No. 227. Will Friedrichsen, petitioner, *v.* Guaranty Trust Company of New York, as trustee et al; and

No. 228. Will Friedrichsen, petitioner, *v.* Guaranty Trust Company of New York as Trustee et al. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 229. Mary T. Gamage et al., petitioners, *v.* Masonic Cemetery Association et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 230. Lee Calvin Moore, petitioner, *v.* W. T. Pate et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 233. Atlantic Coast Line Railroad Company et al., petitioners, *v.* Lurline J. Bell, as Administratrix, etc. Petition for writ of certiorari to the Supreme Court of the State of South Carolina denied.

No. 234. Barde Steel Products Corporation, petitioner, *v.* David Burnet, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 236. Maryland Casualty Company, petitioner, *v.* Nannie L. Massey. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 238. Sacramento Suburban Fruit Lands Company, petitioner, *v.* H. A. Lindquist et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 243. Anahma Realty Corporation, petitioner, *v.* David Burnet, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 244. Forrest Nash Robertson, petitioner, *v.* The Chicago, Rock Island & Pacific Railway Company. Petition for writ of certiorari to the Supreme Court of the State of Minnesota denied.

No. 245. Luther H. Reichelderfer et al., petitioners, *v.* American Security and Trust Company et al., and .

No. 246. Luther H. Reichelderfer et al., petitioners, *v.* Christian Heurich. Petition for writs of certiorari to the Court of Appeals of the District of Columbia denied.

No. 414. Luther H. Reichelderfer et al., petitioners, *v.* William W. Dodge. Petition for writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 247. Great Northern Railway Company, petitioner, *v.* David Burnet, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 248. The Chesapeake & Ohio Railway Company, petitioner, *v.* Ida M. Fultz, Administratrix, etc.; and

No. 249. The Chesapeake & Ohio Railway Company, petitioner, *v.* Ida M. Fultz, administratrix, etc. Petition for writs of certiorari to the Appellate Court of the State of Indiana and to the Supreme Court of the State of Indiana denied.

No. 250. Dora I. Nickman, petitioner, *v.* The New York Life Insurance Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 251. C. Perez Rubio, petitioner, *v.* Collector of Internal Revenue. Petition for writ of certiorari to the Supreme Court of the Philippine Islands denied.

No. 253. First National Bank of Biloxi, Mississippi, et al., petitioners, *v.* Board of Supervisors of Harrison County, Mississippi. Petition for writ of certiorari to the Supreme Court of the State of Mississippi denied.

No. 254. Arthur Curtiss James, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 255. Arthur Curtiss James et al., petitioners, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 257. The Chesapeake and Ohio Railway Company, petitioner, *v.* George R. Smith. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 258. William T. May et al., petitioners, *v.* Benjamin Marbury et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 259. E. C. Atkins & Company, petitioner, *v.* Harry Dunn, as Auditor, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 260. Eunice V. Avery, petitioner, *v.* Catherine Vernon et al. Petition for writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 262. William J. Briley et al., petitioners, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 265. Raymond H. Moore, petitioner, *v.* Baltimore & Ohio Railroad Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 266. Atlantic Coast Line Railroad Company, petitioner, *v.* D. D. Covington. Petition for writ of certiorari to the Supreme Court of the State of South Carolina denied.

No. 267. Panhard Oil Corporation, Substituted Assignee of George A. Haws, petitioner, *v.* Societe Anonyme Des Anciens Etablissements Panhard & Levassor. Petition for writ of certiorari to the United States Court of Customs and Patent Appeals denied.

No. 268. William C. Newman, petitioner, *v.* David Burnet, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 269. Piggly Wiggly Corporation, petitioner, *v.* Jitney Jungle Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 270. F. W. Woolworth Company, petitioner, *v.* R. E. Davis. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 275. Central Vermont Transportation Company, petitioner, *v.* The Barge "Harford" et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 276. The Atlantic Refining Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 277. Diamond Shoe Company, petitioner, *v.* David Burnet, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 283. Clinchfield Railroad Company, petitioner, *v.* Elice H. Dunn, Administratrix, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 285. Hartford Accident & Indemnity Company, petitioner, *v.* Weil Brothers. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 286. The Chesapeake and Ohio Railway Company, petitioner, *v.* Southern Coal, Coke & Mining Company. Petition for writ of certiorari to the Appellate Court of the State of Illinois, Fourth District, denied.

No. 287. The Collector of Internal Revenue of the Philippine Islands, petitioner, *v.* The Manila Railroad Company, etc. Petition for writ of certiorari to the Supreme Court of the Philippine Islands denied.

No. 291. John H. Glass, Trustee, etc., petitioner, *v.* John Cumming, Jr. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 292. The United States of America *ex rel.* Stanton K. Livingston, petitioner, *v.* Frank T. Hines, Director, etc. Petition for writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 293. Fred E. Suits et al., etc., petitioners, *v.* Magnolia Petroleum Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit ~~granted~~ denied

No. 294. Henry Vogt Machine Co., petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 295. Bellaire, Benwood and Wheeling Ferry Company, petitioner, *v.* The Interstate Bridge Company, etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 297. A. D. Pierce and Bula Pierce, his wife, et al., petitioners, *v.* Albion Idaho Land Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 298. White River Levee District, petitioner, *v.* McWilliams Dredging Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 299. Carlo DeLuca, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 300. Sam E. Finley, petitioner, *v.* McDougald Construction Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 301. Mary Louise Thomas, a minor, etc., petitioner, *v.* Sid Jones et al. Petition for writ of certiorari to the Supreme Court of the State of Oklahoma denied.

No. 302. Marco Colpo, petitioner, *v.* Commonwealth of Pennsylvania. Petition for writ of certiorari to the Superior Court of the State of Pennsylvania denied.

No. 303. Josefa Aguayo Casals, petitioner, *v.* Elvira Juana Manuela Joaquina Garvia Fernandez. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 305. The La Mesa, Lemon Grove, and Spring Valley Irrigation District, petitioner, *v.* City of San Diego. Petition for writ of certiorari to the Supreme Court of the State of California denied.

No. 308. B. Altman & Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 309. Robert Proctor, Receiver, etc., et al., petitioners, *v.* First National Bank of Boston. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 310. Miller & Vidor Lumber Company, petitioner, *v.* David Burnet, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 311. National Brake & Electric Company, petitioner, *v.* Niels A. Christensen and Allis Chalmers Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 312. Charles Burnham Squire, petitioners, *v.* H. Ray Paige. Petition for writ of certiorari to the Supreme Court of the State of New York denied.

No. 314. Sigvard B. Johnsen, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 317. Associated Bill Posters of the United States and Canada et al., petitioners, *v.* Wm. H. Rankin Co.; and

No. 318. Associated Bill Posters of the United States and Canada et al., petitioners, *v.* Charles A. Ramsey Company. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 319. The Denver and Salt Lake Railway Company, petitioner, *v.* Frank Lombardi. Petition for writ of certiorari to the Supreme Court of the State of Colorado denied.

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No. 350. Educational Films Corporation of America, appellant, *v.* Hamilton Ward, Attorney General of the State of New York et al. Leave granted to file statement as to jurisdiction out of time on motion of Mr. Roger Hind for the appellant.



No. —. In Re Albert T. Patrick. Leave granted to file (1) exceptions to the report of the committee of the bar, (2) printed record of proceedings in the courts of the State of New York, (3) additional printed copies of brief before the committee of the bar, and (4) supplemental brief in support of exceptions to the report of the committee of the bar, on or before Monday, November 3.

No. —, original. Ex parte H. Ely Goldsmith, petitioner. Motions for leave to file petition for writ of mandamus and for leave to proceed *in forma pauperis* submitted by Mr. H. Ely Goldsmith *pro se*.

No. 70. C. A. Jungst, E. N. Whitney, and Bertha Kinney, appellants, *v.* H. C. Baldrige, Governor of the State of Idaho, W. D. Gillis, Attorney General, etc., et al. Appeal from the District Court of the United States for the District of Idaho. Appeal dismissed with costs on motion of counsel for the appellants.

No. 327. Foreman Trust & Savings Bank, as Trustee, Albert Grosby, Alma Jevne, et al., appellants, *v.* City of Chicago. Appeal from the Supreme Court of the State of Illinois. Appeal and petition for writ of certiorari dismissed with costs per stipulations of counsel.

No. 88. The United States of America et al., appellants, *v.* Atlanta, Birmingham & Coast Railroad Company. Statement as to jurisdiction submitted by Mr. Solicitor General Thacher, Mr. Elmer B. Collins, and Mr. Edward M. Reidy for the appellants in support thereof, and by Mr. F. B. Grier, Mr. John A. Hynds, and Mr. Robert C. Alston for the appellee in opposition thereto.

No. 91. J. M. Near, appellant, *v.* The State of Minnesota *ex rel.* Floyd B. Olson, County Attorney, etc. Statement as to jurisdiction submitted by Mr. Weymouth Kirkland and Mr. T. E. Latimer for the appellant.

No. 102. W. Neustadt et al., appellant, *v.* Coline Oil Company et al. Statement as to jurisdiction submitted by Mr. Fred E. Suits and Mr. R. L. Disney for the appellants in support thereof, and by Mr. George M. Green, Mr. W. A. Ledbetter, and Mr. E. E. McInnis for the appellees in opposition thereto.

No. 108. State of Nebraska *ex rel.*, Beatrice Creamery Company, appellant, *v.* Frank Marsh, The Secretary of State, etc. Statement as to jurisdiction submitted by Mr. T. S. Allen for the appellant in support thereof, and by Mr. C. A. Sorensen for the appellee in opposition thereto.

No. 134. North Bend Stage Line, Inc., appellant, *v.* John C. Denney, Director, et al. Statement as to jurisdiction submitted by Mr. C. K. Poe for the appellant, in support thereof, and by Mr. Hance H. Cleland and Mr. Raymond W. Clifford for the appellees in opposition thereto.

No. 159. Thomas W. Fleming, appellant, *v.* The State of Ohio. Statement as to jurisdiction submitted by Mr. Alexander H. Martin for the appellant, in support thereof, and by Mr. Ray T. Miller and Mr. David Ralph Hertz for the appellee in opposition thereto.

No. 165. Leonard J. Woodruff et al., appellant, *v.* The City of Los Angeles. Statement as to jurisdiction submitted by Mr. J. Edward Keating for the appellants.

No. 183. State Board of Tax Commissioners, etc., appellants, *v.* Lafayette A. Jackson. Statement as to jurisdiction submitted by Mr. James M. Ogden for the appellants.

No. 193. Missouri Pacific Railroad Company, appellant, *v.* Hal Norwood, Attorney General, etc., et al. Statement as to jurisdiction submitted by Mr. Thomas B. Pryor and Mr. Edward J. White for the appellant.

No. 195. Columbus & Greenville Railway Company et al., appellants, *v.* W. J. Miller, State Tax Collector, etc. Statement as to jurisdiction submitted by Mr. William H. Watkins and Mr. A. F. Gardner, sr., for the appellants.

No. 217. Amanda D. Hargis, Commissioner, etc., appellant, *v.* A. T. Bradford. Statement as to jurisdiction submitted by Mr. Walter E. Sloat and Mr. Stratton Shartel for the appellant.

No. 218. Nekoosa Edwards Paper Company, appellant, *v.* Railroad Commission of Wisconsin. Statement as to jurisdiction submitted by Mr. B. R. Goggins and Mr. Theo. W. Brazeau for the appellant.

No. 219. John R. Brinkley, appellant, *v.* J. F. Hassig et al. Statement as to jurisdiction submitted by Mr. Fred S. Jackson for the appellant and by Mr. William A. Smith and Mr. William C. Ralston for the appellees in opposition thereto.

No. 237. Harold C. Prideaux, appellant, *v.* Des Moines Joint Stock Land Bank. Statement as to jurisdiction submitted by Mr. Harold C. Prideaux, *pro se*, in support thereof, and by Mr. George Cosson for the appellee in opposition thereto.

No. 256. The American Oil Company, appellant, *v.* Josephine Metz et al. Statement as to jurisdiction submitted by Mr. Edwin H. Brownley and Mr. George Henderson for the appellant in support thereof, and by Mr. Walter C. Capper for the appellees in opposition thereto.

No. 264. The George E. Breece Lumber Company et al., appellants, *v.* Rupert F. Asplund, State Comptroller, etc. Statement as to jurisdiction submitted by Mr. Clarence M. Botts for the appellants.

No. 290. Western Land & Reclamation Company, appellant, *v.* The Reclamation Board of the State of California et al. Statement as to jurisdiction submitted by Mr. Eddy Knapp and Mr. Wm. H. Metson for the appellant, in support thereof, and by Mr. Stephen W. Downey, for the appellees, in opposition thereto.

No. 296. George A. Caldwell, appellant, *v.* State of Louisiana. Statement as to jurisdiction submitted by Mr. Henry B. Curtis and Mr. Luther E. Hall for the appellant.

No. 306. Guy Spurrier et al., appellants, *v.* Mitchell Irrigation District et al. Statement as to jurisdiction submitted by Mr. J. M. FitzGerald and Mr. L. L. Raymond for the appellants, in support thereof, and by Mr. T. M. Morrow and Mr. William Morrow, for the appellees, in opposition thereto.

No. 313. Will Walker et al., appellants, *v.* Lawrence Mensi et al. Statement as to jurisdiction submitted by Mr. W. P. Metcalf for the appellants.

No. 316. John William McKissick et al., appellants, *v.* Adolphus R. Talbot et al. Statement as to jurisdiction submitted by Mr. Charles W. Lyon for the appellants, in support thereof, and by Mr. Nelson C. Pratt and Mr. Isaac E. Ferguson, for the appellees, in opposition thereto.

No. 333. Louisville & Nashville Railroad Company et al., appellants, *v.* The United States of America et al. Statement as to jurisdiction submitted by Mr. Alfred P. Thom, Mr. Edward S. Jouett, Mr. R. V. Fletcher, Mr. Robert B. Tungstall, Mr. H. N. Quigley, and Mr. Alfred P. Thom, jr., for the appellants.

No. 334. Hans Rees' Sons, Inc., appellant, *v.* State of North Carolina on the relation of Allen J. Maxwell, Commissioner, etc. Statement as to jurisdiction submitted by Mr. Louis H. Porter and Mr. F. Carroll Taylor for the appellant.

No. 358. Interstate Transit, Inc., appellant, *v.* Dick Lindsey et al. Statement as to jurisdiction submitted by Mr. Thomas L. Tallentire for the appellant.

No. 361. Charles F. Noack et al., appellants, *v.* I. Zellerbach et al. Statement as to jurisdiction submitted by Mr. Marshall B. Woodworth and Mr. Roger O'Donnell for the appellants.

No. 368. The Susquehanna Power Company, appellant, *v.* State Tax Commission of Maryland. Statement as to jurisdiction submitted by Mr. Wm. Clarke Mason and Mr. Fred R. Williams for the appellant.

No. 369. The Susquehanna Power Company, appellant, *v.* State Tax Commission of Maryland. Statement as to jurisdiction sub-

mitted by Mr. Wm. Clarke Mason and Mr. Fred R. Williams for the appellant.

No. 378. Standard Oil Company (Indiana) et al., appellants, *v.* The United States of America. Statement as to jurisdiction submitted by Mr. Louis L. Stephens, Mr. Russell Wiles, Mr. Chester O. Swain, Mr. John W. Davis, Mr. Charles Neave, Mr. C. B. Ames, Mr. Drury W. Cooper, Mr. John B. Marsh, Mr. Frank L. Crawford, Mr. Walter G. Kirkbride, Mr. G. H. Dorr, Mr. W. H. Francis, Mr. James J. Cosgrove, Mr. S. A. Mitchell, Mr. Albert L. Hopkins, Mr. Oscar Sutro, Mr. Alfred S. Austrian, Mr. Earl W. Evans, Mr. Chas. G. Middleton, Mr. Francis I. Fallon, Mr. Frank M. Swacker, Mr. James H. Ball, Mr. Burton W. Musser, Mr. Thos. L. Mitchell, Mr. C. Schuyler Davis, Mr. J. Merrill Wright, and Mr. Harry T. Klein for the appellants.

No. 384. Standard Oil Company (Indiana), appellant, *v.* The United States of America et al. Statement as to jurisdiction submitted by Mr. L. L. Stephens and Mr. John R. Cochran for the appellant.

No. 402. Thomas M. Wampler, appellant, *v.* E. Lee Lecompte et al. Statement as to jurisdiction submitted by Mr. Thos. M. Wampler for the appellant.

No. 453. The East Ohio Gas Company, appellant, *v.* The Tax Commission of Ohio et al. Statement as to jurisdiction submitted by Mr. T. H. Hogsett for the appellant.

No. 464. Railroad Commission of Wisconsin et al., appellants, *v.* W. G. Maxcy, as Receiver, etc., et al. Statement as to jurisdiction submitted by Mr. Suel O. Arnold and Mr. John W. Reynolds for the appellants.

No. 387. Etta M. Klein, former administratrix, etc., et al., petitioners, *v.* The United States. Petition for writ of certiorari to the Court of Claims submitted by Mr. Benjamin B. Pettus for the petitioners, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Rugg, and Mr. Fred K. Dyar for the respondent.

No. 416. The United States, petitioner, *v.* Wyman, Partridge & Company. Petition for writ of certiorari to the Court of Claims submitted by Mr. Solicitor General Thacher for the petitioner, and by Mr. Frank J. Albus for the respondent.

No. 443. Edward T. Dunn, petitioner, *v.* State of Ohio. Petition for writ of certiorari to the Supreme Court of the State of Ohio submitted by Mr. Rufus S. Day and Mr. W. E. Minshall for the petitioner, and by Mr. Gilbert Bettman, Mr. Frank R. Hubachek, and Mr. Alfred Clum for the respondent.

No. 444. *Mattie Wilmouth, as Administratrix, etc., petitioner, v. Southern Railway.* Petition for writ of certiorari to the Supreme Court of Appeals of the State of Virginia submitted by Mr. M. J. Fulton for the petitioner, and by Mr. Wirt P. Marks, jr., for the respondent.

No. 447. *Florindo Luccioni and Paul Courbis, petitioners, v. The United States of America.* Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Roscoe M. Ewing for the petitioners, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Youngquist, Mr. Claude R. Branch, Mr. Mahlon D. Kiefer, and Mr. Paul D. Miller for the respondent.

No. 448. *Aaron Prussian, petitioner, v. The United States of America.* Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Walter B. Milkman for the petitioner, and by Mr. Solicitor General Thacher, Mr. Claude R. Branch, Mr. Harry S. Ridgely, and Mr. W. Marvin Smith for the respondent.

No. 452. *The National City Bank of New York, petitioner, v. Petrogradsky Mejdunarodny Kommerchesky Bank.* Petition for writ of certiorari to the Supreme Court of the State of New York submitted by Mr. John A. Garver for the petitioner, and by Mr. Frederick B. Campbell for the respondent.

No. 455. *Annie G. Phillips et al., petitioners, v. Commissioner of Internal Revenue.* Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Elkan Turk for the petitioners, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Youngquist, Mr. Claude R. Branch, Mr. Sewall Key, Mr. Morton K. Rothschild, Mr. Paul D. Miller, Mr. C. M. Charest, and Mr. Allin H. Pierce for the respondent.

No. 456. *City of Lake Worth, petitioner, v. R. M. Grant & Company, Inc.* Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Charles D. Gould for the petitioner, and by Mr. E. J. L'Engle for the respondent.

No. 457. *Duquesne Steel Foundry Company, petitioner, v. Commissioner of Internal Revenue.* Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Wm. S. Moorhead for the petitioner, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Youngquist, Mr. Claude R. Branch, Mr. Sewall Key, Mr. John Henry McEvers, Mr. W. Marvin Smith, and Mr. C. M. Charest for the respondent.

No. 462. Louis Goldstein, petitioner, *v.* George H. Klages, Trustee. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Julian C. Ryer for the petitioner, and by Mr. Edward M. Evarts for the respondent.

No. 463. Daniel Reeves, Inc., petitioner. *v.* Charles W. Anderson Individually, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Elkan Turk and Mr. Herman Goldman for the petitioner, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Youngquist, Mr. Claude R. Branch, and Mr. S. Dee Hanson for the respondent.

No. 466. The Ohio Galvanizing & Manufacturing Company, petitioner, *v.* Southern Pacific Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Union C. DeFord, Mr. Wm. Marshall Bullitt, and Mr. N. A. Emery for the petitioner, and by Mr. Charles W. Milner, Mr. Edw. P. Humphrey, and Mr. Louis Seelbach, jr., for the respondent.

No. 468. John I. Sapinkopf, petitioner, *v.* The Cunard Steamship Company, Ltd. Petition for writ of certiorari to the Supreme Court of the State of New York, Appellate Division, submitted by Mr. Wilson E. Tipple for the petitioner, and by Mr. George de Forest Lord for the respondent.

No. 476. A. Stanley Copeland, petitioner, *v.* James W. Higgins, Police Commissioner of Buffalo, New York. Petition for writ of certiorari to the Supreme Court of the State of New York, Erie County, submitted by Mr. A. Stanley Copeland *pro se*.

No. 480. E. E. Lutz, petitioner, *v.* Gene Buck, as President, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. John T. Gano for the petitioner, and by Mr. Nathan Burkan and Mr. Maurice J. O'Sullivan for the respondent.

No. 481. Oskar Korn, petitioner, *v.* Gene Buck, as President, etc.; and

No. 482. Oskar Korn, petitioner, *v.* Gene Buck, as President, etc. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. John T. Gano for the petitioner, and by Mr. Nathan Burkan and Mr. Maurice J. O'Sullivan for the respondent.

No. 496. Iowa State Insurance Company of Keokuk, Iowa, petitioner, *v.* Grover Godwin et al. Petition for writ of certiorari to the St. Louis Court of Appeals, State of Missouri, submitted by Mr. W. L. Cole and Mr. Samuel H. West for the petitioner.



The Chief Justice announced that the Court would adjourn until Monday next, to enable it to devote the remainder of the week to the disposition of petitions for writs of certiorari and jurisdictional statements submitted.

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Adjourned until Monday next at 12 o'clock.

The day call for Monday, October 20, will be as follows: Nos. 44 (and 45), 90, 15, 106, 84, 86, 96, 1, 2, and 3 (and 4).

## SUPREME COURT OF THE UNITED STATES

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Present: The Chief Justice, Mr. Justice Holmes, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, and Mr. Justice Roberts.

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Alvord C. Devoe, of Washington, D. C.; Rollin W. Holbrook, of Washington, D. C.; Henry C. Howard, of Washington, D. C.; Vaughn Miller, of Chattanooga, Tenn.; George Stewart Law, of Pittsburgh, Pa.; A. L. Ashby, of Pittsburgh, Pa.; Shelby S. Roberts, of Washington, D. C.; Augustus S. Goodyear, of Washington, D. C.; Benjamin E. Seibert, of Urbana, Ohio; C. Stanley Perry, of Milwaukee, Wis.; Stevenson A. Williams, of Bel Air, Md.; Robert Romero, of Washington, D. C.; Francis Michael Holt, of Jacksonville, Fla.; John C. Farber, of New York City; Elmer Lewis Lincoln, of Texarkana, Tex.; George Z. Medalie, of New York City; W. Joseph Ford, of Los Angeles, Calif.; W. Theo. Woodward, of De Land, Fla.; Benj. B. Dowell, of Washington, D. C.; William Dale O'Brien, of Albany, N. Y.; and Francis L. Daily, of Chicago, Ill., were admitted to practice.

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The Chief Justice announced the following orders of the Court:

No. —, original. *Ex parte*: H. Ely Goldsmith, petitioner. The motions for leave to file petition for writ of *mandamus* and for leave to proceed *in forma pauperis* are denied.

No. 91. J. M. Near, appellant, *v.* The State of Minnesota, *ex rel.* Floyd B. Olson, County Attorney, etc.;

No. 134. North Bend Stage Line, Inc., appellant, *v.* John C. Denney, Director, et al.;

No. 165. Leonard J. Woodruff et al., appellants, *v.* The City of Los Angeles;

No. 218. Nekoosa Edwards Paper Company, appellant, *v.* Railroad Commission of Wisconsin;

No. 264. The George E. Breece Lumber Co. et al., appellants, *v.* Rupert F. Asplund, State Comptroller, etc.;

No. 290. Western Land & Reclamation Company, appellant, *v.* The Reclamation Board of the State of California et al.;

No. 306. Guy Spurrier et al., appellants, *v.* Mitchell Irrigation District et al.;

No. 313. Will Walker et al., appellants, *v.* Lawrence Mensi et al.;

No. 316. John William McKissick et al., appellants, *v.* Adolphus R. Talbot et al.;

No. 334. Hans Rees' Sons, Inc., appellant, *v.* State of North Carolina on the relation of Allen J. Maxwell, Commissioner, etc.;

No. 368. The Susquehanna Power Company, appellant, *v.* State Tax Commission of Maryland; and

No. 369. The Susquehanna Power Company, appellant, *v.* State Tax Commission of Maryland. Further consideration of the question of the jurisdiction of this Court in these cases is postponed to the hearing of the cases on the merits.

No. 183. State Board of Tax Commissioners of the State of Indiana et al., appellants, *v.* Lafayette A. Jackson;

No. 193. Missouri Pacific Railroad Company, appellant, *v.* Hal Norwood, Attorney General of the State of Arkansas, et al., etc., et al.;

No. 217. Amanda D. Hargis, Commissioner, etc., appellant, *v.* A. T. Bradford;

No. 333. Louisville & Nashville Railroad Company et al., appellants, *v.* The United States of America et al.;

No. 358. Interstate Transit Inc., appellant, *v.* Dick Lindsey, County Court Clerk;

No. 361. Charles F. Noack et al., appellants, *v.* I. Zellerbach et al.;

No. 378. Standard Oil Company (Indiana) et al., appellants, *v.* The United States of America;

No. 384. Standard Oil Company (Indiana), appellant, *v.* The United States of America et al.;

No. 453. The East Ohio Gas Company, appellant, *v.* The Tax Commission of Ohio et al.; and

No. 464. Railroad Commission of Wisconsin et al., appellants, *v.* W. G. Maxcy, as Receiver, etc., et al. In these cases probable jurisdiction is noted.

No. 402. Thomas M. Wampler, appellant, *v.* E. Lee Lecompte, State Game Warden, etc., et al. In this case probable jurisdiction is noted and the case is advanced and assigned for argument on Monday, November 24 next, after the cases heretofore assigned for that day.

No. 88. The United States of America et al., appellants, *v.* Atlanta, Birmingham & Coast Railroad Company; and

No. 195. Columbus & Greenville Railway Company et al., appellants, *v.* W. J. Miller, State Tax Collector, etc. Further considera-

tion of the motions to dismiss in these cases is postponed to the hearing of the cases on the merits.

No. 102. W. Neustadt et al., appellants, *v.* Coline Oil Company, W. A. Ledbetter, W. B. Johnson, et al., etc. Appeal from the Supreme Court of the State of Oklahoma. *Per curiam*: The appeal herein is dismissed for the want of jurisdiction. Sec. 237 (a), Judicial Code, as amended by the act of February 13, 1925 (43 Stat. 936, 937). Treating the papers whereon the appeal was allowed as a petition for writ of certiorari, as required by sec. 237 (c), Judicial Code, as amended (43 Stat. 936, 938), certiorari is denied.

No. 108. State of Nebraska *ex rel.* Beatrice Creamery Company, appellant, *v.* Frank Marsh, The Secretary of State of the State of Nebraska. Appeal from the Supreme Court of the State of Nebraska. *Per curiam*: The appeal herein is dismissed for the want of a substantial Federal question. *Kansas City Ry. Co. v. Kansas*, 240 U. S. 227; *Cream of Wheat Co. v. County of Grand Fork, etc.*, 253 U. S. 325.

No. 159. Thomas W. Fleming, appellant, *v.* The State of Ohio. Appeal from the Supreme Court of the State of Ohio. *Per curiam*: The motion of the appellee to dismiss the appeal herein is granted; and the appeal is dismissed for the want of jurisdiction. Sec. 237 (a), Judicial Code, as amended by the act of February 13, 1925 (43 Stat. 936, 937). The petition for a writ of certiorari in this cause is denied.

No. 219. John R. Brinkley, appellant, *v.* J. F. Hassig, C. H. Ewing, G. R. Dean, et al., etc. Appeal from the Supreme Court of the State of Kansas. *Per curiam*: The appeal herein is dismissed for the want of a substantial Federal question. *Meffert v. Packer*, 195 U. S. 625; *Missouri ex rel. Hurwitz v. North*, 271 U. S. 40; *Standard Stock Food Co. v. Wright*, 225 U. S. 540, 550.

No. 237. Harold C. Prideaux, appellant, *v.* Des Moines Joint-Stock Land Bank. Appeal from the District Court of the United States for the District of Minnesota. *Per curiam*: The appeal herein is dismissed for the want of jurisdiction. Sec. 238, Judicial Code, as amended by the act of February 13, 1925 (43 Stat. 936, 938).

No. 256. The American Oil Company, appellant, *v.* Josephine Metz, and The Cumberland and Westernport Transit Company. Appeal from the Court of Appeals of the State of Maryland. *Per curiam*: On consideration of the motion of the appellee, The Cumberland and Westernport Transit Company, to dismiss the appeal herein, it is ordered that the appeal be, and it is hereby, dismissed for the want of a substantial Federal question. *Wabash R. R. Co. v. Flannigan*, 192 U. S. 29; *Erie R. R. Co. v. Solomon*, 237 U. S. 427;

Zucht *v.* Kiig, 260 U. S. 174; Sugarman *v.* United States, 249 U. S. 182; C. A. King & Co. *v.* Horton, 276 U. S. 600; Bank of Indianola *v.* Miller, 276 U. S. 605; Roe *v.* Kansas, 278 U. S. 191.

No. 296. George A. Caldwell, appellant, *v.* State of Louisiana. Appeal from the Supreme Court of the State of Louisiana. *Per curiam*: The appeal herein is dismissed for the want of a substantial Federal question. Atkins *v.* Kansas, 191 U. S. 207; Heim *v.* McCall, 239 U. S. 175; Crane *v.* New York, 239 U. S. 195.

No. 352. V. Loewers Gambrinus Brewery Company, petitioner, *v.* Charles W. Anderson, Individually, etc. The petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted, limited to the question whether the petitioner is entitled to any deduction for obsolescence of its tangible property in the taxable years 1918 and 1919 under section 234 (a) (7) of the revenue act of 1918. The case is advanced and assigned for hearing following No. 109, Burnet *v.* National Industrial Alcohol Co.

No. 362. Gasoline Products Company, Inc., petitioner, *v.* Champlin Refining Company. The petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit is granted, limited to the question whether the United States Circuit Court of Appeals erred in limiting the new trial to the question of damages.

No. 448. Aaron Prussian, petitioner, *v.* The United States of America. The petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted, limited to the question whether the indictment states an offense under the Criminal Code.

No. 323. Second National Bank of Saginaw, etc., petitioner, *v.* The United States. The petition for writ of certiorari to the Court of Claims is granted, and the case is advanced and assigned for hearing immediately following case No. 105.

No. 337. Boston Pressed Metal Company, petitioner, *v.* The United States. The petition for writ of certiorari to the Court of Claims is granted, and the case is advanced and assigned for hearing immediately following case No. 323.

No. 463. Daniel Reeves, Inc., petitioner, *v.* Charles W. Anderson, individually and as Collector of Internal Revenue, etc. The petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted, and the case is advanced and assigned for hearing immediately following case No. 337.

No. 195. Columbus & Greenville Railway Company et al., petitioners, *v.* W. J. Miller, State Tax Collector, etc. Petition for writ of certiorari to the Supreme Court of the State of Mississippi granted.

No. 330. Twin City Pipe Line Company et al., petitioners, *v.* Harding Glass Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit granted.

No. 342. Southern Railway Company, petitioner, *v.* Jack W. Hussey. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit granted.

No. 351. A. James Eckert, petitioner, *v.* David Burnet, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 370. J. W. Alford, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted.

No. 422. W. W. Custer, petitioner, *v.* Rob B. McCutchen, substituted for F. M. Breshears, deceased, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted.

No. 423. Francisco Lopez Sanchez, petitioner, *v.* Antonia Gautier y Borrás. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit granted.

No. 426. B. D. McCaughn, Collector, petitioner, *v.* Hershey Chocolate Co.;

No. 427. Est. E. Lederer, Collector, petitioner, *v.* Hershey Chocolate Co.;

No. 428. Est. B. F. Davis, Collector, petitioner, *v.* Hershey Chocolate Co.;

No. 429. Est. E. Lederer, Collector, petitioner, *v.* Hershey Chocolate Co.;

No. 430. B. D. McCaughn, Collector, petitioner, *v.* Hershey Chocolate Co.;

No. 431. Est. B. F. Davis, Collector, petitioner, *v.* Hershey Chocolate Co.;

No. 432. Est. B. F. Davis, Collector, petitioner, *v.* Klein Chocolate Co.;

No. 433. Est. E. Lederer, Collector, petitioner, *v.* Klein Chocolate Co.;

No. 434. Est. E. Lederer, Collector, petitioner, *v.* Klein Chocolate Co.;

No. 435. B. D. McCaughn, Collector, petitioner, *v.* Klein Chocolate Co.;

No. 436. Est. E. Lederer, Collector, petitioner, *v.* Wilbur-Suchard Chocolate Co.;



No. 437. Est. E. Lederer, Collector, petitioner, *v.* Wilbur-Suchard Chocolate Co.;

No. 438. B. D. McCaughn, Collector, petitioner, *v.* Wilbur-Suchard Chocolate Co.;

No. 439. Est. B. F. Davis, Collector, petitioner, *v.* York Chocolate Co.;

No. 440. Est. E. Lederer, Collector, petitioner, *v.* York Chocolate Co.; and

No. 441. B. D. McCaughn, Collector, petitioner, *v.* York Chocolate Co. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Third Circuit granted.

No. 445. Floy P. Baldwin, petitioner, *v.* Iowa State Traveling Men's Association. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit granted.

No. 387. Etta M. Klein, former administratrix, etc., et al., petitioners, *v.* The United States. Petition for writ of certiorari to the Court of Claims granted.

No. 416. The United States, petitioner, *v.* Wyman, Partridge & Company. Petition for writ of certiorari to the Court of Claims granted.

No. 455. Annie G. Phillips et al., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 320. Edward Blanchard, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 321. Garnett D. Ripley et al., petitioners, *v.* Howard Sutherland, Alien Property Custodian, etc., et al. Petition for writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 325. Josephine S. Scripps, as sole executrix, etc., petitioner, *v.* Robert Payne Scripps, as sole executor, etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 326. Missouri Pacific Railroad Company, petitioner, *v.* Chicago, Rock Island & Pacific Railway Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 328. State of Louisiana, *ex rel.* Board of School Directors, etc., petitioner, *v.* Brooklyn Cooperage Company. Petition for writ of certiorari to the Supreme Court of the State of Louisiana denied.

No. 329. Bridgeport Irrigation District, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 331. The Annapolis Company, petitioner, *v.* Harry Wardman et al. Petition for writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 332. Robert Proctor, Receiver, etc., petitioner, *v.* American Trust Company, Successor Manager. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 335. The People of the State of New York, petitioner, *v.* Isaac G. Johnson & Company. Petition for writ of certiorari to the Supreme Court of the State of New York denied.

No. 338. George Zarate, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 339. Southern Railway Company in Kentucky, petitioner, *v.* The Frankfort Distillery, Incorporated, et al. Petition for writ of certiorari to the Court of Appeals of the State of Kentucky denied.

No. 340. Hudson River Navigation Company, petitioner, *v.* Steamship "Cedarhurst." Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 341. Steamer "Trojan" et al., petitioner, *v.* Steamer "Freeport Corporation." Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 343. Levi Strauss Realty Company, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 344. States Steamship Company, petitioner, *v.* Christian J. Berglann. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 345. George S. Hamilton et al., petitioners, *v.* Atlantic Mortgage & Finance Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 346. John T. Clark et al., petitioners, *v.* Asmus Boysen et al.;

No. 347. Henry B. Pogson, Trustee, et al., petitioner, *v.* Big Horn Power Company et al.; and

No. 348. John T. Clarke et al., petitioners, *v.* Chicago, Burlington & Quincy Railroad Company. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 349. Hans Nelson, petitioner, *v.* Puget Sound Navigation Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 353. Phoenix Assurance Company, petitioner, *v.* R. O. Fleming et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 354. James Hamilton Lewis, petitioner, *v.* Canadian Pacific Railway Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 355. I. G. Farbenindustrie, A. G., assignee of Rudolf Wietzel, deceased, petitioner, *v.* Burritt Samuel Lacy. Petition for writ of certiorari to the United States Court of Customs and Patent Appeals denied.

No. 357. Bruce M. Wood et al., petitioners, *v.* Salt River Valley Water Users Association, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 359. Florida East Coast Railway Company, petitioner, *v.* Mary C. Clark, as Administratrix, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 363. F. Wm. Lensing, Receiver, etc., petitioner, *v.* J. Fred Rayzor. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 364. *Ex parte*: L. N. Frantz, petitioner. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 365. O. R. Seagraves, petitioner, *v.* Henry M. Wallace et al.; and

No. 366. O. R. Seagraves, petitioner, *v.* Henry M. Wallace et al. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 367. The Bankers Reserve Life Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 371. William Wingert, petitioner, *v.* The President, Directors, and Company of the Hagerstown Bank, et al.;

No. 372. Miller Wingert, petitioner, *v.* The President, Directors, and Company of the Hagerstown Bank, et al.;

No. 373. Lewis P. Wingert, petitioner, *v.* The President, Directors, and Company of the Hagerstown Bank, et al.;

No. 374. Martha A. Wingert, petitioner, *v.* The President, Directors, and Company of the Hagerstown Bank, et al.;

No. 375. The Hagerstown Silk Company, petitioner, *v.* The President, Directors, and Company of the Hagerstown Bank, et al.; and

No. 376. The Antietam Knitting Company, petitioner, *v.* The President, Directors, and Company of the Hagerstown Bank, et al. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 377. J. S. Cvitkovich et al., petitioners, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 379. The Farmers Bank of Mount Pulaski, Illinois, et al., petitioners, *v.* A. P. Bickenbach, Trustee, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 383. Standard Oil Company (Indiana), petitioner, *v.* Pennsylvania Railroad Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 385. Edward Kaminski, petitioner, *v.* Chicago, Milwaukee, St. Paul & Pacific Railroad Company. Petition for writ of certiorari to the Supreme Court of the State of Minnesota denied.

No. 386. Chevrolet Motor Company, petitioner, *v.* Roy V. Gladding. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 388. Erie Railroad Company, petitioner, *v.* Howard C. Firth. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 389. United States of America on the relation of Knickerbocker Insurance Company of New York, Successor, etc., petitioner, *v.* Andrew W. Mellon, Secretary of the Treasury, et al. Petition for writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 390. Pacent Reproducer Corporation et al., petitioners, *v.* Western Electric Company, Inc., et al.; and

No. 460. Charles D. Chisholm, trading as Chisholm Co., et al., petitioner, *v.* Benjamin Bernard Deitel. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 391. The Jones Store Co. et al., petitioners, *v.* Kansas City, Missouri. Petition for writ of certiorari to the Supreme Court of the State of Missouri denied.

No. 392. Edwin C. Kudy and Byron Langtry, petitioners, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 394. Miles Tatham et al., petitioners, *v.* Sacramento Suburban Fruit Lands Company;

No. 395. John V. Kral, petitioner, *v.* Sacramento Suburban Fruit Lands Company;

No. 396. C. A. Wagner, petitioner, *v.* Sacramento Suburban Fruit Lands Company;

No. 397. Anton Handler et al., petitioners, *v.* Sacramento Suburban Fruit Lands Company; and

No. 398. Harry C. Klaffenbach et al., petitioners, *v.* Sacramento Suburban Fruit Lands Company. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 399. Howe P. Cochran, petitioner, *v.* James Couzens. Petition for writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 401. C. J. Farley and Company, petitioner, *v.* Earl D. Stoll. Petition for writ of certiorari to the Supreme Court of the State of Michigan denied.

No. 404. Mailliard & Schmiedell et al., petitioners, *v.* Pacific Steamship Company; and

No. 418. American-Hawaiian Steamship Company, petitioner, *v.* Pacific Steamship Company, Owner, etc. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 406. Moran Towing & Transportation Company, petitioner, *v.* J. W. Higman Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 407. Samuel Malinow et al., petitioners, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 408. Stevens Hotel Company, petitioner, *v.* Chicago Yacht Club and South Park Commissioners. Petition for writ of certiorari to the Supreme Court of the State of Illinois denied.

No. 409. Texas and New Orleans Railroad Company, petitioner, *v.* John Bonura & Company, Inc. Petition for writ of certiorari to the Court of Appeals of the State of Louisiana denied.

No. 410. Oscar Goldschlag, petitioner, *v.* William F. Deegan, as Tenement House Commissioner, etc. Petition for writ of certiorari to the Supreme Court of the State of New York denied.

No. 415. Ida S. Graustein, petitioner, *v.* Westminster National Bank and Gardner Trust Company. Petition for writ of certiorari to the Superior Court of the State of Massachusetts, Worcester County, denied.

No. 417. John R. Smith, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 419. Nancy C. Williams, petitioner, *v.* The Order of United Commercial Travelers of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 420. George S. Grueby and Frank A. Watts, petitioners, *v.* Theodora M. Christopher, Administratrix, et al.; and

No. 421. S. A. Grueby et al., petitioners, *v.* Theodora M. Christopher, Administratrix, et al. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 424. Mattie Willis, now Mattie Rogers, petitioner, *v.* Lonie Scott et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 425. Group No. 1 Oil Corporation, petitioner, *v.* James W. Bass, Collector of Internal Revenue, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 446. Sarah Powers and Charlotte Powers, petitioners, *v.* The New York, Chicago & St. Louis Railroad Company et al. Petition for writ of certiorari to the Supreme Court of the State of Ohio denied.

No. 450. L. J. A. Petree, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 444. Mattie Wilmouth, as Administratrix, etc., petitioner, *v.* Southern Railway Corporation. Petition for writ of certiorari to the Supreme Court of Appeals of the State of Virginia denied.

No. 447. Florindo Luccioni and Paul Courbis, petitioners, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 452. The National City Bank of New York, petitioner, *v.* Petrogradsky Mejdunarodny Kommerchesky Bank. Petition for writ of certiorari to the Supreme Court of the State of New York denied.

No. 456. City of Lake Worth, petitioner, *v.* R. M. Grant & Company, Incorporated. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 457. Duquesne Steel Foundry Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.



No. 462. Louis Goldstein, petitioner, *v.* George H. Klages, Trustee. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 466. The Ohio Galvanizing & Manufacturing Company, petitioner, *v.* Southern Pacific Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 468. John I. Sapinkopf, petitioner, *v.* The Cunard Steamship Company, Ltd. Petition for writ of certiorari to the Supreme Court of the State of New York, Appellate Division, denied.

No. 476. A. Stanley Copeland, petitioner, *v.* James W. Higgins, Police Commissioner of Buffalo, New York. Petition for writ of certiorari to the Supreme Court of the State of New York, Erie County, denied.

No. 480. E. E. Lutz, petitioner, *v.* Gene Buck, as President, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 481. Oskar Korn, petitioner, *v.* Gene Buck, as President, etc.; and

No. 482. Oskar Korn, petitioner, *v.* Gene Buck, as President, etc. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 496. Iowa State Insurance Company of Keokuk, Iowa, petitioner, *v.* Grover Godwin et al. Petition for writ of certiorari to the St. Louis Court of Appeals, State of Missouri, denied.

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No. 451. W. Frank Matheus, United States Marshal for the Eastern District of Pennsylvania, petitioner, *v.* The United States of America *ex rel.* Thomas W. Cunningham. Suggestion of abatement submitted by Mr. Solicitor General Thacher for the petitioner, in support thereof, and by Mr. Benjamin M. Golder and Mr. Ruby R. Vale for the respondent, in opposition thereto.

No. 455. Annie G. Phillips et al., petitioners, *v.* Commissioner of Internal Revenue;

No. 457. Duquesne Steel Foundry Company, petitioner, *v.* Commissioner of Internal Revenue;

No. 489. Enameled Metals Company, petitioner, *v.* Commissioner of Internal Revenue;

No. 491. St. Louis National Baseball Club, petitioner, *v.* Robert H. Lucas, Commissioner of Internal Revenue;

No. 509. Clara Brunton, as Executrix, etc., petitioner, *v.* Commissioner of Internal Revenue;

No. 514. L. T. Waller et al., petitioners, *v.* Commissioner of Internal Revenue; and

No. 515. Shelby J. Beene et al., petitioners, *v.* Commissioner of Internal Revenue. David Burnet, present Commissioner of Internal Revenue, substituted as the party respondent in these cases in place of Robert H. Lucas, former commissioner, on motion of Mr. Solicitor General Thacher in that behalf.

No. 2. Francis Beidler II and George Engelking, as Executors, etc., plaintiffs in error, *v.* South Carolina Tax Commission. Leave granted to file brief of the Tax Commission of the State of New York, as *amicus curiae*, on motion of Mr. William D. O'Brien in that behalf.

No. 8. Memphis & Charleston Railway Company, appellant, *v.* C. L. Pace et al. Leave granted to file brief of the Attorney General of the State of Mississippi as *amicus curiae*, on motion of Mr. J. A. Lauderdale in that behalf.

No. 8. Memphis & Charleston Railway Company, appellant, *v.* C. L. Pace et al. Leave granted appellant to file reply to brief of the Attorney General of the State of Mississippi as *amicus curiae*, on motion of Mr. John B. Hyde for the appellant.

No. 350. Educational Films Corporation of America, appellant, *v.* Hamilton Ward, Attorney General of the State of New York et al. Joint motion to advance submitted by Mr. Roger Hinds in that behalf.

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No. 350. Educational Films Corporation of America, appellant, *v.* Hamilton Ward, Attorney General of the State of New York, et al. Statement as to jurisdiction submitted by Mr. Roger Hinds for the appellant.

No. 443. Edward T. Dunn, appellant, *v.* State of Ohio. Statement as to jurisdiction submitted by Mr. Rufus S. Day and Mr. W. E. Minshall for the appellant in support thereof, and by Mr. Alfred Clum, Mr. Gilbert Bettman, and Mr. Frank R. Hubachek for the appellee in opposition thereto.

No. 400. Mascot Oil Company, Inc., petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims submitted by Mr. Theodore B. Benson for the petitioner, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Rugg, Mr. Claude R. Branch, and Mr. George H. Foster for the respondent.

No. 405. United Profit Sharing Corporation, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims submitted by Mr. Sol M. Stroock, Mr. Edward F. Spitz, Mr. Charles C. Carlin, and Mr. M. Carter Hall for the petitioner, and by Mr.

Solicitor General Thacher, Mr. Assistant Attorney General Rugg, Mr. Claude R. Branch, Mr. Joseph H. Shephard, and Mr. Paul D. Miller for the respondent.

No. 412. Roy & Titcomb, Inc., petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims submitted by Mr. Theodore B. Benson for the petitioner, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Rugg, Mr. Claude R. Branch, and Mr. L. A. Smith for the respondent.

No. 451. W. Frank Matheus, United States Marshal, etc., petitioner, *v.* The United States of America, *ex rel.* Thomas W. Cunningham. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Solicitor General Thacher and Mr. Harry S. Ridgely for the petitioner, and by Mr. Benjamin M. Golder and Mr. Ruby R. Vale for the respondent.

No. 458. Mulhens & Kropff, Inc., petitioner, *v.* Ferd. Muelhens, Inc.; and

No. 478. Ferd. Muelhens, Inc., petitioner, *v.* Mulhens & Kropff, Inc. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Lucius E. Varney for the petitioner in No. 458; by Mr. Maxwell C. Katz, Mr. Otto C. Sommerich, and Mr. Edwin M. Borchard for the petitioner in No. 478 and respondent in No. 458; and by Mr. Lucius E. Varney and Mr. Manvel Whittemore for the respondent in No. 478.

No. 461. Wood & Selick, Inc., and Joseph A. Riggi, individually, etc., petitioners, *v.* Henry Todd, Trustee, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Carroll Blakely Low for the petitioner, and by Mr. Guy M. Page for the respondents.

No. 473. Star Can Opener Company, petitioner, *v.* Bunker-Clancy Manufacturing Company. Petition for writ of certiorari to United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Thomas Ewing, Mr. Stephen J. Cox, Mr. John H. Miller, Mr. A. W. Boykin, and Mr. Francis C. Downey for the petitioner, and by Mr. Maurice H. Winger, Mr. Frank P. Barker, and Mr. Arthur C. Brown for the respondents.

No. 474. James E. Hams, as Executor, etc., petitioner, *v.* Helen M. Marshall and Oscar J. Heig, as Trustee, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Winifred Sullivan and Mr. George C. Lay for the petitioner, and by Mr. Moses Cohen for the respondents.

No. 483. Armin A. Schlesinger, petitioner, *v.* County of Milwaukee. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Charles

F. Fawsett for the petitioner, and by Mr. Eugene Wengert for the respondent.

No. 44. The Beaumont, Sour Lake & Western Railway Company et al., appellants, *v.* The United States of America and The Interstate Commerce Commission et al.; and

No. 45. The United States of America and The Interstate Commerce Commission et al., appellants, *v.* The Beaumont, Sour Lake & Western Railway Company et al. Three hours allowed for the argument of these cases. Argument commenced by Mr. F. H. Moore for the Southwestern Lines; continued by Mr. Edward M. Reidy for the United States and Interstate Commerce Commission; by Mr. Frank H. Towner for the Western Trunk Carriers; and concluded by Mr. Samuel W. Moore for the Southwestern Lines.

No. 90. Frank L. Smith et al., appellants, *v.* Illinois Bell Telephone Company. Three hours allowed for the argument of this case. Argument commenced by Mr. George I. Haight for the appellants, and continued by Mr. Benjamin F. Goldstein for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, October 21, will be as follows: Nos. 90, 15, 106, 84, 86, 96, 1, 2, 3 (and 4), and 5.

## SUPREME COURT OF THE UNITED STATES

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Present: The Chief Justice, Mr. Justice Holmes, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, and Mr. Justice Roberts.

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Carrel F. Rhodes, of Yazoo City, Miss.; Raymer H. Miller, of Hannibal, Mo.; Thomas R. Dempsey, of Los Angeles, Calif.; and Jack Davis, of New York City, were admitted to practice.

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No. 90. Frank L. Smith et al., appellants, *v.* Illinois Bell Telephone Company. Argument continued by Mr. Benjamin F. Goldstein for the appellants, by Mr. William Dean Bangs for the appellee, and concluded by Mr. Benjamin F. Goldstein for the appellants.

No. 15. Burns Poe, Collector of Internal Revenue for the District of Washington, *v.* H. G. Seaborn. Argued by Mr. Solicitor General Thacher for Poe, Collector, and by Mr. George Donworth for Seaborn.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, October 22, will be as follows: Nos. 106, 84, 86, 96, 1, 2, 3 (and 4), 5, 6, and 7.

## SUPREME COURT OF THE UNITED STATES

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Present: the Chief Justice, Mr. Justice Holmes, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, and Mr. Justice Roberts.

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John Rosch, of Albany, N. Y.; Herman P. Kassan, of Baltimore, Md.; Henry T. Dorrance, of Utica, N. Y.; Ephraim Banning, of Chicago, Ill.; Charles Hamilton Houston, of Washington, D. C.; and Milton Albert Kallis, of Washington, D. C., were admitted to practice.

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No. 106. Fred O. Goodell, Collector of Internal Revenue, *v.* I. B. Koch. Argued by Mr. Solicitor General Thacher for Goodell, collector, and by Mr. Clifton Matthews and Mr. Rhodes S. Baker for Koch.

No. 84. Geo. C. Hopkins, Collector of Internal Revenue, petitioner, *v.* C. W. Bacon. Argued by Mr. Solicitor General Thacher for the petitioner, and by Mr. Harry C. Weeks and Mr. Palmer Hutcheson for the respondent.

No. 86. Jacob O. Bender, Collector of Internal Revenue, petitioner, *v.* William Pfaff. Argument commenced by Mr. Solicitor General Thacher for the petitioner, and continued by Mr. Charles E. Dunbar, jr., and Mr. Monte Lemann for the respondent.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, October 23, will be as follows: Nos. 86, 96, 1, 2, 3 (and 4), 5, 6, 7, 8, and 10.



SUPREME COURT OF THE UNITED STATES

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Present: The Chief Justice, Mr. Justice Holmes, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, and Mr. Justice Roberts.

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No. 86. Jacob O. Bender, Collector of Internal Revenue, petitioner, *v.* William Pfaff. Argument continued by Mr. Monte Lemann for the respondent, and concluded by Mr. Solicitor General Thacher for the petitioner. Leave granted respondent to file supplemental brief within three days.

No. 96. District of Columbia, petitioner, *v.* William H. Colts. Argued by Mr. Robert E. Lynch for the petitioner, and by Mr. William B. O'Connell for the respondent.

No. 1. Chicago, St. Paul, Minneapolis and Omaha Ry. Co., plaintiff in error, *v.* August E. Holmberg. Argued by Mr. Wymer Dressler for the plaintiff in error, and by Mr. Hugh LaMaster for the defendant in error.

No. 2. Francis Beidler II and George Engelking, as Executors, etc., plaintiffs in error, *v.* South Carolina Tax Commission. Argument commenced by Mr. P. F. Henderson for the plaintiffs in error, and continued by Mr. J. Fraser Lyon for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, October 24, will be as follows: Nos. 2, 3 (and 4), 5, 6, 7, 8, 10, 11, 12 (and 13), and 14.

## SUPREME COURT OF THE UNITED STATES

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Present: The Chief Justice, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, and Mr. Justice Roberts.

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Charles Carroll III, of Chicago, Ill., was admitted to practice.

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No. 2. Francis Beidler II and George Engelking, as Executors, etc., plaintiffs in error, *v.* South Carolina Tax Commission. Reargument continued by Mr. J. Fraser Lyon for the defendant in error, and concluded by Mr. P. F. Henderson for the plaintiffs in error.

No. 3. Powers-Kennedy Contracting Corporation et al., petitioners, *v.* Concrete Mixing Conveying Co.; and

No. 4. Concrete Mixing and Conveying Co., petitioner, *v.* R. C. Storrie & Co. Three hours allowed for the oral argument of these cases. Reargument commenced by Mr. John W. Morgan for the petitioner in No. 3; continued by Mr. Stephen J. Cox for the respondent in No. 3; by Mr. Lynn A. Williams for the petitioner in No. 4; and concluded by Mr. Charles E. Townsend for the respondent in No. 4. Leave granted respondent in No. 4 to file additional brief with leave to counsel for petitioner in No. 4 to file a reply thereto on or before October 28.

No. 5. Indian Motorcycle Company *v.* The United States of America. Reargument commenced by Mr. Monte Appel for the Indian Motorcycle Company.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, October 27, will be as follows: Nos. 5, 83, 95, 6, 7, 8, 10, 11, 12 (and 13), and 14.

## SUPREME COURT OF THE UNITED STATES

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Present: The Chief Justice, Mr. Justice Holmes, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, and Mr. Justice Roberts.

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George R. Walsh, of Elizabeth, N. J.; Gabriel L. Hess, of New York City; John M. Kerner, of Elizabeth, N. J.; Louis Phillips, of New York City; Louis Nizer, of New York City; Curtis L. Sparkman, of Tampa, Fla.; Edward F. P. Brigham, of Miami, Fla.; Irwin William Rosenthal, of New Orleans, La.; John Axon Mawhinney, of Philadelphia, Pa.; Everett Fooks, of Durham, N. C.; Junius C. Klein, of Louisville, Ky.; John P. Haswell, of Louisville, Ky.; John S. Milliken, of Franklin, Ky.; and Blakey Helm, of Louisville, Ky., were admitted to practice.

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The Chief Justice announced the following orders of the Court:

No. **370**. J. W. Alford, petitioner, *v.* The United States of America. It is ordered that this case be, and it is hereby, advanced and assigned for argument on Monday, January 5 next, after the cases heretofore assigned for that day.

No. **448**. Aaron Prussian, petitioner, *v.* The United States of America. It is ordered that this case be, and it is hereby, advanced and assigned for argument on Monday, January 5 next, after the cases heretofore assigned for that day.

No. **350**. Educational Films Corporation of America, appellant, *v.* Hamilton Ward, Attorney General, etc. In this case probable jurisdiction is noted and the motion to advance is granted. The case is advanced and assigned for argument on Monday, December 1 next.

No. **443**. Edward T. Dunn, appellant, *v.* State of Ohio. Appeal from the Supreme Court of the State of Ohio. *Per curiam*: The appeal herein is dismissed for the want of a substantial federal question. *Griffith v. Connecticut*, 218 U. S. 563; *Mutual Loan Co. v. Martell*, 222 U. S. 225, 233; *Morgan v. Georgia*, 281 U. S. 691. The petition for a writ of certiorari in this cause is denied.

No. **451**. W. Frank Mathues, United States Marshal for the Eastern District of Pennsylvania, petitioner, *v.* The United States of America, *ex rel.* Thomas W. Cunningham. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. *Per curiam*: The petition for a writ of certiorari in this cause

is granted. On consideration of the suggestion of the United States that this cause has abated, it is ordered that the judgments of the United States Circuit Court of Appeals for the Third Circuit and of the United States District Court for the Eastern District of Pennsylvania in this cause be, and the same are hereby, vacated, and the cause is remanded to the District Court with directions to dismiss the proceeding as abated. United States *ex rel.* Niels Peter Claussen *v.* Curran, Commissioner of Immigration, 276 U. S. 590.

No. 400. Mascot Oil Company, Inc., petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims granted.

No. 412. Roy & Titcomb, Inc., petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims granted.

No. 380. R. D. Spicer, F. G. Steward, and G. C. Hallawell, petitioners, *v.* The United States of America;

No. 381. G. C. Stephens, petitioner, *v.* The United States of America; and

No. 382. B. M. Wotkyns, petitioner, *v.* The United States of America. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 405. United Profit Sharing Corporation, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 458. Mulhens & Kropff, Inc., petitioner, *v.* Ferd. Muelhens, Inc.; and

No. 478. Ferd. Muelhens, Inc., petitioner, *v.* Mulhens & Kropff, Inc. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 461. Wood & Selick, Inc., and Joseph A. Riggi, individually, etc., petitioners, *v.* Henry Todd, Trustee, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 473. Star Can Opener Company, petitioner, *v.* Bunker-Clancy Manufacturing Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 474. James E. Hams, as Executor, etc., petitioner, *v.* Helen M. Marshall and Oscar J. Heig, as Trustee, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 483. Armin A. Schlesinger, petitioner, *v.* County of Milwaukee. 'Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

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The Chief Justice also announced the following order :

ORDER

The Court will take a recess from Monday, November 3, until Monday, November 24 next.

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No. 23. Charles H. Stange, petitioner, *v.* The United States. Leave granted to file brief of the Holmes Manufacturing Company, as *amicus curiae*, on motion of Mr. John E. Hughes in that behalf.

No. —, original. *Ex parte*: Doble Laboratories, petitioner. Motion for leave to file petition for a writ of *mandamus* submitted by Mr. William F. Hall in behalf of counsel.

No. —, original. *Ex parte*: D. B. Daugherty, petitioner. Motion for leave to file petition for a writ of *mandamus* submitted by Mr. Richard L. Merrick for the petitioner.

No. 307. Koek Wing, petitioner, *v.* Philippine Railway Company. Consideration of the petition for writ of certiorari deferred for a period of thirty days from this date, on motion of Mr. G. Howland Chase in behalf of counsel for the respondent.

No. 517. The Kansas City Southern Railway Company et al., appellants, *v.* The United States of America et al. Motion to advance submitted by Mr. A. Rae Williams in behalf of counsel for the appellants.

No. 14, original. The United States of America, complainant, *v.* The State of Utah. Report of the Special Master presented by Mr. Charles Warren.

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No. —. In Re Disbarment of H. A. Ledbetter. Report of the Committee of the Bar presented.

No. 30. Edward B. Weston et al., appellants, *v.* Beaver-Remmers-Graham Company et al. Motion to dismiss or affirm submitted by Mr. Lester A. Jaffe, Mr. J. Sprigg McMahon, and Mr. Murray Seasongood for the appellee in support of the motion, and by Mr. Wellmore B. Turner and Mr. E. H. Turner for the appellant, in opposition thereto.

No. 393. Gynther Storaasli, appellant, *v.* The State of Minnesota. Statement as to jurisdiction submitted by Mr. Pierce Butler, jr., and Mr. Charles Bunn for the appellant.

No. 442. Magnolia State Building & Loan Association, appellant, *v.* W. J. Miller, State Tax Collector. Statement as to jurisdiction submitted by Mr. Garner W. Green, Mr. Marcellus Green, Mr. R. H. Thompson, and Mr. Wm. H. Watkins for the appellant, in support thereof, and by Mr. Gordon Garland Lyell for the appellee, in opposition thereto.

No. 465. Guaranty Trust Company of New York, as Trustee, etc., appellant, *v.* New York & Queens County Railway Company et al. Statement as to jurisdiction submitted by Mr. H. C. McCollom, Mr. Joseph S. Auerbach, Mr. Chas. E. Hotchkiss, Mr. Alfred T. Davison, and Mr. Martin A. Schenck for the appellant, in support thereof, and by Mr. James H. McIntosh, Mr. James L. Quackenbush, and Mr. Charles F. Kingsley for the appellees, in opposition thereto.

No. 307. Kock Wing, petitioner, *v.* Philippine Railway Company. Petition for writ of certiorari to the Supreme Court of the Philippine Islands submitted by Mr. Wm. J. Rohde for the petitioner.

No. 411. William G. Beckers, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims submitted by Mr. James Craig Peacock and Mr. John W. Townsend for the petitioner, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Rugg, Mr. Claude R. Branch, Mr. Joseph H. Shepard, and Mr. Paul D. Miller for the respondent.

No. 475. St. Louis Architectural Iron Company, petitioner, *v.* New Amsterdam Casualty Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. John P. Leahy and Mr. James J. O'Donohoe for the petitioner.

No. 479. The Coco-Cola Company, petitioner, *v.* Carlisle Bottling Works. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Thomas L. Mead, jr., Mr. Harold Hirsch, and Mr. Frank Troutman for the petitioner, and by Mr. E. C. O'Rear for the respondent.

No. 484. Federal Trade Commission, petitioner, *v.* Raladam Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Solicitor General Thacher, Mr. Assistant to the Attorney General O'Brian, Mr. Claude R. Branch, Mr. Chas. H. Weston, Mr. William G. Davis, Mr. Robt. E. Healy, and Mr. Martin A. Morrison for the petitioner, and by Mr. Thomas G. Long for the respondent.

No. 485. Eastern Massachusetts Street Railway Company, petitioner, *v.* Transmarine Corporation and Fore River Coal Company. Petition for writ of certiorari to the United States Circuit



Court of Appeals for the First Circuit submitted by Mr. G. Philip Wardner for the petitioner, and by Mr. Carroll Single and Mr. Albert T. Gould for the respondents.

No. 486. Louis Kulesza et al., petitioners, *v.* H. A. Blair et al., etc.; and

No. 487. Louis Kulesza et al., petitioners, *v.* American Car and Foundry Company et al., etc. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. J. Hamilton Lewis for the petitioners, and by Mr. James M. Shean and Mr. Weymouth Kirkland for the respondent in No. 486, and Mr. Ephraim Banning for the respondent in No. 487.

No. 488. Doble Laboratories, petitioner, *v.* Thomas Day Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Frederick S. Lyon, Mr. Leonard S. Lyon, and Mr. William H. Hunt for the petitioner, and by Mr. John H. Miller, Mr. George L. Wilkinson, and Mr. Langdon Moore for the respondent.

No. 489. Enameled Metals Company, petitioner, *v.* David Burnet, Commissioner of Internal Revenue. . Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. S. Leo Ruslander, Mr. Samuel Kaufman, and Mr. George R. Beneman for the petitioner, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Youngquist, Mr. Claude R. Branch, Mr. J. Louis Monarch, Mr. John Mac C. Hudson, and Mr. C. M. Charest for the respondent.

No. 491. St. Louis National Baseball Club, petitioner, *v.* David Burnet, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. James C. Jones, Mr. Lon O. Hocker, Mr. Frank H. Sullivan, Mr. James C. Jones, jr., and Mr. Ralph T. Finley for the petitioner, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Youngquist, Mr. Claude R. Branch, Mr. J. Louis Monarch, Mr. John Mac C. Hudson, Mr. Paul D. Miller, Mr. C. M. Charest, and Mr. Percy S. Crewe for the respondent.

No. 492. Eda Luetete and Mary Korhel Roberts, petitioners, *v.* Bank of Italy National Trust & Savings Association. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. James Westervelt and Mr. Williamson S. Summers for the petitioners, and by Mr. Elvon Musick for the respondent.

No. 493. Sam Hill, otherwise known as Sam Stone, et al., petitioners, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth

Circuit submitted by Mr. John Philip Hill and Mr. James A. O'Shea for the petitioners, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Youngquist, Mr. Claude R. Branch, Mr. Mahlon D. Kiefer, and Mr. W. Marvin Smith for the respondent.

No. 494. McAvoy Company, petitioner, *v.* Globe Indemnity Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Silas H. Strawn, Mr. John D. Black, and Mr. Harold A. Smith for the petitioner, and by Mr. George T. Buckingham for the respondent.

No. 495. Charles B. Shedd, petitioner, *v.* State Line Generating Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. C. B. Tinkham for the petitioner, and by Mr. Buell McKeever for the respondent.

No. 510. Marshall Hall Milling Company et al., petitioners, *v.* Mexican-American Fruit & Steamship Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Carroll Single, Mr. J. M. Richardson Lyeth and Mr. Henry P. Dart, jr., for the petitioners, and by Mr. George H. Terribery and Mr. Joseph M. Rault for the respondent.

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No. 5. Indian Motocycle Company *v.* The United States of America. Reargument continued by Mr. Solicitor General Thacher for the United States, and concluded by Mr. Monte Appel for the Indian Motocycle Company. Leave granted the Indian Motocycle Company to file memorandum to-day.

No. 83. Paramount Famous Lasky Corporation et al., appellants, *v.* The United States of America. Leave granted appellants to file additional brief within four days on motion of Mr. John W. Davis. Argument commenced by Mr. Cornelius W. Wickersham for the appellants, continued by Mr. Assistant to the Attorney General O'Brian for the appellee, and concluded by Mr. John W. Davis for the appellants.

No. 95. The United States of America, appellant, *v.* First National Pictures, Inc., et al. Argument commenced by Mr. Assistant to the Attorney General O'Brian for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, October 28, will be as follows: Nos. 95, 6, 7, 8, 10, 11, 12 (and 13), 14, 16 (17 and 18), and 19.

## SUPREME COURT OF THE UNITED STATES

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Present: The Chief Justice, Mr. Justice Holmes, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, and Mr. Justice Roberts.

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James T. Donald, of Baker, Oreg.; Walter F. Dodd, of Chicago, Ill.; and Raymond A. Bartlett, of Washington, D. C., were admitted to practice.

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No. **327**. Foreman Trust & Savings Bank, a trustee, et al., appellants, *v.* City of Chicago. Mandate granted on motion of Mr. Harold N. Marsh in behalf of counsel.

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No. **95**. United States of America, appellant, *v.* First National Pictures, Inc., et al. Argument continued by Mr. Assistant to the Attorney General O'Brian for the appellant; by Mr. Cornelius W. Wickersham for the appellees; by Mr. John W. Davis for the appellees; and concluded by Mr. Assistant to the Attorney General O'Brian for the appellant.

No. **6**. William J. Stratton, Secretary of State, etc., appellant, *v.* St. Louis Southwestern Railway Co. Reargued by Mr. Bayard Lacey Catron for the appellant and by Mr. Josiah Whitnel for the appellee.

No. **7**. Aluminum Castings Company, petitioner, *v.* Carl F. Routzahn, individually and as Collector of Internal Revenue. Re-argument commenced by Mr. John T. Scott for the petitioner and continued by Mr. Claude R. Branch for the respondent.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, October 29, will be as follows: Nos. **7, 8, 10, 11, 12** (and **13**), **14, 16** (**17** and **18**), **19, 68, 20**.

SUPREME COURT OF THE UNITED STATES

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Present: The Chief Justice, Mr. Justice Holmes, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, and Mr. Justice Roberts.

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Ellyne E. Strickland, of Washington, D. C., and Edgar Mitchell, of Parish, N. Y., were admitted to practice.

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No. 7. Aluminum Castings Company, petitioner, *v.* Carl F. Routzahn, individually and as Collector of Internal Revenue. Re-argument continued by Mr. Claude R. Branch for the respondent, and concluded by Mr. John T. Scott for the petitioner.

No. 8. Memphis & Charleston Railway Company, appellant, *v.* C. L. Pace, G. C. Stephens, et al. Reargued by Mr. John B. Hyde for the appellant, and by Mr. W. W. Magruder and Mr. B. H. Charles for the appellees.

No. 11. Junius C. Klein, appellant, *v.* Board of Tax Supervisors of Jefferson County, Kentucky. Argument commenced by Mr. Edmund F. Trabue for the appellant, and continued by Mr. M. B. Holifield for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, October 30, will be as follows: Nos. 11, 12 (and 13), 14, 16 (17 and 18), 19, 68, 20, 22, 24, and 25.

## SUPREME COURT OF THE UNITED STATES

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Present: The Chief Justice, Mr. Justice Holmes, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, and Mr. Justice Roberts.

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No. 489. Enameled Metals Company, petitioner, *v.* David Burnet, Commissioner of Internal Revenue. Consideration of petition for writ of certiorari postponed and leave granted to file a supplemental brief for the petitioner on or before November 6th next, on motion of Mr. Levi Cooke for the petitioner.

No. 11. Junius C. Klein, appellant, *v.* Board of Tax Supervisors of Jefferson County, Kentucky. Argument continued by Mr. M. B. Holifield for the appellee and concluded by Mr. Edmund F. Trabue for the appellant.

No. 12. O'Gorman and Young, Inc., appellant, *v.* Hartford Fire Insurance Company of Hartford, Connecticut; and

No. 13. O'Gorman and Young, Inc., appellant, *v.* Phoenix Assurance Company, Ltd., of London. Reargued by Mr. Walter Gordon Merritt for the appellant, and by Mr. Ralph E. Lum for the appellees.

No. 14. William A. Sherman et al. *v.* The United States of America. Argued by Mr. Karl D. Loos for Sherman et al., and by Mr. Assistant to the Attorney General O'Brian for the United States.

No. 16. State of Florida et al., etc., appellant, *v.* The United States of America et al.;

No. 17. Brooks-Scanlon Corporation et al., appellants, *v.* The United States of America et al.; and

No. 18. Wilson Lumber Company, appellant, *v.* The United States of America et al. Argument commenced by Mr. H. P. Adair for the appellants in No. 17.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, October 31, will be as follows: Nos. 16 (17 and 18), and 24.

## SUPREME COURT OF THE UNITED STATES

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Present: The Chief Justice, Mr. Justice Holmes, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, and Mr. Justice Roberts.

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R. D. Cox, jr., of Austin, Tex.; Robert F. Davis, of Washington, D. C.; and Andrew D. Christian, of Richmond, Va., were admitted to practice.

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No. 25. Joseph Wall, Charles Gramm, Andrew B. Van Nostrand, et al., appellants, *v.* Bankers Life Company of Des Moines, Iowa. Leave granted to file brief of Frank W. Hamilton, as *amicus curiae*, on motion of Mr. Frank W. Hamilton in that behalf. Motion for leave to present oral argument denied.

No. 333. Louisville & Nashville R. R. Co. et al., appellants, *v.* The United States of America et al. Motion to advance submitted by Mr. Alfred P. Thom for the appellants.

No. 23. Charles H. Stange, petitioner, *v.* The United States. Leave granted to file brief of Frank A. Vanderlip and others, as *amici curiae*, on motion of Mr. William J. Hughes, jr., in that behalf.

No. 16. State of Florida et al., appellants, *v.* The United States of America et al.;

No. 17. Brooks-Scanlon Corporation et al., appellants, *v.* The United States of America et al.; and

No. 18. Wilson Lumber Company of Florida, appellant, *v.* The United States of America et al. Argument continued by Mr. H. P. Adair for the appellants in No. 17; by Mr. Fred H. Davis for the appellants in No. 16; by Mr. Assistant to the Attorney General O'Brian for the United States and the Interstate Commerce Commission; by Mr. Robert C. Alston for the Atlantic Coast Line Railroad Company; and concluded by Mr. J. V. Norman for the appellant in No. 18.

No. 24. Noah Crooks, Collector of Internal Revenue, petitioner, *v.* Benjamin Harrelson et al. Argued by Mr. Claude R. Branch for the petitioner, and by Mr. Frank S. Bright and Mr. S. L. Swarts for the respondent.

Adjourned until Monday, November 3, at 12 o'clock.



## SUPREME COURT OF THE UNITED STATES

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Present: The Chief Justice, Mr. Justice Holmes, Mr. Justice Van Devanter, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, and Mr. Justice Roberts.

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Abraham M. Katz, of New York City; Charles Segal, of New York City; John C. Lawyer, of Chicago, Ill.; Alexander Macdonald, of Los Angeles, Calif.; Bertha Ast, of San Francisco, Calif.; Lester Hood Woolsey, of Washington, D. C.; Hedley V. Cooke, of New York City; J. Edward Lumbard, jr., of New York City; and Cyrus French Wicker, of New York City, were admitted to practice.

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No. —. In re Disbarment of H. A. Ledbetter. Upon consideration of the report and recommendation of the committee of the bar of this Court appointed April 22, 1930, in proceedings pursuant to a rule issued February 24, 1930, to H. A. Ledbetter to show cause why he should not be disbarred from the practice of the law in this Court,

It is ordered,

(1) That the said rule entered February 24, 1930, is hereby discharged and the said proceeding is hereby dismissed.

(2) That the committee is requested to formulate and present such specific charge or charges, if any, as, upon consideration of the matters set forth in its said report, it deems to be appropriate for the further consideration of this Court.

No. —, original. *Ex parte*: D. B. Daugherty, petitioner. The motion for leave to file a petition for writ of *mandamus* is granted and a rule to show cause is ordered to issue returnable on Monday, January 5 next.

No. —, original. *Ex parte*: Doble Laboratories, petitioner. The motion for leave to file a petition for writ of *mandamus* is denied.

No. 14, original. The United States of America, complainant, *v.* The State of Utah. The report of the special master is received and ordered to be filed. Exceptions by the parties, if any, shall be filed on or before January 26 next and the case is assigned for hearing on such exceptions, if any, on Monday, February 24 next. Briefs in support of any exceptions are to be filed two weeks before the date fixed for hearing. Reply briefs, if any, are to be filed one week before such hearing.

No. 333. Louisville & Nashville Railroad Company et al., appellants, *v.* The United States of America et al. The motion to advance this case is granted and the case is assigned for argument on Monday, January 12th next, after the cases heretofore assigned for that day.

No. 517. The Kansas City Southern Railway Company et al., appellants, *v.* The United States of America et al. The motion to advance this case is granted and the case is assigned for argument on Monday, January 12th next, after the cases heretofore assigned for that day.

No. 30. Edward B. Weston et al., appellants, *v.* Beaver-Remmers-Graham Company et al. Further consideration of the motion to dismiss or affirm is postponed to the hearing of the case on the merits.

No. 393. Gynther Storaasli, appellant, *v.* The State of Minnesota. In this case probable jurisdiction is noted.

No. 442. Magnolia State Building & Loan Association, appellant *v.* W. J. Miller, State Tax Collector. Appeal from the Supreme Court of the State of Mississippi. *Per curiam:* The appeal herein is dismissed for the want of a substantial federal question. *Northwestern Mutual Life Ins. Co. v. State of Wisconsin*, 247 U. S. 132; *Kansas City M. & B. R. Co. v. Stiles*, 242 U. S. 111.

No. 465. Guaranty Trust Company of New York, as Trustee, etc., appellant, *v.* New York & Queens County Railway Company et al. Appeal from the Supreme Court of the State of New York, County of Queens. *Per curiam:* The appeal herein is dismissed for the want of a substantial federal question. *Wabash R. R. Co. v. Flannigan*, 192 U. S. 29; *Erie R. R. Co. v. Solomon*, 237 U. S. 427; *Zucht v. King*, 260 U. S. 174; *Sugarman v. United States*, 249 U. S. 182; *C. A. King & Co. v. Horton*, 276 U. S. 600; *Bank of Indianola v. Miller*, 276 U. S. 605; *Roe v. Kansas*, 278 U. S. 191.

No. 484. Federal Trade Commission, petitioner, *v.* Raladam Company. The petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit is granted limited to the question of the jurisdiction of the Federal Trade Commission.

No. 411. William G. Beckers, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 475. St. Louis Architectural Iron Company, petitioner, *v.* New Amsterdam Casualty Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 479. The Coca Cola Company, petitioner, *v.* Carlisle Bottling Works. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 485. Eastern Massachusetts Street Railway Company, petitioner, *v.* Transmarine Corporation et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 486. Louis Kulesza et al., petitioners, *v.* H. A. Blair et al.; and

No. 487. Louis Kulesza et al., petitioners, *v.* American Car and Foundry Company et al. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 488. Doble Laboratories, petitioner, *v.* Thomas Day Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 491. St. Louis National Baseball Club, petitioner, *v.* David Burnet, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 492. Eda Luethe et al., petitioners, *v.* Bank of Italy National Trust & Savings Association. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 493. Sam Hill, otherwise known as Sam Stone, et al., petitioners, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 494. McAvoy Company, petitioner, *v.* Globe Indemnity Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 495. Charles B. Shedd, petitioner, *v.* State Line Generating Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 510. Marshall Hall Milling Company et al., petitioners, *v.* Mexican-American Fruit & Steamship Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

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No. 400. Mascot Oil Company, Inc., petitioner, *v.* The United States;

No. 412. Roy & Titcomb, Inc., petitioner, *v.* The United States;

No. 416. The United States, petitioner, *v.* Wyman, Partridge & Company;

No. 508. D. B. Heiner, Collector, etc., petitioner, *v.* Erie Coal & Coke Company;

No. 519. American Glue Company, petitioner, *v.* The United States of America; and

No. 529. Laura H. Jennings, as Executrix, etc., petitioner, v. Charles W. Anderson, individually, etc. Motion to advance submitted by Mr. Solicitor General Thacher.

No. 93. New York Life Insurance Company, petitioner, v. Frank K. Bowers, Collector, etc.; and

No. 160. Frank K. Bowers, Collector, etc., petitioner, v. New York Life Insurance Company. Death of Frank K. Bowers suggested and Frank Collis Bowers, executor of the estate of Frank K. Bowers, substituted as the party respondent and petitioner, respectively, in these cases, on motion of Mr. Solicitor General Thacher in that behalf.

No. 451. W. Frank Mathues, United States Marshal, etc., petitioner, v. The United States of America, *ex rel.* Thomas W. Cunningham. Mandate granted on motion of Mr. Solicitor General Thacher.

No. 521. Commissioner of Internal Revenue, petitioner, v. Edith Andrews Logan; and

No. 522. Commissioner of Internal Revenue, petitioner, v. Julia Andrews Bruce. David Burnet, present Commissioner of Internal Revenue, substituted as the party petitioner in place of Robert H. Lucas, former collector, on motion of Mr. Solicitor General Thacher for the petitioner.

No. 512. The United States of America, v. Robert K. Malcolm. Motion to advance submitted by Mr. J. S. Y. Ivins for Malcolm.

No. 15. Burns Poe, Collector, etc., v. H. G. Seaborn;

No. 84. Geo. C. Hopkins, Collector, etc., petitioner, v. C. W. Bacon;

No. 86. Jacob O. Bender, Collector, etc., petitioner, v. William Pfaff; and

No. 106. Fred O. Goodell, Collector, etc., petitioner, v. I. B. Koch. Motion for leave to file the brief filed for Robert K. Malcolm in case No. 512 as a brief *amicus curiæ* in these cases submitted by Mr. J. S. Y. Ivins in that behalf.

No. 39. Russian Volunteer Fleet, petitioner, v. The United States. Motion to pass submitted by Mr. Horace S. Whitman for the petitioner.

No. —, original. *Ex parte*: D. R. Walkinshaw, petitioner. Motion for leave to file petition for writ of *mandamus* submitted by Mr. D. R. Walkinshaw, *pro se*.

No. 425. Group No. 1, Oil Corporation, petitioner, v. James W. Bass, Collector, etc. Leave granted to file brief of the State of Texas as *amicus curiæ* in support of petition for rehearing, on motion of Mr. R. D. Cox, J., in that behalf.

No. 304. J. M. Robinson et al., appellants, *v.* L. C. Holman et al. Statement as to jurisdiction submitted by Mr. John A. Hibbler and Mr. Scipio A. Jones for the appellants.

No. 449. E. S. Smith, appellant, *v.* W. B. Cahoon, Sheriff of Duval County, Florida. Statement as to jurisdiction submitted by Mr. John W. Davis for the appellant.

No. 517. The Kansas City Southern Railway Company et al., appellants, *v.* The United States of America et al. Statement as to jurisdiction submitted by Mr. F. H. Moore, Mr. Cyrus Crane, and Mr. Samuel W. Moore for appellants.

No. 356. Juan Posados, Jr., as Collector, etc., petitioner, *v.* Miguel J. Ossorio. Petition for writ of certiorari to the Supreme Court of the Philippine Islands submitted by Mr. William Cattron Rigby, Mr. W. A. Graham, and Mr. E. A. Kreger for the petitioner.

No. 413. Andrews Steel Company, Inc., petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims submitted by Mr. Robert T. Tedrow and Mr. Walter W. McCaslin for the petitioner, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Rugg, Mr. Claude R. Branch, and Mr. Paul D. Miller for the respondent.

No. 477. Richard Husty et al., petitioners, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. John B. McMahan for the petitioners, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Youngquist, Mr. Claude R. Branch, Mr. Mahlon Kiefer, Mr. F. Cadmus Damrell, and Mr. Paul D. Miller for the respondent.

No. 490. Frank L. Young Company, petitioner, *v.* McNeal Edwards Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit submitted by Mr. John G. Palfrey, for the petitioner, and by Mr. Asa P. French for the respondent.

No. 497. Chicago, Indianapolis and Louisville Railway Company, petitioner, *v.* International Milling Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Charles P. Stewart, Mr. Clint C. Hine, Mr. Harry N. Quigley, and Mr. Samuel W. Baxter for the petitioner, and by Mr. Harold G. Simpson for the respondent.

No. 501. Walton Tomplain et al., petitioners, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Hugh M. Wilkinson for the petitioners, and by Mr. Solicitor General

Thacher, Mr. Assistant Attorney General Youngquist, Mr. Claude R. Branch, Mr. A. W. Henderson, and Mr. Paul D. Miller for the respondent.

No. 502. Walton Tomplain et al., petitioners, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Hugh M. Wilkinson for the petitioners, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Youngquist, Mr. Claude R. Branch, Mr. A. W. Henderson, and Mr. W. Marvin Smith for the respondent.

No. 503. J. M. Beard, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Elwood H. Seal and Mr. Frank L. Muhleman for the petitioner, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Richardson, Mr. Claude R. Branch, Mr. E. T. Burke, and Mr. W. Marvin Smith for the respondent.

No. 504. The United States, petitioner, *v.* Douglas Clyde Macintosh. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Solicitor General Thacher, Mr. Harry S. Ridgely, and Mr. Paul D. Miller for the petitioner, and by Mr. John W. Davis for the respondent.

No. 505. The United States of America, petitioner, *v.* Marie Averill Bland. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Solicitor General Thacher, Mr. Harry S. Ridgely, and Mr. Paul D. Miller for the petitioner.

No. 507. Consolidated Machine Tool Corporation of America, petitioner, *v.* The Collins Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Harold E. Stonebraker for the petitioner, and by Mr. Ephraim Banning for the respondent.

No. 508. D. B. Heiner, Collector, etc., petitioner, *v.* Erie Coal & Coke Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Youngquist, Mr. Claude R. Branch, Mr. Sewall Key, and Mr. Norman D. Keller for the petitioner.

No. 511. Ætna Life Insurance Company, petitioner, *v.* Robert O. Eaton, Collector of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. William Marshall Bullitt and Mr. Harry W. Reynolds for the petitioner, and by Mr. Solicitor General



Thacher, Mr. Assistant Attorney General Youngquist, Mr. Claude R. Branch, Mr. J. Louis Monarch, Mr. S. Dee Hanson, Mr. C. M. Charest, and Mr. Edward H. Horton for the respondent.

No. 516. National Union Fire Insurance Company, petitioner, *v.* Jacob Kaplan et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Frederick D. Silber and Mr. Charles E. Kremer for the petitioner, and by Mr. Samuel E. Hirsch for the respondents.

No. 519. American Glue Company, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit submitted by Mr. Harris H. Gilman for the petitioner, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Youngquist, Mr. Claude R. Branch, Mr. J. Louis Monarch, and Mr. Norman D. Keller for the respondent.

No. 529. Laura H. Jennings, as Executrix, etc., petitioner, *v.* Charles W. Anderson, individually, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Robert N. Miller and Mr. J. Robert Sherrod for the petitioner, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Youngquist, Mr. Claude R. Branch, Mr. J. Louis Monarch, and Mr. Norman D. Keller for the respondent.

Adjourned until Monday, November 24, at 12 o'clock.

The day call for Monday, November 24, will be as follows: Nos. 528, October term, 1929, 111, 464, 112, 402, 10, 19, 68, 20, and 21.

## SUPREME COURT OF THE UNITED STATES

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Present: The Chief Justice, Mr. Justice Holmes, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, and Mr. Justice Roberts.

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William D. Jones, jr., of Jacksonville, Fla.; Herman G. Lauten, of Washington, D. C.; Craig L. Reddish, of Washington, D. C.; Charles E. Pledger, jr., of Washington, D. C.; Lloyd W. Creason, of Washington, D. C.; Margaret Derby Connor, of Washington, D. C.; William T. Powers, of New York City; Jacob H. Karp, of New York City; Philip A. Campbell, of Philadelphia, Pa.; James Patterson, of Philadelphia, Pa.; George E. Worthington, of New York City; Francis Cabell Brown, of San Francisco, Calif.; John Enrietto, of Washington, D. C.; Lawrence A. Baker, of Washington, D. C.; George T. Evans, of Chicago, Ill.; Stephen F. Colladay, of Washington, D. C.; Joseph C. McGarraghy, of Washington, D. C.; Charles Rogers Fenwick, of Washington, D. C.; J. Cleo Thompson, of Dallas, Tex.; Bayard B. Shields, of Jacksonville, Fla.; Alfred A. Gardner, of New York City; Joseph F. Keany, of New York City; Richard E. Stillman, of Jacksonville, Fla.; and Bernard Austin, of New York City, were admitted to practice.

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No. 15. Burns Poe, Collector of Internal Revenue for the District of Washington, *v.* H. G. Seaborn. On certificate from the United States Circuit Court of Appeals for the Ninth Circuit. Judgment of the District Court of the United States for the Western District of Washington affirmed with costs, and cause remanded to said District Court. Opinion by Mr. Justice Roberts. The Chief Justice and Mr. Justice Stone took no part in the consideration or decision of this case.

No. 106. Fred O. Goodell, Collector of Internal Revenue, *v.* I. B. Koch. On certificate from the United States Circuit Court of Appeals for the Ninth Circuit. Judgment of the District Court of the United States for the District of Arizona affirmed with costs, and cause remanded to the said District Court. Opinion by Mr. Justice Roberts. The Chief Justice and Mr. Justice Stone took no part in the consideration or decision of this case.

No. 84. Geo. C. Hopkins, Collector of Internal Revenue, petitioner, *v.* C. W. Bacon. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Judgment affirmed with costs, and cause remanded to the District Court of the United States for the Northern District of Texas. Opinion by Mr. Justice Roberts. The Chief Justice and Mr. Justice Stone took no part in the consideration or decision of this case.

No. 86. Jacob O. Bender, Collector of Internal Revenue, petitioner, *v.* William Pfaff. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Judgment affirmed with costs, and cause remanded to the District Court of the United States for the Eastern District of Louisiana. The Chief Justice and Mr. Justice Stone took no part in the consideration or decision of this case.

No. 7. The Aluminum Castings Company, petitioner, *v.* Carl F. Routzahn, individually and as Collector of Internal Revenue. On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. Judgment affirmed with costs, and cause remanded to the District Court of the United States for the Northern District of Ohio. Opinion by Mr. Justice Stone. Separate opinion by Mr. Justice McReynolds and Mr. Justice Butler. Concurring opinion by Mr. Justice Sutherland in which Mr. Justice Roberts concurs.

No. 44. The Beaumont, Sour Lake & Western Railway Company, The Fort Worth and Denver City Railway Company, et al., appellants, *v.* The United States of America, The Interstate Commerce Commission, et al.; and

No. 45. The United States of America and The Interstate Commerce Commission, appellants, *v.* The Beaumont, Sour Lake & Western Railway Company, The Fort Worth and Denver City Railway Company, et al. Appeals from the District Court of the United States for the Western District of Missouri. Decrees affirmed. Opinion by Mr. Justice Butler.

No. 24. Noah Crooks, Collector of Internal Revenue, petitioner, *v.* Benjamin Harrelson et al. On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Judgment affirmed with costs, and cause remanded to the District Court of the United States for the Western District of Missouri. Opinion by Mr. Justice Sutherland.

No. 96. District of Columbia, petitioner, *v.* William H. Colts. On writ of certiorari to the Court of Appeals of the District of Columbia. Judgment affirmed with costs. Opinion by Mr. Justice Sutherland.

No. 83. Paramount Famous Lasky Corporation et al., appellants, *v.* The United States of America. Appeal from the District Court of the United States for the Southern District of New York. Decree affirmed. Opinion by Mr. Justice McReynolds.

No. 95. The United States of America, appellant, *v.* First National Pictures, Inc., et al. Appeal from the District Court of the United States for the Southern District of New York. Decree reversed, and cause remanded to the said District Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice McReynolds.

No. 11. Junius C. Klein, appellant, *v.* Board of Tax Supervisors of Jefferson County, Kentucky. Appeal from the Court of Appeals of the State of Kentucky. Judgment affirmed with costs. Opinion by Mr. Justice Holmes.

No. 14. William A. Sherman, M. F. Cochrane, and J. B. Sanford, constituting the Board of State Harbor Commissioners of the State of California, etc., *v.* The United States of America. On certificate from the United States Circuit Court of Appeals for the Ninth Circuit. Judgment of the District Court of the United States for the Northern District of California reversed and cause remanded to the said District Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Holmes.

No. 2. Francis Beidler II, and George Engelking, as Executors of the Last Will and Testament of Francis Beidler, plaintiffs in error, *v.* South Carolina Tax Commission. In error to the Supreme Court of the State of South Carolina. Judgment, so far as it relates to the taxation of the transfer of the debts in question, reversed with costs and cause remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Chief Justice Hughes. Concurring on authority, Mr. Justice Holmes and Mr. Justice Brandeis.

No. 6. William J. Stratton, Secretary of State of the State of Illinois, appellant, *v.* St. Louis Southwestern Railway Company. Appeal from the United States Circuit Court of Appeals for the Seventh Circuit. Decree reversed with costs and cause remanded to the Circuit Court of Appeals with directions to dismiss the appeal to that court for want of jurisdiction. Opinion by Mr. Chief Justice Hughes.

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The Chief Justice announced the following orders of the Court:

No. 97. Roberts Sash & Door Company, petitioner, *v.* The United States. In view of the conflict of decisions appearing since the former order of this Court, it is ordered that the petition for rehear-

ing be, and the same is hereby, granted. The order heretofore entered on October 13, 1930, denying the petition for writ of certiorari herein is vacated, and it is ordered that the petition for writ of certiorari in this case be, and the same is hereby, granted.

No. 425. Group No. 1, Oil Corporation, petitioner, *v.* James W. Bass, Collector of Internal Revenue, etc. In view of the interest of the State of Texas, as stated by it as *amicus curiae* in support of the petition for rehearing, it is ordered that the petition for rehearing be, and the same is hereby, granted. The order heretofore entered on October 20, 1930, denying the petition for writ of certiorari herein is vacated, and it is ordered that the petition for writ of certiorari in this case be, and the same is hereby, granted.

No. 457. Duquesne Steel Foundry Company, petitioner, *v.* David Burnet, Commissioner of Internal Revenue. In view of the conflict of decisions appearing since the former order of this Court, it is ordered that the petition for rehearing be, and the same is hereby, granted. The order heretofore entered on October 30, 1930, denying the petition for writ of certiorari herein is vacated and it is ordered that the petition for writ of certiorari in this case be, and the same is hereby, granted.

No. —. In Re Albert T. Patrick. The report of the committee of the bar of this Court, appointed by order of this Court April 22, 1930, to consider the charges heretofore filed against Albert T. Patrick, is received and filed.

On consideration of the said report of the committee, recommending that Albert T. Patrick be disbarred from the practice of the law in this Court, and of the exceptions of the said Patrick thereto, and on consideration of his exhibits and brief in support of the exceptions, filed by leave of this Court,

It is ordered that the said Albert T. Patrick be, and he is hereby, disbarred, and that his name be stricken from the roll of attorneys admitted to practice in this Court.

No. —, original. Ex Parte: R. D. Walkinshaw, petitioner. The motion for leave to file petition for writ of *mandamus* is denied.

No. 512. The United States of America *v.* Robert K. Malcolm. The motion to advance this case is granted and the case assigned for argument on Monday, January 12 next, after the cases heretofore assigned for that day.

No. 304. J. M. Robinson et al., appellants, *v.* L. C. Holman et al. Appeal from the Supreme Court of the State of Arkansas. *Per curiam*: The appeal herein is dismissed for the want of jurisdiction. Section 237 (a) Judicial Code, as amended by the act of February 13, 1925 (43 Stat. 936, 937). Treating the papers whereon the appeal was allowed as a petition for writ of certiorari, as required by sec.

237 (c) Judicial Code, as amended (43 Stat. 936, 938), certiorari is denied.

No. 449. E. S. Smith, appellant, *v.* W. B. Cahoon, Sheriff of Duval County, Florida; and

No. 517. The Kansas City Southern Railway Company et al., appellants, *v.* The United States of America et al. In these cases probable jurisdiction is noted.

No. 489. Enameled Metals Company, petitioner, *v.* David Burnet, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit granted.

No. 477. Richard Husty et al., petitioners, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit granted.

No. 490. Frank L. Young Company, petitioner, *v.* McNeal Edwards Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit granted.

No. 504. The United States, petitioner, *v.* Douglas Clyde Macintosh. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 505. The United States of America, petitioner, *v.* Marie Averil Bland. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 508. D. B. Heiner, Collector of Internal Revenue, etc., petitioner, *v.* Erie Coal & Coke Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit granted.

No. 519. American Glue Company, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit granted.

No. 529. Laura H. Jennings, as Executrix of the Last Will and Testament of Frederic B. Jennings, deceased, petitioner, *v.* Charles W. Anderson, individually, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 356. Juan Posados, Jr., as Collector of Internal Revenue of the Philippine Islands, petitioner, *v.* Miguel J. Ossorio. Petition for writ of certiorari to the Supreme Court of the Philippine Islands denied.

No. 413. Andrews Steel Company, Inc., petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.



No. 497. Chicago, Indianapolis and Louisville Railway Company, petitioner, *v.* International Milling Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 501. Walton Tomplain et al., petitioners, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 502. Walton Tomplain et al., petitioners, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 503. J. M. Beard, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 507. Consolidated Machine Tool Corporation of America, petitioner, *v.* The Collins Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 511. Aetna Life Insurance Company, petitioner, *v.* Robert O. Eaton, Collector of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 516. National Union Fire Insurance Company, petitioner, *v.* Jacob Kaplan and Louis Kaplan, Co-partners, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 400. Mascot Oil Company, Inc., petitioner, *v.* The United States;

No. 412. Roy & Titcomb, Inc., petitioner, *v.* The United States;

No. 416. The United States, petitioner, *v.* Wyman, Partridge & Company;

No. 508. D. B. Heiner, Collector of Internal Revenue, etc., petitioner, *v.* Erie Coal & Coke Company;

No. 519. American Glue Company, petitioner, *v.* The United States of America; and

No. 529. Laura H. Jennings, as Executrix, etc., petitioner, *v.* Charles W. Anderson, individually, etc. The motion to advance these cases is granted, and it is ordered that these cases, together with case No. 97, be advanced and assigned for argument immediately after case No. 463 in the following order: Nos. 529, 519, 416, 508, 97, 400, 412.

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No. —, original. The United States, complainant, *v.* The State of Oregon. Motion for leave to file bill of complaint submitted by Mr. Solicitor General Thacher for the complainant.

No. 19, original. State of Arizona, complainant, *v.* State of California et al. Return day extended to January 12 on motion of Mr. Solicitor General Thacher for the defendants.

No. 35. General Motors Acceptance Corporation, *v.* The United States of America. Memorandum suggesting the dismissal of the certificate submitted by Mr. Solicitor General Thacher for the United States.

No. 521. David Burnet, Commissioner of Internal Revenue, petitioner, *v.* Edith Andrews Logan;

No. 522. David Burnet, Commissioner of Internal Revenue, petitioner, *v.* Julia Andrews Bruce; and

No. 535. Commissioner of Internal Revenue, petitioner, *v.* Northern Trust Company, Executor, etc. Leave granted to file memorandum on motion of Mr. Solicitor General Thacher for the petitioner;

No. 526. The Apollo Steel Company, petitioner, *v.* Commissioner of Internal Revenue;

No. 530. Pantages Theatre Company, petitioner, *v.* Commissioner of Internal Revenue;

No. 535. Commissioner of Internal Revenue, petitioner, *v.* Northern Trust Company, Executor, etc.;

No. 540. Adele Kahle, petitioner, *v.* Commissioner of Internal Revenue;

No. 542. Cyrus H. McCormick et al., executors, etc., petitioners, *v.* Commissioner of Internal Revenue; and

No. 549. Nash-Breyer Motor Company, etc., petitioner, *v.* Commissioner of Internal Revenue. David Burnet, present Commissioner of Internal Revenue substituted in place of Robert H. Lucas, former Commissioner, on motion of Mr. Solicitor General Thacher in that behalf.

No. 46. Louis H. Ensten et al., petitioners, *v.* Simon Ascher & Company, Inc. Leave granted to file brief of Excelsior Steel Furnace Company as *amicus curiæ*, on motion of Mr. Benjamin T. Roodhouse, Mr. James A. Brown, and Mr. Charles Neave in that behalf.

No. 307. Kock Wing, petitioner, *v.* Philippine Railway Company. Consideration of the petition for writ of certiorari deferred until December 12th with leave to respondent to file brief on or before that date, on motion of Mr. G. Howland Chase for the respondent.

No. 32. Anna Uravic, as Administratrix, etc., petitioner, *v.* F. Jarka Company, Inc., et al. Leave granted to file brief of the Cunard Steamship Company, Ltd., as *amicus curiæ* on motion of Mr. Fontaine C. Bradley in that behalf.

No. 36. R. E. Graham and E. E. Foster, co-partners, etc., petitioners, *v.* Rex B. Goodcell, Former Collector, etc. Leave granted to file brief of American Refractories Company and others as *amici curiae* on motion of Mr. Fontaine C. Bradley in that behalf.

No. 35. General Motors Acceptance Corporation, *v.* The United States of America. Motion to bring up the entire record and cause submitted by Mr. Fontaine C. Bradley for the General Motors Acceptance Corporation.

No. —, original. Ex Parte: E. Harper and C. E. Crigger, petitioners. Motion for leave to file petition for a writ of mandamus submitted by Mr. Henry J. Balzer for the petitioners.

No. 36. R. E. Graham and E. E. Foster, co-partners, etc., petitioners, *v.* Rex B. Goodcell, Former Collector, etc. Leave granted to file brief of Illinois Kaolin Company, as *amicus curiae* on motion of Mr. Karl K. Gartner in that behalf.

No. 349. Hans Nelson, petitioner, *v.* Puget Sound Navigation Company. Leave granted to file petition for rehearing within ten days on motion of Mr. Winter S. Martin for the petitioner.

No. 467. Hon. Ralph S. Latshaw, as Judge of the Circuit Court of Jackson County, etc., appellant, *v.* State of Missouri *ex rel.* Kansas City Public Service Company. Motion of Kansas City for leave to intervene and to be made a party appellant, submitted by Mr. O. H. Brinkman in that behalf with leave to file affidavits in support of the motion by Friday next.

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No. —, original. Ex Parte: William Wallace Blaine, petitioner. Motion for leave to file petition for a writ of *habeas corpus*, and for leave to proceed *in forma pauperis*, submitted by William Wallace Blaine *pro se*.

No. 539. Ex Parte: Morton S. Hawkins, petitioner. Motion for leave to proceed *in forma pauperis* submitted by Mr. Lee Bond for the petitioner.

No. 541. Ayoup S. Hatem, petitioner, *v.* The United States of America. Motion for leave to proceed *in forma pauperis* submitted by Mr. Charles L. Abernethy for the petitioner.

No. 556. Douglass Harrison, petitioner, *v.* L. E. Myers Construction Company et al. Motion for leave to proceed *in forma pauperis* submitted by Mr. Hugh Carney for the petitioner.

No. 559. Georgia M. Spruill, petitioner, *v.* William D. Buck. Motion for leave to proceed *in forma pauperis* submitted by Georgia M. Spruill *pro se*.

No. 467. Hon. Ralph S. Latshaw, as Judge of the Circuit Court of Jackson County, etc., appellant, *v.* State of Missouri *ex rel.* Kansas City Public Service Company. Statement as to jurisdiction submitted by Mr. Marcy K. Brown, jr., for the appellant in support thereof, and by Mr. Robert W. Otto, Mr. Richard J. Higgins, Mr. Henry N. Ess, and Mr. Powell C. Groner for the appellee, in opposition thereto.

No. 470. The Atchison, Topeka and Santa Fe Railway Company, appellant, *v.* Railroad Commission of the State of California et al.;

No. 471. Los Angeles & Salt Lake Railroad Company, appellant, *v.* Railroad Commission of the State of California et al., etc.; and

No. 472. Southern Pacific Company and Southern Pacific Railroad Company, appellants, *v.* Railroad Commission of the State of California et al. Statement as to jurisdiction submitted by Mr. Frank Karr, Mr. C. W. Durbrow, Mr. Robert Brennan, Mr. E. W. Camp and Mr. A. S. Halsted for the appellants.

No. 454. John M. Brant Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims submitted by Mr. Earle W. Wallick and Mr. David J. Shorb for the petitioner, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Rugg, Mr. Claude R. Branch, and Mr. George H. Foster for the respondent.

No. 459. George A. Hormel & Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims submitted by Mr. L. L. Hamby for the petitioner, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Rugg, Mr. Claude R. Branch, Mr. George H. Foster, and Mr. W. Marvin Smith for the respondent.

No. 498. Dow W. Walker et al., petitioners, *v.* Howard Sutherland, Alien Property Custodian, etc. Petition for writ of certiorari to the Supreme Court of the State of Oregon submitted by Mr. James J. Crossley for the petitioners, and by Mr. Solicitor General Thacher, Mr. Claude R. Branch, Mr. J. Frank Staley, Mr. Thos. E. Rhodes, Mr. Paul D. Miller, and Mr. A. W. Henderson for the respondent.

No. 509. Clara Brunton, as Executrix, etc., petitioner, *v.* David Burnet, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Minor Moore for the petitioner, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Youngquist, Mr. Claude R. Branch, Mr. Sewall Key, Mr. A. H. Conner, Mr. W. Marvin Smith, Mr. C. M. Charest, and Mr. J. K. Polk for the respondent.

No. 514. L. T. Waller et al., petitioners, *v.* David Burnet, Commissioner of Internal Revenue; and

No. 515. Shelby J. Beene et al., petitioners, *v.* David Burnet, Commissioner of Internal Revenue. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Fred R. Angevine and Mr. John H. Tucksler, jr., for the petitioners, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Youngquist, Mr. Claude R. Branch, Mr. Sewall Key, Mr. John G. Remey, and Mr. W. Marvin Smith for the respondent.

No. 518. Commercial Bank of Scotland, petitioner, *v.* McMillan, Hazen & Company, et al. Petition for writ of certiorari to the Supreme Court of the State of Tennessee submitted by Mr. James J. Lynch and Mr. James B. Sizer for the petitioner, and by Mr. Vaughn Miller for the respondents.

No. 520. Lewis-Simas-Jones Company, petitioner, *v.* Southern Pacific Company. Petition for writ of certiorari to the District Court of Appeal, First Appellate District, State of California, submitted by Mr. Ernest Clewe for the petitioner, and by Mr. Henley C. Booth and Mr. James E. Lyons for the respondent.

No. 521. David Burnet, Commissioner of Internal Revenue, petitioner, *v.* Edith Andrews Logan; and

No. 522. David Burnet, Commissioner of Internal Revenue, petitioner, *v.* Julia Andrews Bruce. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Youngquist, Mr. J. Louis Monarch, Mr. Randolph C. Shaw, Mr. C. M. Charest, and Mr. Allin H. Pierce for the petitioner, and by Mr. R. S. Doyle for the respondents.

No. 523. David Burnet, Commissioner of Internal Revenue; petitioner, *v.* J. Rogers Flannery & Company;

No. 524. David Burnet, Commissioner of Internal Revenue, petitioner, *v.* The Flannery Bolt Company; and

No. 525. David Burnet, Commissioner of Internal Revenue, petitioner, *v.* Vanadium Metals Company. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Solicitor General Thacher for the petitioner, and by Mr. Kenneth N. Parkinson and Mr. David A. Pine for the respondents.

No. 526. The Apollo Steel Company, petitioner, *v.* David Burnet, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Paul Armitage for the petitioner, and by Mr.

Solicitor General Thacher, Mr. Assistant Attorney General Youngquist, Mr. Claude R. Branch, Mr. Sewall Key, Mr. John Mac C. Hudson, and Mr. W. Marvin Smith for the respondent.

No. 528. Camille Weidenfeld, petitioner, *v.* Pacific Steamship Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. C. C. Daniels for the petitioner, and by Mr. Arthur H. Van Brunt, Mr. Welles V. Moot, and H. Z. M. Rodgers for the respondent.

No. 530. Pantages Theatre Company, petitioner, *v.* David Burnet, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. James S. Y. Ivins for the petitioner, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Youngquist, Mr. Claude R. Branch, Mr. Sewall Key, Mr. John Henry McEvers, and Mr. Paul D. Miller for the respondent.

No. 531. Howard Sutherland, Alien Property Custodian, etc., petitioner, *v.* International Insurance Company of New York. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Nathan Ottinger and Mr. Charles J. Schuck for the petitioner, and Mr. David Rumsey, Mr. Henry Newton Arnold, and Mr. Louis A. Johnson for the respondent.

No. 532. Howard Sutherland, Alien Property Custodian, etc., petitioner, *v.* International Insurance Company of New York et al.; and

No. 533. Howard Sutherland, Alien Property Custodian, etc., petitioner, *v.* International Insurance Company of New York et al. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Nathan Ottinger for the petitioner, and by Mr. Emory R. Buckner and Mr. Louis A. Johnson for the respondents.

No. 534. American Surety Company of New York, petitioner, *v.* Cove Irrigation District. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Sterling M. Wood for the petitioner, and by Mr. Horace S. Davis for the respondent.

No. 542. Cyrus H. McCormick et al., executors, etc., petitioners, *v.* David Burnet, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Robert N. Miller, Mr. Horace Kent Tenney, and Mr. Roger Sherman for the petitioners, and by Mr. Solicitor General Thacher for the respondent.



No. 464. Railroad Commission of Wisconsin et al., appellants, v. W. G. Maxcy, as Receiver of the Washburn Water Works Company et al. Argued by Mr. Suel D. Arnold for the appellants, and by Mr. Robert M. Rieser for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, November 25, will be as follows: Nos. 111, 402, 10, 19, 68, 20, 21, 78, 22, and 23.

## SUPREME COURT OF THE UNITED STATES

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Present: The Chief Justice, Mr. Justice Holmes, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, and Mr. Justice Roberts.

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John E. Walker, of Washington, D. C.; John R. Parkinson, of Daytona Beach, Fla.; William L. Marbury, jr., of Baltimore, Md.; John E. Lentz, of Minneapolis, Minn.; Herman Lewis Bennett, of Charleston, W. Va.; and John S. Underwood, of Denver, Colo., were admitted to practice.

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No. 20, original. The State of Wyoming, complainant, *v.* The State of Colorado. Return day for filing answer of the defendant postponed to March 2 next, *per* stipulation of counsel.

No. 111. Go-Bart Importing Co., Philip D. Gowen, et al., petitioners, *v.* The United States of America. Argued by Mr. Edward T. Colladay for the petitioners, and by Mr. Solicitor General Thacher for the respondent.

No. 402. Thomas M. Wampler, appellant, *v.* E. Lee Lecompte, State Game Warden, etc., et al. Argument commenced by Mr. T. Morris Wampler for the appellant. The Court declined to hear further argument.

No. 10. The United States of America et al., appellants, *v.* Chicago, Milwaukee, St. Paul and Pacific R. R. Co. Reargued by Mr. Assistant to the Attorney General O'Brian for the appellants, and by Mr. John W. Davis for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, November 26, will be as follows: Nos. 19, 68, 20, 21, 78, 22, 23, 231, 69, and 115.

16476—30—24

## SUPREME COURT OF THE UNITED STATES

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Present: The Chief Justice, Mr. Justice Holmes, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, and Mr. Justice Roberts.

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Sanfjord B. Teu, II, of Godwin, N. C.; Victor H. Pinckney, of San Francisco, Calif.; and Albert Viault, of Washington, D. C., were admitted to practice.

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No. 19. Lektophone Corporation, petitioner, *v.* The Rola Company. Argued by Mr. William H. Davis for the petitioner, and by Mr. Thomas G. Haight for the respondent.

No. 68. Miller Brothers Co., petitioner, *v.* Lektophone Corporation. Argued by Mr. Samuel E. Darby, jr., and Mr. Theodore S. Kenyon for the petitioner, and by Mr. William H. Davis for the respondent.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, December 1 next, will be as follows: Nos. 350, 20, 21, 78, 22, 23, 231, 69, 115, and 25.

16476—30—25

SUPREME COURT OF THE UNITED STATES

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Present: The Chief Justice, Mr. Justice Holmes, Mr. Justice Van Devanter, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, and Mr. Justice Roberts.

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Siegfried F. Hartman, of New York City, and Wm. B. Wolf, of Washington, D. C., were admitted to practice.

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No. 1. Chicago, St. Paul, Minneapolis and Omaha Railway Company, plaintiff in error, *v.* August E. Holmberg. In error to the Supreme Court of the State of Nebraska. Judgment reversed with costs, and cause remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Stone.

No. 90. Frank L. Smith, Cicero J. Lindly, Hal W. Trovillion, et al., etc., et al., appellants, *v.* Illinois Bell Telephone Company. Appeal from the District Court of the United States for the Northern District of Illinois. Decree of the District Court set aside and cause remanded for further proceedings in conformity with the opinion of this Court, the restraining order entered in the suit to be continued pending further action of the District Court. Opinion by Mr. Chief Justice Hughes.

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The Chief Justice announced the following orders of the Court:  
No. —, original. The United States, complainant, *v.* The State of Oregon. The motion for leave to file bill of complaint herein is granted and process is ordered to issue returnable on Monday, February 24, 1931.

No. —, original. *Ex Parte*: E. Harper and C. E. Crigger, petitioners. The motion for leave to file petition for writ of *mandamus* is granted and a rule to show cause is ordered to issue returnable on Monday, January 5, 1931.

No. —, original. *Ex Parte*: William Wallace Blaine, petitioner. The motion for leave to file petition for writ of *habeas corpus* is denied. The motion for leave to proceed *in forma pauperis* is also denied.

No. 35. General Motors Acceptance Corporation *v.* The United States of America. On certificate from the United States Circuit

Court of Appeals for the Eighth Circuit. *Per curiam*: The motion to bring up the entire record and cause is granted. On inspection of the record as presented upon that motion, and the confession of error by the Government in view of the decision of this Court in *Richbourg Motor Company v. United States*, 281 U. S. 528.

It is ordered that the judgment be, and the same is hereby, reversed, and the cause is remanded to the District Court of the United States for the District of Nebraska with instruction to dismiss the libel.

No. 541. Ayoup S. Hatem, petitioner, *v.* The United States of America. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit. *Per curiam*: The motion for leave to proceed further herein *in forma pauperis* is denied, for the reason that the Court, upon examination of the unprinted record herein submitted, finds that there is no ground upon which a writ of certiorari should be issued. The petition for writ of certiorari is therefore also denied. The costs already incurred herein shall be paid by the clerk, as provided in the order of October 29, 1926.

No. 556. Douglass Harrison, petitioner, *v.* L. E. Myers Construction Company et al. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. *Per curiam*: The motion for leave to proceed further herein *in forma pauperis* is denied, for the reason that the Court, upon examination of the unprinted record herein submitted, finds that there is no ground upon which a writ of certiorari should be issued. The petition for writ of certiorari is therefore also denied. The costs already incurred herein shall be paid by the clerk, as provided in the order of October 29, 1926.

No. 559. Georgia M. Spruill, petitioner, *v.* William D. Buck. On writ of certiorari to the Court of Appeals of the District of Columbia. *Per curiam*: The motion for leave to proceed further herein *in forma pauperis* is denied, for the reason that the Court, upon examination of the unprinted record herein submitted, finds that there is no ground upon which a writ of certiorari should be issued. The petition for writ of certiorari is therefore also denied. The costs already incurred herein shall be paid by the Clerk, as provided in the order of October 29, 1926.

No. 467. Hon. Ralph S. Latshaw, as Judge of the Circuit Court of Jackson County, Missouri, and Division No. 8, thereof, appellant, *v.* State of Missouri *ex rel.* Kansas City Public Service Company. Appeal from the Supreme Court of the State of Missouri. *Per curiam*: The appeal herein is dismissed for the want of jurisdiction. Sec. 237 (a) Judicial Code as amended by the Act of February 13, 1925 (43 Stat. 936, 937). Treating the papers whereon the appeal

was allowed as a petition for writ of certiorari, as required by Sec. 237 (c), Judicial Code as amended (43 Stat. 936, 938), certiorari is denied.

In view of this disposition of the case the Court does not pass upon the motion of the City of Kansas City, Missouri, for leave to intervene and to be made a party appellant in this cause.

No. 470. The Atchison, Topeka and Santa Fe Railway Company, appellant, *v.* Railroad Commission of the State of California, et al., etc.;

No. 471. Los Angeles & Salt Lake Railroad Company, appellant, *v.* Railroad Commission of the State of California, et al., etc.; and

No. 472. Southern Pacific Company et al., appellants, *v.* Railroad Commission of the State of California et al., etc. In these cases probable jurisdiction is noted.

No. 477. Richard Husty and Charles Laurel, petitioners, *v.* The United States of America. It is ordered that this case be and it is advanced and assigned for argument on Monday, January 19, 1931.

No. 520. Lewis-Simas-Jones Company, petitioner, *v.* Southern Pacific Company. Petition for writ of certiorari to the District Court of Appeal, First Appellate District, State of California, granted.

No. 521. David Burnet, Commissioner of Internal Revenue, petitioner, *v.* Edith Andrews Logan; and

No. 522. David Burnet, Commissioner of Internal Revenue, petitioner, *v.* Julia Andrews Bruce. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 454. John M. Brant Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 459. George A. Hormel & Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 498. Dow V. Walker and August Wemme, petitioners, *v.* Howard Sutherland, Alien Property Custodian of the United States of America. Petition for writ of certiorari to the Supreme Court of the State of Oregon denied.

No. 509. Clara Brunton, as Executrix of the last will and testament of and estate of Robert Brunton, deceased, petitioner, *v.* David Burnet, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 514. L. T. Waller and Mrs. L. T. Waller, petitioners, *v.* David Burnet, Commissioner of Internal Revenue; and

No. 515. Shelby J. Beene and Mrs. Shelby J. Beene, petitioners, *v.* David Burnet, Commissioner of Internal Revenue. Petition for



writs of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 518. Commercial Bank of Scotland, petitioner, *v.* McMillan, Hazen & Company et al. Petition for writ of certiorari to the Supreme Court of the State of Tennessee denied.

No. 523. Commissioner of Internal Revenue, petitioner, *v.* J. Rogers Flannery & Company;

No. 524. Commissioner of Internal Revenue, petitioner, *v.* The Flannery Bolt Company; and

No. 525. Commissioner of Internal Revenue, petitioner, *v.* Vanadium Metals Company. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 528. Camille Weidenfeld, petitioner, *v.* Pacific Steamship Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 530. Pantages Theatre Company, petitioner, *v.* David Burnet, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 531. Howard Sutherland, Alien Property Custodian of the United States, suing as such, petitioner, *v.* International Insurance Company of New York. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 532. Howard Sutherland, Alien Property Custodian of the United States, suing as such, petitioner, *v.* International Insurance Company of New York et al.; and

No. 533. Howard Sutherland, Alien Property Custodian of the United States, suing as such, petitioner, *v.* International Insurance Company of New York et al. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 534. American Surety Company of New York, petitioner *v.* Cove Irrigation District. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 526. The Apollo Steel Company, petitioner, *v.* David Burnet, Commissioner of Internal Revenue. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. *Per curiam:* The petition for a writ of certiorari herein is denied because of failure to file the petition within the time prescribed by the statute.

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No. 114. Various Items of Personal Property etc., et al., petitioners, *v.* The United States of America. Motion to advance submitted by Mr. Solicitor General Thacher for the respondent.

No. 523. Commissioner of Internal Revenue, petitioner, *v.* J. Rogers Flannery & Company;

No. 524. Commissioner of Internal Revenue, petitioner, *v.* The Flannery Bolt Company; and

No. 525. Commissioner of Internal Revenue, petitioner, *v.* Vanadium Metals Company. David Burnet, present Commissioner of Internal Revenue, substituted as the party petitioner in place of Robert H. Lucas, former Commissioner, on motion of Mr. Solicitor General Thacher for the petitioner.

No. 540. Adele Kahle, petitioner, *v.* David Burnet, Commissioner of Internal Revenue. Leave granted respondent to file brief within one week on motion of Mr. Solicitor General Thacher for the respondent.

No. 565. Wright & Taylor, Inc., petitioner, *v.* Robert H. Lucas, Collector, etc. Joint motion to advance submitted by Mr. Solicitor General Thacher in that behalf.

No. 31. David Burnet, Commissioner of Internal Revenue, petitioner, *v.* Sanford & Brooks Company. Leave granted to file brief of Crossman & Sielcken, in Liquidation, as *amicus curiae*, on motion of Mr. Charles D. Hamel in that behalf.

No. —. Petition of the American Bar Association for modification of Equity Rule No. 75 presented by Mr. John W. Davis.

No. 78. Marshall L. Mott, petitioner, *v.* The United States of America. Leave granted to file brief of John W. Davis, Hugh H. O'Bear, Carroll G. Walter, Rayburn L. Foster, and Almond D. Cochran, as *amici curiae*, on motion of Mr. John W. Davis in that behalf.

No. 24. Noah Crooks, Collector of Internal Revenue, petitioner, *v.* Benjamin Harrelson et al. Mandate granted on motion of Mr. Frank S. Bright for the respondents.

No. —, original. Ex Parte: Johnson Oil Refining Company, petitioner. Motion for leave to file petition for writ of mandamus submitted by Mr. Chester I. Long for the petitioner.

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No. 499. F. E. Thomas, appellant, *v.* State of Georgia. Statement as to jurisdiction submitted by Mr. Benj. E. Pierce for the appellant in support thereof, and by Mr. George M. Napier and Mr. T. R. Gress for the appellee in opposition thereto.

No. 500. Ed Petty, appellant, *v.* State of Georgia. Statement as to jurisdiction submitted by Mr. Benj. E. Pierce for the appellant in support thereof, and by Mr. George M. Napier and Mr. T. R. Gress for the appellee in opposition thereto.

No. 506. George W. Baker, appellant, *v.* The State of New Mexico. Statement as to jurisdiction submitted by Mr. Elmer L. Brock for the appellant.

No. 513. State of Alabama et al., appellants, *v.* The United States of America et al. Statement as to jurisdiction submitted by Mr. Edgar Watkins, Mr. Charlie C. McCall, Mr. Mac Asbill, and Mr. Hugh White for the appellants.

No. 535. David Burnet, Commissioner of Internal Revenue, petitioner, *v.* Northern Trust Company, executor, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Youngquist, Mr. J. Louis Monarch, Mr. C. M. Charest, and Mr. Prew Savoy for the petitioner, and by Mr. Theodore Schmidt and Mr. Frederic Ullmann for the respondent.

No. 538. College Silk Throwing Company, petitioner, *v.* American Credit Indemnity Company of New York. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Walter J. Rosston for the petitioner, and by Mr. Frederic M. P. Pearse for the respondent.

No. 540. Adele Kahle, petitioner, *v.* David Burnet, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. John J. Brennan, jr., Mr. John F. McCarron, and Mr. Edward W. Foristel for the petitioner.

No. 543. Minneapolis, St. Paul & Sault Ste. Marie Railway Company, petitioner, *v.* Noah Moquin. Petition for writ of certiorari to the Supreme Court of the State of Minnesota submitted by Mr. Henry S. Mitchell and Mr. John E. Palmer for the petitioner, and by Mr. Tom Davis and Mr. Ernest A. Michel for the respondent.

No. 551. Dollie F. Leitch and Olive Leitch, petitioners, *v.* City of Chicago et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Olive A. Leitch *pro se*, and by Mr. Samuel A. Ettelson and Mr. Albert H. Veeder for the respondents.

No. 565. Wright & Taylor, Inc., petitioner, *v.* Robert H. Lucas, Collector of Internal Revenue for the District of Kentucky. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Donald V. Hunter and Mr. Robert N. Miller for the petitioner.

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No. 350. Educational Films Corporation of America, appellant, *v.* Hamilton Ward, Attorney General of the State of New York, et al. Argument commenced by Mr. Benjamin P. De Witt for the appellant, continued by Mr. Wendell P. Brown for the appellees, and concluded by Mr. Roger Hinds for the appellant.

No. 20. Harvey Cox, appellant, *v.* The People of the State of Colorado et al. Argument commenced by Mr. M. W. Spaulding for the appellant. The Court declined to hear further argument.

No. 21. The United States of America, petitioner, *v.* The Equitable Trust Company of New York et al. Argument commenced by Mr. Assistant Attorney General Richardson for the petitioner.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, December 2, will be as follows: Nos. 21, 78, 22, 23, 231, 69, 115, 25, 28, and 29.

## SUPREME COURT OF THE UNITED STATES

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Present: The Chief Justice, Mr. Justice Holmes, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, and Mr. Justice Roberts.

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Ned A. Stewart, of Lewisville, Ark.; Henry L. Balaban, of Chicago, Ill.; Henry W. Price, of Chicago, Ill.; Francis G. Ryan, of Des Moines, Iowa; and W. Leo Austin, of Tulsa, Okla., were admitted to practice.

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No. 21. The United States of America, petitioner, *v.* The Equitable Trust Company of New York et al. Argument continued by Mr. Assistant Attorney General Richardson for the petitioner, and concluded by Mr. John W. Davis for the respondent.

No. 78. Marshall L. Mott, petitioner, *v.* The United States of America. Argument commenced by Mr. Charles B. Rogers for the petitioner. The Court declined to hear further argument.

No. 22. L. M. Willcuts, as Collector of Internal Revenue, etc., petitioner, *v.* Charles W. Bunn. Argued by Mr. Assistant Attorney General Youngquist for the petitioner, and by Mr. Charles Bunn for the respondent.

No. 23. Charles H. Stange, petitioner, *v.* The United States. Argument commenced by Mr. W. W. Spalding for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, December 3, will be as follows: Nos. 23, 231, 69, 115, 528 of October Term, 1929, 25, 28, 29, 210, and 30.

## SUPREME COURT OF THE UNITED STATES

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Present: The Chief Justice, Mr. Justice Holmes, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, and Mr. Justice Roberts.

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Herbert Boutell Barlow, of Providence, R. I.; Gerald J. Dean, of New York City; Harold J. Ryan, of Reading, Pa.; Stanley Folz, of Philadelphia, Pa.; Jerome J. Rothschild, of Philadelphia, Pa.; Milton A. Kamsler, of Philadelphia, Pa.; and W. E. Lee, of Orange, Tex., were admitted to practice.

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No. 23. Charles H. Stange, petitioner, *v.* The United States. Argument continued by Mr. W. W. Spalding for the petitioner, and concluded by Mr. Assistant Attorney General Rugg for the respondent.

No. 231. David Burnet, Commissioner of Internal Revenue, petitioner, *v.* Chicago Railway Equipment Company. Argued by Mr. Assistant Attorney General Rugg for the petitioner, and by Mr. Henry W. Price for the respondent.

No. 69. Annette Aiken, Administratrix, etc., petitioner, *v.* David Burnet, Commissioner of Internal Revenue. Argued by Mr. W. Leo Austin for the petitioner, and by Mr. Assistant Attorney General Rugg for the respondent.

No. 115. W. P. Brown & Sons Lumber Company, petitioner, *v.* David Burnet, Commissioner of Internal Revenue. Argued by Mr. W. W. Spalding for the petitioner, and by Mr. Assistant Attorney General Rugg for the respondent. Leave granted petitioner to file reply brief within five days on motion of Mr. W. W. Spalding for the petitioner.

No. 528, October term, 1929. Broad River Power Company et al., petitioners, *v.* State of South Carolina, ex rel. John M. Daniel, Attorney General. Reargument commenced by Mr. George M. LePine for the petitioners.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, December 4, will be as follows: Nos. 528, October term, 1929, 25, 28, 29, 210, 30, 31, 32, 33 (and 34), and 36.



SUPREME COURT OF THE UNITED STATES

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Present: The Chief Justice, Mr. Justice Holmes, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, and Mr. Justice Roberts.

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Harry N. Baetjer, of Baltimore, Md.; Irvin G. Bieser, of Dayton, Ohio; Henry Herbert Balch, of Easton, Md.; Andrew U. Thomas, of Dayton, Ohio; A. Y. Milam, of Jacksonville, Fla.; Robert R. Milam, of Jacksonville, Fla.; and Clifton F. Weidlich, of New York City, were admitted to practice.

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No. 528, October Term, 1929. Broad River Power Company et al., petitioners, *v.* State of South Carolina *ex rel.* John M. Daniel, Attorney General. Reargument continued by Mr. George M. LePine for the petitioners, by Mr. Irvine F. Belser for the respondent, and concluded by Mr. George M. LePine for the petitioner.

No. 25. Joseph Wall et al., appellants, *v.* Bankers Life Company of Des Moines, Iowa. Argument commenced by Mr. Louis H. Salinger for the appellants. The Court declined to hear further argument.

No. 28. Mead-Morrison Mfg. Co., appellant, *v.* Russell B. Marchant, as Trustee, etc. Argument commenced by Mr. Edward F. McClennen for the appellant, and continued by Mr. Kenneth M. Spence for the appellee.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, December 5, will be as follows: Nos. 28, 29, 210, 30, 31, 32, 33 (and 34), 36, 65, and 104.

## SUPREME COURT OF THE UNITED STATES

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Present: The Chief Justice, Mr. Justice Holmes, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, and Mr. Justice Roberts.

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James Whitehurst, of Brooksville, Fla., and John Whitehurst, of Brooksville, Fla., were admitted to practice.

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No. 28. Mead-Morrison Mfg. Company, appellant, *v.* Russell B. Marchant, as Trustee, etc. Argument concluded by Mr. Kenneth M. Spence for the respondent.

No. 29. Clinton R. White *v.* George E. Q. Johnson and H. D. Hayes. Argued by Mr. Henry K. Urion for White, and by Mr. Solicitor General Thacher for Johnson et al.

No. 210. American Bond & Mortgage Company and Trianon, Inc., *v.* The United States of America. Argued by Mr. George W. Swain for American Bond and Mortgage Company et al., and by Mr. Solicitor General Thacher for The United States.

No. 30. Edward B. Weston et al., etc., appellants, *v.* Beaver-Remmers-Graham Co. et al. Argument commenced by Mr. Guy H. Wells for the appellants. The Court declined to hear further argument.

No. 31. David Burnet, Commissioner of Internal Revenue, petitioner, *v.* Sanford & Brooks Company. Argument commenced by Mr. Claude R. Branch for the petitioner.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, December 8, will be as follows: Nos. 31, 112, 32, 33 (and 34), 36, 65, 104, 105, 323, and 337.

SUPREME COURT OF THE UNITED STATES

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Present: The Chief Justice, Mr. Justice Holmes, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, and Mr. Justice Roberts.

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Herbert V. Lacey, of Cheyenne, Wyo.; Donald P. Shinn, of Columbus, Ind.; Maurice H. Rieke, of Minneapolis, Minn.; John Rynerson, of Columbus, Ind.; Samuel Kniess Philips, of Boston, Mass.; Walter N. Carroll, of Minneapolis, Minn.; and Robert Lee Bobbitt, of Austin, Tex., were admitted to practice.

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No. 402. Thomas M. Wampler, appellant, *v.* E. Lee Lecompte, State Game Warden of Maryland, and Frederick S. Barber, District Deputy, etc. Appeal from the Court of Appeals of the State of Maryland. Decree affirmed with costs. Opinion by Mr. Justice Brandeis.

No. 19. Lektophone Corporation, petitioner, *v.* The Rola Company. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Decree affirmed with costs, and cause remanded to the District Court of the United States for the Northern District of California. Opinion by Mr. Justice Holmes. The Chief Justice took no part in the decision of this case.

No. 68. Miller Brothers Company, petitioner, *v.* Lektophone Corporation. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Decree of the District Court of the United States for the District of Delaware reversed with costs, and the cause remanded to said District Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Holmes. The Chief Justice took no part in the decision of this case.

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The Chief Justice announced the following orders of the Court:

No. —, original. *Ex Parte*: Johnson Oil Refining Company, petitioner. The motion for leave to file petition for writ of *mandamus* is denied.

No. 114. Various Items of Personal Property, etc., et al., petitioners, *v.* The United States of America. The motion to advance this case is granted and the case is assigned for argument on Monday, January 19, 1931, after the case heretofore assigned for that day.

No. 499. F. E. Thomas, appellant, *v.* The State of Georgia. Appeal from the Supreme Court of the State of Georgia. *Per curiam*: The appeal herein is dismissed for the want of jurisdiction. Sec. 237(a) Judicial Code as amended by the act of February 13, 1925 (43 Stat. 936, 937). Treating the papers whereon the appeal was allowed as a petition for certiorari, as required by Sec. 237(c), Judicial Code, as amended (43 Stat. 936, 938), certiorari is denied.

No. 500. Ed Petty, appellant, *v.* The State of Georgia. Appeal from the Supreme Court of the State of Georgia. *Per curiam*: The appeal herein is dismissed for the want of jurisdiction. Sec. 237(a) Judicial Code, as amended by the Act of February 13, 1925 (43 Stat. 936, 937). Treating the papers whereon the appeal was allowed as a petition for certiorari, as required by Sec. 237(c), Judicial Code, as amended (43 Stat. 936, 938), certiorari is denied.

No. 506. George W. Baker, appellant, *v.* The State of New Mexico. Appeal from the Supreme Court of the State of New Mexico. *Per curiam*: The appeal herein is dismissed for the want of jurisdiction, Sec. 237(a) Judicial Code as amended by the act of February 13, 1925 (43 Stat. 936, 937); California Powder Works *v.* Davis, 151 U. S. 389, 393; Manning *v.* French, 133 U. S. 186, 192, 193; Clark *v.* Pennsylvania, 128 U. S. 395, 397; Leeper *v.* Texas, 139 U. S. 462, 467; Butler *v.* Gage, 138 U. S. 52; Warfield *v.* Chaffe, 91 U. S. 690; Corkran Oil and Development Co. *v.* Arnaudet, 199 U. S. 192, 193. Treating the papers whereon the appeal was allowed as a petition for writ of certiorari, as required by Sec. 237(c), Judicial Code, as amended (43 Stat. 936, 938), certiorari is denied.

No. 513. State of Alabama and Alabama Public Service Commission, appellants, *v.* The United States of America et al. In this case probable jurisdiction is noted.

No. 20. Harvey Cox, appellant, *v.* The People of the State of Colorado, The Public Utilities Commission of the State of Colorado et al., etc. Appeal from the Supreme Court of the State of Colorado. *Per curiam*: The appeal herein is dismissed for the want of jurisdiction. Bailey *v.* Alabama, 211 U. S. 452, 453; Matter of Gregory, 219 U. S. 210; Harlan *v.* McGourin, 218 U. S. 442; Riddle *v.* Dyche, 262 U. S. 333, 335, 336; Craig *v.* Hecht, 263 U. S. 255, 277; Goto *v.* Lane, 265 U. S. 393; Knewel *v.* Egan, 268 U. S. 442.

No. 25. Joseph Wall, Charles Gramm, Andrew D. Van Nostrand, et al., appellants, *v.* Bankers Life Company of Des Moines, Iowa.

Appeal from the Supreme Court of the State of Iowa. *Per curiam*: The appeal herein is dismissed for the want of a substantial federal question. *Wright v. Minnesota Mutual Life Insurance Company*, 193 U. S. 657; *Polk v. Mutual Reserve Fund Life Association of New York*, 207 U. S. 310.

No. 28. Mead-Morrison Manufacturing Company, appellant, *v.* Russell B. Marchant, as Trustee in Bankruptcy of Bear Tractors, Inc. Appeal from the Supreme Court of the State of New York. *Per curiam*: The appeal herein is dismissed for the want of a properly presented federal question. *John v. Paullin*, 231 U. S. 583, 585; *Central Union Telephone Co. v. City of Edwardsville*, 269 U. S. 190, 195; *Beaty v. Richardson*, 276 U. S. 599.

No. 30. Edward B. Weston and The Dayton Savings & Trust Company, as Trustee of the Estate of John Henry Vaile, deceased, appellants, *v.* Beaver-Remmers-Graham Company, Walter F. Phelps, Receiver of the Beaver-Remmers-Graham Company, et al. Appeal from the Supreme Court of the State of Ohio. *Per curiam*: The motion of the appellees to dismiss the appeal herein is granted, and it is ordered that the appeal be, and the same is hereby, dismissed for the want of a substantial federal question. *Wabash R. R. Co. v. Flannigan*, 192 U. S. 29; *Erie R. R. Co. v. Solomon*, 237 U. S. 427; *Zucht v. King*, 260 U. S. 174; *Sugarman v. United States*, 249 U. S. 182; *C. A. King & Co. v. Horton*, 276 U. S. 600; *Bank of Indianola v. Miller*, 276 U. S. 605; *Roe v. Kansas*, 278 U. S. 191.

No. 543. Minneapolis, St. Paul & Sault Ste. Marie Railway Company, petitioner, *v.* Noah Moquin. The petition for a writ of certiorari in this case to the Supreme Court of the State of Minnesota is granted, limited to the question arising from the failure of the state court to grant a new trial in a case under the Federal Employers' Liability act where the verdict was obtained by appeals to passion and prejudice.

No. 565. Wright & Taylor, Inc., petitioner, *v.* Robert H. Lucas, Collector of Internal Revenue, etc. The petition for a writ of certiorari in this case to the United States Circuit Court of Appeals for the Sixth Circuit is granted. The motion to advance this case is granted, and the case is advanced and assigned for argument immediately following case No. 529.

No. 542. Cyrus H. McCormick et al., etc., petitioners, *v.* David Burnet, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted.

No. 535. David Burnet, Commissioner of Internal Revenue, petitioner, *v.* Northern Trust Company, Executor, etc. Petition for writ

of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted.

No. 538. College Silk Throwing Company, petitioner, *v.* American Credit Indemnity Company of New York. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 551. Dollie F. Leitch and Olive Leitch, petitioners, *v.* City of Chicago et al. and State of Illinois et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

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The Chief Justice also announced the following order :

ORDER

The Court will take a recess from Monday, December 15, until Monday, January 5, 1931.

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No. 60. U. G. Denman, Administrator, etc., petitioner, *v.* W. L. Slayton. Leave granted to file brief of Fred H. Davis and Robert R. Reed, as *amici curiae*, on motion of Mr. John E. Walker in that behalf.

No. 544. Kermode F. Gill, Surviving partner, etc., petitioners, *v.* Benjamin Franklin Realty & Holding Company et al. Leave granted petitioner to file reply brief by Friday next, on motion of Mr. George G. Chandler for the petitioner.

No. 36. R. E. Graham and E. E. Foster, co-partners, etc., petitioners, *v.* Rex B. Goodcell, Former Collector of Internal Revenue, etc. Leave granted to file brief of Tobacco Products Corporation of New York, as *amicus curiae*, on motion of Mr. Albert S. Lisenby in that behalf.

No. 48. American Fruit Growers, Inc., petitioner, *v.* Brogdex Company. Leave granted to file brief of the States of Alabama, Arizona, California, Florida, Georgia, Louisiana, and Texas, as *amici curiae* and motion on behalf of said States for leave to participate in the oral argument as *amici curiae* submitted by Mr. Robert Lee Bobbitt in that behalf.

No. 536. Nathaniel P. Pratt and George L. Pratt, petitioners, *v.* Charles J. Weeks; and

No. 537. Nathaniel P. Pratt and George L. Pratt, petitioners, *v.* Charles J. Weeks. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Edgar Watkins and Mr. Mac Asbill for the petitioners.



No. 544. Kermode F. Gill, Surviving partner, etc., et al., petitioners, *v.* Benjamin Franklin Realty & Holding Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. William W. Montgomery, Mr. Horace Andrews, and Mr. William P. Belden for the petitioners, and by Mr. Stanley Folz and Mr. Frederic L. Ballard for the respondents.

No. 553. Sherman & Ellis, Inc., petitioner, *v.* Indiana Mutual Casualty Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit, submitted by Mr. John R. Cochran for the petitioner, and by Mr. Charles O. Roemler, Mr. William H. Thompson, and Mr. Albert L. Rabb for the respondents.

No. 554. St. Louis-San Francisco Railway Company, petitioner, *v.* Mattie E. Case, Administratrix of the Estate of George M. Case, deceased. Petition for writ of certiorari to the Supreme Court of the State of Missouri submitted by Mr. Edward T. Miller, Mr. Lisbon E. Durham, and Mr. Henry S. Conrad for the petitioner.

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No. 31. David Burnet, Commissioner of Internal Revenue, petitioner, *v.* Sanford & Brooks Company. Argument concluded by Mr. Harry N. Baetjer for the respondent.

No. 112. The United States of America *v.* Edward Benz. Argued by Mr. Solicitor General Thacher for the United States and by Mr. Francis Biddle for Benz.

No. 32. Anna Urvic, as Administratrix, etc., petitioner, *v.* F. Jarka Company, Inc., et al. Argued by Mr. Raymond Parmer for the petitioner, and by Mr. Ernie Adamson for the respondent.

No. 33. Harold J. Coolidge et al., Trustees, appellants, *v.* Henry F. Long, Commissioner of Corporations, etc.; and

No. 34. Harold J. Coolidge et al., Trustees, appellants, *v.* Henry F. Long, Commissioner of Corporations, etc. Argued by Mr. Robert G. Dodge for the appellants, and by Mr. James S. Eastham for the appellee.

No. 36. R. E. Graham and E. E. Foster, copartners, etc., petitioners, *v.* Rex B. Goodcell, former collector of Internal Revenue, etc. Argument commenced by Mr. John E. Hughes for the petitioners.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, December 9, will be as follows: Nos. 36, 65, 104, 105, 323, 337, 463, 529, 565, and 519.

## SUPREME COURT OF THE UNITED STATES

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Present: The Chief Justice, Mr. Justice Holmes, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, and Mr. Justice Roberts.

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Robert E. Goodwin, of Concord, Mass.; James M. Meek, of Kansas City, Kans.; Robert Van Pelt, of Lincoln, Nebr.; Mitchell B. Carroll, of Washington, D. C.; Robert A. Applegate, of Pittsburgh, Pa.; Ewing Everett, of New York City; William H. Lewis, of Oklahoma City, Okla.; John W. Henderson, of Oakland, Calif.; and Ernest G. Rarey, of Cleveland, Ohio, were admitted to practice.

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No. 36. R. E. Graham and E. E. Foster, copartners, etc., petitioners, *v.* Rex B. Goodcell, Former Collector of Internal Revenue, etc. Argument continued by Mr. John E. Hughes for the petitioners, and concluded by Mr. Assistant Attorney General Youngquist for the respondent.

No. 65. Percival E. Magee, petitioner, *v.* The United States. Argued by Mr. Theodore B. Benson for the petitioner, and by Mr. Assistant Attorney General Rugg for the respondent.

No. 104. Oak Worsted Mills, petitioner, *v.* The United States. Argued by Mr. Theodore B. Benson for the petitioner, and by Mr. Assistant Attorney General Rugg for the respondent.

No. 105. Taft Woolen Company, petitioner, *v.* The United States. Submitted by Mr. Theodore B. Benson, Mr. Guil Barber, Mr. Chester F. Williams, Mr. William Meyerhoff, Mr. Percy A. Matthews, Mr. Frederick G. Fischer, and Mr. Frank J. Albus for the petitioner, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Rugg, Mr. Claude R. Branch, Mr. George H. Foster, Mr. Erwin N. Griswold, and Mr. Bradley B. Gilman for the respondent.

No. 323. Second National Bank of Saginaw, petitioner, *v.* The United States. Argument commenced by Mr. W. A. Sutherland for the petitioner.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, December 10, will be as follows:  
Nos. 323, 337, 463, 529, 565, 519, 416, 508, 97, 400, and 412.

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SUPREME COURT OF THE UNITED STATES

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Present: The Chief Justice, Mr. Justice Holmes, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, and Mr. Justice Roberts.

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Benjamin Wiener, of New York City; Earl Whittier Shinn, of Topeka, Kans.; Joseph Denson Farish, of West Palm Beach, Fla.; and Moses Louis Malevinsky, of New York City, were admitted to practice.

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No. 323. Second National Bank of Saginaw, petitioner, *v.* The United States. Argument continued by Mr. Assistant Attorney General Rugg for the respondent, and concluded by Mr. W. A. Sutherland for the respondent.

No. 337. Boston Pressed Metal Company, petitioner, *v.* The United States. Argued by Mr. Harry Friedman for the petitioner, and by Mr. Assistant Attorney General Rugg for the respondent.

No. 463. Daniel Reeves, Inc., petitioner, *v.* Charles W. Anderson, individually, etc. Argued by Mr. Elkan Turk for the petitioner, and by Mr. Assistant Attorney General Youngquist for the respondent.

No. 529. Laura H. Jennings, as Executrix, etc., petitioner, *v.* Charles W. Anderson, individually, etc. Argued by Mr. Ewing Everett for the petitioner, and case submitted by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Youngquist, Mr. Claude R. Branch, Mr. Norman D. Keller, Mr. John M. Hudson, and Mr. Edwin N. Griswold for the respondent.

No. 565. Wright & Taylor, Inc., petitioner, *v.* Robert H. Lucas, Collector of Internal Revenue, etc. Argued by Mr. Donal V. Hunter for the petitioner, and by Mr. Assistant Attorney General Youngquist for the respondent.

No. 519. American Glue Company, petitioner, *v.* The United States of America. Change of the corporate name of the American Glue Company to Eastern Equities Corporation suggested by Mr. Robert E. Goodwin per stipulation of counsel.

No. 510. Eastern Equities Corporation, petitioner, *v.* The United States of America. Argument commenced by Mr. Robert E. Goodwin for the petitioner, and continued by Mr. Assistant Attorney General Youngquist for the respondent.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, December 11, will be as follows: Nos. 519, 416, 508, 97, 400, 412, 39, 40, and 46.

## SUPREME COURT OF THE UNITED STATES

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Present: The Chief Justice, Mr. Justice Holmes, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, and Mr. Justice Roberts.

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Gething C. Miller, of Charlottesville, Va.; J. Raymond Dyer, of St. Louis, Mo.; and Harry L. Mostow, of New York City, were admitted to practice.

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**No. 519.** Eastern Equities Corporation, petitioner, *v.* The United States of America. Argument continued by Mr. Assistant Attorney General Youngquist for the respondent, and concluded by Mr. Robert E. Goodwin for the petitioner.

**No. 416.** The United States, petitioner, *v.* Wyman, Partridge & Company. Argued by Mr. Assistant Attorney General Rugg for the petitioner, and by Mr. Frank J. Albus for the respondent.

**No. 508.** D. B. Heiner, Collector of Internal Revenue, etc., petitioner, *v.* Erie Coal & Coke Company. Argued by Mr. Assistant Attorney General Youngquist for the petitioner, and by Mr. Robert A. Applegate for the respondent.

**No. 97.** Roberts Sash & Door Company, petitioner, *v.* The United States. Argued by Mr. Jesse I. Miller for the petitioner, and by Mr. Assistant Attorney General Rugg for the respondent.

**No. 400.** Mascot Oil Company, Inc., petitioner, *v.* The United States. Argued by Mr. Theodore B. Benson and Mr. W. A. Sutherland for the petitioner, and by Mr. Assistant Attorney General Rugg for the respondent.

**No. 412.** Roy & Titcomb, Inc., petitioner, *v.* The United States. Argued by Mr. Sidney P. Simpson for the petitioner, and by Mr. Assistant Attorney General Rugg for the respondent.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, December 12, will be as follows: Nos. 39, 40, and 46.

SUPREME COURT OF THE UNITED STATES

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Present: The Chief Justice, Mr. Justice Holmes, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, and Mr. Justice Roberts.

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Andrew J. Nowak, of Erie, Pa.; Robert H. Wendt, of Chicago, Ill.; William E. Rodriguez, of Chicago, Ill.; Will Freeman, of Des Moines, Iowa; J. A. Scarlett, of DeLand, Fla.; Bruce A. Sciotto, of Indiana, Pa.; Samuel W. Getzen, of Bushnell, Fla.; Noble J. Johnson, of Terre Haute, Ind.; and Samuel Weiss, of New York City, were admitted to practice.

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No. 59. Orenstein and Koppel Aktiengesellschaft, petitioner, *v.* Koppel Industrial Car and Equipment Company. On writ of certiorari to the Court of Appeals of the District of Columbia. Dismissed and mandate granted on motion of Mr. Dean Hill Stanley for the petitioner, *per* stipulation of counsel.

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No. 39. Russian Volunteer Fleet, petitioner, *v.* The United States. Argued by Mr. William L. Rawls for the petitioner, and by Mr. Claude R. Branch for the respondent.

No. 40. Fawcus Machine Company, petitioner, *v.* The United States. Argued by Mr. James S. Y. Ivins for the petitioner, and by Mr. Claude R. Branch for the respondent.

No. 46. Louis H. Ensten and Lion Knitting Mills Company, petitioners, *v.* Simon Ascher & Company, Inc. Argued by Mr. Harold E. Smith and Mr. O. Ellery Edwards for the petitioners, and by Mr. John F. Neary for the respondent.

Adjourned until Monday, December 15, next, at 12 o'clock.



## SUPREME COURT OF THE UNITED STATES

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Present: The Chief Justice, Mr. Justice Holmes, Mr. Justice Van Devanter, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, and Mr. Justice Roberts.

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Willard W. Gatchell, of Washington, D. C.; Harold L. Turk, of Brooklyn, N. Y.; Robert D. Durst, of Springfield, Mo.; Reece A. Caudle, of Russellville, Ark.; Robert M. Charles, of Indianapolis, Ind.; and Fadjo Cravens, of Fort Smith, Ark., were admitted to practice.

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No. 3. Powers-Kennedy Contracting Corporation and Anthony G. Fleck, petitioners, *v.* Concrete Mixing and Conveying Company. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Decree reversed with costs and cause remanded to the District Court of the United States for the Southern District of New York with instructions to dismiss the bill of complaint. Opinion by Mr. Justice Roberts.

No. 4. Concrete Mixing & Conveying Company, petitioner, *v.* R. C. Storrie & Company. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Decree affirmed with costs, and cause remanded to the District Court of the United States for the Western District of Washington. Opinion by Mr. Justice Roberts.

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The Chief Justice announced the following orders of the Court:

No. 48. American Fruit Growers, Inc., petitioner, *v.* Brogdex Company. The motion on behalf of the states of Alabama, Arizona, California, Florida, Georgia, Louisiana, and Texas, for leave to file brief herein as *amici curiae* is granted, and the motion for leave to participate in the oral argument is denied.

No. 528. October Term, 1929. Broad River Power Company, Columbia Railway Gas and Electric Company, and F. D. Campbell, petitioners, *v.* State of South Carolina *ex rel.* John M. Daniel, Attorney General. On writ of certiorari to the Supreme Court of the State of South Carolina. *Per curiam*: At the last term the writ of certiorari in this cause was dismissed for want of jurisdiction. 281 U. S. 537. A rehearing afterwards was ordered by the Court and

the rehearing recently has been had. Upon this further consideration the Court adheres to the view that the writ of certiorari should be dismissed for want of jurisdiction, but the members of the Court differ in the reasons which lead to that decision:

Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Sutherland, and Mr. Justice Butler concur in this disposition of the case, upon the rehearing, for the following reasons: The state court found that the petitioners here "did not make a bona fide effort to make the street-railway business a success," but planned to discontinue it and pursued a course tending to depress the business and make it unremunerative; that "if the street-car system had been properly maintained, as it could and should have been, the same would have been patronized by the public generally"; and that the "street-railway system can be made to yield a fair return if properly managed and properly maintained." These findings, although opposed to part of the evidence, have such support in other parts that they should be accepted here. In the presence of such findings, so supported, it is apparent that on the present record petitioners are not in a position to maintain that enforced operation of the street-railway system will be in contravention of rights secured by the due process of law clause of the Fourteenth Amendment. An essential basis in matter of fact for the right sought to be asserted under that constitutional provision is wanting; and as this is true regardless of whether the electric street railway franchise be independent or so unified with other franchises as to be interdependent, there is no present need to consider or determine its status in that regard.

The Chief Justice, Mr. Justice Holmes, Mr. Justice Brandeis, and Mr. Justice Stone adhere to the views expressed in the opinion heretofore delivered, 281 U. S. 537.

Mr. Justice Roberts, considering himself disqualified, took no part in the decision of this case.

**No. 307.** Kock Wing, petitioner, *v.* Philippine Railway Company. Petition for writ of certiorari to the Supreme Court of the Philippine Islands denied.

**No. 540.** Adele Kahle, petitioner, *v.* David Burnet, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

**No. 536.** Nathaniel P. Pratt and George L. Pratt, petitioners, *v.* Charles J. Weeks; and

**No. 537.** Nathaniel P. Pratt and George L. Pratt, petitioners, *v.* Charles J. Weeks. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 544. Kermode F. Gill, Surviving partner of Kermode F. Gill and John T. Gill, Partners, Trading as John Gill & Sons, petitioners, *v.* Benjamin Franklin Realty & Holding Company, The Real Estate-Land Title & Trust Company, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 553. Sherman & Ellis, Inc., petitioner, *v.* Indiana Mutual Casualty Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 554. St. Louis-San Francisco Railway Company, petitioner, *v.* Mattie E. Case, Administratrix of the Estate of George M. Case, deceased. Petition for writ of certiorari to the Supreme Court of the State of Missouri denied.

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No. 562. Arvey Moore, petitioner, *v.* Carter Oil Company. Consideration of petition deferred pending the filing and submission of petition for writ of certiorari in the case of *The Seminoles v. Wise*, on motion of Mr. Robert L. Owen in that behalf.

No. 176. Edward A. Pagel, as Administrator, etc., petitioner, *v.* Selma Hallbom. Death of Selma Hallbom suggested and John G. MacLean, Administrator of the estate of Selma Hallbom, substituted as the party respondent, on motion of Mr. John E. Benton in behalf of counsel for the respondent.

No. 583. Joe Drazich, petitioner, *v.* Finch R. Archer, Warden. Motion for leave to proceed *in forma pauperis* submitted by Mr. Joe Drazich *pro se*.

No. 584. Yetta Stromberg, appellant, *v.* The People of the State of California. Motion for leave to proceed *in forma pauperis* submitted by Mr. John Beardsley for the appellant.

No. 588. George H. Browne and Ada Victorine Carver, petitioners, *v.* Victoria Pool et al. Motion for leave to proceed *in forma pauperis* submitted by Mr. George H. Browne *pro se*.

No. 545. Elmer U. Wood, Ruth Edna Taylor, et al., petitioners, *v.* The Employers' Liability Assurance Corporation, Limited, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Earl B. Barnes for the petitioners, and by Mr. John Rynerson and Mr. Donald P. Shinn for the respondent.

No. 548. The Chicago, Rock Island and Pacific Railway Company, petitioner, *v.* Donnie Calloway, Administratrix, etc. Petition for writ of certiorari to the Supreme Court of the State of Oklahoma submitted by Mr. M. L. Bell, Mr. W. F. Dickinson, Mr. Thos. P.

Littlepage, and Mr. W. R. Bleakmore for the petitioner, and by Mr. W. A. Ledbetter, Mr. H. L. Stuart, and Mr. R. R. Bell for the respondent.

No. 549. Nash-Breyer Motor Company, formerly Troy Motor Sales Company, petitioner, *v.* David Burnet, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. T. B. Benson, Mr. Arthur H. Deibert, Mr. M. F. Mitchell, and Mr. George G. Witter for the petitioner, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Youngquist, Mr. Claude R. Branch, Mr. Sewall Key, and Mr. J. Louis Monarch for the respondent.

No. 550. Louis A. Wilkerson, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Harry C. Hendrickson for the petitioner, and by Mr. Solicitor General Thacher, Mr. Claude R. Branch, Mr. Harry S. Ridgely, and Mr. W. Marvin Smith for the respondent.

No. 557. National Surety Company, petitioner, *v.* Charles H. Holtzman, Collector, etc.; and

No. 558. National Surety Company, petitioner, *v.* Charles H. Holtzman, Collector, etc. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. Homer L. Loomis for the petitioner, and by Mr. Solicitor General Thacher, Mr. Frank M. Parrish, and Mr. Paul D. Miller for the respondent.

No. 561. National Surety Company, petitioner, *v.* International Harvester Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Ralph M. Shaw, Mr. Edward W. Everitt, Mr. Silas H. Strawn, and Mr. George T. Evans for the petitioner, and by Mr. William S. Elliott and Mr. J. F. Dammann for the respondent.

No. 562. Arvey Moore, petitioner, *v.* Carter Oil Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit submitted by Mr. Thomas H. Owen, Mr. Chester I. Long, Mr. W. E. Stanley, Mr. Peter Q. Nyce, and Mr. Samuel W. McIntosh for the petitioner, and by Mr. James A. Veasey and Mr. Lloyd G. Owen for the respondent.

No. 566. Crummies Creek Coal Company, petitioner, *v.* Carrs Fork Coal Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Joseph S. Laurent for the petitioner, and by Mr. Frank E. Wood and Mr. Robert S. Marx for the respondents.

No. 569. Great Northern Railway Company, petitioner, *v.* General Railway Signal Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Thomas Ewing and Mr. F. G. Dorety for the petitioner, and by Mr. Clifton V. Edwards, Mr. Amasa C. Paul, and Mr. Harry E. Knight for the respondent.

No. 573. M. & J. Tracy, Inc., Owner, etc., petitioner, *v.* Northwestern Fire & Marine Insurance Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. John C. Crawley for the petitioner, and by Mr. William F. Purdy for the respondents.

Adjourned until Monday, January 5, 1931, at 12 o'clock.

The day call for Monday, January 5, will be as follows: Nos. 8, original, 12, original, 370, 448, 37, 38, 41, 42 (and 43), 56, and 113.

SUPREME COURT OF THE UNITED STATES

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Present: The Chief Justice, Mr. Justice Holmes, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, and Mr. Justice Roberts.

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J. B. Milliken, of Dallas, Tex.; James D. Poag, of Greenville, S. C.; Thomas M. Gittings, of Washington, D. C.; Hyman D. Landy, of Denver, Colo.; Leo R. Friedman, of San Francisco, Calif.; Mortimer W. H. Cox, of Philadelphia, Pa.; and Wilder Lucas, of St. Louis, Mo., were admitted to practice.

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No. 29. Clinton R. White *v.* George E. Q. Johnson and H. D. Hayes. On certificate from the United States Circuit Court of Appeals for the Seventh Circuit. Certificate dismissed. Opinion by Mr. Justice Roberts.

No. 210. American Bond and Mortgage Company and Trianon, Inc., *v.* The United States of America. On certificate from the United States Circuit Court of Appeals for the Seventh Circuit. Certificate dismissed. Opinion by Mr. Justice Roberts.

No. 40. Fawcus Machine Company, petitioner, *v.* The United States. On writ of certiorari to the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Roberts.

No. 31. David Burnet, Commissioner of Internal Revenue, petitioner, *v.* Sanford & Brooks Company. On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit. Judgment reversed and cause remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Stone.

No. 111. Go-Bart Importing Co., Philip D. Gowen, and William Bartels, petitioners, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgments reversed and cause remanded to the District Court of the United States for the Southern District of New York with directions to enjoin the United States Attorney and special agent in charge from using the papers as evidence and to order the same returned to petitioners. Opinion by Mr. Justice Butler.



No. 112. The United States of America *v.* Edward Benz. On certificate from the United States Circuit Court of Appeals for the Third Circuit. Question answered in the affirmative. Opinion by Mr. Justice Sutherland.

No. 10. The United States of America and Interstate Commerce Commission, appellants, *v.* Chicago, Milwaukee, St. Paul and Pacific Railroad Company. Appeal from the District Court of the United States for the Northern District of Illinois. Decree affirmed. Opinion by Mr. Justice Sutherland. The Chief Justice took no part in the consideration or decision of this case. Dissenting opinion by Mr. Justice Stone, in which Mr. Justice Holmes and Mr. Justice Brandeis concur.

No. 12. O'Gorman and Young, Incorporated, appellant, *v.* Hartford Fire Insurance Company of Hartford, Connecticut; and

No. 13. O'Gorman and Young, Incorporated, appellant, *v.* Phoenix Assurance Company, Ltd., London. Appeals from the Court of Errors and Appeals of the State of New Jersey. Judgments affirmed with costs. Opinion by Mr. Justice Brandeis. Separate opinion by Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Sutherland, and Mr. Justice Butler.

No. 23. Charles H. Stange, petitioner, *v.* The United States. On writ of certiorari to the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Brandeis.

No. 69. Annette Aiken, Administratrix of the Estate of Friend M. Aiken, deceased, petitioner, *v.* David Burnet, Commissioner of Internal Revenue. On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Judgment affirmed and cause remanded to the said Circuit Court of Appeals. Opinion by Mr. Justice Brandeis.

No. 115. W. P. Brown & Sons Lumber Company, petitioner, *v.* David Burnet, Commissioner of Internal Revenue. On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. Judgment affirmed and cause remanded to the said Circuit Court of Appeals. Opinion by Mr. Justice Brandeis.

No. 231. David Burnet, Commissioner of Internal Revenue, petitioner, *v.* Chicago Railway Equipment Company. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Judgment reversed, and cause remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Brandeis.

No. 464. Railroad Commission of Wisconsin, Lewis E. Gettle, Adolph Kannenberg, and A. R. McDonald, as members thereof, et al., etc., appellants, *v.* W. G. Maxcy, as Receiver of the Washburn

Water Works Company, et al. Appeal from the District Court of the United States for the Western District of Wisconsin. Decree affirmed with costs. Opinion by Mr. Justice McReynolds.

No. 8. Memphis & Charleston Railway Company, appellant, *v.* C. L. Pace, G. C. Stephens, R. C. Grisham, et al. Appeal from the Supreme Court of the State of Mississippi. Decree affirmed with costs. Opinion by Mr. Justice Van Devanter.

No. 32. Anna Uravic, as Administratrix of the Goods, Chattels, and Credits which were of Anton Uravic, deceased, petitioner, *v.* F. Jarka Company, Inc., and United American Line, Inc. On writ of certiorari to the Supreme Court of the State of New York. Judgment reversed with costs, and cause remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Holmes.

No. 16. The State of Florida and A. S. Wells, E. S. Matthews, et al., etc., appellants, *v.* The United States of America, Interstate Commerce Commission, et al.;

No. 17. Brooks-Scanlon Corporation, Wilson Cypress Company, Cummer Cypress Company, appellants, *v.* The United States of America, Interstate Commerce Commission, et al.; and

No. 18. Wilson Lumber Company of Florida, appellant, *v.* The United States of America, Interstate Commerce Commission, et al. Appeals from the District Court of the United States for the Northern District of Georgia. Decrees reversed and that portion of the order of the Interstate Commerce Commission under review in this Court, with respect to intrastate rates, set aside and the cases remanded to said District Court. Opinion by Mr. Chief Justice Hughes.

No. 22. L. M. Willcuts, as Collector of Internal Revenue for the District of Minnesota, petitioner, *v.* Charles W. Bunn. On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Judgment reversed with costs, and cause remanded to the District Court of the United States for the District of Minnesota for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Chief Justice Hughes.

The Chief Justice announced the following orders of the Court:

No. 539. *Ex parte*: Morton S. Hawkins, petitioner. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit. *Per curiam*: The motion for leave to proceed further herein *in forma pauperis* is denied. The petition for writ of certiorari is also denied. The costs already incurred herein shall be paid by the clerk as provided in the order of October 29, 1926.

No. 583. Joe Drazich, petitioner, *v.* Finch R. Archer, Warden. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. *Per curiam*: The motion for leave to proceed further herein *in forma pauperis* is denied. Act of June 27, 1922 (c. 246, 42 Stat. 666; U. S. C. title 28, sec. 832). The petition for writ of certiorari is also denied. The costs already incurred herein shall be paid by the clerk as provided in the order of October 29, 1926.

No. 588. George H. Browne and Ada Victorine Carver, petitioners, *v.* Victoria Pool, A. Vaughn Pool, R. W. Sanders, et al. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit. *Per curiam*: The motion for leave to proceed further herein *in forma pauperis* is denied, for the reason that the Court, upon examination of the record herein submitted, finds that there is no ground upon which a writ of certiorari should be issued. The petition for writ of certiorari is therefore also denied. The costs already incurred herein shall be paid by the clerk as provided in the order of October 29, 1926.

No. 19. Lektophone Corporation, petitioner, *v.* The Rola Company; and

No. 68. Miller Brothers Company, petitioner, *v.* Lektophone Corporation. It is now here ordered by this Court that the opinion of this Court in the above-entitled cases, announced December 8, 1930, be, and the same is hereby, amended as follows:

The fourth sentence in the third paragraph is amended to read as follows: "The contribution of Hopkins, if he made one, as held in several cases in the lower courts and abroad, was to combine abandoning the sound box, determining the size of the cone deemed by him most suitable to reproduce the sounds communicated to it by vibration, and tightly gripping and rigidly supporting the outer edge of the above-mentioned annular rim of the cone between two rings."

The ninth sentence in the fourth paragraph is amended to read as follows: "To quote again from the last-cited case, 'to hold that the defendant's device comprises "a tympanum rigidly supported at its periphery" within the meaning of the claims is to construe the claims contrary to the plain import of their terms.'"

No. 549. Nash-Breyer Motor Company, formerly Troy Motor Sales Company, petitioner, *v.* David Burnet, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 545. Elmer U. Wood, Ruth Edna Taylor, et al., petitioners, *v.* The Employer's Liability Assurance Corporation, Limited. of

London, England. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 548. The Chicago, Rock Island, and Pacific Railway Company, petitioner *v.* Donnie Calloway, Administratrix, etc. Petition for writ of certiorari to the Supreme Court of the State of Oklahoma denied.

No. 550. Louis A. Wilkerson, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 557. National Surety Company, petitioner. *v.* Charles H. Holtzman, Collector of Customs at the Port of Baltimore, Maryland. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 558. National Surety Company, petitioner, *v.* Charles H. Holtzman, Collector of Customs at the Port of Baltimore, Maryland. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 561. National Surety Company, petitioner, *v.* International Harvester Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 566. Crummies Creek Coal Company, petitioner, *v.* Carrs Fork Coal Company, H. E. Bullock. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 569. Great Northern Railway Company, petitioner, *v.* General Railway Signal Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 573. M. & J. Tracy, Inc., owner of the Steamship "Michael Tracy," petitioner, *v.* Northwestern Fire & Marine Insurance Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

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No. 21, original. *Ex parte:* D. B. Daugherty, petitioner. Return of Honorable George W. McClintic to rule to show cause submitted by Mr. Solicitor General Thacher.

No. 425. Group No. 1 Oil Corporation, petitioner, *v.* James W. Bass, Collector of Internal Revenue, etc. Motion to advance submitted by Mr. Solicitor General Thacher for the respondent.

No. 606. The United States of America, appellant, *v.* William H. Sprague and William J. Howey. Motion to advance submitted by

Mr. Solicitor General Thacher for the appellant in support of the motion, and by Mr. Frederic M. P. Pearse for the appellees in opposition thereto.

No. 6, original. The State of Wisconsin et al., complainants, *v.* The State of Illinois and Sanitary District of Chicago et al.;

No. 10, original. State of Michigan et al., complainants, *v.* The State of Illinois and Sanitary District of Chicago et al.; and

No. 11, original. State of New York et al., complainants, *v.* State of Illinois and Sanitary District of Chicago et al. Semiannual Report of Sanitary District of Chicago presented.

No. 23, original. *Ex parte*: E. Harper and C. E. Crigger, petitioners. Return of Honorable John E. Martineau to rule to show cause submitted by Mr. Charles D. Frierson.

No. 527. Charles Gugenhine, appellant, *v.* Joseph A. Gerk. Statement as to jurisdiction submitted by Mr. Freeman L. Martin for the appellant.

No. 552. William W. McBoyle, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit, submitted by Mr. Harry F. Brown for the petitioner, and by Mr. Solicitor General Thacher, Mr. Claude R. Branch, Mr. Harry S. Ridgely, and Mr. W. Marvin Smith for the respondent.

No. 560. Dexter & Carpenter, Inc., petitioner, *v.* Kunglig Jarnvagsstyrelsen, also known as The Royal Administration of the Swedish State Railways, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit, submitted by Mr. Charles S. Haight for the petitioner, and by Mr. Edward B. Burling, Mr. William C. Cannon, and Mr. Porter R. Chandler for the respondents.

No. 563. Great Northern Railway Company, petitioner, *v.* Delmar Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit, submitted by Mr. F. G. Dorety and Mr. R. J. Hagman for the petitioner, and by Mr. Fred W. Putnam for the respondent.

No. 564. Minnie Pfeifer, petitioner, *v.* Rosa B. Wright, as Executrix of the Estate of James H. Wright, deceased, and in her Personal Capacity. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit, submitted by Mr. Robert Stone for the petitioner, and by Mr. V. P. Crowe for the respondent.

No. 570. Susan Jane Brittain Motter and Samuel I. Motter, as Guardians *ad litem*, etc., et al., petitioners, *v.* John S. Brittain III, by his Guardian *ad litem*, etc., et. al. Petition for writ of certio-



rari to the United States Circuit Court of Appeals for the Eighth Circuit, submitted by Mr. Samuel W. Fordyce and Mr. Henry J. Richardson for the petitioners, and by Mr. Robert A. Brown for the respondents.

No. 571. William J. Kyle, petitioner, *v.* Commissioner of Internal Revenue; and

No. 572. Patrick D. Reinhart, petitioner, *v.* Commissioner of Internal Revenue. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Third Circuit, submitted by Mr. William A. Seifert and Mr. William Wallace Booth for the petitioners, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Youngquist, Mr. Claude R. Branch, Mr. Sewell Key, Mr. Norman D. Keller, and Mr. Paul D. Miller for the respondent.

No. 575. General Motors Corporation, petitioner, *v.* The Swan Carburetor Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Lawrence C. Spieth and Mr. J. L. Stackpole for the petitioner, and by Mr. Harrison B. McGraw, Mr. Joseph H. Milans, and Mr. F. O. Richey for the respondent.

No. 576. Ewing-Thomas Converting Company, petitioner, *v.* Blakely D. McCaughn, Collector of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. James Craig Peacock for the petitioner, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Youngquist, Mr. Claude R. Branch, Mr. Sewall Key, and Mr. Paul D. Miller for the respondent.

No. 577. Joseph Bourke, Claimant of 150 Bags of Assorted Canadian Liquors, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Leonard S. Coyne for the petitioner, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Youngquist, Mr. Claude R. Branch, Mr. F. Cadmus Damrell, Mr. John J. Byrne, and Mr. W. Marvin Smith for the respondent.

No. 578. Joseph H. Brierley and Arthur J. Fleming, Receivers, etc., petitioners, *v.* Commercial Credit Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Frank A. Harrington and Mr. Arthur E. Weil for the petitioners, and by Mr. Duane R. Dills for the respondent.

No. 579. David Burnet, Commissioner of Internal Revenue, petitioner, *v.* Kate Fowler Merle Smith. Petition for writ of certiorari



to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Youngquist, Mr. Claude R. Branch, Mr. Sewall Key, Mr. Norman D. Keller, and Mr. Paul D. Miller for the petitioner, and by Mr. John W. Davis for the respondent.

No. 580. David Burnet, Commissioner of Internal Revenue, petitioner, *v.* Margaret B. Fowler. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Solicitor General Thacher for the petitioner, and by Mr. John W. Davis for the respondent.

No. 581. Edgar M. Morsman, Jr., Administrator, etc., petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Edgar M. Morsman, jr., for the petitioner, and by Mr. Solicitor General Thacher, and Mr. Claude R. Branch for the respondent.

No. 585. Seaboard Air Line Railway Company, petitioner, *v.* Harry E. Cole. Petition for writ of certiorari to the Supreme Court of the State of North Carolina submitted by Mr. Murray Allen for the petitioner, and by Mr. Clyde A. Douglass and Mr. Robert N. Simms for the respondent.

No. 589. Jules Schnerb and Joseph Wegimont, petitioners, *v.* Caterpillar Tractor Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Gregory Hankin, Mr. William H. Page, and Mr. William Harvey Smith for the petitioners, and by Mr. John Thomas Smith for the respondent.

No. 592. Zurich General Accident & Liability Insurance Company, Limited, petitioner, *v.* Charles J. O'Keefe. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Henry B. Morrow, Mr. Ralph F. Potter, and Mr. George A. Bangs for the petitioner, and by Mr. C. J. Murphy for the respondent.

No. 595. Eagle Star & British Dominions Insurance Company et al., petitioners, *v.* Niagara Ferry & Transportation Company. Petition for writ of certiorari to the Supreme Court of the State of New York, Erie County, submitted by Mr. Carroll Single for the petitioners, and by Mr. Ray M. Stanley for the respondent.

No. 598. American Can Company, petitioner, *v.* Ladoga Canning Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. William H. Thompson, Mr. Albert L. Rabb, Mr. Garrard B. Winston,

Mr. John A. Garver, Mr. Lemuel A. Welles, and Mr. Leonard B. Smith for the petitioners, and by Mr. Solon J. Carter, Mr. Harold K. Bachelder, and Mr. William C. Bachelder for the respondent.

No. 599. Directoplane Corporation, petitioner, *v.* Heubner-Bleistein Patents Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Glen E. Smith, Mr. Reeve Lewis, and Mr. Frank Parker Davis for the petitioner, and by Mr. George I. Haight and Mr. Samuel W. Banning for the respondent.

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No. 8, original. The State of Louisiana, complainant, *v.* The State of Mississippi. Submitted on exceptions of defendant to report of the special master by Mr. H. H. Creekmore, Mr. Rufus Creekmore, Mr. E. C. Sharp, and Mr. Rush H. Knox for the defendant in support of exceptions, and by Mr. Percy Saint, Mr. Gerard Brandon, Mr. John Dale, and Mr. Robert Ash for the complainant in opposition thereto.

No. 12, original. The State of Connecticut, complainant, *v.* Commonwealth of Massachusetts. Argument on exceptions of the complainant to the report of the Special Master commenced by Mr. Ernest L. Averill for the complainants.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, January 6, will be as follows: Nos. 12 original, 370, 448, 37, 38, 41, 42 (and 43), 56, 113, and 47.

## SUPREME COURT OF THE UNITED STATES

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Present: The Chief Justice, Mr. Justice Holmes, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, and Mr. Justice Roberts.

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Ellis Spear Middleton, of New York City; James H. Clenden-  
ing, jr., of Fort Smith, Ark.; Thomas Wallace Quinn, of Phila-  
delphia, Pa.; Erwin I. Feldman, of Baltimore, Md.; Maurice A.  
Langhorne, of Tacoma, Wash.; Sineon Ekwick Sheffey, of San  
Francisco, Calif.; Abel Klaw, of Philadelphia, Pa.; and Robert E.  
Bronson, of Seattle, Wash., were admitted to practice.

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The Chief Justice announced the following order of the Court:  
No. 606. The United States of America, appellant, *v.* William H.  
Sprague and William J. Howey. The motion to advance this case  
is granted, and it is ordered that this cause be, and it hereby is, ad-  
vanced and assigned for argument on Wednesday, January 21 next,  
at the head of the call for that day.

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No. 12, original. The State of Connecticut, complainant, *v.* The  
Commonwealth of Massachusetts. Argument on exceptions of the  
complainant to the report of the Special Master continued by Mr.  
Ernest L. Averill for the complainant, by Mr. Bentley W. Warren  
for the defendant, and concluded by Mr. Benedict M. Holden for the  
complainant.

No. 370. J. W. Alford, petitioner, *v.* The United States of America.  
Argued by Mr. Leo R. Friedman for the petitioner, and by Mr.  
Assistant Attorney General Richardson for the respondent.

No. 448. Aaron Prussian, petitioner, *v.* The United States of  
America. Argument commenced by Mr. Harold L. Turk for the  
petitioner, and continued by Mr. Assistant Attorney General Sisson  
for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, January 7, will be as follows: Nos.  
448, 37, 38, 41, 42 (and 43), 56, 113, 47, 48, and 49.

## SUPREME COURT OF THE UNITED STATES

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Present: The Chief Justice, Mr. Justice Holmes, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, and Mr. Justice Roberts.

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Charles Harwood, of New York City; Charles W. Mulcahy, of Boston, Mass.; Hugo Monnig, jr., of St. Louis, Mo.; George C. Willson, of St. Louis, Mo.; and Harry H. Byrer, of Martinsburg, W. Va., were admitted to practice.

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No. 448. Aaron Prussian, petitioner, *v.* The United States of America. Argument continued by Mr. Assistant Attorney General Sisson for the respondent, and concluded by Mr. Harold L. Turk for the petitioner.

No. 37. International Paper Company, petitioner, *v.* The United States. Argued by Mr. John W. Davis for the petitioner, and by Mr. Claude R. Branch for the respondent.

No. 38. Axel Langnes, owner of the Diesel Halibut Vessel "Aloha," her engines, etc., petitioner, *v.* Winfield A. Green, Claimant. Argument commenced by Mr. Robert E. Bronson for the petitioner and continued by Mr. Winter S. Martin for the respondent.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, January 8, will be as follows: Nos. 38, 41, 42 (and 43), 56, 113, 47, 48, 49, 50, and 51.

## SUPREME COURT OF THE UNITED STATES

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Present: The Chief Justice, Mr. Justice Holmes, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, and Mr. Justice Roberts.

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William J. Carr, of New York City; Leo M. Harlow, of Boston, Mass.; Hugh F. O'Donnell, of New York City; Archibald N. Jordan, of New York City; Thomas F. Neighbors, of Scotts Bluff, Nebr.; Russell O. Hanson, of Ottawa, Ill.; B. G. Mansell, of Fort Worth, Tex.; and Granville Goe Farrier, of Philadelphia, Pa., were admitted to practice.

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No. 38. Axel Langnes, owner of the Diesel Halibut Vessel "Aloha," her engines, etc., petitioner, *v.* Winfield A. Green, Claimant. Argument continued by Mr. Winter S. Martin for the respondent, and concluded by Mr. Robert E. Bronson for the petitioner.

No. 41. Leslie T. Alward, petitioner, *v.* C. G. Johnson, Treasurer of the State of California. Argued by Mr. Simeon E. Sheffey for the petitioner, and by Mr. U. S. Webb for the respondent.

No. 42. The United States of America, petitioner, *v.* Boston Buick Company; and

No. 43. The United States of America, petitioner, *v.* Iron Cap Copper Company. Argument commenced by Mr. Assistant Attorney General Rugg for the petitioner, and continued by Mr. Charles W. Mulcahy for the respondent in No. 42.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, January 9, will be as follows: Nos. 42 (and 43), 56, 113, 47, 48, 49, 50, 51, 52, and 53.

## SUPREME COURT OF THE UNITED STATES

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Present: The Chief Justice, Mr. Justice Holmes, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, and Mr. Justice Roberts.

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Leslie J. Tompkins, of New York City; Clarence L. Ireland, of Denver, Colo.; Daniel F. Cohalan, of New York City; A. Rushton Allen, of Cleveland, Ohio; John A. Marzall, of Chicago, Ill.; W. Brown Morton, of New York City; Clarence M. Fisher, of Washington, D. C.; Roy H. Olson, of Chicago, Ill.; and George E. Middleton, of New York City, were admitted to practice.

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No. 42. The United States of America, petitioner, *v.* Boston Buick Company; and

No. 43. The United States of America, petitioner, *v.* Iron Cap Copper Company. Argument continued by Mr. Burton E. Eames for the respondent in No. 43, and concluded by Mr. Assistant Attorney General Rugg for the petitioner.

No. 56. The United States, petitioner, *v.* Swift and Company. Argued by Mr. Assistant Attorney General Rugg for the petitioner, and by Mr. G. Carroll Todd for the respondent.

No. 113. The Pottstown Iron Company, petitioner, *v.* The United States. Argued by Mr. Paul F. Myers for the petitioner, and by Mr. Assistant Attorney General Rugg for the respondent.

No. 47. Fullerton Lumber Company, petitioner, *v.* Chicago, Milwaukee, St. Paul & Pacific R. R. Co. Argued by Mr. Stanley S. Gillam for the petitioner, and by Mr. A. C. Erdall for the respondent.

No. 48. American Fruit Growers, Inc., petitioner, *v.* Brogdex Company. Argument commenced by Mr. W. Brown Morton for the petitioner.

Adjourned until Monday next, at 12 o'clock.

The day call for Monday, January 12, will be as follows: Nos. 48, 49, 50, 51, 52, 53, 378, 278 (279, 280, and 281), 333, 517, and 512.



SUPREME COURT OF THE UNITED STATES

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President: The Chief Justice, Mr. Justice Holmes, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, and Mr. Justice Roberts.

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Lucien V. Axtell, of New York City; Henry H. Nordlinger, of New York City; H. C. Thurman, of Oklahoma City, Okla.; Harry O. Bentley, of Lima, Ohio; Humphrey B. Hamilton, of El Paso, Tex.; Frank G. Anderson, of Oklahoma City, Okla.; Francis Alan Patten, of Los Angeles, Calif.; John H. Hougren, of Crookston, Minn.; Daniel P. Murphy, of New York City; W. W. Dykes, of Americus, Ga.; Edward Chase Crowley, of New York City; and Arthur Gray Mashburn, of Reno, Nev., were admitted to practice.

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No. 350. Educational Films Corporation of America, appellant, *v.* Hamilton Ward, Attorney General of the State of New York, and Thomas M. Lynch et al., etc. Appeal from the District Court of the United States for the Southern District of New York. Decree affirmed with costs. Opinion by Mr. Justice Stone. Dissenting opinion by Mr. Justice Sutherland in which Mr. Justice Van Devanter and Mr. Justice Butler concur.

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The Chief Justice announced the following orders of the Court: No. 6, original. The State of Wisconsin et al., complainants, *v.* The State of Illinois and Sanitary District of Chicago et al.;

No. 10, original. State of Michigan et al., complainants, *v.* The State of Illinois and Sanitary District of Chicago et al.; and

No. 11, original. State of New York et al., complainants, *v.* The State of Illinois and Sanitary District of Chicago et al. The semi-annual report of the Sanitary District of Chicago dated January 1, 1931, is received and ordered to be filed.

No. 21, original. *Ex parte*: D. B. Daugherty, petitioner. Upon consideration of the return of the Honorable George W. McClintic, Judge of the District Court of the United States for the Southern District of West Virginia to the rule, issued in this case, to show cause why a writ of *mandamus* should not issue herein.

It is now here ordered that the said rule be, and the same is hereby, discharged, and that the said petition be, and the same hereby is, denied without prejudice to an application to the United States Circuit Court of Appeals for the Fourth Circuit.

No. 23, original. *Ex parte*: E. Harper and C. E. Crigger, petitioners. Upon consideration of the return of the Honorable John E. Martineau, Judge of the District Court of the United States for the Eastern District of Arkansas to the rule, issued in this case, to show cause why a writ of *mandamus* should not issue herein.

It is now here ordered that the said rule be, and the same is hereby, discharged, and that the petition be, and the same hereby is, denied.

No. 425. Group No. 1, Oil Corporation, petitioner, *v.* James W. Bass, Collector of Internal Revenue, etc. The motion to advance this case is granted and the case assigned for argument on Tuesday, February 24 next, after the case heretofore assigned for that day.

No. 527. Charles Gugenhine, appellant, *v.* Joseph A. Gerk, Chief of Police, etc., and Stratton Shartel, Attorney General of the State of Missouri. Appeal from the Supreme Court of the State of Missouri. *Per curiam*: The appeal herein is dismissed for the want of jurisdiction. Sec. 237 (a) of the Judicial Code as amended by the Act of February 13, 1925 (43 Stat. 936, 937). Treating the papers whereon the appeal was allowed as a petition for writ of certiorari, as required by Sec. 237 (c), Judicial Code as amended (43 Stat. 936, 938), certiorari is denied.

No. 552. William W. McBoyle, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit granted, limited to the question whether the National Motor Vehicle Theft Act applies to aircraft, and the case advanced and assigned for argument on Tuesday, February 24 next, after the cases heretofore assigned for that day.

No. 581. Edgar M. Morsman, Jr., Administrator, etc., petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit granted and the case is advanced and assigned for argument immediately following the hearing of case No. 535.

No. 542. Cyrus H. McCormick et al., Executors, etc., petitioners, *v.* David Burnet, Commissioner of Internal Revenue. It is ordered that this case be advanced and assigned for argument immediately following the hearing of case No. 581.

No. 560. Dexter & Carpenter, Inc., petitioner, *v.* Kunglig Jarnvagsstyrelsen, also known as The Royal Administration of the

Swedish State Railways et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 564. Minnie Pfeifer, petitioner, *v.* Rosa B. Wright, as Executrix, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 570. Susan Jane Brittain Motter et al., petitioners, *v.* John S. Brittain III by his Guardian, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 571. William J. Kyle, petitioner, *v.* Commissioner of Internal Revenue; and

No. 572. Patrick D. Reinhart, petitioner, *v.* Commissioner of Internal Revenue. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 575. General Motors Corporation, petitioner, *v.* The Swan Carburetor Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 576. Ewing-Thomas Converting Company, petitioner, *v.* Blakely D. McCaughn, Collector of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 577. Joseph Bourke, Claimant, etc., petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 578. Joseph H. Brierley and Arthur J. Fleming, Receivers, etc., et al., petitioners, *v.* Commercial Credit Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 579. Commissioner of Internal Revenue, petitioner, *v.* Kate Fowler Merle-Smith. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 580. Commissioner of Internal Revenue, petitioner, *v.* Margaret B. Fowler. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 585. Seaboard Air Line Railway Company, petitioner, *v.* Harry E. Cole. Petition for writ of certiorari to the Supreme Court of the State of North Carolina denied.

No. 589. Jules Schnerb and Joseph Wegimont, petitioners, *v.* Caterpillar Tractor Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 592. Zurich General Accident & Liability Insurance Company, Limited, petitioner, *v.* Charles J. O'Keefe. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 595. Eagle Star & British Dominions Insurance Company et al., petitioners, *v.* Niagara Ferry & Transportation Company. Petition for writ of certiorari to the Supreme Court of the State of New York denied.

No. 598. American Can Company, petitioner, *v.* Ladoga Canning Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 599. Directoplane Corporation, petitioner, *v.* Huebner-Bleistein Patents Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

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No. 535. David Burnet, Commissioner of Internal Revenue, petitioner, *v.* Northern Trust Company, Executor, etc.;

No. 542. Cyrus H. McCormick et al., Executors, etc., petitioners, *v.* David Burnet, Commissioner of Internal Revenue;

No. 581. Edgar M. Morsman, Jr., Administrator, etc., petitioner, *v.* Commissioner of Internal Revenue;

No. 628. Blakely D. McCaughn, Formerly Collector of Internal Revenue, petitioner, *v.* Zelia Gross Carnill, Executrix, etc.; and

No. 644. David Burnet, Commissioner of Internal Revenue, petitioner, *v.* Jennie L. Hodgkins, Surviving Executrix, etc. Motion to advance to be heard immediately following the hearing of case No. 387 submitted by Mr. Solicitor General Thacher in that behalf.

No. 19, Original. State of Arizona, complainant, *v.* State of California et al. Leave granted to file motions to dismiss and the case assigned for argument on Monday, March 9 next on motion of Mr. Solicitor General Thacher for the defendants. Brief for the complainant to be served upon the Solicitor General two weeks prior to that date.

No. 316. John William McKissick et al., appellants, *v.* Adolphus R. Talbot et al. Motion to advance submitted by Mr. Isaac E. Ferguson for the appellees in support of the motion, and by Mr. Charles W. Lyon and Mr. Leslie G. Pefferle for the appellants in opposition thereto.

No. 563. Great Northern Railway Company, petitioner, *v.* Delmar Company. Leave granted the Interstate Commerce Commission to file brief as *amicus curiae* by Wednesday next, on motion of Mr. Daniel W. Knowlton in that behalf.

No. 393. Gynther Storaasli, appellant, *v.* The State of Minnesota. Joint motion to advance submitted by Mr. Frank Clague in behalf of counsel.

No. —, original. *Ex parte:* Delaware Bay and River Pilots Association, petitioner. Motion for leave to file petition for writ of mandamus submitted by Mr. Otto Wolff, jr., for the petitioner.

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No. 555. Georgia Public Service Commission et al., appellants, *v.* The United States of America et al. Statement as to jurisdiction submitted by Mr. Edgar Watkins, Mr. Mac Asbill, Mr. Luther M. Walter, Mr. John S. Burchmore, and Mr. Nuel D. Belnap for the appellants.

No. 601. Akron, Canton & Youngstown Railway Company et al., appellants, *v.* The United States of America and The Interstate Commerce Commission et al. Statement as to jurisdiction submitted by Mr. Leo P. Day for the appellants.

No. 582. W. J. McCahan Sugar Refining and Molasses Company et al., petitioners, *v.* Augustus P. Norton, Deputy Commissioner of the Third Compensation District, etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Maurice W. Sloan for the petitioners, and by Mr. Mortimer W. H. Cox, Mr. Solicitor General Thacher, Mr. Claude R. Branch, Mr. J. Frank Staley, Mr. W. Clifton Stone, and Mr. W. Marvin Smith for the respondents.

No. 593. Seaboard Air Line Railway Company, petitioner, *v.* E. B. Link. Petition for writ of certiorari to the Supreme Court of the State of South Carolina submitted by Mr. Murray Allen for the petitioner, and by Mr. James D. Poag for the respondent.

No. 594. King Amusement Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Abraham J. Levin for the petitioner, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Youngquist, Mr. Claude R. Branch, Mr. J. Louis Monarch, Mr. John G. Remy, and Mr. Paul D. Miller for the respondent.

No. 597. Carl Hauptman, R. H. Johnstone, et al., petitioners, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Robert W. Jennings for the petitioners, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Youngquist, Mr. Claude R. Branch, and Mr. W. Marvin Smith for the respondent.

No. 600. Atlantic Coast Line Railroad Company, petitioner, *v.* J. L. Powe, as Administrator, etc. Petition for writ of certiorari to the Supreme Court of the State of South Carolina submitted by Mr. Thomas W. Davis and Mr. Arthur R. Young for the petitioner, and by Mr. Lionel K. Legge and Mr. W. Turner Logan for the respondent.

No. 602. Atlantic Transport Co. of West Virginia, petitioner, *v.* Theresa Kopfinger. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Cletus Keating for the petitioner, and by Mr. Charles A. Ellis for the respondent.

No. 603. Farmers Bank of Bates County, Missouri, petitioner, *v.* Fidelity and Deposit Company of Maryland. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Cyrus Crane for the petitioner, and by Mr. Maurice H. Winger for the respondent.

No. 604. Peoples Bank, petitioner, *v.* Fidelity and Deposit Company of Maryland. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Cyrus Crane for the petitioner, and by Mr. Maurice H. Winger for the respondent.

No. 605. Missouri State Bank, petitioner, *v.* Fidelity and Deposit Company of Maryland. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Fred A. Boxley for the petitioner, and by Mr. Maurice H. Winger for the respondent.

No. 644. David Burnet, Commissioner of Internal Revenue, petitioner, *v.* Jennie L. Hodgkins, Surviving Executrix, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Solicitor General Thacher for the petitioner.

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No. 512. The United States of America *v.* Robert K. Malcolm. Submitted by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Youngquist, Mr. Sewall Key, and Miss Helen R. Carlross for the United States, and by Mr. Kingman Brewster, Mr. James S. Y. Ivens and Mr. Allen G. Wright for Malcolm.

No. 48. American Fruit Growers, Inc., petitioner, *v.* Brogdex Company. Argument continued by Mr. W. Brown Morton for the petitioner, by Mr. Charles Neave for the respondent, and concluded by Mr. R. T. M. McCready for the petitioner, with leave to the respondent to file additional brief on or before Friday next if so advised.



No. 49. Bain Peanut Company of Texas et al., appellants, *v.* Dave Pinson and G. B. Guyger. Argued by Mr. B. G. Mansell for the appellants, and case submitted by Mr. Gib Callaway and Mr. Mark Callaway for the appellees.

No. 50. Wisconsin Electric Company, petitioner, *v.* The Dumore Company. Argument commenced by Mr. George Bayard Jones for the petitioner.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, January 13, will be as follows: Nos. 50, 51, 52, 53, 378, 278 (279, 280, and 281), 333, 517, 54, and 55.

## SUPREME COURT OF THE UNITED STATES

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Present: The Chief Justice, Mr. Justice Holmes, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, and Mr. Justice Roberts.

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Charles Hall Johnston, of Des Moines, Iowa; Kenneth W. Robinson, of Denver, Colo.; Joseph Vincent Walsh, of Washington, D. C.; Theodore E. Rein, of Chicago, Ill.; and David Snow, of Chicago, Ill., were admitted to practice.

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No. 50. Wisconsin Electric Company, petitioner, *v.* The Dumore Company. Argument concluded by Mr. George Bayard Jones for the petitioner. No appearance for the respondent.

No. 51. Saranac Automatic Machine Corporation, petitioner, *v.* Wirebounds Patents Company et al. Argument commenced by Mr. Howard M. Cox for the petitioner, continued by Mr. Laurence A. Janney for the respondents, and concluded by Mr. Amasa C. Paul for the petitioner.

No. 52. W. C. Clark, appellant, *v.* A. J. Maxwell, Commissioner of Revenue for the State of North Carolina. Argument commenced by Mr. Albert L. Cox for the appellant. The Court declined to hear further argument.

No. 53. David Burnet, Commissioner of Internal Revenue, petitioner, *v.* Willingham Loan and Trust Company. Argued by Mr. Assistant Attorney General Sisson for the petitioner, and by Mr. J. C. Murphy for the respondent.

No. 378. Standard Oil Company (Indiana) et al., appellants, *v.* The United States of America. Five hours allowed for the argument of this case. Argument commenced by Mr. C. B. Ames for the primary appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, January 14, will be as follows: Nos. 378, 278 (279, 280, and 281), 333, 517, 54, 55, 57, 58, 60, and 61.

## SUPREME COURT OF THE UNITED STATES

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Present: The Chief Justice, Mr. Justice Holmes, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, and Mr. Justice Roberts.

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William D. Whitney, of New York City; Archie O. Dawson, of New York City; and James F. Reilly, of Washington, D. C., were admitted to practice.

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No. 378. Standard Oil Company (Indiana) et al., appellants, *v.* The United States of America. Argument continued by Mr. C. B. Ames for the primary appellants, by Mr. G. H. Dorr for the secondary appellants, by Mr. Solicitor General Thacher for the appellee, and by Mr. Charles Neave for the primary appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, January 15, will be as follows: Nos. 378, 278 (279, 280, and 281), 333, 517, 54, 55, 57, 58, 60, and 61.

## SUPREME COURT OF THE UNITED STATES

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Present: The Chief Justice, Mr. Justice Holmes, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, and Mr. Justice Roberts.

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William J. Hotz, of Omaha, Nebr., and Robert L. Lipman, of Los Angeles, Calif., were admitted to practice.

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No. **378.** Standard Oil Company (Indiana) et al., appellants, *v.* The United States of America. Argument concluded by Mr. Charles Neave for the primary appellants.

No. **278.** Concordia Insurance Company of Milwaukee, petitioner, *v.* School District No. 98 of Payne County, State of Oklahoma;

No. **279.** Royal Insurance Company, Ltd., petitioner, *v.* School District No. 98 of Payne County, State of Oklahoma;

No. **280.** National Fire Insurance Company, petitioner, *v.* School District No. 98 of Payne County, State of Oklahoma; and

No. **281.** Fire Association of Philadelphia, petitioner, *v.* School District No. 98 of Payne County, State of Oklahoma. Argument commenced by Mr. F. A. Rittenhouse for the petitioners, and concluded by Mr. Frank G. Anderson for the respondent on the question of interest.

No. **333.** Louisville & Nashville R. R. Co. et al., appellants, *v.* The United States of America, Interstate Commerce Commission et al. Three and one-half hours allowed for the argument of this case. Argument commenced by Mr. Alfred P. Thom for the appellants, and continued by Mr. Daniel W. Knowlton for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, January 16, will be as follows: Nos. **333**, **517**, **54**, **55**, **57**, **58**, **60**, **61**, **109**, and **352**.

## SUPREME COURT OF THE UNITED STATES

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Present: The Chief Justice, Mr. Justice Holmes, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, and Mr. Justice Roberts.

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Collins, Denny, jr., of Richmond, Va., was admitted to practice.

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No. 333. Louisville & Nashville Railroad Company et al., appellants, *v.* The United States of America and Interstate Commerce Commission et al. Argument continued by Mr. Daniel W. Knowlton for the appellees, and concluded by Mr. Alfred P. Thom for the appellants.

No. 517. The Kansas City Southern Railway Company et al., appellants, *v.* The United States of America and Interstate Commerce Commission. Argued by Mr. Samuel W. Moore for the appellants, and by Mr. Daniel W. Knowlton for the appellees.

No. 54. Carbice Corporation of America, petitioner, *v.* American Patents Development Corporation and Dry Ice Corporation of America. Argument commenced by Mr. Samuel E. Darby, jr., for the petitioner.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, January 19, will be as follows: Nos. 54, 55, 57, 58, 60, 61, 109, 352, 477, and 62.

SUPREME COURT OF THE UNITED STATES

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Present: The Chief Justice, Mr. Justice Holmes, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, and Mr. Justice Roberts.

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Robert R. Duncan, of Boston, Mass.; Edmund B. Whitcomb, of Washington, D. C.; George A. Cooke, of Chicago, Ill.; Nathan W. Thompson, of Portland, Me.; Milton J. Foreman, of Chicago, Ill.; Aksel M. Pedersen, of Washington, D. C.; Joseph L. McAleer, of Philadelphia, Pa.; L. D. Bejach, of Memphis, Tenn.; John G. Remy, of Washington, D. C.; Hayner N. Larson, of Minneapolis, Minn.; Amos W. W. Woodcock, of Salisbury, Md.; Paul W. Kear, of Norfolk, Va.; William Cutler Thompson, of Philadelphia, Pa.; John R. Duty, of Rogers, Ark.; Jeremiah M. Evarts, of Windsor, Vt.; and Martin T. Fisher, of Washington, D. C., were admitted to practice.

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No. 37. International Paper Company, petitioner, *v.* The United States. On writ of certiorari to the Court of Claims. Judgment reversed and cause remanded to the Court of Claims for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Holmes. Dissenting: Mr. Justice McReynolds, Mr. Justice Stone, and Mr. Justice Roberts.

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The Chief Justice announced the following orders of the Court: No. —, original. *Ex parte*: Delaware Bay and River Pilots Association, petitioner. The motion for leave to file petition for writ of *mandamus* is denied.

No. 316. John William McKissick and D. W. Wright, appellants, *v.* Adolphus R. Talbot et al. The motion to advance this case is granted and the case is advanced and assigned for argument on Tuesday, February 24 next, after the cases heretofore assigned for that day.

No. 393. Gynther Storaasli, appellant, *v.* The State of Minnesota. The joint motion to advance this case is granted and the case is advanced and assigned for argument on Tuesday, February 24 next, after the cases heretofore assigned for that day.



No. 387. Etta M. Klein, former administratrix, etc., petitioner, *v.* The United States. It is ordered that this case be advanced and assigned for argument on Tuesday, February 24 next, after the cases heretofore assigned for that day.

No. 535. David Burnet, Commissioner of Internal Revenue, petitioner, *v.* Northern Trust Company, Executor, etc.;

No. 581. Edgar M. Morsman, Jr., Administrator, etc., petitioner, *v.* David Burnet, Commissioner of Internal Revenue; and

No. 542. Cyrus H. McCormick et al., Executors, etc., petitioners, *v.* David Burnet, Commissioner of Internal Revenue. The motion to advance these cases for argument immediately following No. 387 is granted.

No. 555. Georgia Public Service Commission et al., appellants, *v.* The United States of America et al.; and

No. 601. Akron, Canton & Youngstown Railway Company et al., appellants, *v.* The United States of America et al. In these cases probable jurisdiction is noted.

No. 512. The United States of America *v.* Robert K. Malcolm. On certificate from the United States Circuit Court of Appeals for the Ninth Circuit. *Per curiam*: The first question certified is answered: No. The second question is answered: Yes. *Poe v. Seaborn*, 282 U. S. —; *Goodell v. Koch*, 282 U. S. —; *Hopkins v. Bacon*, 282 U. S. —, decided November 24, 1930.

No. 49. Bain Peanut Company of Texas et al., appellants, *v.* Dave Pinson and G. B. Guyger. Appeal from the Court of Civil Appeals, Eleventh Supreme Judicial District, State of Texas. *Per curiam*: The appeal herein is dismissed for want of a properly presented Federal question. *John v. Paullin*, 231 U. S. 583, 585; *Central Union Telephone Co. v. City of Edwardsville*, 269 U. S. 190, 195; *Beaty v. Richardson*, 276 U. S. 599.

No. 52. W. C. Clark, appellant, *v.* A. J. Maxwell, Commissioner of Revenue for the State of North Carolina. Appeal from the Supreme Court of the State of North Carolina. *Per curiam*: The judgment herein is affirmed. *Carley & Hamilton, Inc. v. Snook*, 281 U. S. 66, 72, 73; *Packard v. Banton*, 264 U. S. 140, 143, 144; *Clark v. Titusville*, 184 U. S. 329, 332, 333.

No. 217. Amanda D. Hargis, Commissioner of Labor and Industrial Inspection of the State of Missouri, appellant, *v.* A. T. Bradford. A rule is directed to issue to the appellant and to the appellee in this case to show cause, on or before Tuesday, February 24 next, why the judgment of the specially constituted District Court entered herein should not be vacated and the cause remanded to that court with directions to dismiss the case as moot.

No. 563. Great Northern Railway Company, petitioner, *v.* Delmar Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit granted.

No. 600. Atlantic Coast Line Railroad Company, petitioner, *v.* J. L. Powe, as Administrator, etc. Petition for writ of certiorari to the Supreme Court of the State of South Carolina granted.

No. 582. W. J. McCahan Sugar Refining and Molasses Company et al., petitioners, *v.* Augustus P. Norton, Deputy Commissioner, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 593. Seaboard Air Line Railway Company, petitioner, *v.* E. B. Link. Petition for writ of certiorari to the Supreme Court of the State of South Carolina denied.

No. 594. King Amusement Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 597. Carl Hauptman, R. H. Johnstone, and Clint Griffith, petitioners, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 602. Atlantic Transport Co. of West Virginia, petitioner, *v.* Theresa Kopfinger. Petition for writ of certiorari to the United States Circuit of Appeals for the Second Circuit denied.

No. 603. Farmers Bank of Bates County, Missouri, petitioner, *v.* Fidelity and Deposit Company of Maryland. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 604. Peoples Bank, petitioner, *v.* Fidelity and Deposit Company of Maryland. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 605. Missouri State Bank, petitioner, *v.* Fidelity and Deposit Company of Maryland. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

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No. 352. V. Loewers Gambrinus Brewery Company, petitioner, *v.* Charles W. Anderson, Individually, etc. Leave granted to file brief of Frank S. Bright and H. Stanley Hinrichs, as *amici curiae*, on motion of Mr. Houston Thompson in that behalf.

No. 632. A. Spates Brady, appellant, *v.* The United States of America et al. Motion to advance to be heard following the hearing of case No. 384 submitted by Mr. George T. Bell for the appellant.

No. 630. De Forest Radio Company, petitioner, *v.* General Electric Company. Leave granted to file brief of The Chemical Foundation, Inc., and others as *amici curiae*, on motion of Mr. Martin T. Fisher in that behalf.

No. 138. Gene Buck, as President of the American Society of Composers, etc., et al., *v.* Jewell-La Salle Realty Company; and

No. 139. Gene Buck, as President of the American Society of Composers, etc., et al., *v.* Jewell-La Salle Realty Company. Leave granted to file brief of National Association of Broadcasters, Inc., as *amicus curiae*, on motion of Mr. Louis G. Caldwell in that behalf.

No. 606. The United States of America, appellant, *v.* William H. Sprague et al. Leave granted to file brief of J. M. Evarts as *amicus curiae*, on motion of Mr. J. M. Evarts in that behalf.

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No. 662. H. Ely Goldsmith, petitioner, *v.* A. C. Aderholt, as Warden, etc. Motion for leave to proceed *in forma pauperis* submitted by Mr. H. Ely Goldsmith, *pro se*.

No. 543. Minneapolis, St. Paul & Sault Ste. Marie Railway Company, petitioner, *v.* Noah Moquin. Motion to dismiss or affirm submitted by Mr. Tom Davis and Mr. Ernest A. Michel for the respondent in support of the motion, and by Mr. Henry S. Mitchell and Mr. John E. Palmer for the petitioner in opposition thereto.

No. 546. Joe C. Lamm, appellant, *v.* Silver Falls Timber Company. Statement as to jurisdiction submitted by Mr. Arthur I. Moulton for the appellant in support thereof, and by Mr. I. H. Van Winkle, Mr. Charles A. Hart, and Mr. Charles E. McCulloch for the appellee in opposition thereto.

No. 547. Charles W. Varrelman, appellant, *v.* Flora Logging Company. Statement as to jurisdiction submitted by Mr. Arthur I. Moulton for the appellant, in support thereof, and by Mr. I. H. Van Winkle, for the appellee, in opposition thereto.

No. 606. The United States of America, appellant, *v.* William H. Sprague et al. Statement as to jurisdiction submitted by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Youngquist, and Mr. John J. Byrne for the appellant.

No. 586. Charles R. Berney, petitioner, *v.* The United States of America; and

No. 587. Maurice Bloom, petitioner, *v.* The United States of America. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Louis Halle for the petitioners, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Youngquist, Mr. Claude

R. Branch, Mr. Mahlon D. Kiefer, Mr. A. E. Gotschall, and Mr. W. Marvin Smith for the respondent.

No. 608. Wyoming National Bank of Casper, Wyoming, petitioner, *v.* Omaha National Bank, of Omaha, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Edgar M. Morsman, jr., for the petitioner, and by Mr. Halleck F. Rose, Mr. Arthur R. Wells, and Mr. Paul L. Martin for the respondent.

No. 609. Sheppard and Myers, Incorporated, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. John F. McCarron for the petitioner, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Youngquist, Mr. Claude R. Branch, Mr. Sewall Key, Miss Helen R. Carlross, Mr. Paul D. Miller, and Mr. C. M. Charest for the respondent.

No. 62. The Daily Pantagraph, Incorporated, petitioner, *v.* The United States. Submitted by Mr. Arnold L. Guesmer for the petitioner, and by Mr. Solicitor General Thatcher, Mr. Assistant Attorney General Rugg, Mr. Claude R. Branch, and Mr. Joseph H. Sheppard for the respondent.

No. 54. Carbice Corporation of America, petitioner, *v.* American Patents Development Corporation and Dry Ice Corporation of America. Argument continued by Mr. Samuel E. Darby, jr., for the petitioner, and concluded by Mr. Charles Neave for the respondent.

No. 55. Railway Express Agency, Inc., appellant, *v.* The Commonwealth of Virginia. Argued by Mr. Albert M. Hartung for the appellant, and by Mr. Collins Denny, jr., for the appellee.

No. 57. Story Parchment Company, petitioner, *v.* Paterson Parchment Paper Company et al. Argument commenced by Mr. Isadore Levin for the petitioner, and continued by Mr. Edward F. McClenen for the respondent.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, January 20, will be as follows: Nos. 57, 58, 60, 61, 109, 352, 477, 63, 66, and 71.

SUPREME COURT OF THE UNITED STATES

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Present: The Chief Justice, Mr. Justice Holmes, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, and Mr. Justice Roberts.

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Ellis Manning, of Washington, D. C.; Seymour S. Sidner, of Fremont, Nebr.; Charles E. Abbott, of Fremont, Nebr.; Jesse R. Dorsey, of Bakersfield, Calif.; John E. Wing, of Chicago, Ill.; and Harold A. Kesler, of Toledo, Ohio, were admitted to practice.

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The Chief Justice announced the following order of the Court:

No. 606. The United States of America, appellant, *v.* William H. Sprague et al. In this case probable jurisdiction is noted.

No. 606. The United States of America, appellant, *v.* William H. Sprague et al. Leave granted to file brief of William H. Chrichton-Clarke, as *amicus curiae*, on motion of Mr. C. Russell Riordon in that behalf.

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No. 57. Story Parchment Company, petitioner, *v.* Paterson Parchment Paper Company et al. Argument continued by Mr. Edward F. McClennen for the respondents and concluded by Mr. Edward O. Proctor for the petitioner.

No. 58. Oxford Paper Company, petitioner, *v.* Steamship "Nidarholm," A. S. Nidaros. Argument commenced by Mr. John W. Lawrence for the petitioner, continued by Mr. Robert E. Goodwin for the respondents, and concluded by Mr. Nathan W. Thompson for the petitioner.

No. 60. U. G. Denman, Administrator, etc., petitioner, *v.* W. L. Slayton. Argued by Mr. Assistant Attorney General Youngquist for the petitioner, and by Mr. Thomas O. Marljar for the respondent.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, January 21, will be as follows: Nos. 606, 61, 109, 352, 477, 63, 66, 71, 72, and 73.

SUPREME COURT OF THE UNITED STATES

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Present: The Chief Justice, Mr. Justice Holmes, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, and Mr. Roberts.

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Burton A. Zorn, of New York City; F. Lyman Windolph, of Lancaster, Pa.; Leslie P. Whelan, of Chicago, Ill.; and John A. Homer, of Seattle, Wash., were admitted to practice.

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No. 606. The United States of America, appellant, *v.* William H. Sprague et al. Motion for leave to file brief of Moses J. Konnoson, as *amicus curiae*, submitted by Mr. Solicitor General Thacher in behalf of Mr. Moses J. Konnoson, and the motion denied.

No. 606. The United States of America, appellant, *v.* William H. Sprague et al. Leave granted to file brief of Henry W. Jessup and Austen G. Fox, as *amici curiae*, on motion of Mr. Henry W. Jessup in that behalf.

No. 606. The United States of America, appellant, *v.* William H. Sprague et al. Motion for leave to file brief of the National Association for the Advancement of the Colored People, as *amicus curiae*, submitted by Mr. Arthur B. Spingarn in that behalf, and the motion denied.

No. 606. The United States of America, appellant, *v.* William H. Sprague et al. Leave granted to file brief of Eliot Tuckerman, as *amicus curiae*, on motion of Mr. Eliot Tuckerman in that behalf.

No. 606. The United States of America, appellant, *v.* William H. Sprague et al. Four hours allowed for the oral argument of this case. Argued by Mr. Solicitor General Thacher for the appellant, and by Mr. Julius Henry Cohen and Mr. Selden Bacon for the appellees.

No. 61. David Burnet, Commissioner of Internal Revenue, petitioner, *v.* Niagara Falls Brewing Company et al. Argued by Mr. Claude R. Branch for the petitioner, and by Mr. Basis Robillard for the respondent.



No. 109. David Burnet, Commissioner of Internal Revenue, petitioner, *v.* National Industrial Alcohol Company, Inc. Argument commenced by Mr. Claude R. Branch for the petitioner, and continued by Mr. R. M. O'Hara for the respondent.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, January 22, will be as follows: Nos. 109, 352, 477, 63, 66, 71, 72, 73, 74, and 114.

## SUPREME COURT OF THE UNITED STATES

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Present: The Chief Justice, Mr. Justice Holmes, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Butler, Mr. Justice Stone, and Mr. Justice Roberts.

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Isaac Davis Stamps Farrar, of New Orleans, La.; E. Howard McCaleb, jr., of New Orleans, La.; Nathaniel Frucht, of Providence, R. I.; John T. Haughey, of Storm Lake, Iowa; and Percy Franklin Parrott, of Toledo, Ohio, were admitted to practice.

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No. 109. David Burnet, Commissioner of Internal Revenue, petitioner, *v.* National Industrial Alcohol Company, Inc. Argument concluded by Mr. R. M. O'Hara for the respondent.

No. 352. V. Loewers Gambrinus Brewery Company, petitioner, *v.* Charles W. Anderson, Individually and as Collector, etc. Argued by Mr. Arthur B. Hyman for the petitioner, and by Mr. Claude R. Branch for the respondent.

No. 477. Richard Husty and Charles Laurel, petitioners, *v.* The United States of America. Argued by Mr. Harold A. Kesler for the petitioners, and by Mr. Amos W. W. Woodcock for the respondent.

No. 63. Abie State Bank, appellant, *v.* Arthur J. Weaver, as Governor of the State of Nebraska, et al. Charles W. Bryan, present Governor of the State of Nebraska, and T. W. Bass, present Treasurer of the State of Nebraska, substituted as parties appellees in place of Arthur J. Weaver, former governor, and Willis M. Stebbins, former treasurer, on motion of Mr. William J. Hotz, per stipulation of counsel.

No. 63. Abie State Bank, appellant, *v.* Charles W. Bryan, as Governor of the State of Nebraska, et al. Argument commenced by Mr. Leonard S. Flansburg for the appellant, and continued by Mr. C. A. Sorensen for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, January 23, will be as follows: Nos. 63, 66, 71, 72, 73, 74, 114, 76, 77, and 79 (and 80).

SUPREME COURT OF THE UNITED STATES

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Present: The Chief Justice, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Butler, Mr. Justice Stone, and Mr. Justice Roberts.

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Robert E. McCabe, of Charleston, W. Va., and Roy L. Fernald, of Winterport, Me., were admitted to practice.

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No. 16. The State of Florida et al., appellants, *v.* The United States of America et al.;

No. 17. Brooks-Scanlon Corporation et al., appellants, *v.* The United States of America et al.; and

No. 18. Wilson Lumber Company of Florida, appellant, *v.* The United States of America et al. Motions to withhold the issuance of the mandates submitted by Mr. Blair Foster for the appellee, Atlantic Coast Line Railroad Company, and The Georgia Public Service Commission, with leave to the appellants to file an opposition thereto within five days, on motion of Mr. H. P. Adair for the appellants.

No. 37. International Paper Company, petitioner, *v.* The United States. Mandate granted on motion of Mr. Montgomery B. Angell for the petitioner.

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No. 63. Abie State Bank, appellant, *v.* Charles W. Bryan, Governor of the State of Nebraska, et al. Argument continued by Mr. C. A. Sorensen and Mr. Charles E. Abbott for the appellees, Charles W. Bryan, Governor, et al.; by Mr. William J. Hotz for the intervening appellees, Mary E. Gandy, et al.; and concluded by Mr. Frank H. Gaines for the appellant.

No. 66. Northport Power & Light Company, appellant, *v.* Roland H. Hartley, as Governor of the State of Washington, et al. Argument commenced by Mr. O. C. Moore for the appellant. The Court declined to hear further argument.

No. 71. Michael Adams, petitioner, *v.* New York Trust Company, Trustee. Argued by Mr. Charles Rosen for the respondent, and case submitted by Mr. Michael Adam, *pro se*, and Mr. Richard A. Dowling for the petitioner.

No. 72. B. K. Isaacs, as Trustee, etc., *v.* Hobbs Tie & Timber Company. Argument commenced by Mr. William R. Watkins for Isaacs, Trustee, and by Mr. John R. Duty for Hobbs Tie & Timber Company.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, January 26, will be as follows: Nos. 72, 73, 74, 114, 76, 77, 79 (and 80), 81, 82, and 87.

SUPREME COURT OF THE UNITED STATES

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Present: The Chief Justice, Mr. Justice Holmes, Mr. Justice Van Devanter, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, and Mr. Justice Roberts.

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Frank B. Bozza, of Newark, N. J., and Abraham Redman, of Chicago, Ill., were admitted to practice.

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No. 53. David Burnet, Commissioner of Internal Revenue, petitioner, *v.* Willingham Loan and Trust Company. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Judgment reversed and cause remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Holmes.

No. 36. R. E. Graham and E. E. Foster, Copartners, doing business under the firm name of Millie Francis Oil Company, a Copartnership, petitioners, *v.* Rex B. Goodcell, Former Collector of Internal Revenue, etc. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgment affirmed with costs and cause remanded to the District Court of the United States for the Southern District of California. Opinion by Mr. Chief Justice Hughes.

No. 104. Oak Worsted Mills, petitioner, *v.* The United States. On writ of certiorari to the Court of Claims. Judgment affirmed. Opinion by Mr. Chief Justice Hughes.

No. 105. Taft Woolen Company, petitioner, *v.* The United States. On writ of certiorari to the Court of Claims. Judgment affirmed. Opinion by Mr. Chief Justice Hughes.

No. 323. Second National Bank of Saginaw, Saginaw, Michigan, Trustee, etc., petitioner, *v.* The United States. On writ of certiorari to the Court of Claims. Judgment affirmed. Opinion by Mr. Chief Justice Hughes.

No. 337. Boston Pressed Metal Company, petitioner, *v.* The United States. On writ of certiorari to the Court of Claims. Judgment affirmed. Opinion by Mr. Chief Justice Hughes.

No. 463. Daniel Reeves, Inc., petitioner, *v.* Charles W. Anderson, Individually and as Collector of Internal Revenue, etc. On writ of certiorari to the United States Circuit Court of Appeals for the

Second Circuit. Judgment affirmed with costs and cause remanded to the District Court of the United States for the Southern District of New York. Opinion by Mr. Chief Justice Hughes.

No. 529. Laura H. Jennings, as Executrix of the Last Will and Testament of Frederic B. Jennings, deceased, petitioner, *v.* Charles W. Anderson, Individually and as United States Collector of Internal Revenue, etc. Judgment affirmed with costs and cause remanded to the District Court of the United States for the Southern District of New York. Opinion by Mr. Chief Justice Hughes.

No. 565. Wright & Taylor, Inc., petitioner, *v.* Robert H. Lucas, Collector of Internal Revenue for the District of Kentucky. On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. Judgment affirmed with costs and cause remanded to the District Court of the United States for the Western District of Kentucky. Opinion by Mr. Chief Justice Hughes.

No. 519. Eastern Equities Corporation, petitioner, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit. Judgment affirmed and cause remanded to the District Court of the United States for the District of Massachusetts. Opinion by Mr. Chief Justice Hughes.

No. 65. Percival E. Magee, petitioner, *v.* The United States. On writ of certiorari to the Court of Claims. Judgment affirmed. Opinion by Mr. Chief Justice Hughes.

No. 400. Mascot Oil Company, Inc., petitioner, *v.* The United States. On writ of certiorari to the Court of Claims. Judgment affirmed. Opinion by Mr. Chief Justice Hughes.

No. 416. The United States, petitioner, *v.* Wyman, Partridge & Company. On writ of certiorari to the Court of Claims. Judgment reversed and cause remanded to the said Court of Claims for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Chief Justice Hughes.

No. 508. D. B. Heiner, Collector of Internal Revenue for the Twenty-Third District of Pennsylvania, petitioner, *v.* Erie Coal & Coke Company. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Judgment reversed with costs and cause remanded to the District Court of the United States for the Western District of Pennsylvania for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Chief Justice Hughes.

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The Chief Justice announced the following orders of the Court:

No. 412. Roy & Titcomb, Inc., petitioner, *v.* The United States. On writ of certiorari to the Court of Claims. *Per curiam:* Judgment



affirmed. (1) *Stange v. United States*; Annette Aiken, Administratrix, etc., *v. David Burnet*, Commissioner of Internal Revenue; *W. P. Brown & Sons Lumber Company v. David Burnet*, Commissioner of Internal Revenue; *David Burnet*, Commissioner of Internal Revenue, *v. Chicago Railway Equipment Co.*, decided January 5, 1931, 282 U. S. —. (2) *Graham v. Goodcell*; *Mascot Oil Company, Inc., v. United States*, decided this day, 282 U. S. —.

No. 97. *Roberts Sash & Door Company*, petitioner, *v. The United States*. On writ of certiorari to the Court of Claims. *Per curiam*: Judgment affirmed. *United States v. The John Barth Company*, 279 U. S. 370.

No. 662. *H. Ely Goldsmith*, petitioner, *v. A. C. Aderholt*, as Warden United States Penitentiary, Atlanta, Ga. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. *Per curiam*: The motion for leave to proceed further herein *in forma pauperis* is denied for the reason that the Court, upon examination of the unprinted record herein submitted, finds that there is no grounds upon which a writ of certiorari should be issued. The petition for writ of certiorari is therefore also denied. The costs already incurred herein shall be paid by the clerk as provided in the order of October 29, 1926.

No. 632. *A. Spates Brady*, appellant, *v. The United States of America et al.* The motion to advance this case for argument following No. 384 is denied.

No. 543. *Minneapolis, St. Paul & Sault Ste. Marie Railway Company*, petitioner, *v. Noah Moquin*. Further consideration of the motion to dismiss or affirm is postponed to the hearing of the case on its merits.

No. 546. *Joe C. Lamm*, appellant, *v. Silver Falls Timber Company*. Appeal from the Supreme Court of the State of Oregon. *Per curiam*: The appeal herein is dismissed for the want of a substantial Federal question. *Wabash R. R. Co. v. Flannigan*, 192 U. S. 29; *Erie R. R. Co. v. Solomon*, 237 U. S. 427; *Zucht v. King*, 260 U. S. 174; *Sugarman v. The United States*, 249 U. S. 182; *C. A. King & Co. v. Horton*, 276 U. S. 600; *Bank of Indianola v. Miller*, 276 U. S. 605; *Roe v. Kansas*, 278 U. S. 191.

No. 547. *Charles W. Varrelman*, appellant, *v. Flora Logging Company*. Appeal from the Supreme Court of the State of Oregon. *Per curiam*: The appeal herein is dismissed for the want of a substantial Federal question. *Wabash R. R. Co. v. Flannigan*, 192 U. S. 29; *Erie R. R. Co. v. Solomon*, 237 U. S. 427; *Zucht v. King*, 260 U. S. 174; *Sugarman v. The United States*, 249 U. S. 182; *C. A. King & Co. v. Horton*, 276 U. S. 600; *Bank of Indianola v. Miller*, 276 U. S. 605; *Roe v. Kansas*, 278 U. S. 191.

No. 50. The Wisconsin Electric Company, petitioner, *v.* The Du-more Company. On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. *Per curiam:* It appearing that the asserted conflict in decisions arises from differences in states of fact, and not in the application of a principle of law, the writ of certiorari is dismissed as improvidently granted.

No. 62. The Daily Pantagraph, Inc., petitioner, *v.* The United States. On writ of certiorari to the Court of Claims. *Per curiam:* On confession of error by the respondent, the United States, the judgment is reversed so far as it relates to the question of the reduction of invested capital by reason of dividends paid, being the question under review by this Court.

No. 71. Michael Adam, petitioner, *v.* The New York Trust Company, Trustee. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. *Per curiam:* The writ of certiorari herein is dismissed as improvidently granted.

No. 586. Charles R. Berney, petitioner, *v.* The United States of America; and

No. 587. Maurice Bloom, petitioner, *v.* The United States of America. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 608. Wyoming National Bank of Casper, Wyoming, petitioner, *v.* Omaha National Bank of Omaha et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 609. Sheppard and Myers, Incorporated, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

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The Chief Justice also announced the following order:

#### ORDER

The Court will take a recess from Monday, February 2, until Tuesday, February 24 next.

No. 618. The United States of America, *ex rel.* Ethel M. McLennan, petitioner, *v.* Ray Lyman Wilbur, Secretary of the Interior. Submission of petition for writ of certiorari postponed until February 24 next, on motion of Mr. Solicitor General Thacher for the respondent.

No. 14, original. The United States of America, complainant, *v.* The State of Utah. Complainants exceptions to the report of the special master submitted by Mr. Solicitor General Thacher for the complainant.

No. 14, original. The United States of America, complainant, *v.* The State of Utah. Defendant's exceptions to the report of the special master submitted by Mr. George P. Parker, Mr. Waldemar Van Cott, Mr. George D. Parkinson, Mr. William A. Hilton, and Mr. P. T. Farnsworth, jr., for the defendants.

No. 596. Graniteville Manufacturing Company, appellant, *v.* W. G. Query, J. P. Derham, et al., etc. Motion to advance submitted by Mr. William R. Watkins in behalf of Mr. P. F. Henderson for the appellant.

No. —, original. *Ex Parte*: Will A. Jackson, petitioner. Motion for leave to file petition for writ of *mandamus* submitted by Mr. Crandall Mackey for the petitioner.

No. 87. Seth M. Milliken, Gerrish H. Milliken, et al., Executors, etc., petitioners, *v.* The United States of America. Leave granted to file brief of Edward H. Blanc and Russell L. Bradford, as *amici curiae*, on motion of Mr. Chester A. Gwinn in that behalf.

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No. —, original. *Ex Parte*: Frank Dial, petitioner. Motion for leave to file petition for writ of *mandamus* submitted by Mr. Frank Dial, *pro se*.

No. 567. The Denver and Salt Lake Railroad Company, appellant, *v.* The Board of County Commissioners of Routt County; and

No. 568. The Denver and Salt Lake Railroad Company, appellant, *v.* The Board of County Commissioners of Moffat County, Colorado. Statement as to jurisdiction submitted by Mr. Elmer L. Brock for the appellant, in support thereof, and by Mr. Thomas M. Woodward for the appellees, in opposition thereto.

No. 574. S. H. Bevins, appellant, *v.* State of Iowa. Statement as to jurisdiction submitted by Mr. Donald Evans for the appellant, in support thereof, and by Mr. John Fletcher and Mr. Neill Garrett for the appellee, in opposition thereto.

No. 610. Edward Roos, petitioner, *v.* Texas Company of Mexico, S. A. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. J. B. Le-wright and Mr. R. L. Batts for the petitioner, and by Mr. C. B. Ames and Mr. S. J. Brooks for the respondent.

No. 611. Hubert Seabolt, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. A. M. Belcher for the petitioner, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Youngquist, Mr. Mahlon D. Kiefer, Mr. A. E. Gottschall, and Mr. W. Marvin Smith for the respondent.

No. 612. Anne Nichols, petitioner, *v.* Universal Pictures Corporation et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Moses L. Malevinsky for the petitioner, and by Mr. Siegfried F. Hartman for the respondents.

No. 613. Missouri-Kansas-Texas Railroad Company, petitioner, *v.* Joseph P. Kamer. Petition for writ of certiorari to the Supreme Court of the State of Missouri submitted by Mr. Joseph M. Bryson and Mr. C. S. Burg for the petitioner, and by Mr. Jesse W. Barrett for the respondent.

No. 617. Duke Power Company, Formerly Southern Power Company, petitioner, *v.* David Burnet, Commissioner, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. H. H. Shelton for the petitioner, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Youngquist, Mr. Sewall Key, Mr. W. Marvin Smith, Mr. C. M. Charest, and Mr. Allin H. Pierce for the respondent.

No. 619. Chili Fish et al., petitioners, *v.* Walter Wise et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit submitted by Mr. Robert L. Owen, Mr. Frank J. Boudinot, Mr. D. H. Linebaugh, and Mr. Henry G. Thomas for the petitioners, and by Mr. James A. Veasey and Mr. Lloyd G. Owen for the respondents.

No. 628. Blakely D. McCaughn, formerly Collector, etc., petitioner, *v.* Zelia Gross Carnill, Executrix, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Solicitor General Thacher for the petitioner.

No. 633. United States Hoffman Machinery Corporation, petitioner, *v.* Pantex Pressing Machine, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Charles Neave for the petitioner, and by Mr. Thomas G. Haight, Mr. J. Granville Meyers, Mr. Charles S. Jones, and Mr. T. J. Johnston for the respondent.

No. 634. Tropic-Aire, Incorporated, petitioner, *v.* Sears, Roebuck & Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. A. C. Paul and Mr. Maurice M. Moore for the petitioner, and by Mr. Otto Raymond Barnett for the respondent.

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No. 72. B. K. Isaacs, as Trustee, etc., *v.* Hobbs Tie & Timber Company. Argument continued by Mr. John R. Duty for Hobbs Tie &

Timber Company, and concluded by Mr. William R. Watkins for Isaacs, trustee.

No. 73. Chesapeake and Ohio Railway Company, appellant, *v.* The United States of America et al. Argument commenced by Mr. Robert B. Tunstall for the appellants; continued by Mr. Nelson Thomas for the appellees, the United States and Interstate Commerce Commission; and by Mr. John H. Holt, for the appellees, Guyandot and Tug River R. R. Co., and Norfolk and Western Ry. Co.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, January 27, will be as follows: Nos. 73, 74, 114, 76, 77, 79 (and 80), 81, 82, 87, and 88.

## SUPREME COURT OF THE UNITED STATES

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Present: The Chief Justice, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, and Mr. Justice Roberts.

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Kenneth M. Stevens, of Detroit, Mich.; Paul Warren Voochies, of Detroit, Mich.; John F. Raper, of Sheridan, Wyo.; Howard W. Cavanagh, of Battle Creek, Mich.; Sam Beber, of Omaha, Nebr.; and Raymond M. White, of New York City, were admitted to practice.

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**No. 73.** Chesapeake and Ohio Railway Company, appellant, *v.* The United States of America et al. Argument continued by Mr. John H. Holt for the appellees, Guyandot and Tug River R. R. Co. and Norfolk and Western Ry. Co., and concluded by Mr. Robert B. Tunstall for the appellant.

**No. 74.** The United States of America, petitioner, *v.* Anthony LaFranca. Argued by Mr. Assistant Attorney General Youngquist for the petitioner, and by Mr. E. Howard McCaleb, jr., for the respondent.

**No. 114.** Various Items of Personal Property, etc., et al., petitioners, *v.* The United States of America. Argued by Mr. Lewis Landes for the petitioners, and by Mr. Assistant Attorney General Youngquist for the respondent.

**No. 76.** Frank E. Furst and Fred G. Thomas, Partners, etc., appellants, *v.* James G. Brewster et al. Argument commenced by Mr. Frank F. Nesbit for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, January 28, will be as follows: Nos. 76, 77, 79 (and 80), 81, 82, 87, 88, 91, 92, and 125.



## SUPREME COURT OF THE UNITED STATES

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Present: The Chief Justice, Mr. Justice Van Devanter, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, and Mr. Justice Roberts.

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Henry F. Tenney, of Chicago, Ill.; George T. Rogers, of Chicago, Ill.; William C. Larson, of Minneapolis, Minn.; Roy A. Fulcher, of Clarendon, Va.; Arthur Markve, of Minneapolis, Minn.; and John A. Osoinach, of Cincinnati, Ohio, were admitted to practice.

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No. 76. Frank E. Furst and Fred G. Thomas, partners, etc., appellants, *v.* James G. Brewster et al. Argument concluded by Mr. Frank F. Nesbit for the appellants. No appearance for the appellees.

No. 77. Hannah M. Smith, Administratrix, etc., petitioner, *v.* Magic City Kennel Club, Inc., et al. Argued by Mr. E. Howard McCaleb for the petitioner, and by Mr. Arthur C. Brown for the respondent.

No. 79. The United States of America, petitioner, *v.* Theodore Michel; and

No. 80. The United States of America, petitioner, *v.* Louis Krieger. Argued by Mr. Assistant Attorney General Youngquist for the petitioners, and by Mr. Donald Horne for the respondents.

No. 81. Henry Choteau, petitioner, *v.* David Burnet, Commissioner of Internal Revenue. Argument commenced by Mr. T. J. Leahy for the petitioner.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, January 29, will be as follows: Nos. 81, 82, 87, 88, 91, 92, 125, 336, 103, and 116.

## SUPREME COURT OF THE UNITED STATES

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Present: The Chief Justice, Mr. Justice Holmes, Mr. Justice Van Devanter, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, and Mr. Justice Roberts.

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Milton R. Weinberger, of New York City, was admitted to practice.

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No. 81. Henry Choteau, petitioner, *v.* David Burnet, Commissioner of Internal Revenue. Argument continued by Mr. T. J. Leahy for the petitioner, and concluded by Mr. Assistant Attorney General Youngquist for the respondent.

No. 82. The State of Alabama, petitioner, *v.* The United States. Argument commenced by Mr. Oscar W. Underwood, jr., for the petitioner, continued by Mr. Solicitor General Thacher for the respondent, and concluded by Mr. Thomas E. Knight, jr., for the petitioner.

No. 87. Seth M. Milliken et al., Executors, petitioner, *v.* The United States. Argued by Mr. D. A. Embury for the petitioners, and by Mr. Assistant Attorney General Rugg for the respondent.

No. 88. The United States of America et al., appellants, *v.* Atlanta, Birmingham & Coast Railroad Company. Argument commenced by Mr. Assistant to the Attorney General O'Brian for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, January 30, will be as follows: Nos. 88 and 91.

SUPREME COURT OF THE UNITED STATES

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Present: The Chief Justice, Mr. Justice Holmes, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, and Mr. Justice Roberts.

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Allen G. Gartner, of Nashville, Tenn.; Howard Ellis, of Chicago, Ill.; and Calvin H. Lisman, of Dixon, Ky., were admitted to practice.

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No. 88. The United States of America et al., appellants, *v.* Atlanta, Birmingham & Coast Railroad Company. Argument continued by Mr. Assistant to the Attorney General O'Brian for the petitioners, and concluded by Mr. Robert C. Alston for the appellee.

No. 91. J. M. Near, appellant, *v.* The State of Minnesota *ex rel.* Floyd B. Olson, County Attorney, etc. Argument commenced by Mr. Weymouth Kirkland for the appellant, continued by Mr. James E. Markham and Mr. Arthur L. Markve for the appellee, and concluded by Mr. Weymouth Kirkland for the appellant.

No. 103. Harry F. Waite, petitioner, *v.* The United States. Submitted by Mr. O. Ellery Edwards for the petitioner, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Rugg, Mr. Claude R. Branch, Mr. Percy M. Cox, and Mr. W. Marvin Smith for the respondent.

Adjourned until Monday, February 2 next, at 12 o'clock.

## SUPREME COURT OF THE UNITED STATES

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Present: The Chief Justice, Mr. Justice Holmes, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, and Mr. Justice Roberts.

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Archie K. Shipe, of Washington, D. C.; Edward Sonnenschein, of Chicago, Ill.; Fred H. Hasty, of Charlotte, N. C.; Harold A. Stewart, of Pittsburgh, Pa.; Basil M. Boyd, of Charlotte, N. C.; M. B. Silberberg, of Los Angeles, Calif.; Charles W. Mehaffy, of Little Rock, Ark.; Paul N. McCloskey, of San Bernardino, Calif.; Harry D. Michael, of Crawfordsville, Ind.; Fred G. Johnson, of Hastings, Nebr.; Sidney S. Bobbe, of Larchmont, N. Y.; Homer Franklin Phillips, of Washington, D. C.; Jetter McKinley Scarborough, of Charlotte, N. C.; Patrick J. Tierney, of Plattsburgh, N. Y.; and William Chapman Revercomb, of Charleston, W. Va., were admitted to practice.

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No. 8, original. The State of Louisiana, complainant, *v.* The State of Mississippi. Decree to be entered as recommended by the master. The parties are accorded 40 days within which to submit a decree in accordance with this opinion. Opinion announced by Mr. Justice Roberts.

No. 56. The United States, petitioner, *v.* Swift and Company. On writ of certiorari to the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Roberts.

No. 42. The United States of America, petitioner, *v.* Boston Buick Company; and

No. 43. The United States of America, petitioner, *v.* Iron Cap Copper Company. On writs of certiorari to the United States Circuit Court of Appeals for the First Circuit. Judgments affirmed and causes remanded to the District Court of the United States for the District of Massachusetts. Opinion by Mr. Justice Roberts.

No. 113. The Pottstown Iron Company, petitioner, *v.* The United States. On writ of certiorari to the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Roberts.

No. 46. Louis H. Ensten and Lion Knitting Mills Company, petitioners, *v.* Simon Ascher & Company, Inc. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Decree affirmed with costs, and cause remanded to the District Court of the United States for the Southern District of New York. Opinion by Mr. Justice McReynolds.

No. 55. Railway Express Agency, Inc., appellant, *v.* The Commonwealth of Virginia. Appeal from the Supreme Court of Appeals of the State of Virginia. Judgment affirmed with costs. Opinion by Mr. Justice Holmes.

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The Chief Justice announced the following orders of the Court:

No —, original. *Ex parte*: Will A. Jackson, petitioner. The motion for leave to file petition for writ of *mandamus* is denied.

No. —, original. *Ex parte*: Charles A. Stutzman, petitioner. The motion for leave to file petition for writ of *mandamus* and for leave to proceed *in forma pauperis* is denied.

No. —, original. *Ex parte*: Frank Dial, petitioner. The motion for leave to file petition for writ of *mandamus* is denied.

No. 596. Graniteville Manufacturing Company, appellant, *v.* W. G. Query, J. P. Derham, et al., etc. The motion to advance this case is granted, and the case is advanced and assigned for argument on Monday, March 9 next, after the case heretofore assigned for that day.

No. 16. The State of Florida et al., appellants, *v.* The United States of America et al.;

No. 17. Brooks-Scanlon Corporation et al., appellants, *v.* The United States of America et al.; and

No. 18. Wilson Lumber Company of Florida, appellant, *v.* The United States of America et al. The motions to withhold the issuance of the mandates in these cases are denied.

No. 567. The Denver and Salt Lake Railroad Company, appellant, *v.* The Board of County Commissioners of Routt County; and

No. 568. The Denver and Salt Lake Railroad Company, appellant, *v.* The Board of County Commissioners of Moffat County, Colorado. Appeals from the Supreme Court of the State of Colorado. *Per curiam*: The appeals herein are dismissed for the want of jurisdiction. Sec. 237 (a), Judicial Code, as amended by the act of February 13, 1925 (43 Stat. 936, 937). Treating the papers whereon the appeals in these causes were allowed as petitions for writs of certiorari (sec. 237 (c) Judicial Code, as amended, 43 Stat. 936, 938), consideration thereof is postponed, and leave is granted

to petitioners to file briefs supporting applications for certiorari within 15 days, with 10 days for opposing counsel to reply. The clerk shall cause the record to be printed and, on the first motion day after the expiration of the time granted to the parties for the filing of briefs, shall submit these cases to the Court for further consideration.

No. 574. S. H. Bevins, appellant, *v.* State of Iowa. Appeal from the Supreme Court of the State of Iowa. *Per curiam*: The appeal herein is dismissed for the want of a substantial Federal question. (1) *Nash v. The United States*, 229 U. S. 373; *Omaechevarria v. Idaho*, 246 U. S. 343; *Hygrade Provision Co. v. Sherman*, 266 U. S. 497, 501. (2) *Huntington v. Worthen*; *Little Rock & Fort Smith Ry. v. Worthen*, 120 U. S. 97, 102.

No. 610. Edward Roos, petitioner, *v.* Texas Company of Mexico, S. A. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 611. Hubert Seabolt, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 612. Anne Nichols, petitioner, *v.* Universal Pictures Corporation et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 613. Missouri-Kansas-Texas Railroad Company, petitioner, *v.* Joseph P. Kamer. Petition for writ of certiorari to the Supreme Court of the State of Missouri denied.

No. 617. Duke Power Company, formerly Southern Power Company, petitioner, *v.* David Burnet, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 619. Chili Fish, Allan Crain, et al., petitioners, *v.* Walter Wise et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 562. Arvey Moore, petitioner, *v.* Carter Oil Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 633. United States Hoffman Machinery Corporation, petitioner, *v.* Pantex Pressing Machine, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 634. Tropic-Aire, Inc., petitioner, *v.* Sears, Roebuck & Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.



No. 615. Ernest C. Marty et al., petitioners, *v.* John D. Nagle, Commissioner of Immigration, etc. Submission of petition for writ of certiorari postponed until February 24 next, on motion of Mr. Solicitor General Thacher for the respondent.

No. 16, original. The State of New Jersey, complainant, *v.* The State of New York and The City of New York. Report of the special master submitted by Mr. Charles N. Burch.

No. 17, original. The State of New Jersey, complainant, *v.* The City of New York. Motion for leave to file amended answer and to withdraw answer previously filed submitted by Mr. Elliott S. Benedict for the defendant in support thereof, and by Mr. William A. Stevens and Mr. Duane E. Minard for the complainant in opposition thereto.

No. 49. Bain Peanut Company of Texas et al., appellants, *v.* Dave Pinson et al. Motion to stay issuance of mandate submitted by Mr. B. G. Mansell for the appellants.

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No. 683. Alfred Scott Aldridge, petitioner, *v.* The United States of America. Motion for leave to proceed *in forma pauperis* submitted by Mr. James F. Reilly for the petitioner.

No. 590. Henry Fritzing, appellant, *v.* The People of the State of Illinois et al. Statement as to jurisdiction submitted by Mr. Henry Fritzing, *pro se*, in support thereof, and by Mr. Oscar E. Carlstrom and Mr. Russell O. Hanson for the appellees in opposition thereto.

No. 591. Henry Fritzing, appellant, *v.* The People of the State of Illinois et al. Statement as to jurisdiction submitted by Mr. Henry Fritzing, *pro se*, in support thereof, and by Mr. Oscar E. Carlstrom and Mr. Russell O. Hanson for the appellees in opposition thereto.

No. 614. J. F. Johnson and John R. Mussen, petitioners, *v.* The City of Los Angeles et al. Petition for writ of certiorari to the Supreme Court of the State of California submitted by Mr. Gurney E. Newlin for the petitioners, and by Mr. Erwin P. Werner and Mr. Frederick von Schrader for the respondents.

No. 616. Walstein G. Smith, as Treasurer, etc., petitioner, *v.* Wood Freeman. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. John Rustgard for the petitioner, and by Mr. Martin J. Lund for the respondent.

No. 629. Chasm Power Company et al., petitioners, *v.* Village of Chateaugay. Petition for writ of certiorari to the Supreme Court

of the State of New York submitted by Mr. Frank Irvine for the petitioners, and by Mr. Patrick J. Tierney for the respondent.

**No. 630.** De Forest Radio Company, petitioner, *v.* General Electric Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Samuel E. Darby, jr., and Mr. Thomas G. Haight for the petitioner, and by Mr. Ralph B. Evans, Mr. Hubert Howson, and Mr. Albert G. Davis for the respondent.

**No. 647.** International Harvester Company, petitioner, *v.* Mississippi Land Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. George W. Morgan, Mr. Frank B. Kellogg, Mr. Cleon Headley, Mr. Horace Kent Tenney, and Mr. John P. Wilson for the petitioner, and by Mr. C. E. Elmquist for the respondent.

**No. 652.** The Central Railroad Company of New Jersey, petitioner, *v.* Stella Hart. Petition for writ of certiorari to the Court of Common Pleas, Hudson County, State of New Jersey, submitted by Mr. Charles E. Miller for the petitioner, and by Mr. Charles Hershenstein for the respondent.

**No. 667.** Gordon Oil Company, Inc., petitioner, *v.* Cities Service Refining Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit submitted by Mr. Harry G. Seligman for the petitioner.

Adjourned until Tuesday, February 24 next, at 12 o'clock.

The day call for Tuesday, February 24, will be as follows: Nos. 14, original, 425, 552, 316, 393, 387, 535, 581, 542, and 64.

## SUPREME COURT OF THE UNITED STATES

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Present: The Chief Justice, Mr. Justice Holmes, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, and Mr. Justice Roberts.

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No. 606. The United States of America, appellant, *v.* William H. Sprague and William J. Howey. Appeal from the District Court of the United States for the District of New Jersey. Judgment reversed and cause remanded to the said District Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Roberts. The Chief Justice took no part in the consideration or decision of this case.

No. 72. B. K. Isaacs, as Trustee in Bankruptcy of the Estate of Henrietta E. Cunningham, bankrupt, *v.* Hobbs Tie & Timber Company. On certificate from the United States Circuit Court of Appeals for the Eighth Circuit. Judgment of the District Court of the United States for the Western District of Arkansas reversed with costs and cause remanded to the said District Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Roberts.

No. 448. Aaron Prussian, petitioner, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment affirmed and cause remanded to the District Court of the United States for the Eastern District of New York. Opinion by Mr. Justice Stone.

No. 58. Oxford Paper Company, petitioner, *v.* Steamship "Nidarholm," A. S. Nidaros. On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit. Decree affirmed with costs and cause remanded to the District Court of the United States for the District of Maine. Opinion by Mr. Justice Stone.

No. 370. J. W. Alford, petitioner, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgment reversed and cause remanded to the District Court of the United States for the Southern District of California for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Stone.

No. 477. Richard Husty and Charles Laurel, petitioners, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. Judgment

reversed and cause remanded to the District Court of the United States for the Western District of Michigan for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Stone.

**No. 51.** Saranac Automatic Machine Corporation, petitioner, *v.* Wirebounds Patents Company et al. On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. Decree reversed with costs and cause remanded to the District Court of the United States for the Western District of Michigan for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Stone.

**No. 33.** Harold J. Coolidge and Augustus P. Loring, Trustees, appellants, *v.* Henry F. Long, Commissioner of Corporations and Taxation of the Commonwealth of Massachusetts; and

**No. 34.** Harold J. Coolidge and Augustus P. Loring, Trustees, appellants, *v.* Henry F. Long, Commissioner of Corporations and Taxation of the Commonwealth of Massachusetts. Appeals from the Probate Court of Norfolk County, State of Massachusetts. Decrees reversed with costs and cases remanded to the said Probate Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Butler. Dissenting opinion by Mr. Justice Roberts in which Mr. Justice Holmes, Mr. Justice Brandeis, and Mr. Justice Stone concur.

**No. 352.** *V.* Loewers Gambrinus Brewery Company, petitioner, *v.* Charles W. Anderson, individually and as Collector of Internal Revenue of the United States. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment of the Circuit Court of Appeals reversed and the judgment of the District Court of the United States for the Southern District of New York affirmed with costs, and the cause remanded to the said District Court. Opinion by Mr. Justice Butler. Mr. Justice Stone concurs in the result.

**No. 109.** David Burnet, Commissioner of Internal Revenue, petitioner, *v.* National Industrial Alcohol Company, Inc. On writ of certiorari to the Court of Appeals of the District of Columbia. Judgment affirmed and cause remanded to the said Court of Appeals. Opinion by Mr. Justice Butler.

**No. 61.** David Burnet, Commissioner of Internal Revenue, petitioner, *v.* Niagara Falls Brewing Company and Paul A. Schoellkopf, Charles E. Haeberle, et al., etc. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment affirmed and cause remanded to the said Circuit Court of Appeals. Opinion by Mr. Justice Butler.

No. 79. The United States of America, petitioner, *v.* Theodore Michel; and

No. 80. The United States of America, petitioner, *v.* Louis Krieger. On writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgments reversed and cases remanded to the District Court of the United States for the Southern District of New York for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Butler.

No. 12, original. The State of Connecticut, complainant, *v.* The Commonwealth of Massachusetts. Bill of complaint dismissed without prejudice as indicated in the opinion. A form of decree to be prepared and submitted by counsel in consonance with the decision. Opinion by Mr. Justice Butler.

No. 38. Axel Langnes, Owner of the Diesel Halibut Vessel "Aloha," her engines, etc., petitioner, *v.* Winfield A. Green, claimant. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Decrees of the Circuit Court of Appeals and the District Court of the United States for the Western District of Washington reversed with costs, and the cause remanded to the said District Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Sutherland.

No. 278. Concordia Insurance Company of Milwaukee, petitioner, *v.* School District No. 98 of Payne County, State of Oklahoma;

No. 279. Royal Insurance Company, Ltd., petitioner, *v.* School District No. 98 of Payne County, State of Oklahoma;

No. 280. National Fire Insurance Company, petitioner, *v.* School District No. 98 of Payne County, State of Oklahoma; and

No. 281. Fire Association of Philadelphia, petitioner, *v.* School District No. 98 of Payne County, State of Oklahoma. On writs of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit. Judgments affirmed with costs and cases remanded to the District Court of the United States for the Western District of Oklahoma. Opinion by Mr. Justice Sutherland.

No. 57. Story Parchment Company, petitioner, *v.* The Paterson Parchment Paper Company and Kalamazoo Vegetable Parchment Company. On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit. Judgment of the Circuit Court of Appeals reversed and judgment of the District Court of the United States for the District of Massachusetts affirmed with costs, and cause remanded to the said District Court. Opinion by Mr. Justice Sutherland.

No. 74. The United States of America, petitioner, *v.* Anthony La Franca. On writ of certiorari to the United States Circuit Court of



Appeals for the Fifth Circuit. Judgment affirmed and cause remanded to the District Court of the United States for the Eastern District of Louisiana for further proceedings in conformity with the opinion of this Court, without prejudice to the further consideration and determination by the District Court of the question of liability in respect of the item of \$4.68. Opinion by Mr. Justice Sutherland.

No. 114. Various Items of Personal Property, etc.; The Waterloo Distilling Corporation et al., petitioners *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment affirmed and cause remanded to the District Court of the United States for the Western District of New York. Opinion by Mr. Justice Sutherland.

No. 47. Fullerton Lumber Company, petitioner, *v.* Chicago, Milwaukee, St. Paul & Pacific Railroad Company. On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Judgment reversed with costs and cause remanded to the District Court of the United States for the District of Minnesota for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Brandeis.

No. 88. The United States of America and Interstate Commerce Commission, appellants, *v.* Atlanta, Birmingham & Coast Railroad Company. Appeal from the District Court of the United States for the Northern District of Georgia. Decree reversed and cause remanded to the said District Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Brandeis.

No. 41. Leslie T. Alward, petitioner, *v.* C. G. Johnson, Treasurer of the State of California. On writ of certiorari to the Supreme Court of the State of California. Judgment affirmed with costs. Opinion by Mr. Justice McReynolds.

No. 60. U. G. Denman, Administrator of Charles H. Nauts, Collector of Internal Revenue, petitioner, *v.* W. L. Slayton. On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. Judgment reversed with costs, and cause remanded to the District Court of the United States for the Northern District of Ohio for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice McReynolds.

No. 49. Bain Peanut Company of Texas and United States Fidelity & Guaranty Company, appellants, *v.* Dave Pinson and G. B. Guyger. Appeal from the Court of Civil Appeals for the Eleventh Supreme Judicial District, State of Texas. Order dismissing appeal vacated. Judgment affirmed with costs. Opinion by Mr. Justice Holmes.



**No. 82.** The State of Alabama, petitioner, *v.* The United States. On writ of certiorari to the Court of Claims. Judgment reversed and cause remanded to the said Court of Claims with direction that the petition be dismissed for want of jurisdiction. Opinion by Mr. Justice Holmes.

**No. 103.** Harry F. Waite, petitioner, *v.* The United States. On writ of certiorari to the Court of Claims. Judgment reversed and cause remanded to the said Court of Claims for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Holmes.

**No. 39.** Russian Volunteer Fleet, petitioner, *v.* The United States. On writ of certiorari to the Court of Claims. Judgment reversed and cause remanded to the said Court of Claims for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Chief Justice Hughes.

**No. 76.** Frank E. Furst and Fred G. Thomas, partners, doing business under the Firm Name of Furst & Thomas, appellants, *v.* James G. Brewster, Ed. A. Davis, and Henry M. Beaty. Appeal from the Supreme Court of the State of Arkansas. Judgment reversed with costs and caused remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Chief Justice Hughes.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, February 25, will be as follows: Nos. 14, original, 425, 552, 316, 393, 387, 535, 581, 542, and 64.

## SUPREME COURT OF THE UNITED STATES

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Present: The Chief Justice, Mr. Justice Holmes, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, and Mr. Justice Roberts.

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Samuel W. McCart, of New York City; Francis Hartwell Fassett, of Dayton, Ohio; Arthur W. Pettit, of Chicago, Ill.; Arthur H. Geissler, of Oklahoma City, Okla.; William H. Atkinson, of San Francisco, Calif.; L. G. Pefferle, of Springfield, Ill.; Thomas G. Goulden, of San Francisco, Calif.; Richard Spencer, of Chicago, Ill.; Howard Somervell, of Chicago, Ill.; John L. Dorsey, jr., of Henderson, Ky.; Fielding J. Pentecost, of Henderson, Ky.; Paul Amundson, of Boston, Mass.; Jack Lee, of Omaha, Nebr.; James S. Bennett, of Los Angeles, Calif.; John H. Pigg, of London, Ky.; Harry C. C. Koehne, of New Port, R. I.; Oscar A. Ahlgren, of Whiting, Ind.; George O. Compton, of Columbia City, Ind.; Roscoe T. York, of Scottsbluff, Nebr.; M. Vincent Carter, of Kemmerer, Wyo.; David E. Lilienthal, of Chicago, Ill.; James Fred Upchurch, of Corsicana, Tex.; and Floyd E. Huntley, of St. Paul, Minn., were admitted to practice.

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No. 333. Louisville & Nashville Railroad Company, Illinois Central Railroad Company, The Baltimore & Ohio Railroad Company, et al., etc., appellants, *v.* United States of America. Interstate Commerce Commission, and J. W. Cammack, Attorney General of the State of Kentucky. Appeal from the District Court of the United States for the Western District of Kentucky. Decree affirmed. Opinion by Mr. Chief Justice Hughes. Mr. Justice McReynolds, and Mr. Justice Sutherland, are of opinion that the decree of the court below should be reversed.

No. 517. The Kansas City Southern Railway Company and Texarkana and Fort Smith Railway Company, appellants, *v.* The United States of America and Interstate Commerce Commission. Appeal from the District Court of the United States for the Western District of Missouri. Decree affirmed. Opinion by Mr. Chief Justice Hughes.

No. 63. Abie State Bank, appellant, *v.* Charles W. Bryan, as Governor of the State of Nebraska; Clarence G. Bliss, as Secretary of the Department of Trade and Commerce; T. W. Bass, as Treasurer, etc., et al. Appeal from the Supreme Court of the State of Nebraska. Decree affirmed with costs. Opinion by Mr. Chief Justice Hughes.

No. 77. Hannah M. Smith, Administratrix of Estate of Owen P. Smith, Deceased, petitioner, *v.* Magic City Kennel Club, Inc., and John J. Shaughnessy. On writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit. Decree affirmed with costs and cause remanded to the District Court of the United States for the Northern District of Oklahoma. Opinion by Mr. Chief Justice Hughes.

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The Chief Justice announced the following orders of the Court:

No. 16, original. The State of New Jersey, complainant, *v.* The State of New York and The City of New York. The report of the Special Master is received and ordered to be filed. Exceptions by the parties, if any, shall be filed on or before Monday, March 16 next, and the case is assigned for hearing on such exceptions, if any, on Monday, April 13 next. Briefs in support of any exceptions are to be filed two weeks before the date fixed for hearing. Reply briefs, if any, are to be filed one week before such hearing.

No. 17, original. The State of New Jersey, complainant, *v.* The City of New York. The motion of the defendant for leave to file an amended answer and to withdraw the answer heretofore filed in this cause, is granted:

*Provided*, That the complainant's reply to the original answer may, if desired, be deemed the reply to the amended answer and that all proceedings heretofore taken herein shall stand and shall be regarded as having been taken as if the amended answer had been originally filed, and without reopening the evidence.

No. 683. Alfred Scott Aldridge, petitioner, *v.* The United States of America. The motion for leave to proceed further herein *in forma pauperis* is granted. The petition for writ of certiorari is also granted, limited to the question raised by the exception to the ruling of the trial court on the examination on *voir dire* of prospective jurors. The case is advanced and assigned for argument on Monday, March 16 next, at the head of the call for that day. The record shall be printed at public expense (Act June 27, 1922, 42 Stat. 666; U. S. C., Title 28, Sec. 832), and the clerk shall cause the petition and the briefs for the petitioner to be printed and shall pay the expense thereof, together with the costs in the case in the manner provided in the order of October 29, 1926.

No. 590. Henry Fritzing, appellant, *v.* The People of the State of Illinois, Frank Le Roy Lawson, et al. Appeal from the Supreme Court of the State of Illinois. *Per curiam*: The appeal herein is dismissed for the want of jurisdiction. Sec. 237 (a) Judicial Code, as amended by the Act of February 13, 1925 (43 Stat. 936, 937). Treating the papers whereon the appeal was allowed as a petition for writ of certiorari, as required by section 237 (c) Judicial Code as amended (43 Stat. 936, 938), the petition is denied.

No. 591. Henry Fritzing, appellant, *v.* The People of the State of Illinois, Samuel Wade, et al. Appeal from the Supreme Court of the State of Illinois. *Per curiam*: The appeal herein is dismissed for the want of jurisdiction. Section 237 (a) Judicial Code, as amended by the Act of Feb. 13, 1925 (43 Stat. 936, 937). Treating the papers whereon the appeal was allowed as a petition for writ of certiorari, as required by section 237 (c) Judicial Code, as amended (43 Stat. 936, 938), the petition is denied.

No. 630. De Forest Radio Company, petitioner, *v.* General Electric Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit granted.

No. 614. J. F. Johnson and John R. Mussen, petitioners, *v.* The City of Los Angeles et al. Petition for writ of certiorari to the Supreme Court of the State of California denied.

No. 616. Walstein G. Smith, as Treasurer of the Territory of Alaska, petitioner, *v.* Wood Freeman. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 629. Chasm Power Company, Plattsburgh Gas and Electric Company et al., petitioners, *v.* Village of Chateaugay. Petition for writ of certiorari to the Supreme Court of the State of New York denied.

No. 647. International Harvester Company, petitioner, *v.* Mississippi Land Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 652. The Central Railroad Company of New Jersey, petitioner, *v.* Stella Hart. Petition for writ of certiorari to the Court of Common Pleas, Hudson County, State of New Jersey, denied.

No. 667. Gordon Oil Company, Inc., petitioner, *v.* Cities Service Refining Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 7, original. The United States, complainant, *v.* The State of Minnesota. Bill of complaint dismissed with prejudice on motion of Mr. Solicitor General Thacher for the complainant.

No. 615. Ernest C. Marty et al., petitioners *v.* John D. Nagle, Commissioner, etc. Submission of petition for writ of certiorari postponed until March 9 next, on motion of Mr. Solicitor General Thacher for the respondent.

No. 635. Merchants Warehouse Company, appellant, *v.* The United States of America et al.;

No. 636. Merchants Warehouse Company et al., appellants, *v.* The United States of America, et al.;

No. 637. The United States of America et al., appellants, *v.* Merchants Warehouse Company et al.;

No. 638. The Pennsylvania Warehousing and Safe Deposit Company, appellant, *v.* The United States of America, et al.;

No. 639. The Pennsylvania Warehousing and Safe Deposit Company et al., appellants, *v.* The United States of America, et al.;

No. 640. The United States of America et al., appellants, *v.* The Pennsylvania Warehousing and Safe Deposit Company et al.;

No. 641. The Philadelphia Warehousing and Cold Storage Company, appellant, *v.* The United States of America et al.;

No. 642. Philadelphia Warehousing and Cold Storage Company et al., appellants, *v.* The United States of America et al.; and

No. 643. The United States of America et al., appellants, *v.* The Philadelphia Warehousing and Cold Storage Company et al. Motion to advance submitted by Mr. Solicitor General Thacher, in that behalf.

No. 745. David Burnet, Commissioner of Internal Revenue, petitioner, *v.* William L. Nevin, Executor, etc. Motion to advance to be heard following case No. 252 submitted by Mr. Solicitor General Thacher for the petitioner.

No. 103. Harry F. Waite, petitioner, *v.* The United States. Mandate granted on motion of Mr. O. Ellery Edwards for the petitioner.

No. 124. The First National Bank of Chicago, a National Banking Association, petitioner, *v.* The United States. Leave granted to file brief of Bank of Commerce & Trust Company, as *amicus curiae*, on motion of Mr. John E. McClure in that behalf.

No. 134. North Bend Stage Line, Inc., appellant, *v.* John C. Denney, Director, C. Rea Moore, Supervisor of Public Utilities, et al. Motion for leave to file brief of Stephen V. Carey, as *amicus curiae*, submitted by Mr. James F. Reilly, and the motion denied.

No. 618. The United States of America *ex relatione* Ethel M. McLennan, petitioner, *v.* Ray Lyman Wilbur, Secretary of the Interior. Leave granted to file brief of the State of Utah, as *amicus curiae*, on motion of Mr. William H. King in that behalf.

No. 618. The United States of America *ex relatione* Ethel M. McLennan, petitioner, *v.* Ray Lyman Wilbur, Secretary of the Interior. Leave granted to file brief of the State of Montana, as *amicus curiæ*, on motion of Mr. Thomas J. Walsh in that behalf.

No. 618. The United States of America *ex relatione* Ethel M. McLennan, petitioner, *v.* Ray Lyman Wilbur, Secretary of the Interior. Leave granted to file brief of the State of Colorado, as *amicus curiæ*, on motion of Mr. William R. Eaton in that behalf.

No. 618. The United States of America *ex relatione* Ethel M. McLennan, petitioner, *v.* Ray Lyman Wilbur, Secretary of the Interior. Leave granted to file brief of the State of Wyoming, as *amicus curiæ*, on motion of Mr. M. Vincent Carter in that behalf.

No. 618. The United States of America *ex relatione* Ethel M. McLennan, petitioner, *v.* Ray Lyman Wilbur, Secretary of the Interior. Leave granted to file brief of the State of New Mexico, as *amicus curiæ*, on motion of Mr. Peter Q. Nyce in that behalf.

No. 535. David Burnet, Commissioner of Internal Revenue, petitioner, *v.* Northern Trust Company, Executor, etc. Leave granted to file brief of Jennie L. Hodgkins, as *amicus curiæ*, on motion of Mr. John E. Hughes in that behalf.

No. 425. Group No. 1, Oil Corporation, petitioner, *v.* James W. Bass, Collector of Internal Revenue, etc. Leave granted to file brief of the State of Texas, as *amicus curiæ*, on motion of Mr. James F. Upchurch in that behalf.

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No. —, original. *Ex parte*: Frank J. Vitale, petitioner. Motion for leave to file petition for writ of *habeas corpus* and for leave to proceed *in forma pauperis* submitted by Mr. Frank J. Vitale *pro se*.

No. —, original. *Ex parte*: Jehudah Benjamin, petitioner. Motion for leave to file petition for writ of *habeas corpus* and for leave to proceed *in forma pauperis* submitted by Mr. Jehudah Benjamin *pro se*.

No. —, original. *Ex parte*: Frank Dial, petitioner. Motion for leave to file petition for writ of mandamus submitted by Mr. Frank Dial *pro se*.

No. 740. William W. Whitson, as Substituted Administrator, etc., petitioner, *v.* The Delaware, Lackawanna & Western Railroad Company. Motion for leave to proceed *in forma pauperis* submitted by Mr. James B. Sheean for the petitioner.

No. 217. Amanda D. Hargis, Commissioner of Labor, etc., appellant *v.* A. T. Bradford. Return of appellant to rule to show cause presented.



No. 727. Paysoff Tinkoff, petitioner, *v.* Andrew W. Mellon, individually, etc. Motion for stay submitted by Mr. John E. Bennett and Mr. Paysoff Tinkoff for the petitioner.

No. 584. Yetta Stromberg, appellant, *v.* The People of the State of California. Statement as to jurisdiction submitted by Mr. John Beardsley for the appellant.

No. 596. Graniteville Manufacturing Company, appellant, *v.* W. G. Query, J. P. Derham et al., etc. Statement as to jurisdiction submitted by Mr. P. F. Henderson for the appellant.

No. 632. A. Spates Brady, appellant, *v.* The United States of America et al. Statement as to jurisdiction submitted by Mr. George T. Bell for the appellant.

No. 618. The United States of America *ex relatione* Ethel M. McLennan, petitioner, *v.* Ray Lyman Wilbur, Secretary of the Interior;

No. 676. The United States of America *ex rel.* H. H. Simpson, petitioner, *v.* Ray Lyman Wilbur, Secretary of the Interior, et al.;

No. 704. The United States of America *ex rel.* Roy G. Barton, petitioner, *v.* Ray Lyman Wilbur, Secretary of the Department of the Interior; and

No. 743. The United States of America *ex rel.* W. B. Pyron, petitioner, *v.* Ray Lyman Wilbur, Secretary of the Interior et al.; and petitions for writs of certiorari to the Court of Appeals of the District of Columbia submitted by Mr. Lewis Edwin Hoffman and Mr. Chester I. Long for the petitioner in No. 618; by Mr. Homer R. Hendricks and Mr. Donald V. Hunter for the petitioner in No. 676; by Mr. James Conlon for the petitioner in No. 704; by Mr. John W. Fisher for the petitioner in No. 743; and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Richardson, Mr. Aubrey Lawrence, and Mr. Paul D. Miller for the respondent.

No. 620. Antone Parmagini, petitioner, *v.* The United States of America; and

No. 660. William Levin, petitioner, *v.* The United States of America. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Louis Titus and Mr. Otto Christensen for the petitioner in No. 620; by Mr. Robert B. McMillan for the petitioner in No. 660; and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Branch, Mr. Harry S. Ridgely, and Mr. W. Marvin Smith for the respondent.

No. 626. The United States of America, petitioner, *v.* Harry Rachmil. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Solicitor General Thacher, Mr. William H. Ramsey, and Mr. Paul D. Miller for the petitioner.

No. 631. Joe Snider, Louis Snider, et al., petitioners, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. J. Walter Cocke for the petitioners, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Youngquist, Mr. Claude R. Branch, Mr. John J. Byrne, and Mr. Paul D. Miller for the respondent.

No. 645. Ralph F. Bell et al., petitioners, *v.* The United States Steel Products Company; and

No. 654. California Packing Corporation, petitioner, *v.* The United States Steel Products Company. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Chauncey I. Clark and Mr. Ralph W. Brown for the petitioners in No. 645; by Mr. Leonard J. Matteson and Mr. T. Catesby Jones for the petitioner in No. 654; and by Mr. Charles S. Haight, Mr. Kenneth B. Halstead, and Mr. John W. Griffin for the respondent.

No. 646. Ida M. Blankenburg, petitioner, *v.* The Commonwealth of Massachusetts. Petition for writ of certiorari to the Supreme Judicial Court of the Commonwealth of Massachusetts, County of Suffolk, submitted by Mr. Asa P. French for the petitioner, and by Mr. Joseph E. Warner for the respondent.

No. 648. John H. Vinson, Administrator, etc., et al., petitioners, *v.* O. H. Graham, T. D. Harris, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit submitted by Mr. Chester I. Long, Mr. W. E. Stanley, Mr. Peter Q. Nyce, Mr. Austin M. Cowan, Mr. Malcolm E. Rosser, and Mr. Thos. H. Owen for the petitioners, and by Mr. John H. Brennan and Mr. Elmer J. Lundy for the respondents.

No. 650. Marion E. Yelland, petitioner, *v.* The Bankers Reserve Life Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Samuel B. Bassett for the petitioner, and by Mr. Geo. B. Thatcher, Mr. Wm. Woodburn, and Mr. Thomas F. Ryan, for the respondent.

No. 651. St. Louis Merchants Bridge Terminal Railroad, petitioner, *v.* Hugh Doyle, as Administrator, etc. Petition for writ of certiorari to the Supreme Court of the State of Missouri submitted by Mr. Roy W. Rucker for the petitioner, and by Mr. Jesse W. Barrett for the respondent.

No. 653. The United States of America, petitioner, *v.* W. F. Taylor, United Fishermen's Packing Company, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Solicitor General Thacher, Mr.

Assistant Attorney General Richardson, and Mr. Nat. M. Lacy for the petitioner.

No. 655. Henry Luxenberg, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. Nelson T. Hartson, Mr. Frank J. Hogan, and Mr. Sam T. Spears for the petitioner, and by Mr. Solicitor General Thacher, Mr. Claude R. Branch, Mr. Harry S. Ridgely, and Mr. Paul D. Miller for the respondent.

No. 657. Spokane, Portland and Seattle Railway Company, petitioner, *v.* Celia Cross, Administratrix, etc. Petition for writ of certiorari to the Supreme Court of the State of Washington submitted by Mr. Charles H. Carey, Mr. Charles A. Hart, and Mr. Charles E. McCulloch for the petitioner.

No. 658. O. H. Ingram Company, petitioner, *v.* Wisconsin Tax Commission et al. Petition for writ of certiorari to the Supreme Court of the State of Wisconsin submitted by Mr. P. M. Beach for the petitioner, and by Mr. John W. Reynolds for the respondents.

No. 659. Macon, Dublin & Savannah Railroad Company, petitioner, *v.* General Recution Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Charles Akerman for the petitioner, and by Mr. George S. Jones for the respondent.

No. 661. James Richardson & Sons, Ltd., et al., petitioners, *v.* The Jenkins Steamship Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Charles W. Greenfield for the petitioners, and by Mr. Sherwin A. Hill and Mr. Thomas H. Garry for the respondents.

No. 663. The Permutit Company, petitioner, *v.* Graver Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Drury W. Cooper, Mr. Graham Sumner, and Mr. George A. Chritton for the petitioner, and by Mr. George L. Wilkinson and Mr. Charles L. Byron for the respondent.

No. 666. Dashiell Motor Company, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Charles H. Pegler for the petitioner, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Youngquist, Mr. Claude R. Branch, Mr. John J. Byrne, and Mr. W. Marvin Smith for the respondent.

No. 668. The Delaware and Hudson Company, petitioner, *v.* William T. Dunnigan. Petition for writ of certiorari to the Supreme Court of the State of New York, Appellate Division, submitted by

Mr. Joseph Rosch for the petitioner, and by Mr. Walter A. Fullerton for the respondent.

No. 669. Frank Stranahan, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Thomas O. Marlar and Mr. E. J. Marshall for the petitioner and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Youngquist, Mr. Claude R. Branch, Mr. Sewall Key, and Mr. John H. McEvers for the respondent.

No. 670. Howard C. Long, Leo J. Steinbach, et al., petitioners, *v.* Dr. Irvin D. Metzger et al. Petition for writ of certiorari to the Supreme Court of the State of Pennsylvania submitted by Mr. Andrew G. Smith for the petitioners, and by Mr. Wm. A. Schnader and Mr. Penrose Hertzler for the respondents.

No. 672. Oklahoma-Arkansas Telephone Company, petitioner, *v.* Southwestern Bell Telephone Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. James B. McDonough, Mr. Joseph W. House, Mr. James B. McDonough, jr., and Mr. Joseph R. Brown for the petitioner, and by Mr. Edward B. Downie, Mr. Claude Nowlin, and Mr. Joseph W. Jamison for the respondent.

No. 673. L. M. Crawford, petitioner, *v.* Z. T. White, Maude B. White, et al. Petition for writ of certiorari to the Court of Civil Appeals, 8th Supreme Judicial District, State of Texas, submitted by Mr. Thornton Hardie for the petitioner, and by Mr. W. W. Turney, Mr. A. H. Culwell, and Mr. Wm. H. Burges for the respondents.

No. 674. R. C. L. Moncure, Formerly Collector of Internal Revenue, etc., petitioner, *v.* Atlantic Life Insurance Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Youngquist, Mr. Sewall Key, Mr. Hayner M. Larson, and Mr. Paul D. Miller for the petitioner, and by Mr. Andrew D. Christian for the respondent.

No. 677. C. Franklin Davis, Voluntary Agent, etc., petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Bynum E. Hinton for the petitioners, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Youngquist, Mr. Claude R. Branch, Mr. Sewall Key, Mr. S. Dee Hanson, and Mr. C. M. Charest for the respondent.

No. 678. Smoot Sand and Gravel Corporation, petitioner, *v.* Washington Airport, Incorporated. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. Thomas D. Thacher and Mr. Seth W. Richardson for the petitioner, and by Mr. Louis Titus for the respondent.

No. 679. Pacific Southwest Trust & Savings Bank, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Frank H. McCulloch and Mr. Hugh W. McCulloch for the petitioner, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Youngquist, Mr. Claude R. Branch, Mr. Sewall Key, Mr. J. Louis Monarch, Mr. C. M. Charest, and Mr. Prew Savoy for the respondent.

No. 680. Michael Lisena, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Frank B. Bozza for the petitioner, and by Mr. Solicitor General Thacher, Mr. Claude R. Branch, Mr. Harry S. Ridgely, and Mr. W. Marvin Smith for the respondent.

No. 681. Ralph S. Hyney, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Elvin Swarthout for the petitioner, and by Mr. Solicitor General Thacher, Mr. Claude R. Branch, Mr. Harry S. Ridgely, and Mr. W. Marvin Smith for the respondent.

No. 682. Olin R. Holt, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. John Wattawa for the petitioner, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Youngquist, Mr. Claude R. Branch, Mr. John J. Byrner, and Mr. W. Marvin Smith for the respondent.

No. 684. Lucille Kilmer and James P. Morison, an Infant, etc., petitioners, *v.* Norfolk & Western Railway Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. Harry K. Byrer for the petitioners.

No. 694. Cora Adams and James M. Hays, petitioners, *v.* Annetta Hoskins, Bertie De Steiguer, et al. Petition for writ of certiorari to the Supreme Court of the State of Oklahoma submitted by Mr. James M. Hays and Mr. John T. Hays for the petitioners, and by Mr. Almond D. Cochran, Mr. Edgar T. Noble, and Mr. Robert B. F. Hummer for the respondents.

No. 701. The Kansas City Southern Railway Company, petitioner, *v.* A. Sanford. Petition for writ of certiorari to the Supreme Court of the State of Arkansas submitted by Mr. F. H. Moore, Mr. James B. McDonough, Mr. A. F. Smith, and Mr. Samuel W. Moore for the petitioner, and by Mr. S. P. Jones for the respondent.

No. 706. The Employers' Liability Assurance Corporation, Limited, etc., petitioner, *v.* Mrs. Callie L. Dean. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Shepard Bryan for the petitioner, and by Mr. John M. Slaton for the respondent.

No. 720. Walter C. Fetters, United States Marshal, etc., petitioner, *v.* The United States of America *ex rel.* Thomas W. Cunningham. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Solicitor General Thacher, Mr. Claude R. Branch, and Mr. Harry S. Ridgely for the petitioner, and by Mr. Benjamin M. Golder and Mr. Ruby R. Vale for the respondent.

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No. 393. Gynther Storaasli, appellant, *v.* The State of Minnesota. Submitted by Mr. Charles Bunn and Mr. Pierce Butler, jr., for the appellant, and by Mr. Henry N. Benson and Mr. James E. Markham for the appellee.

No. 14, original. The United States of America, complainant, *v.* The State of Utah. Four hours allowed for the argument of this case. Argument on exceptions to the report of the Special Master commenced by Mr. Charles M. Blackmar for the complainant, and continued by Mr. P. T. Farnsworth, jr., for the defendant.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, February 26, will be as follows: Nos. 14, original, 425, 552, 316, 387, 535, 581, 542, 64, and 85.



## SUPREME COURT OF THE UNITED STATES

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Present: The Chief Justice, Mr. Justice Holmes, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, and Mr. Justice Roberts.

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Albert L. Jacobs, of Pittsburgh, Pa.; Simon Broder, of Washington, D. C.; M. E. Jones, of Washington, D. C.; Phidias J. J. Nicolaidis, of Washington, D. C.; Nathaniel Elmer Wheeler, of New York City; Geo. G. Perrin, of Rock Island, Ill.; Abner R. Neff, of Long Beach, Calif.; Chas. Beach Edwards, of Savannah, Ga.; Thomas Crutchfield, of Chattanooga, Tenn.; and Benj. F. Hegler, of Wichita, Kans., were admitted to practice.

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No. 535. David Burnet, Commissioner of Internal Revenue, petitioner, *v.* Northern Trust Company, Executor of the Last Will and Testament of Ellen L. Van Schaick. Leave granted to file brief of Raymond M. White, as *amicus curiae*, on motion of Mr. Raymond M. White in that behalf.

No. 535. David Burnet, Commissioner of Internal Revenue, petitioner, *v.* Northern Trust Company, Executor of the Last Will and Testament of Ellen L. Van Schaick. Leave granted to file brief of Thomas M. Lynch and others as *amici curiae*, on motion of Mr. Seth T. Cole in that behalf.

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No. 14, original. The United States, complainant, *v.* The State of Utah. Argument on exceptions to the report of the Special Master continued by Mr. P. T. Farnsworth, jr., for the defendant, and concluded by Mr. Charles M. Blackmar for the complainant.

No. 425. Group No. 1 Oil Corporation, petitioner, *v.* James W. Bass, Collector of Internal Revenue, etc. Argument commenced by Mr. Homer L. Bruce for the petitioner, continued by Mr. Solicitor General Thacher for the respondent, and concluded by Mr. James A. Baker for the petitioner.

No. 552. William W. McBoyle, petitioner, *v.* The United States of America. Argument commenced by Mr. Harry F. Brown for the petitioner.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, February 27, will be as follows: Nos. 552, 316, 387, 535, 581, 542, 64, 85, 92, and 125.

## SUPREME COURT OF THE UNITED STATES

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Present: The Chief Justice, Mr. Justice Holmes, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, and Mr. Justice Roberts.

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Melvin W. Sandmeyer, of Washington, D. C.; Gordon Browning, of Huntington, Tenn.; William Wright Moore, jr., of Houston, Tex.; William Alvin Pittenger, of Duluth, Minn.; and Arthur W. Nelson, of Chicago, Ill., were admitted to practice.

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No. 686. Martin A. Leach, appellant, *v.* The People of the State of California. Motion to suspend the operation of Rule 12 pending action on motion to dismiss submitted by Mr. Jesse I. Miller for the appellant.

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No. 552. William W. McBoyle, petitioner, *v.* The United States of America. Argument continued by Mr. Harry F. Brown for the petitioner, and concluded by Mr. Claude R. Branch for the respondent.

No. 316. John William McKissick et al., appellants, *v.* Adolphus R. Talbot et al. Argument commenced by Mr. Leslie G. Pefferle for the appellants. The Court declined to hear further argument.

No. 387. Etta M. Klein, former administrator of the estate of Solomon Klein, deceased, et al., et al., petitioners, *v.* The United States. Argument commenced by Mr. Benjamin B. Pettus for the petitioner, continued by Mr. Assistant Attorney General Rugg for the respondent, and concluded by Mr. H. H. Shinnick for the petitioners.

No. 535. David Burnet, Commissioner of Internal Revenue, petitioner, *v.* Northern Trust Company, Executor, etc. Argued by Mr. Walter E. Hope for the petitioner, and by Mr. Edward H. Blanc for the respondent.

No. 581. Edgar M. Morsman, jr., Administrator, etc., petitioner, *v.* David Burnet, Commissioner of Internal Revenue. Argued by Mr. Edward H. Blanc for the petitioner, and case submitted by Mr.

Solicitor General Thacher, Mr. Walter E. Hope, Mr. C. M. Charest, Mr. Wm. T. Sabine, jr., and Mr. Prew Savoy for the respondent.

No. 542. Cyrus M. McCormick et al., executors, etc., petitioners, v. David Burnet, Commissioner of Internal Revenue. Argued by Mr. George T. Rogers for the petitioner and by Mr. Assistant Attorney General Youngquist for the respondent.

No. 64. Director of the Lands of the Philippine Islands, petitioner, v. Pedro Villa-Abrille et al. Argument commenced by Mr. William Catron Rigby for the petitioner.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, March 2, will be as follows: Nos. 64, 85, 92, 125, 336, 93 (and 160), 116, 124, 131, and 134.

SUPREME COURT OF THE UNITED STATES

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Present: The Chief Justice, Mr. Justice Holmes, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, and Mr. Justice Stone.

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Aneita P. B. Keating, of East Orange, N. J.; M. Francis Keating, of East Orange, N. J.; Charles Warren Conner, of Oklahoma City, Okla.; Clyde L. Deeds, of Toledo, Ohio; Paul J. Wortman, of Dayton, Ohio; Milton T. Broome, of Washington, D. C.; Louis I. Werbner, of Boston, Mass.; J. Preston Swecker, of Washington, D. C.; Charles Scott Kelly, of St. Paul, Minn.; and Robert O. Sullivan, of St. Paul, Minn., were admitted to practice.

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No. 87. Seth M. Milliken, Gerrish H. Milliken, and Harold A. Hatch, Executors of the Estate of Seth M. Milliken, deceased, petitioners, *v.* The United States. On writ of certiorari to the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Stone.

No. 48. American Fruit Growers, Inc., petitioner, *v.* Brogdex Company. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Decree reversed with costs, and cause remanded to the District Court of the United States for the District of Delaware for further proceedings in conformity with the opinion of this Court.

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The Chief Justice announced the following orders of the Court:

No. —, original. *Ex parte*: Frank J. Vitale, petitioner. Motion for leave to file petition for writ of *habeas corpus* and for leave to proceed in *forma pauperis* denied.

No. —, original. *Ex parte*: Jehudah Benjamin, petitioner. Motion for leave to file petition for writ of *habeas corpus* and for leave to proceed in *forma pauperis* denied.

No. —, original. *Ex parte*: Frank Dial, petitioner. Motion for leave to file petition for writ of mandamus denied.

No. 740. William W. Whitson, as Substituted Administrator of the Estate of George Noon, deceased, petitioner, *v.* The Delaware, Lackawanna & Western Railroad Company. On petition for writ

of certiorari to the Court of Errors and Appeals of the State of New Jersey. *Per curiam*: The motion for leave to proceed further herein *in forma pauperis* is denied, for the reason that the Court, upon examination of the unprinted record herein submitted, finds that there is no ground upon which a writ of certiorari should be issued. The petition for writ of certiorari is therefore also denied. The costs already incurred herein shall be paid by the clerk as provided in the order of October 29, 1926.

No. 217. Amanda D. Hargis, Commissioner of Labor and Industrial Inspection of the State of Missouri, appellant, *v.* A. T. Bradford. Appeal from the District Court of the United States for the Western District of Missouri. *Per curiam*: Upon consideration of the return of the appellant to the rule issued January 19, 1931, to show cause why the interlocutory decree of the specially constituted District Court of the United States for the Western District of Missouri, entered herein March 15, 1930, should not be vacated and the cause remanded to that court with directions to dismiss the case as moot,

It is now here ordered that the interlocutory decree of the said specially constituted District Court entered in this cause March 15, 1930, be, and the same is hereby, vacated, and the cause is remanded to that court with directions to dismiss the case as moot, without costs to either party. *United States v. Hamburg American Co.*, 239 U. S. 466, 475; *Berry v. Davis*, 242 U. S. 468, 470; *Commercial Cable Co. v. Burleson*, 250 U. S. 360; *Heitmuller v. Stokes*, 256 U. S. 359; *Brownlow v. Schwartz*, 261 U. S. 216; *Norwegian Co. v. Tariff Commission*, 274 U. S. 106, 112; *United States v. Anchor Coal Co.*, 279 U. S. 812.

No. 635. Merchants Warehouse Company, appellant, *v.* The United States of America et al.;

No. 636. Merchants Warehouse Company et al., appellants, *v.* The United States of America et al.;

No. 637. The United States of America et al., appellants, *v.* Merchants Warehouse Company et al.;

No. 638. The Pennsylvania Warehousing and Safe Deposit Company, appellant, *v.* The United States of America et al.;

No. 639. The Pennsylvania Warehousing and Safe Deposit Company et al., appellants, *v.* The United States of America et al.;

No. 640. The United States of America et al., appellants, *v.* The Pennsylvania Warehousing and Safe Deposit Company et al.;

No. 641. The Philadelphia Warehousing and Cold Storage Company, appellant, *v.* The United States of America et al.;

No. 642. Philadelphia Warehousing and Cold Storage Company et al., appellants, *v.* The United States of America et al.; and

No. 643. The United States of America et al., appellants, *v.* The Philadelphia Warehousing and Cold Storage Company et al. The motion to advance these cases is granted and the cases are advanced and assigned for argument on Monday, April 13 next, after the cases heretofore assigned for that day.

No. 727. Paysoff Tinkoff, petitioner, *v.* Andrew W. Mellon, Individually, etc. The motion for a stay in this case is denied.

No. 686. Martin A. Leach, appellant, *v.* The People of the State of California. On motion of the appellant, and pursuant to a stipulation of the parties, it is ordered that the time within which the parties shall comply with the provisions of Rule 12 of this Court be, and the same is hereby, extended for a period of 30 days from this date;

Provided, however, that if a motion by the appellee to dismiss the appeal herein for the want of jurisdiction is filed within such 30-day period, time for compliance with Rule 12 shall be extended until the disposition of that motion, or until two weeks after such disposition, should such motion be denied.

No. 584. Yetta Stromberg, appellant, *v.* The People of the State of California. Probable jurisdiction of this appeal is noted, and the cause is advanced and assigned for hearing on Monday, April 13 next, after the cases heretofore assigned for that day. The motion for leave to proceed further herein *in forma pauperis* is granted; the record shall be printed at public expense (act June 27, 1922, 42 Stat. 666; U. S. C., title 28, sec. 832); and the clerk shall cause the briefs for the appellant to be printed and shall pay the expense thereof, together with the costs in the case in the manner provided in the order of October 29, 1926.

No. 596. Graniteville Manufacturing Company, appellant, *v.* W. G. Query, J. P. Derham, et al. In this case probable jurisdiction is noted.

No. 632. A. Spates Brady, appellant, *v.* The United States of America et al. In this case probable jurisdiction is noted.

No. 316. John William McKissick and D. W. Wright, appellants, *v.* Adolphus R. Talbot, Joseph G. Ray, and Edgar J. Bullard et al. Appeal from the Supreme Court of the State of Illinois. *Per curiam*: The appeal herein is dismissed for the want of jurisdiction. Section 237 (a), Judicial Code, as amended by the act of February 13, 1925, 43 Stat. 936, 937; *Wall v. Bankers Life Company of Des Moines, Iowa* (decided December 3, 1930), 282 U. S. —; *Wright v. Minnesota Mutual Life Insurance Company*, 193 U. S. 657; *Polk v. Mutual Reserve Fund Life Association of New York*, 207 U. S. 310.



No. 535. David Burnet, Commissioner of Internal Revenue, petitioner, *v.* Northern Trust Company, Executor of the Last Will and Testament of Ellen L. Van Schaick. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. *Per curiam:* The question in this case is that of the construction of section 402 (c) of the revenue act of 1921, c. 136, 42 Stat. 227, 278, a provision similar to that of section 402 (c) of the revenue act of 1918, c. 18, 40 Stat. 1057, 1097, which has already been construed by this Court, and, in this view, there being no question of the constitutional authority of the Congress to impose prospectively a tax with respect to transfers or trusts of the sort here involved, the judgment of the United States Circuit Court of Appeals for the Seventh Circuit is affirmed upon the authority of *May v. Heiner*, 281 U. S. 238.

No. 581. Edgar M. Morsman, Jr., Administrator of the Estate of Edgar M. Morsman, petitioner, *v.* David Burnet, Commissioner of Internal Revenue. On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. *Per curiam:* The question in this case is that of the construction of section 302 (c) of the revenue act of 1924, c. 234, 43 Stat. 253, 304, a provision similar to that of section 402 (c) of the revenue act of 1918, c. 18, 40 Stat. 1057, 1097, which has already been construed by this Court, and, in this view, there being no question of the constitutional authority of the Congress to impose prospectively a tax with respect to transfers or trusts of the sort here involved, the judgment of the United States Circuit Court of Appeals for the Eighth Circuit is reversed upon the authority of *May v. Heiner*, 281 U. S. 238.

No. 542. Cyrus H. McCormick et al., executors of the Last Will and Testament of Nettie Fowler McCormick, deceased, petitioners, *v.* David Burnet, Commissioner of Internal Revenue. On writ of certiorari to the United States Circuit Court of Appeals. *Per curiam:* The question in this case is that of the construction of section 402 (c) of the revenue act of 1921, c. 136, 42 Stat. 227, 278, a provision similar to that of section 402 (c) of the revenue act of 1918, c. 18, 40 Stat. 1057, 1097, which has already been construed by this Court, and, in this view, there being no question of the constitutional authority of the Congress to impose prospectively a tax with respect to transfers or trusts of the sort here involved, the judgment of the United States Circuit Court of Appeals for the Seventh Circuit is reversed upon the authority of *May v. Heiner*, 281 U. S. 238.

No. 618. The United States of America *ex relatione* Ethel M. McLennan, petitioner, *v.* Ray Lyman Wilbur, Secretary of the Interior;

No. 676. United States of America *ex rel.* H. H. Simpson, petitioner, *v.* Ray Lyman Wilbur, Secretary of the Interior et al.;

No. 704. United States of America *ex rel.* Roy G. Barton, petitioner, *v.* Ray Lyman Wilbur, Secretary of the Department of the Interior; and

No. 743. United States of America *ex rel.* W. B. Pyron, petitioner, *v.* Ray Lyman Wilbur, Secretary of the Interior, and C. C. Moore, Commissioner of the General Land Office. Petitions for writs of certiorari to the Court of Appeals of the District of Columbia granted.

No. 663. The Permutit Company, petitioner, *v.* Graver Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted.

No. 678. Smoot Sand and Gravel Corporation, petitioner, *v.* Washington Airport, Incorporated. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit granted.

No. 720. Walter C. Fetters, United States Marshal, petitioner, *v.* United States of America *ex rel.* Thomas W. Cunningham. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit granted.

No. 620. Antone Parmagini, petitioner, *v.* The United States of America; and

No. 660. William Levin, petitioner, *v.* The United States of America. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 626. The United States of America, petitioner, *v.* Harry Rachmil. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 631. Joe Snider, Louis Snider, and Leopold Jantz, petitioners, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 645. Ralph F. Bell et al., petitioners, *v.* United States Steel Products Company; and

No. 654. California Packing Corporation, petitioner, *v.* United States Steel Products Company. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 646. Ida M. Blankenburg, petitioner, *v.* The Commonwealth of Massachusetts. Petition for writ of certiorari to the Supreme Judicial Court of the Commonwealth of Massachusetts, County of Suffolk, denied.

No. 648. John H. Vinson, Administrator, with the will annexed of the Estate of Dorsey Fife, deceased, et al., petitioners, *v.* O. H. Graham, T. D. Harris, Wirlick & Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 650. Marion E. Yelland, petitioner, *v.* The Bankers Reserve Life Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 651. St. Louis Merchants Bridge Terminal Railroad, petitioner, *v.* Hugh Doyle, as Administrator of the Estate of Peter Doyle, deceased. Petition for writ of certiorari to the Supreme Court of the State of Missouri denied.

No. 653. The United States of America, petitioner, *v.* W. F. Taylor, United Fisherman's Packing Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 655. Henry Luxenberg, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 657. Spokane, Portland and Seattle Railroad Company, petitioner, *v.* Celia Cross, Administratrix of the Estate of Frank W. Cross, deceased. Petition for writ of certiorari to the Supreme Court of the State of Washington denied.

No. 658. O. H. Ingram Company, petitioner, *v.* Wisconsin Tax Commission. et al., etc. Petition for writ of certiorari to the Supreme Court of the State of Wisconsin denied.

No. 659. Macon, Dublin & Savannah Railroad Company, petitioner, *v.* General Reduction Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 661. James Richardson & Sons, Ltd., and Donahue-Stratton Company, etc., petitioners, *v.* The Jenkins Steamship Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 666. Dashiell Motor Company, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 668. The Delaware and Hudson Company, petitioner, *v.* William T. Dunnigan. Petition for writ of certiorari to the Supreme Court of the State of New York, Appellate Division, denied.

No. 669. Frank Stranahan, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 670. Howard C. Long, Leo J. Steinbach, Blanche R. Young, et al., petitioners, *v.* Dr. Irvin D. Metzger et al. Petition for writ of certiorari to the Supreme Court of the State of Pennsylvania denied.

No. 672. Oklahoma-Arkansas Telephone Company, petitioner, *v.* Southwestern Bell Telephone Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 673. L. M. Crawford, petitioner, *v.* Z. T. White, Maude B. White, et al. Petition for writ of certiorari to the Court of Civil Appeals, 8th Supreme Judicial District, State of Texas, denied.

No. 674. R. C. L. Moncure, Formerly Collector of Internal Revenue, etc., petitioner, *v.* Atlantic Life Insurance Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 677. C. Franklin Davis, Voluntary Agent for Persons Acting Under the Name of Ford Car Owners Protective Association, petitioners, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 680. Michael Lisena, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 681. Ralph S. Hyney, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 682. Olin R. Holt, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 684. Lucille Kilmer and James P. Morison, an Infant, etc., petitioner, *v.* Norfolk & Western Railway Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 694. Cora Adams and James M. Hays, petitioners, *v.* Annetta Hoskins, Bertie DeSteiguer, et al. Petition for writ of certiorari to the Supreme Court of the State of Oklahoma denied.

No. 701. The Kansas City Southern Railway Company, petitioner, *v.* A. Sanford. Petition for writ of certiorari to the Supreme Court of the State of Arkansas denied.

No. 706. The Employers' Liability Assurance Corporation, Limited of London, England, petitioner *v.* Mrs. Callie L. Dean. Peti-

tion for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

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No. 205. J. T. Rose, Collector of Internal Revenue for the District of Georgia, petitioner, *v.* John W. Grant. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Dismissed with costs, on motion of Mr. Solicitor General Thacher for the petitioner.

No. 206. J. T. Rose, Collector of Internal Revenue for the District of Georgia, petitioner, *v.* John W. Grant and Annie Inman Grant. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Dismissed with costs, on motion of Mr. Solicitor General Thacher for the petitioner.

No. 20. Original. State of Wyoming, complainant, *v.* State of Colorado. Return day extended to April 6th next, on motion of Mr. Chester I. Long in that behalf.

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No. 607. Spencer Aldrich and Bankers Trust Company, as Trustee etc., et al., appellants, *v.* The City of New York et al. Statement as to jurisdiction submitted by Mr. Anthony J. Ernest for the appellants in support thereof, and by Mr. Arthur J. W. Hilly, Mr. Frank Nevius, Mr. Asa B. Kellogg, and Mr. Harvey D. Jacob for the appellee, in opposition thereto.

No. 622. The Nashville, Chattanooga & St. Louis Railway, appellant, *v.* Carroll County and J. T. Hester, Trustee, etc. Statement as to jurisdiction submitted by Mr. Fitzgerald Hall for the appellant, in support thereof, and by Mr. Joseph W. Byrns for the appellee, in opposition thereto.

No. 623. The Nashville, Chattanooga & St. Louis Railway, appellant, *v.* Benton County, Tennessee, and J. C. Herrin, Trustee, etc. Statement as to jurisdiction submitted by Mr. Fitzgerald Hall for the appellant.

No. 625. The Philadelphia Electric Company, appellant, *v.* The City of Philadelphia. Statement as to jurisdiction submitted by Mr. Francis B. Bracken for the appellant, in support thereof, and by Mr. G. Coe Farrier, Mr. Ernest Lowengrund, and Mr. Augustus Trast Ashton for the appellee, in opposition thereto.

No. 635. Merchants Warehouse Company, appellant, *v.* The United States of America et al.;

No. 636. Merchants Warehouse Company et al., appellants, *v.* The United States of America et al.;

No. 638. The Pennsylvania Warehousing and Safe Deposit Company, appellant, *v.* The United States of America et al.;

No. 639. The Pennsylvania Warehousing and Safe Deposit Company et al., appellants, *v.* The United States of America et al.;

No. 641. The Philadelphia Warehousing and Cold Storage Company, appellant, *v.* The United States of America et al.; and

No. 642. Philadelphia Warehousing and Cold Storage Company et al., appellants, *v.* The United States of America et al. Statement as to jurisdiction submitted by Mr. M. Hampton Todd, Mr. John P. Connelly, Mr. H. Edgar Barnes, and Mr. Allen S. Olmstead, 2d, for the appellants.

No. 637. The United States of America et al., appellants, *v.* Merchants Warehouse Company et al.;

No. 640. The United States of America et al., appellants, *v.* The Pennsylvania Warehousing and Safe Deposit Company et al.; and

No. 643. The United States of America et al., appellants, *v.* The Philadelphia Warehousing and Cold Storage Company et al. Statement as to jurisdiction submitted by Mr. Solocitor General Thacher, Mr. Elmer B. Collins, Mr. Daniel W. Knowlton, Mr. J. Stanley Payne, and Mr. John J. Hickey for the appellants.

No. 671. George T. Mitchell, Attorney General of the State of Mississippi, et al., etc., appellants, *v.* Penny Stores, Inc. Statement as to jurisdiction submitted by Mr. J. A. Lauderdale for the appellants.

No. 567. The Denver and Salt Lake Railroad Company, petitioner, *v.* The Board of County Commissioners of Routt County; and

No. 568. The Denver and Salt Lake Railroad Company, petitioner, *v.* The Board of County Commissioners of Moffat County, Colorado. Petition for writs of certiorari to the Supreme Court of the State of Colorado submitted by Mr. Elmer L. Brock for the petitioner, and by Mr. Thomas M. Woodward for the respondents.

No. 627. Charles H. Randall, Hector Randall, et al., etc., petitioners, *v.* The United States of America. Petition for writ for certiorari to the Court of Claims submitted by Mr. M. Walton Hendry for the petitioner, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Rugg, Mr. Claude R. Branch, and Mr. John E. Hoover for the respondent.

No. 687. Cumberland Coal Company, petitioner, *v.* Board of Revision of Tax Assessments in Greene County, Pennsylvania;

No. 688. Cumberland Coal Company, petitioner, *v.* Board of Revision of Tax Assessments in Greene County, Pennsylvania;

No. 689. Cumberland Coal Company, petitioner, *v.* Board of Revision of Tax Assessments in Greene County, Pennsylvania;



No. 690. Cumberland Coal Company, petitioner, *v.* Board of Revision of Tax Assessments in Greene County, Pennsylvania;

No. 691. Henry A. Phillips, petitioner, *v.* Board of Revision of Tax Assessments in Greene County, Pennsylvania;

No. 692. Piedmont Coal Company, petitioner, *v.* Board of Revision of Tax Assessments in Green County, Pennsylvania; and

No. 693. Greene County Coal Company, petitioner, *v.* Board of Revision of Tax Assessments in Greene County, Pennsylvania. Petition for writs of certiorari to the Supreme Court of the State of Pennsylvania submitted by Mr. William A. Seifert, Mr. Samuel McClay, Mr. W. J. Kyle, and Mr. Carl E. Glock for the petitioner.

No. 697. Field and Start, Inc., petitioner, *v.* David Burnet, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Henry T. Dorrance and Mr. J. G. Korner, jr., for the petitioner, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Youngquist, Mr. Claude R. Branch, Mr. Sewall Key, Mr. A. H. Conner, Mr. C. M. Charest, and Mr. Dewitt M. Evans for the respondent.

No. 700. Louise McGrew Moffett et al., etc., petitioners, *v.* Helen Moffett, Jennie M. Lynn, et al., etc. Petition for writ of certiorari to the Supreme Court of the State of Kansas submitted by Mr. Martin J. O'Donnell for the petitioners, and Mr. John W. Davis and Mr. Russell L. Hazzard for the respondents.

No. 702. United States of America *ex rel.* Vahan Cardashian, petitioner, *v.* Edgar C. Snyder, United States Marshal, etc., et al. Petition for writ of certiorari to the Court of Appeals of the District of Columbia submitted by Mr. Joseph C. Fehr and Mr. Marion DeVries for the petitioner, and by Mr. Solicitor General Thacher and Mr. J. Frank Staley for the respondent.

No. 707. Seaboard Air Line Railway Company, petitioner, *v.* E. H. D'Avignon. Petition for writ of certiorari to the Court of Appeals of the State of Georgia submitted by Mr. James F. Wright and Mr. W. W. Dykes for the petitioner, and by Mr. John S. Barbour for the respondent.

No. 708. The Pennsylvania Railroad Company, petitioner, *v.* Perry A. Shindledecker. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. F. D. McKenney, Mr. John Spalding Flannery, Mr. George Bowdoin Craighill, and Mr. Harold W. Fraser for the petitioner, and by Mr. Ralph D. Cole for the respondent.

No. 710. Willis T. Gridley and Gladys Wright, petitioners, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit sub-

mitted by Mr. John M. Dunham and Mr. W. D. Jamieson for the petitioners, and by Mr. Solicitor General Thacher, Mr. Harry S. Ridgely, and Mr. W. Marvin Smith for the respondent.

No. 716. Harvey M. Toy and Mabelle B. Lucas, petitioners, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Carey Van Fleet for the petitioners, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Youngquist, Mr. Sewall Key, Miss Helen R. Carloss, and Mr. C. M. Charest for the respondent.

No. 718. E. F. Bandler, petitioner, *v.* Mayers, Osterwald & Muhlfield, Inc. Petition for writ of certiorari to the United States Court of Customs and Patent Appeals submitted by Mr. Marion DeVries, Mr. Jesse P. Crawford, and Mr. H. Kennedy McCook for the petitioner, and by Mr. Addison S. Pratt for the respondent.

No. 719. The Sixty-Seven South Munn, Inc., petitioner, *v.* Board of Public Utility Commissioners of New Jersey et al. Petition for writ of certiorari to the Supreme Court of the State of New Jersey submitted by Mr. Merrit Lane for the petitioner, and by Mr. William H. Speer for the respondents.

No. 733. The Virginian Railway Company, petitioner, *v.* Boyd E. Chambers;

No. 734. The Virginian Railway Company, petitioner, *v.* E. L. Fitzgerald; and

No. 735. The Virginian Railway Company, petitioner, *v.* W. O. Hylton. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. John R. Pendleton and Mr. W. H. T. Loyall for the petitioner.

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No. 131. G. E. Herron *v.* Southern Pacific Company. Submitted by Mr. P. H. Hayes for Herron and by Mr. Charles H. Bates for Southern Pacific Company.

No. 64. The Director of the Lands of the Philippine Islands, petitioner, *v.* Pedro Villa-Abrille et al. Argument continued by Mr. William Cattron Rigby for the petitioner, and by Mr. H. Mason Welch for the respondents. The court declined to hear further argument.

No. 64. The Director of the Lands of the Philippine Islands, petitioner, *v.* Pedro Villa-Abrille, Eugenia Villa-Abrille, Luz Villa-Abrille, et al. On writ of certiorari to the Supreme Court of the Philippine Islands. *Per curiam*: In view of the facts disclosed upon the oral argument of this case, the writ of certiorari is dismissed as improvidently granted.

No. 85. The United States of America, petitioner, *v.* Munson Steamship Line. Argument commenced by Mr. Assistant to the Attorney General O'Brian for the petitioner, continued by Mr. W. Calvin Chestnut for the respondent. The Court declined to hear further argument.

No. 92. Demetrius Philippidos, petitioner, *v.* Benjamin M. Day, Commissioner of Immigration, Port of New York. Argued by Mr. Claude R. Branch for the respondent and case submitted by Mr. Thomas A. Kane and Mr. George C. Vournas for the petitioner.

No. 125. Walter E. Carr, Director of Immigration, etc., petitioner, *v.* Mateo Zaja. Argued by Mr. Claude R. Branch for the petitioner and by Mr. Erwin I. Feldman for the respondent.

No. 336. United States of America *ex rel.* Costas Cateches, petitioner, *v.* Benjamin M. Day, Commissioner of Immigration. Argued by Mr. Harold Van Riper for the petitioner, and by Mr. Claude R. Branch for the respondent.

No. 93. New York Life Insurance Company, petitioner, *v.* Frank Collis Bowers, Executor, etc.; and

No. 160. Frank Collis Bowers, Executor, etc., petitioner, *v.* New York Life Insurance Company. Argument commenced by Mr. James H. McIntosh for the petitioner in No. 93 and respondent in No. 160.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, March 3, will be as follows: Nos. 93 (and 160), 116, 137, 138 (139 and 140), 155, 166, 124, 134, 165, and 176.

## SUPREME COURT OF THE UNITED STATES

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Present: The Chief Justice, Mr. Justice Holmes, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, and Mr. Justice Stone.

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Percy Summerell Stephenson, of Norfolk, Va.; J. Howard Wilcox, of Anthony, Kans.; James Dempsey, of Peekskill, N. Y.; Meade T. Spicer, jr., of Richmond, Va.; Thomas H. Ford, of Dayton, Ohio; John C. Hurspool, of Olympia, Wash.; and Newell Kirkwood Kennon, of St. Clairsville, Ohio, were admitted to practice.

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No. 648. John H. Vinson, Administrator, etc., et al., petitioners, *v.* O. H. Graham et al. Issuance of the order denying petition for writ of certiorari stayed for a period of 10 days from this date, on motion of Mr. Chester I. Long for the petitioner.

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No. 93. New York Life Insurance Company, petitioner, *v.* Frank K. Bowers, Collector of Internal Revenue, etc.: and

No. 160. Frank K. Bowers, Collector of Internal Revenue, etc., petitioner, *v.* New York Life Insurance Company. Argument continued by Mr. Claude R. Branch for the respondent in No. 93 and petition No. 160, and concluded by Mr. James H. McIntosh for the petitioner in No. 93 and respondent in No. 160.

No. 116. The United States, petitioner, *v.* Felt & Tarrant Mfg. Company. Argued by Mr. Assistant Attorney General Rugg for the petitioner, and by Mr. Thomas G. Haight for the respondent.

No. 137. Joseph B. Stratton et al., etc., *v.* Andy New, Jr., Trustee, etc. Argued by Mr. Randolph Bias for Stratton et al., and by Mr. Arthur F. Kingdon for New, trustee.

No. 138. Gene Buck, as President, etc., et al., *v.* Jewell-Lasalle Realty Company;

No. 139. Gene Buck, as President, etc., et al., *v.* Jewell-Lasalle Realty Company; and

No. 140. Jewell-Lasalle Realty Company *v.* Gene Buck, as President, etc. Argument commenced by Mr. Thomas G. Haight for Buck, etc., et al., and continued by Mr. Charles M. Blackmar for Jewell-Lasalle Realty Company.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, March 4, will be as follows: Nos. 138 (139 and 140), 155, 166, 124, 134, 176, 183, 165, 179 (180, 181, 182, 271, 272, 273, and 274), and 195.

## SUPREME COURT OF THE UNITED STATES

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Present: The Chief Justice, Mr. Justice Holmes, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, and Mr. Justice Roberts.

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Walter L. O'Rourke, of Jacksonville, Fla.; Louis J. Bergson, of Philadelphia, Pa.; Rolland M. Edmonds, of Columbus, Ohio; Joseph J. Launie, of Medford, Mass.; Victor E. Funk, of Indianapolis, Ind.; Ezra R. Whitla, of Couer D'Alene, Idaho; Charles A. Swenson, of Atwater, Minn.; Joseph W. Hutchinson, of Indianapolis, Ind.; George W. Hufsmith, of Indianapolis, Ind.; and Thomas E. DeWolfe, of Seattle, Wash., were admitted to practice.

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No. 138. Gene Buck, as President, etc., et al., *v.* Jewell-LaSalle Realty Company;

No. 139. Gene Buck, as President, etc., et al., *v.* Jewell-LaSalle Realty Company; and

No. 140. Jewell-LaSalle Realty Company *v.* Gene Buck, as President, etc., et al. Argument continued by Mr. Charles M. Blackmar for Jewell-LaSalle Realty Company, and concluded by Mr. Thomas G. Haight for Buck, etc., et al.

No. 155. Chesapeake and Ohio Ry. Co., petitioner, *v.* H. E. Martin et al. Argued by Mr. Meade T. Spicer, jr., for the petitioner. No appearance for the respondent.

No. 166. State-Planters Bank & Trust Co. et al. *v.* T. Nelson Parker et al. Argument commenced by Mr. Percy S. Stephenson for State-Planters Bank & Trust Co. et al., continued by Mr. John W. Oast, jr., for Parker et al., and concluded by Mr. Littleton M. Wickham for State-Planters Bank & Trust Company et al.

No. 124. The First National Bank of Chicago, etc., petitioner, *v.* The United States. Argued by Mr. Harold V. Amberg for the petitioner, and by Mr. Assistant Attorney General Rugg for the respondent.



No. **134**. North Bend Stage Line, Inc., appellant, *v.* John C. Denney et al. Argument commenced by Mr. Thomas E. DeWolfe for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, March 5, will be as follows: Nos. **134**, **176**, **183**, **165**, **179** (**180**, **181**, **182**, **271**, **272**, **273**, and **274**), **195**, **193**, **218**, **199**, and **202** (and **203**).

## SUPREME COURT OF THE UNITED STATES

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Present: The Chief Justice, Mr. Justice Holmes, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, and Mr. Justice Stone.

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Eugene E. Stevens, jr., of Washington, D. C.; Reni S. Berry, of Los Angeles, Calif.; Simon Rosenthal, of Jackson, Miss.; Louis H. Strasser, of St. Louis, Mo.; Edward Fitzpatrick, of Los Angeles, Calif.; and Robert Clark Stovall, of Okolona, Miss., were admitted to practice.

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No. 199. David Burnet, Commissioner of Internal Revenue, petitioner, *v.* Samuel F. Houston. Leave granted to file brief of James Craig Peacock, as *amicus curiae*, on motion of Mr. James Craig Peacock in that behalf.

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No. 134. North Bend Stage Line, Inc., appellant, *v.* John C. Denney et al. Argument continued by Mr. Thomas E. DeWolfe for the appellant and by Mr. Hance H. Cleland for the appellee. The Court declined to hear further argument.

No. 176. Edward A. Pagel, as Administrator, etc., petitioner, *v.* Selma Hallbom. Argued by Mr. Charles A. Swenson for the petitioner, and case submitted by Mr. Fred W. Putnam for the respondent.

No. 183. State Board of Tax Commissioners of the State of Indiana et al., appellants, *v.* Lafayette A. Jackson. Argument commenced by Mr. Joseph W. Hutchinson for the appellants; continued by Mr. William H. Thompson and Mr. Martin A. Schenck for the appellee; and concluded by Mr. George W. Hufsmith for the appellants.

No. 165. Leonard J. Woodruff et al., appellants, *v.* The City of Los Angeles. Argument commenced by Mr. James A. Coleman for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, March 6, will be as follows: Nos. 165, 179 (180, 181, 182, 271, 272, 272, and 274), 195, 193, 218, 199, 202 (and 203), 235, 239 (240, 241, and 242), and 252.

## SUPREME COURT OF THE UNITED STATES

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Present: The Chief Justice Mr. Justice Holmes, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, and Mr. Justice Stone.

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Harvey L. Rabbitt, of Washington, D. C.; R. B. Graves, of Wisconsin Rapids, Wis.; Harry T. Lore, of Washington, D. C.; William A. Boekel, of San Francisco, Calif.; Ernest K. Neumann, of Santa Fe, N. Mex.; Thomas M. McKinney, of Basin, Wyo.; and John L. Landfair, of Basin, Wyo., were admitted to practice.

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No. 618. The United States of America *ex rel.* Ethel M. McLennan, petitioner, *v.* Ray Lyman Wilbur, Secretary of the Interior;

No. 676. The United States of America *el rel.* H. H. Simpson, petitioner, *v.* Ray Lyman Wilbur, Secretary of the Interior, et al.;

No. 704. The United States of America *ex rel.* Roy G. Barton, petitioner, *v.* Ray Lyman Wilbur, Secretary of the Interior, et al.; and

No. 743. The United States of America *ex rel.* W. B. Pyron, petitioner, *v.* Ray Lyman Wilbur, Secretary of the Interior, et al. Motion to advance submitted by Mr. Chester I. Long for the petitioners.

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No. 165. Leonard J. Woodruff et al., appellants, *v.* The City of Los Angeles. Argument continued by Mr. J. A. Coleman for the appellants. The Court declined to hear further argument.

No. 179. Farbwerke Vormals Meister Lucius & Bruning et al., etc., petitioners, *v.* Chemical Foundation, Inc., et al.;

No. 180. Farbwerke Vormals Meister Lucius & Bruning, petitioner, *v.* E. I. du Pont de Nemours & Co. et al.;

No. 181. Deutsche Gold & Silber Scheide Anstalt Vorm. Roessler, petitioner, *v.* E. I. du Pont de Nemours & Co. et al.;

No. 182. Badische-Anilin & Soda-Fabrik, petitioner, *v.* E. I. du Pont de Nemours & Co. et al.;

No. 271. Walter O. Woods, as Treasurer of the United States, petitioner, *v.* The Chemical Foundation, Inc., et al.;

No. **272**. Howard Sutherland, as Alien Property Custodian, petitioner, *v.* Farbwerke Vormals Meister Lucius & Bruning et al.;

No. **273**. Howard Sutherland, as Alien Property Custodian, petitioner, *v.* Deutsche Gold & Silber Scheide Anstalt Vorm. Roessler et al. Argument commenced by Mr. Frederick H. Wood for Farbwerke Vormals Meister Lucius & Bruning; continued by Mr. Almuth C. Vandiver for Badische-Anilin & Soda-Fabrik et al.; by Mr. G. Carroll Todd for respondent, E. I. du Pont de Nemours & Co., and concluded by Mr. Joseph H. C. Choate, jr., for respondent, Chemical Foundation, Inc.; and cases submitted by Mr. Solicitor General Thacher, Mr. J. Frank Staley, and Mr. Thomas E. Rhodes for Walter O. Woods, Treasurer, and Howard Sutherland, Alien Property Custodian. Leave granted to file supplemental brief of Farbwerke Vormals Meister Lucius & Bruning on or before Wednesday next, on motion of Mr. Frederick H. Wood in that behalf. Leave granted to file reply brief of Chemical Foundation, Inc., on or before Wednesday next, on motion of Mr. Joseph H. Choate, jr., in that behalf.

No. **195**. Columbus & Greenville Railway Company et al., appellants and petitioners, *v.* W. J. Miller, State Tax Collector, etc. Argument commenced by Mr. William H. Watkins for the appellants and petitioners and continued by Mr. Simon Rosenthal for the appellee and respondent.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, March 9, will be as follows: Nos. **195**, **19**, original, **193**, **218**, **129**, **141** (**142**, **143**, **144**, **145**, **146**, **147**, **148**, **149**, **150**, **151**, **152**, **153**, and **154**), **199**, **202** (and **203**), **235**, and **239** (**240**, **241**, and **242**).

## SUPREME COURT OF THE UNITED STATES

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Present: The Chief Justice, Mr. Justice Holmes, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, and Mr. Justice Roberts.

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Saul J. Zucker, of Newark, N. J.; Raymond F. Adams, of New York City; John Howard Hershberger, of Chicago, Ill.; Paul G. Annes, of Chicago, Ill.; Raymond L. Sauter, of Sterling, Colo.; Stuart H. Elliott, of Tacoma, Wash.; Marion N. Fisher, of New York City; Marsden B. Candler, of New York City; R. Aubrey Bogley, of Washington, D. C.; and William H. Riley, jr., of Battle Creek, Mich., were admitted to practice.

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No. 73. Chesapeake and Ohio Railway Company, appellant, *v.* The United States of America, Guyandot and Tug River Railroad Company, Norfolk and Western Railway Company, and Interstate Commerce Commission. Appeal from the District Court of the United States for the Southern District of West Virginia. Decree affirmed. Opinion by Mr. Justice Butler.

No. 54. Carbice Corporation of America, petitioner, *v.* American Patents Development Corporation and Dry Ice Corporation of America. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Decree reversed with costs, and cause remanded to the District Court of the United States for the Eastern District of New York for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Brandeis.

No. 552. William W. McBoyle, petitioner, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit. Judgment reversed, and cause remanded to the District Court of the United States for the Western District of Oklahoma for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Holmes.

The Chief Justice announced the following orders of the Court:

No. 630. De Forest Radio Company, petitioner, *v.* General Electric Company. The motion to use the records as printed for the use of the Circuit Court of Appeals is granted.

No. 618. The United States of America *ex rel.* Ethel M. McLennan, petitioner, *v.* Ray Lyman Wilbur, Secretary, etc.;

No. 676. The United States of America *ex rel.* H. H. Simpson, *v.* Ray Lyman Wilbur, Secretary, etc., et al.;

No. 704. The United States of America *ex rel.* Roy G. Barton, petitioner, *v.* Ray Lyman Wilbur, Secretary, etc.; and

No. 743. The United States of America *ex rel.* W. B. Pyron, petitioner, *v.* Ray Lyman Wilbur, Secretary, etc., et al. The motion to advance these cases is granted and the cases are assigned for argument on Monday, April 13 next, after the cases heretofore assigned for that day.

No. 720. Walter C. Fetters, United States Marshal, etc., petitioner, *v.* United States of America *ex rel.* Thomas W. Cunningham. It is ordered that this case be advanced and assigned for argument on Monday, April 13 next, after the cases heretofore assigned for that day.

No. 607. Spencer Aldrich and Bankers Trust Company as Trustee for Louise A. Meissner, Spencer W. Aldrich, et al., appellants, *v.* The City of New York, Booth & Flynn, Ltd., and Frederick L. Cranford, Inc. Appeal from the Supreme Court of the State of New York, New York County. *Per curiam*: The appeal herein is dismissed for the want of a substantial federal question. *Zucht v. King*, 260 U. S. 174, 176; *Sauer v. City of New York*, 206 U. S. 536, 548.

No. 622. The Nashville, Chattanooga & St. Louis Railway, appellant, *v.* Carroll County and J. T. Hester, Trustee of Carroll County. Appeal from the Supreme Court of the State of Tennessee. *Per curiam*: The appeal herein is dismissed for the want of a substantial federal question. *New York ex rel. Hatch v. Reardon*, 204 U. S. 152, 160; *Hooker v. Burr*, 194 U. S. 415; *Ohio v. Akron Park District*, 281 U. S. 74, 81.

No. 623. The Nashville, Chattanooga & St. Louis Railway, appellant, *v.* Benton County, Tennessee, and J. C. Herrin, Trustee of Benton County. Appeal from the Supreme Court of the State of Tennessee. *Per curiam*: The appeal herein is dismissed for the want of a substantial federal question. *New York ex rel. Hatch v. Reardon*, 204 U. S. 152, 160; *Hooker v. Burr*, 194 U. S. 415; *Ohio v. Akron Park District*, 281 U. S. 74, 81.

No. 625. The Philadelphia Electric Company, appellant, *v.* The City of Philadelphia. Appeal from the Supreme Court of the State of Pennsylvania. *Per curiam*: The appeal herein is dismissed for the want of a substantial federal question. *Missouri & Kansas Interurban Ry. Co. v. City of Olathe*, 222 U. S. 187, 190; *Cross Lake Shooting and Fishing Club v. Louisiana*, 224 U. S. 632.



No. 134. North Bend Stage Line, Inc., appellant, *v.* John C. Denney, Director; C. Rea Moore, Supervisor of Public Utilities, et al. Appeal from the Supreme Court of the State of Washington. *Per curiam*: It appearing that the order of the Department of Public Works is supported by the evidence, the judgment of the Supreme Court of the State of Washington is affirmed.

No. 165. Leonard J. Woodruff et al., appellants, *v.* The City of Los Angeles. Appeal from the District Court of Appeals, Second Appellate District, State of California. *Per curiam*: The appeal herein is dismissed for the want of a substantial federal question. Kennard *v.* Louisiana *ex rel.* Morgan, 92 U. S. 480; Thorington *v.* City Council, 147 U. S. 490, 492, 493; Tripp *v.* Santa Rosa Street R. R. Co., 144 U. S. 126.

No. 635. Merchants Warehouse Company, appellant, *v.* The United States of America et al.;

No. 636. Merchants Warehouse Company et al., appellants, *v.* The United States of America et al.;

No. 637. The United States of America et al., appellants, *v.* Merchants Warehouse Company et al.;

No. 638. The Pennsylvania Warehousing and Safe Deposit Company, appellant, *v.* The United States of America et al.;

No. 639. The Pennsylvania Warehousing and Safe Deposit Company et al., appellants, *v.* The United States of America et al.;

No. 640. The United States of America et al., appellants, *v.* The Pennsylvania Warehousing and Safe Deposit Company et al.;

No. 641. The Philadelphia Warehousing and Cold Storage Company, appellant, *v.* The United States of America et al.;

No. 642. Philadelphia Warehousing and Cold Storage Company et al., appellants, *v.* The United States of America et al.; and

No. 643. The United States of America et al., appellants, *v.* The Philadelphia Warehousing and Cold Storage Company et al.

No. 671. George T. Mitchell, Attorney General of the State of Mississippi, et al., etc., appellants, *v.* Penny Stores, Inc. In these cases probable jurisdiction is noted.

No. 687. Cumberland Coal Company, petitioner, *v.* Board of Revision of Tax Assessments, etc.;

No. 688. Cumberland Coal Company, petitioner, *v.* Board of Revision of Tax Assessments, etc.;

No. 689. Cumberland Coal Company, petitioner, *v.* Board of Revision of Tax Assessments, etc.;

No. 690. Cumberland Coal Company, petitioner, *v.* Board of Revision of Tax Assessments, etc.;

No. 691. Henry A. Phillips, petitioner, *v.* Board of Revision of Tax Assessments, etc.;

No. 692. Piedmont Coal Company, petitioner, *v.* Board of Revision of Tax Assessments, etc.; and

No. 693. Greene County Coal Company, petitioner, *v.* Board of Revision of Tax Assessments, etc. Petition for writs of certiorari to the Supreme Court of the State of Pennsylvania granted.

No. 733. The Virginian Railway Company, petitioner, *v.* Boyd E. Chambers;

No. 734. The Virginian Railway Company, petitioner, *v.* E. L. Fitzgerald; and

No. 735. The Virginian Railway Company, petitioner. *v.* W. O. Hylton. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit granted.

No. 628. Blakely D. McCaughn, Formerly Collector of Internal Revenue, petitioner, *v.* Zelia Gross Carnill, Executrix of the Estate of William Carnill, deceased. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 644. David Burnet, Commissioner of Internal Revenue, petitioner, *v.* Jennie L. Hodgkins, Surviving Executrix of the Estate of Jefferson Hodgkins, Deceased. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 679. Pacific Southwest Trust & Savings Bank, formerly Los Angeles First National Trust & Savings Bank, etc., Executor, etc., petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 567. The Denver and Salt Lake Railroad Company, petitioner, *v.* The Board of County Commissioners of Routt County; and

No. 568. The Denver and Salt Lake Railroad Company, petitioner, *v.* The Board of County Commissioners of Moffat County, Colorado. Petition for writs of certiorari to the Supreme Court of the State of Colorado denied.

No. 627. Charles H. Randall, Hector Randall, et al., etc., petitioners, *v.* The United States of America. Petition for writ of certiorari to the Court of Claims denied.

No. 697. Field and Start, Inc., petitioner, *v.* David Burnet, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 700. Louise McGrew Moffett and Grace Torrance Clark, Administratrices, petitioners, *v.* Helen Moffett, Jennie M. Lynn, et al., etc. Petition for writ of certiorari to the Supreme Court of the State of Kansas denied.

No. 702. The United States of America *ex rel.* Vahan Cardashian, petitioner, *v.* Edgar C. Snyder, United States Marshal, etc., et al. Petition for writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 707. Seaboard Air Line Railway Company, petitioner, *v.* E. H. D'Avignon. Petition for writ of certiorari to the Court of Appeals of the State of Georgia denied.

No. 708. The Pennsylvania Railroad Company, petitioner, *v.* Perry A. Shindledecker. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 710. Willis T. Gridley and Gladys Wright, petitioners, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 716. Harvey M. Toy and Mabelle B. Lucas, individually, etc., petitioners, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 719. The Sixty-Seven South Munn, Inc., petitioner, *v.* Board of Public Utility Commissioners of New Jersey and Public Service Electric and Gas Company. Petition for writ of certiorari to the Supreme Court of the State of New Jersey denied.

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No. 678. Smoot Sand and Gravel Corporation, petitioner, *v.* Washington Airport, Inc. Motion to advance submitted by Mr. Louis Titus for the respondent.

No. 718. T. F. Bandler, petitioner, *v.* Mayer, Osterwald & Muhlfield, Inc. Leave granted petitioner to file reply brief on motion of Mr. H. Kennedy McCook for the petitioner.

No. 624. Thomas L. Wolfe et al., appellants, *v.* Patrick J. Hurley, Secretary of War, et al. Leave granted appellants to file statement of points to be relied upon and designation of parts of the record to be printed and statement as to jurisdiction, on motion of Mr. Dean G. Acheson in behalf of counsel for the appellants.

No. 624. Thomas L. Wolfe et al., appellants, *v.* Patrick J. Hurley, Secretary of War, et al. Motion to advance submitted by Mr. Dean G. Acheson in behalf of counsel for the appellants.

No. 306. Guy Spurrier and Gerata Cella Spurrier, appellants, *v.* Mitchell Irrigation District and Gering & Ft. Laramie Irrigation District. Motion to pass, per stipulation of counsel, submitted by Mr. Robert G. Simmons in behalf of counsel.

No. 352. V. Loewers Gambrinus Brewery Company, petitioner, v. Charles W. Anderson, individually, etc. Mandate granted on motion of Mr. Preston B. Kavanaugh for the petitioner.

No. 384. Standard Oil Company (Indiana), appellant, v. The United States of America et al. Diminution of the record suggested and motion for a writ of certiorari submitted by Mr. Charles T. Drayton for the appellant.

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No. 15, original. Commonwealth of Kentucky, complainant, v. State of Indiana et al. Report No. 2 of the defendant, The State of Indiana, presented.

No. 384. Standard Oil Company (Indiana), appellant, v. The United States of America et al. Motion to dismiss or affirm submitted by Mr. Walter McFarland, Mr. M. B. Pierce, Mr. F. H. Towner, and Mr. Louis H. Strasser for the Atchison, Topeka and Santa Fe Ry. Co. and other carriers, appellees, in support of the motion, and by Mr. L. L. Stephens and Mr. John R. Cochran for the appellant in opposition thereto.

No. 615. Ernest C. Marty and Therese Marty, his wife, petitioners, v. John D. Nagle, Commissioner of Immigration, Port of San Francisco. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Dismissed with costs, *per* stipulation of counsel.

No. 621. Tri-State Ferry Company, appellant, v. R. I. Birney. Appeal from the Court of Appeals of the State of Kentucky. Dismissed with costs, *per* stipulation of counsel.

No. 649. The Great Atlantic & Pacific Tea Company et al., appellants, v. Allen J. Maxwell, Commissioner of Revenue of North Carolina. Statement as to jurisdiction submitted by Mr. Edward H. Green, Mr. C. W. Tillett, jr., Mr. Martin A. Schenck, Mr. William J. Carr, and Mr. Edward Holloway for the appellants.

No. 656. Continental Products Company, petitioner, v. The United States. Petition for writ of certiorari to the Court of Claims submitted by Mr. W. R. Brown and Mr. J. Harry Covington for the petitioner, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Rugg, and Mr. Claude R. Branch for the respondent.

No. 675. Wisconsin Central Railway Company, petitioner, v. The United States. Petition for writ of certiorari to the Court of Claims submitted by Mr. John L. Erdall for the petitioner, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Rugg, Mr. Claude R. Branch, and Mr. W. Marvin Smith for the respondent.

No. 703. T. J. Moss Tie Company et al., petitioners, v. Lydia Tanner and Letus N. Crowell, etc. Petition for writ of certiorari

to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Esward J. Grove, Mr. John London, Mr. George W. Yancey, and Mr. Walter Brower for the petitioners, and by Mr. Solicitor General Thacher, Mr. Claude R. Branch, Mr. J. Frank Staley, Mr. W. Clifton Stone, and Mr. William H. Riley, jr., for the respondent, Letus N. Crowell.

No. 709. Handy and Harman, petitioner, *v.* David Burnet, Commissioner, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. William C. Breed for the petitioner, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Youngquist, Mr. Claude R. Branch, Mr. Sewall Key, and Mr. John Henry McEvers for the respondent.

No. 711. Iowa-Des Moines National Bank, petitioner, *v.* J. M. Stewart, Chairman, etc.; and

No. 712. Central State Bank, petitioner, *v.* J. M. Stewart, Chairman, etc. Petitions for writs of certiorari to the Supreme Court of the State of Iowa submitted by Mr. J. G. Gamble and Mr. A. B. Howland for the petitioner, and by Mr. Eskil C. Carlson and Mr. Maxwell A. O'Brien for the respondents.

No. 715. New York, Ontario & Western Railway Company, petitioner, *v.* William W. Wyatt. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Thomas Watts for the petitioner, and by Mr. Sol Gelb for the respondent.

No. 717. The Union Central Life Insurance Company, petitioner, *v.* Rena Harvey. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. Alva M. Lumpkin for the petitioner, and by Rena Harvey, *pro se.*

No. 730. Letus N. Crowell, as Deputy Commissioner, etc., petitioner, *v.* Charles Benson; and

No. 731. Letus N. Crowell, as Deputy Commissioner, etc., et al., petitioners, *v.* Charles Benson. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Solicitor General Thacher, Mr. J. Frank Staley, and Mr. W. Clifton Stone for the petitioner in No. 730; by Mr. Palmer Pillans for petitioner, J. B. Knudson, in No. 731; and by Mr. Vincent F. Kilborn for the respondent.

No. 736. New York Life Insurance Company, petitioner, *v.* Rose Rositzky. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Ralph T. Finley, Mr. James C. Jones, Mr. Lon O. Hocker, Mr. James C. Jones, jr., Mr. Frank H. Sullivan, and Mr. Louis H. Cooke for the petitioner, and by Mr. K. B. Randolph for the respondent.

No. 195. Columbus & Greenville Railway Company et al., appellants and petitioners, *v.* W. J. Miller, State Tax Collector, etc. Argument continued by Mr. Simon Rosenthal for the appellee and respondent, and concluded by Mr. R. C. Stovall for the appellants and petitioners.

No. 19, original. State of Arizona, complainant, *v.* State of California, State of Nevada, State of Utah, State of New Mexico, State of Colorado, State of Wyoming, and Ray Lyman Wilbur, Secretary of the Interior. Five and one-half hours allowed for the oral argument of this case on motion of Mr. Solicitor General Thacher in that behalf. Argument on the several motions to dismiss the bill of complaint commenced by Mr. Solicitor General Thacher for the defendant, Ray Lyman Wilbur, Secretary of the Interior, in support of his motion; continued by Mr. U. S. Webb for the defendant, The State of California; by Mr. Thomas H. Gibson for the defendant, The State of Colorado; and by Mr. George P. Parker for the defendant, The State of Utah, in support of their motions.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, March 10, will be as follows: Nos. 19, original, 193, 218, 129, 141 (142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, and 154), 199, 202 (and 203), 235, 239 (240, 241, and 242), and 252.



## SUPREME COURT OF THE UNITED STATES

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Present: The Chief Justice, Mr. Justice Holmes, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, and Mr. Justice Roberts.

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Frederick Edwards Westbrook Darrow, of Saugerties, N. Y.; W. H. Brown, of Muskogee, Okla.; Vinton Emory Bradford, of Chicago, Ill.; and A. L. Hull, of Oklahoma City, Okla., were admitted to practice.

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No. 306. Guy Spurrier et al., appellants, *v.* Mitchell Irrigation District. Passed until April 13 next per stipulation of counsel.

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No. 19, original. The State of Arizona, complainant, *v.* The State of California, The State of Nevada, The State of Utah, The State of New Mexico, The State of Colorado, The State of Wyoming, and Ray Lyman Wilbur, Secretary of the Interior. Argument on the several motions to dismiss continued by Mr. James A. Greenwood for defendant, the State of Wyoming, in support of its motion; by Mr. Dean G. Acheson and Mr. Clifton Mathews for the complainant, State of Arizona, in opposition thereto; and concluded by Mr. Solicitor General Thacher for the defendant, Ray Lyman Wilbur, Secretary of the Interior, in support of his motion. Submitted by Mr. Gray Mashburn for defendant, the State of Nevada, and by Mr. E. K. Neumann and Mr. Francis C. Wilson for defendant, the State of New Mexico, in support of their motions to dismiss.

No. 193. Missouri Pacific Railroad Company, appellant, *v.* Hal Norwood, Attorney General of the State of Arkansas, etc., et al. Argument commenced by Mr. Edward J. White for the appellant, and continued by Mr. Donald R. Richberg for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, March 11, will be as follows: Nos. 193, 218, 129, 141 (142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, and 154), 199, 202 (and 203), 235, 239 (240, 241, and 242), 252, and 261.

SUPREME COURT OF THE UNITED STATES

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Present: The Chief Justice, Mr. Justice Holmes, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, and Mr. Justice Roberts.

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John Russell, jr., of Philadelphia, Pa.; William Fox Geenty, of New Haven, Conn.; Phil Dice Morelock, of Kansas City, Mo.; George H. Hubbell, of Trenton, Mo.; and Louis E. Callis, of Salt Lake City, Utah, were admitted to practice.

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No. 193. Missouri Pacific Railroad Company, appellant, *v.* Hal Norwood, Attorney General of the State of Arkansas, et al. Argument continued by Mr. Donald R. Richberg for the appellees, and concluded by Mr. Edward J. White for the appellant.

No. 218. Nekoosa Edwards Paper Company, appellant, *v.* Railroad Commission of Wisconsin. Argument commenced by Mr. R. B. Graves for the appellant, and continued by Mr. Theodore W. Brazeau for the appellant. The Court declined to hear further argument.

No. 129. David Burnet, Commissioner of Internal Revenue, petitioner, *v.* Sybil Whitehouse. Argued by Mr. Assistant Attorney General Youngquist for the petitioner, and by Mr. Marion N. Fisher for the respondent.

No. 141. Hilary Halbert, Jr., et al., etc., petitioners, *v.* The United States of America;

No. 142. Rich Halbert, a minor, etc., petitioner, *v.* The United States of America;

No. 143. Vernon Sidney Halbert, a minor, etc., petitioner, *v.* The United States of America;

No. 144. Sidney E. Halbert, a minor, etc., petitioner, *v.* The United States of America;

No. 145. Rose Peers Pickernoll et al., petitioners, *v.* The United States of America;

No. 146. Lulu M. Elliott et al., etc., petitioners, *v.* The United States of America;

No. 147. Mary Barichio Petit et al., petitioners, *v.* The United States of America;

No. 148. Dewey Barichio et al., petitioners, *v.* The United States of America;

No. 149. Edna May Elliott et al., petitioners, *v.* The United States of America;

No. 150. Chas. G. Elliott, Jr., et al., petitioners, *v.* The United States of America;

No. 151. Agnes Rubens et al., petitioners, *v.* The United States of America;

No. 152. Virginia Walkowsky et al., petitioners, *v.* The United States of America;

No. 153. Lizzie Rolfson et al., petitioners, *v.* The United States of America; and

No. 154. Mary Francis Provoe et al., petitioners, *v.* The United States of America. Argument commenced by Mr. Webster Ballinger for the petitioners.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, March 12, will be as follows: Nos. 141 (142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, and 154), 199, 202 (and 203), 235, 239 (240, 241, and 242), 252, 261, 263, 264, and 282.

SUPREME COURT OF THE UNITED STATES

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Present: The Chief Justice, Mr. Justice Holmes, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, and Mr. Justice Roberts.

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William E. Mikell, jr., of Philadelphia, Pa.; Robert C. Walker, of Philadelphia, Pa.; Earl Grant Harrison, of Philadelphia, Pa.; Ulric Johnson Mengert, of Philadelphia, Pa.; Henry Herrick Bond, of Boston, Mass.; and Daniel R. Rothermel, of Philadelphia, Pa., were admitted to practice.

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No. 8, original. The State of Louisiana, complainant, *v.* The State of Mississippi. Proposed form of decree submitted by Mr. Robert Ash in that behalf.

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No. 263. Maas & Waldstein Company, petitioner, *v.* The United States. Submitted by Mr. George E. Holmes, Mr. W. A. Sutherland, and Mr. Donald Havens for the petitioner, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Rugg, Mr. Claude R. Branch, and Mr. Charles R. Pollard for the respondent.

No. 264. The George E. Breece Lumber Company et al., appellants, *v.* Rupert E. Asplund, State Comptroller of the State of New Mexico. Submitted by Mr. Clarence M. Botts for the appellants and by Mr. E. K. Neuman and Mr. E. R. Wright for the appellee.

No. 141. Hilary Halbert, jr., et al., etc., petitioners, *v.* The United States of America;

No. 142. Rich Halbert, a minor, etc., petitioner, *v.* The United States of America;

No. 143. Vernon Sidney Halbert, a minor, etc., petitioner, *v.* The United States of America;

No. 144. Sidney E. Halbert, a minor, etc., petitioner, *v.* The United States of America;

No. 145. Rose Peers Pickernell et al., petitioners, *v.* The United States of America;

No. 146. Lulu M. Elliott et al., etc., petitioners, *v.* The United States of America;

No. 147. Mary Barichio Petit et al., petitioners, *v.* The United States of America;

No. 148. Dewey Barichio et al., petitioners, *v.* The United States of America;

No. 149. Edna May Elliott et al., petitioners, *v.* The United States of America;

No. 150. Charles G. Elliott, Jr., et al., petitioners, *v.* The United States of America;

No. 151. Agnes Rubens et al., petitioners, *v.* The United States of America;

No. 152. Virginia Walkowsky et al., petitioners, *v.* The United States of America;

No. 153. Lizzie Rolfson et al., petitioners, *v.* The United States of America; and

No. 154. Mary Francis Provoe et al., petitioners, *v.* The United States of America. Argument continued by Mr. Assistant Attorney General Richardson for the respondent, and concluded by Mr. Webster Ballinger for the petitioners, with leave to petitioners to file supplemental brief within five days.

No. 199. David Burnet, Commissioner of Internal Revenue, petitioner, *v.* Samuel F. Houston. Argued by Mr. Assistant Attorney General Youngquist for the petitioner, and by Mr. William Clarke Mason for the respondent.

No. 202. David Burnet, Commissioner of Internal Revenue, petitioner, *v.* Sallie H. Henry; and

No. 203. David Burnet, Commissioner of Internal Revenue, petitioner, *v.* William Hobart Porter et al., executors, etc. Argued by Mr. Assistant Attorney General Youngquist for the petitioner, by Mr. William Clarke Mason for respondent in No. 202, and by Mr. Walter Lee Sheppard for the respondent in No. 203.

No. 235. Edward F. Flynn, as Executor, etc., petitioner, *v.* New York, New Haven, and Hartford Railroad Company. Argued by Mr. William F. Geenty for the petitioner, and by Mr. Edward R. Brumley for the respondent.

No. 239. Alvis Maynard, administrator, etc., petitioner, *v.* W. K. Elliott, Trustee in Bankruptcy, etc.;

No. 240. John B. Varney, petitioner, *v.* W. K. Elliott, Trustee in Bankruptcy, etc.;

No. 241. J. M. Smith and A. B. Scott, petitioners, *v.* W. K. Elliott, Trustee in Bankruptcy, etc.; and

No. 242. A. G. Rutherford, petitioner, *v.* W. K. Elliott, Trustee in Bankruptcy, etc. Argument commenced by Mr. Randolph Bias for the petitioners.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, March 13, will be as follows: Nos. 239 (240, 241, and 242), 252, 261, 282, 288, 290, 313, 315, 330, and 334.

## SUPREME COURT OF THE UNITED STATES

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Present: The Chief Justice, Mr. Justice Holmes, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, and Mr. Justice Roberts.

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William H. Allen, of Kansas City, Mo., was admitted to practice.

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No. 109. David Burnet, Commissioner of Internal Revenue, petitioner, *v.* National Industrial Alcohol Company, Inc. Mandate granted on motion of Mr. Norman B. Landreau in that behalf.

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No. 239. Alvis Maynard, Administrator, etc., petitioner, *v.* W. K. Elliott, Trustee in Bankruptcy, etc.;

No. 240. John B. Varney, petitioner, *v.* W. K. Elliott, Trustee in Bankruptcy, etc.;

No. 241. J. M. Smith and A. B. Scott, petitioners, *v.* W. K. Elliott, Trustee in Bankruptcy, etc.; and

No. 242. A. G. Rutherford, petitioner, *v.* W. K. Elliott, Trustee in Bankruptcy, etc. Argument continued by Mr. Randolph Bias for the petitioners; by Mr. Stanley Reed for the respondent; and concluded by Mr. Wells Goodykoontz for the petitioners.

No. 252. The United States, petitioner, *v.* Artemus C. Wells et al., Executors, etc. Argued by Mr. Assistant Attorney General Rugg for the petitioner, and by Mr. W. W. Spalding for the respondents.

No. 261. Standard Marine Insurance Company, petitioner, *v.* Scottish Metropolitan Assurance Company, Ltd. Argument commenced by Mr. Russell T. Mount for the petitioner.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, March 16, will be as follows: Nos. 261, 683, 282, 288, 290, 313, 315, 330, 334, and 342.



SUPREME COURT OF THE UNITED STATES

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Present: The Chief Justice, Mr. Justice Holmes, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, and Mr. Justice Roberts.

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Burton B. Turkus, of New York City; Harry P. Daily, of Fort Smith, Ark.; Kenneth L. Sater, of Columbus, Ohio; James H. Griswold, of Cleveland, Ohio; J. Carlton Loser, of Nashville, Tenn.; W. B. Rosenfield, of Memphis, Tenn.; E. Russell Lutz, of Washington, D. C.; Leo A. Rover, of Washington, D. C.; Milton W. King, of Washington, D. C.; Myer I. Goldberg, of St. Louis, Mo.; Ruby Robinson Miller, of Washington, D. C.; and George H. Lynch, of Washington, D. C., were admitted to practice.

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The Chief Justice announced the following orders of the Court: No. 15, original. The Commonwealth of Kentucky, complainant, *v.* The State of Indiana et al. Report No. 2 of defendant, the State of Indiana, received and ordered to be filed.

No. 678. Smoot Sand and Gravel Corporation, petitioner, *v.* Washington Airport, Incorporated. The motion to advance this case is granted and the case is advanced and assigned for argument on Monday, April 13 next, after the cases heretofore assigned for that day.

No. 384. Standard Oil Company (Indiana), appellant, *v.* The United States of America et al. Further consideration of the suggestion of a diminution of the record and motion for writ of certiorari and of the motion to dismiss or affirm is postponed to the hearing of the case on the merits.

No. 649. The Great Atlantic & Pacific Tea Company et al., appellants, *v.* Allen J. Maxwell, Commissioner, etc. In this case probable jurisdiction is noted.

No. 218. Nekoosa Edwards Paper Company, appellant, *v.* Railroad Commission of Wisconsin. Appeal from the Supreme Court of the State of Wisconsin. *Per curiam:* In view of the findings of fact by the state court, supported by the evidence, the judgment is affirmed. Portland Railway Light & Power Co. *v.* Railroad Com-

mission of Oregon, 229 U. S. 397, 412; *Miedreich v. Lauenstein*, 232 U. S. 236, 243, 244; *Northern Pacific Ry. Co. v. North Dakota*, 236 U. S. 585, 593.

No. 264. The George E. Breece Lumber Company and Southwest Lumber Co., appellants, *v. Rupert F. Asplund*, State Comptroller of the State of New Mexico. Appeal from the Supreme Court of the State of New Mexico. *Per curiam*: The judgment herein is affirmed. *Bowman v. Continental Oil Co.*, 256 U. S. 642, 648, 649.

No. 709. Handy and Harman, petitioner, *v. David Burnet*, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 711. Iowa-Des Moines National Bank, petitioner, *v. J. M. Stewart*, Chairman of the Board of Supervisors, etc.; and

No. 712. Central State Bank, petitioner, *v. J. M. Stewart*, Chairman of the Board of Supervisors, etc. Petitions for writs of certiorari to the Supreme Court of the State of Iowa granted.

No. 730. Letus N. Crowell, as Deputy Commissioner, etc., petitioner, *v. Charles Benson*; and

No. 731. Letus N. Crowell, as Deputy Commissioner, etc., et al., petitioners, *v. Charles Benson*. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit granted.

No. 718. E. F. Bandler, petitioner, *v. Mayers, Ostwerwald & Muhlfield, Inc.* Petition for writ of certiorari to the United States Court of Customs and Patents Appeals denied.

No. 656. Continental Products Company, petitioner, *v. The United States*. Petition for writ of certiorari to the Court of Claims denied.

No. 675. Wisconsin Central Railway Company, petitioner, *v. The United States*. Petition for writ of certiorari to the Court of Claims denied.

No. 703. T. J. Moss Tie Company et al., petitioners, *v. Lydia Tanner and Letus N. Crowell, etc.* Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 715. New York, Ontario & Western Railway Company, petitioner, *v. William W. Wyatt*. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 717. The Union Central Life Insurance Company, petitioner, *v. Rena Harvey*. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 736. New York Life Insurance Company, petitioner, *v.* Rose Rositzky. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

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The Chief Justice also announced the following order :

ORDER

The Court will take a recess from Monday, March 23, until Monday, April 13, next.

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No. 16, original. The State of New Jersey, complainant, *v.* The State of New York and The City of New York. Leave granted to file exceptions of the defendants to the report of the Special Master, on motion of Mr. Frank J. Coyle for the defendants.

No. 16, original. The State of New Jersey, complainant, *v.* The State of New York and The City of New York. Leave granted to file exceptions of the complainant to the report of the Special Master, on motion of Mr. Duane E. Minard for the complainant.

No. 57. Story Parchment Company, petitioner, *v.* The Paterson Parchment Paper Company et al. Motion for the allowance of counsel fees and motion to stay mandate submitted by Mr. Edward O. Proctor for the petitioner in support of the motions, and by Mr. Edward F. McClellan for the respondent, in opposition to the motion for counsel fees.

No. 635. Merchants Warehouse Company, appellant, *v.* The United States of America ;

No. 636. Merchants Warehouse Company et al., appellants, *v.* The United States of America et al. ;

No. 637. The United States of America et al., appellants, *v.* Merchants Warehouse Company et al. ;

No. 638. The Pennsylvania Warehousing and Safe Deposit Company, appellant, *v.* The United States of America et al. ;

No. 639. The Pennsylvania Warehousing and Safe Deposit Company et al., appellants, *v.* The United States of America et al. ;

No. 640. The United States of America et al., appellants, *v.* The Pennsylvania Warehousing and Safe Deposit Company et al. ;

No. 641. The Philadelphia Warehousing and Cold Storage Company, appellants, *v.* The United States of America et al. ;

No. 642. Philadelphia Warehousing and Cold Storage Company et al., appellants, *v.* The United States of America et al. ; and

No. 643. The United States of America et al., appellants, *v.* The Philadelphia Warehousing and Cold Storage Company et al.

Motion to reassign submitted by Mr. Allen S. Olmstead, 2d, in that behalf.

No. 290. Western Land & Reclamation Company, appellant, *v.* The Reclamation Board of the State of California et al. Passed and assigned for argument on Monday, April 20 next, on motion of Mr. H. Kennedy McCook, in behalf of counsel for the appellant. Leave granted to file supplemental briefs on or before April 13 next.

No. —, original. *Ex parte*: Eastern Transportation Company, et al., petitioners. Motion for leave to file petition for writ of mandamus and/or prohibition submitted by Mr. Charles R. Hickox for the petitioners.

No. 786. John F. L. O'Leary and Henry J. Sullivan, petitioners, *v.* The United States of America. Motion for leave to proceed in *forma pauperis* submitted by Mr. Philip A. McHugh for the petitioners.

No. 665. The Hardware Dealers Mutual Fire Insurance Company of Wisconsin, appellant, *v.* The Glidden Company et al. Statement as to jurisdiction submitted by Mr. Mortimer H. Boutelle and Mr. Nathan H. Chase for the appellant in support thereof, and by Mr. Arthur E. Nelson and Mr. Edward L. Boyle for the appellee, in opposition thereto.

No. 744. The Texas and Pacific Railway Company et al., appellants, *v.* The United States of America et al. Statement as to jurisdiction submitted by Mr. Thomas J. Freeman, Mr. Robert L. W. Thompson, Mr. Luther M. Walter, Mr. A. L. Burford, Mr. R. E. Milling, jr., and Mr. Percy Saint for the appellants.

No. 664. Associated Furniture Corporation, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims submitted by Mr. Robert H. Montgomery, Mr. Thomas G. Haight, and Mr. J. Marvin Haynes for the petitioner, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Rugg, Mr. Claude R. Branch, and Mr. W. Marvin Smith for the respondent.

No. 705. United States *ex rel.* Antonio di Stefano, petitioner, *v.* Fred S. Pulver, United States Marshal, etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Antonio di Stefano, *pro se*, and by Mr. Eugene E. Kelly for the respondents.

No. 713. The City of San Diego, petitioner, *v.* The Atchison, Topeka and Santa Fe Railway Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. M. W. Conkling for the petitioner, and by Mr. Robert O. Brennan and Mr. E. E. McInnis for the respondent.

No. 722. Pig Stand Company, petitioner, *v.* Dixiepig Corporation et al. Petition for writ of certiorari to the Court of Civil Appeals, Fifth Supreme Judicial District, State of Texas, submitted by Mr. John Davis for the petitioner.

No. 723. Northwestern Lumber Company, petitioner, *v.* Wisconsin Tax Commission et al. Petition for writ of certiorari to the Supreme Court of the State of Wisconsin submitted by Mr. P. M. Beach for the petitioner, and by Mr. John W. Reynolds for the respondents.

No. 724. John S. Owen Lumber Company, petitioner, *v.* Wisconsin Tax Commission et al. Petition for writ of certiorari to the Supreme Court of the State of Wisconsin submitted by Mr. P. M. Beach for the petitioner, and by Mr. John W. Reynolds for the respondents.

No. 725. Rust-Owen Lumber Company, petitioner, *v.* Wisconsin Tax Commission et al. Petition for writ of certiorari to the Supreme Court of the State of Wisconsin submitted by Mr. P. M. Beach for the petitioner, and by Mr. John W. Reynolds for the respondents.

No. 726. New Dells Lumber Company, petitioner, *v.* Wisconsin Tax Commission et al. Petition for writ of certiorari to the Supreme Court of the State of Wisconsin submitted by Mr. P. M. Beach for the petitioner, and by Mr. John W. Reynolds for the respondents.

No. 727. Paysoff Tinkoff, petitioner, *v.* Andrew W. Mellon, individually, etc. Petition for writ of certiorari to the Court of Appeals of the District of Columbia submitted by Mr. John E. Bennett and Mr. Paysoff Tinkoff for the petitioner, and by Mr. Solicitor General Thacher, Mr. Claude R. Branch, Mr. J. Frank Staley, and Mr. Paul D. Miller for the respondent.

No. 729. Sadaichi Kenmotsu, petitioner, *v.* John D. Nagle, United States Commissioner at San Francisco, California. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Carol W. King for the petitioner, and by Mr. Solicitor General Thacher, Mr. Claude R. Branch, and Mr. Harry S. Ridgely for the respondent.

No. 732. Clarence Craig, Trustee in Bankruptcy, etc., petitioner, *v.* Industrial Acceptance Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Allen McReynolds for the petitioner, and by Mr. Walter E. Beebe for the respondent.

No. 741. William Wingert et al., etc., petitioners, *v.* The President, Directors, and Company of the Hagerstown Bank, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. Miller Wingert for the petitioners.

No. 742. Louis L. Smith, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. W. J. Waguespack for the petitioner, and by Mr. Solicitor General Thacher, Mr. Claude R. Branch, Mr. J. Frank Staley, and Mr. William H. Riley, jr., for the respondent.

No. 745. David Burnet, Commissioner of Internal Revenue, petitioner, *v.* William L. Nevin, Executor, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Youngquist, and Mr. Patrick J. Ryan for the petition, and by Mr. Maurice Bower Saul and Mr. J. Marvin Haynes for the respondent.

No. 746. A. M. Randolph, petitioner, *v.* Edward Fricke. Petition for writ of certiorari to the Supreme Court of the State of Missouri submitted by Mr. John C. Grover for the petitioner, and by Mr. S. J. Jones and Mr. Major J. Lilly for the respondent.

No. 749. Patent Vulcanite Roofing Company, Inc., petitioner, *v.* Transoceanica Societa Italiana Di Navigazione. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Arthur W. Clement and Mr. Oscar R. Houston for the petitioner, and by Mr. Homer L. Loomis for the respondent.

No. 760. Ingram-Day Lumber Company, petitioner, *v.* Clare G. Schultz, Administratrix, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. William H. Armbrecht for the petitioner, and by Mr. Michael F. Gallagher and Mr. Samuel M. Rinaker for the respondent.

No. 765. W. H. Shenners Company, petitioner, *v.* Lake Worth Realty & Building Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Edgar L. Wood for the petitioner, and by Mr. Charles B. Quarles and Mr. Maxwell H. Herriott for the respondent.

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No. 261. Standard Marine Insurance Company, Ltd., petitioner, *v.* Scottish Metropolitan Assurance Company, Ltd. Argument continued by Mr. Russell T. Mount for the petitioner, and concluded by Mr. T. Catesby Jones for the respondent.

No. 683. Alfred Scott Aldridge, petitioner, *v.* The United States of America. Argued by Mr. James F. Reilly for the petitioner, and by Mr. Leo A. Rover for the respondent.



No. 282. Bonwit Teller & Company, petitioner, *v.* The United States. Argued by Mr. Arthur B. Hyman for the petitioner, and by Mr. Assistant Attorney General Rugg for the respondent.

No. 288. David Burnet, Commissioner, petitioner, *v.* Thompson Oil and Gas Company. Argument commenced by Mr. Assistant Attorney General Richardson for the petitioner.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, March 17, will be as follows: Nos. 288, 313, 315, 330, 334, 342, 351, 358, 361, and 368.

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## SUPREME COURT OF THE UNITED STATES

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Present: The Chief Justice, Mr. Justice Holmes, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Butler, Mr. Justice Stone, and Mr. Justice Roberts.

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Justin Lincoln Fearing, of Boston, Mass.; Denver L. Dudley, of Jonesboro, Ark.; John E. Mathews, of Jacksonville, Fla.; and William H. Allen, of St. Louis, Mo., were admitted to practice.

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No. **361.** Charles A. Noack et al., appellants, *v.* I. Zellerbach et al. Submitted by Mr. Marshall B. Woodworth and Mr. Roger O'Donnell for the appellants, and by Mr. Eugene D. Bennett for the appellees. Leave granted appellees to file brief on or before April 7 next, on motion of Mr. Ellsworth C. Alvord, in behalf of counsel.

No. **288.** David Burnet, Commissioner of Internal Revenue, petitioner, *v.* Thompson Oil & Gas Company. Argument continued by Mr. Assistant Attorney General Richardson for the petitioner, by Mr. Phil D. Morelock for the respondent, and concluded by Mr. James S. Y. Ivins for the respondent.

No. **313.** Will Walker and Alfred Walker et al., appellants, *v.* Lawrence Mensi et al. Argument commenced by Mr. W. B. Rosenfield for the appellants. The Court declined to hear further argument.

No. **315.** Hannah M. Smith, Administratrix, etc., petitioner, *v.* Springdale Amusement Park, Ltd., et al. Argued by Mr. Myer I. Goldberg for the petitioner, and by Mr. Paul Bakewell for the respondents.

No. **330.** Twin City Pipe Line Company et al., petitioners, *v.* Harding Glass Company. Argument commenced by Mr. Harry P. Daily for the petitioner.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, March 18, will be as follows: Nos. **330, 334, 342, 351, 358, 368, 369, 384, 426 (427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, and 441), and 453.**

## SUPREME COURT OF THE UNITED STATES

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Present: The Chief Justice, Mr. Justice Holmes, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Butler, Mr. Justice Stone, and Mr. Justice Roberts.

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William I. Allen, of Chicago, Ill., was admitted to practice.

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No. **330**. Twin City Pipe Line Company et al., petitioners, *v.* Harding Glass Company. Argument continued by Mr. Harry P. Daily for the petitioners, by Mr. Joseph R. Brown and Mr. James B. McDonough for the respondent, and concluded by Mr. Harry P. Daily for the petitioners.

No. **334**. Hans Rees' Sons, Inc., appellant, *v.* State of North Carolina *ex rel.* Allen J. Maxwell, Commissioner of Internal Revenue. Argued by Mr. Louis H. Porter for the appellant, and by Mr. Dennis G. Brummitt for the appellee.

No. **342**. Southern Railway Company, petitioner, *v.* Jack W. Hussey. Argument commenced by Mr. Charles A. Houts for the petitioner.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, March 19, will be as follows: Nos. **342, 351, 358, 368, 369, 384, 426 (427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, and 441), 457, and 489.**

SUPREME COURT OF THE UNITED STATES

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Present: The Chief Justice, Mr. Justice Holmes, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, and Mr. Justice Roberts.

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Ozero C. Brewer, of Helena, Ark.; Charles H. MacNabb, of Cardiff, Md.; Herbert S. Harr, of Cincinnati, Ohio; and Francis J. Burke, of Boston, Mass., were admitted to practice.

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No. 342. Southern Railway Company, petitioners, *v.* Jack W. Hussey. Argument continued by Mr. Charles A. Houts for the petitioner and concluded by Mr. William H. Allen for the respondent.

No. 351. A. James Eckert, petitioner, *v.* David Burnet, Commissioner of Internal Revenue. Argued by Mr. Henry T. Dorrance for the petitioner, and by Mr. Claude R. Branch for the respondent.

No. 358. Interstate Transit, Inc., appellant, *v.* Dick Lindsey, County Court Clerk. Argument commenced by Mr. J. Carlton Loser for the appellant; continued by Mr. William F. Barry, jr., for the appellee; and concluded by Mr. Thomas L. Tallentire for the appellant.

No. 368. The Susquehanna Power Company, appellant, *v.* State Tax Commission of Maryland. Argument commenced by Mr. William Clarke Mason for the appellant, and continued by Mr. William L. Marbury, jr., for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, March 20, will be as follows: Nos. 368, 369, 384, and 426 (427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, and 441).

## SUPREME COURT OF THE UNITED STATES

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Present: The Chief Justice, Mr. Justice Holmes, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, and Mr. Justice Roberts.

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Harmon E. Cutler, of New York City; Ambrose Bradley, of Waynesburg, Pa.; and Terence F. Cunneen, of New York City, were admitted to practice.

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No. 745. David Burnet, Commissioner of Internal Revenue, petitioner, *v.* William L. Nevin, Executor, etc. Leave granted to file brief of Mary B. Warburton and Norman McLeod, Administrator, Estate of Elizabeth McLeod, as *amici curiae*, on motion of Mr. Dean G. Acheson in that behalf.

No. 54. Carbide Corporation of America, petitioner, *v.* American Patents Development Corporation et al. Motion to defer consideration of motion by the petitioner for reconsideration submitted by Mr. R. F. Steward for the respondents.

- No. 17, original. The State of New Jersey, complainant, *v.* The City of New York. Report of the Special Master presented by Mr. Edward K. Campbell and the report ordered to be filed.

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No. 368. The Susquehanna Power Company, appellant, *v.* State Tax Commission of Maryland. Argument continued by Mr. William L. Marbury, jr., and Mr. Robert H. Archer for the appellee, and concluded by Mr. William Clarke Mason for the appellant.

No. 369. The Susquehanna Power Company, appellant, *v.* State Tax Commission of Maryland. Argued by Mr. William Clarke Mason for the appellant, and by Mr. William L. Marbury and Mr. Charles H. MacNabb for the appellee.

No. 384. Standard Oil Company (Indiana), appellant, *v.* The United States of America et al. Argued by Mr. John R. Cochran for the appellant, by Mr. Assistant to the Attorney General O'Brian for the United States and the Interstate Commerce Commission, and by Mr. Louis H. Strasser for the appellee carriers.

Adjourned until Monday, March 23, next at 12 o'clock.

SUPREME COURT OF THE UNITED STATES

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Present: The Chief Justice, Mr. Justice Holmes, Mr. Justice Van Devanter, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, and Mr. Justice Roberts.

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Louis O. Bergh, of New York City; Whitney North Seymour, of New York City; Clay McClellan, of Waco, Tex.; Horace Edison Gunn, of Danville, Ill.; and Asahel W. Cooper, of New Orleans, La., were admitted to practice.

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No. 393. Gynther Storaasli, appellant, *v.* The State of Minnesota. Appeal from the Supreme Court of the State of Minnesota. Judgment affirmed with costs. Opinion by Mr. Justice Roberts. Mr. Justice Butler took no part in the consideration or decision of this case.

No. 92. Demetrius Philippides, petitioner, *v.* Benjamin M. Day, Commissioner of Immigration, Port of New York. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment affirmed, and cause remanded to the District Court of the United States for the Southern District of New York. Opinion by Mr. Justice Holmes.

No. 336. United States of America *ex rel.* Costas Cateches, petitioner *v.* Benjamin M. Day, Commissioner of Immigration. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment affirmed, and cause remanded to the District Court of the United States for the Southern District of New York. Opinion by Mr. Justice Holmes.

No. 125. Walter E. Carr, Director of Immigration of the United States for the Los Angeles District, No. 31, petitioner, *v.* Mateo Zaja. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgment reversed, and cause remanded to the District Court of the United States for the Southern District of California for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Holmes.

No. 235. Edward F. Flynn, as Executor of the Estate of Edward L. Flynn, deceased, petitioner, *v.* The New York, New Haven and Hartford Railroad Company. On writ of certiorari to the Supreme Court of Errors of the State of Connecticut. Judgment affirmed with costs. Opinion by Mr. Justice Holmes.



No. 85. The United States of America, petitioner, *v.* Munson Steamship Line. On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit. Judgment affirmed, and cause remanded to the District Court of the United States for the District of Maryland. Opinion by Mr. Chief Justice Hughes.

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The Chief Justice announced the following orders of the Court:

No. —. In Re Disbarment of William E. Baff. A rule to show cause is ordered to issue returnable on Monday, April 13 next.

No. 2, original. The State of New Mexico, complainant, *v.* The State of Texas. Decree entered.

No. 2, original. The State of New Mexico, complainant, *v.* The State of Texas. Order entered approving the amount and payment of compensation and expenses of the boundary commissioner.

No. 12, original. The State of Connecticut, complainant, *v.* The Commonwealth of Massachusetts. Decree entered.

No. 17, original. The State of New Jersey, complainant, *v.* The City of New York. The report of the Special Master is received and ordered to be filed. Exceptions by the parties, if any, shall be filed on or before Monday, April 6 next, and the case is assigned for hearing on such exceptions, if any, on Thursday, April 30 next, at the head of the call for that day. Briefs for the parties shall be filed on or before Monday, April 20. Reply briefs, if any, are to be filed on or before Monday, April 27.

No. —, original. Ex parte: Eastern Transportation Company et al., petitioners. The motion for leave to file petition for writ of mandamus and/or prohibition is denied.

No. 786. John F. L. O'Leary and Henry J. Sullivan, petitioners, *v.* The United States of America. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. *Per curiam:* The motion for leave to proceed further herein *in forma pauperis* is denied, for the reason that the Court, upon examination of the unprinted record herein submitted, finds that there is no ground upon which a writ of certiorari should be issued. The petition for a writ of certiorari is therefore also denied. The costs already incurred herein shall be paid by the Clerk as provided in the order of October 29, 1926.

No. 313. Will Walker and Alfred Walker et al., appellants, *v.* Lawrence Mensi, Brill Willis, and Horace Colby et al. Appeal from the Supreme Court of the State of Tennessee. *Per curiam:* The appeal herein is dismissed for the want of jurisdiction. *Haseltine v. Central Bank of Springfield, Missouri* (No. 1), 183 U. S.

130, 131; Louisiana Navigation Co., Ltd., *v.* Oyster Commission, 226 U. S. 99, 101, 102; Northern Cedar Co. *v.* Gloyd, 270 U. S. 625.

No. 635. Merchants Warehouse Company, appellant, *v.* The United States of America et al.;

No. 636. Merchants Warehouse Company et al., appellants, *v.* The United States of America et al.;

No. 637. The United States of America et al., appellants, *v.* Merchants Warehouse Company et al.;

No. 638. The Pennsylvania Warehousing and Safe Deposit Company, appellant, *v.* The United States of America et al.;

No. 639. The Pennsylvania Warehousing and Safe Deposit Company et al., appellants, *v.* The United States of America et al.;

No. 640. The United States of America et al., appellants, *v.* The Pennsylvania Warehousing and Safe Deposit Company et al.;

No. 641. The Philadelphia Warehousing and Cold Storage Company, appellant, *v.* The United States of America et al.;

No. 642. Philadelphia Warehousing and Cold Storage Company et al., appellants, *v.* The United States of America et al.; and

No. 643. The United States of America et al., appellants, *v.* The Philadelphia Warehousing and Cold Storage Company et al. The motion to reassign these cases is granted and the cases are re-assigned for argument on Tuesday, April 21 next.

No. 665. The Hardware Dealers Mutual Fire Insurance Company of Wisconsin, appellant, *v.* The Glidden Company et al. Further consideration of the question of the jurisdiction of this Court is postponed to the hearing of the case on the merits.

No. 744. The Texas and Pacific Railway Company et al., appellants, *v.* The United States of America et al. In this case probable jurisdiction is noted.

No. 664. Associated Furniture Corporation, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 705. United States *ex rel.* Antonio di Stefano, petitioner, *v.* Fred S. Pulver, United States Marshal for the Eastern District of New York, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 713. The City of San Diego, petitioner, *v.* The Atchison, Topeka and Santa Fe Railway Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 722. Pig Stand Company, petitioner, *v.* Dixiepig Corporation et al. Petition for writ of certiorari to the Court of Civil Appeals, 5th Supreme Judicial District, State of Texas, denied.

No. 723. Northwestern Lumber Company, petitioner, *v.* Wisconsin Tax Commission et al. Petition for writ of certiorari to the Supreme Court of the State of Wisconsin denied.

No. 724. John S. Owen Lumber Company, petitioner, *v.* Wisconsin Tax Commission et al. Petition for writ of certiorari to the Supreme Court of the State of Wisconsin denied.

No. 725. Rust-Owen Lumber Company, petitioner, *v.* Wisconsin Tax Commission et al. Petition for writ of certiorari to the Supreme Court of the State of Wisconsin denied.

No. 726. New Dells Lumber Company, petitioner, *v.* Wisconsin Tax Commission et al. Petition for writ of certiorari to the Supreme Court of the State of Wisconsin denied.

No. 727. Paysoff Tinkoff, petitioner, *v.* Andrew W. Mellon, individually, etc. Petition for writ of certiorari to the Court of Appeals for the District of Columbia denied.

No. 729. Sadaichi Kenmotsu, petitioner, *v.* John D. Nagle, United States Commissioner at San Francisco, California. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 732. Clarence Craig, Trustee in Bankruptcy of the Estate of Bell Motor Company, a bankrupt, petitioner, *v.* Industrial Acceptance Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 741. William Wingert, Lewis P. Wingert, and Miller Wingert, **executors, etc., petitioners, v. The President, Directors, and Company of the Hagerstown Bank, et al.** Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 742. Louis L. Smith, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 746. A. M. Randolph, petitioner, *v.* Edward Fricke. Petition for writ of certiorari to the Supreme Court of the State of Missouri denied.

No. 749. Patent Vulcanite Roofing Company, Inc., petitioner, *v.* Transoceanica Societa Italiana Di Navigazione. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 760. Ingram-Day Lumber Company, petitioner, *v.* Clare G. Schultz, Administratrix of the Estate of W. W. Schultz. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 765. W. H. Shenners Company, petitioner, *v.* Lake Worth Realty and Building Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

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No. 22, original. The United States of America, complainant, *v.* State of Oregon. Motion for the appointment of a Special Master submitted by Mr. Solicitor General Thacher for the complainant.

No. —, original. Ex parte: Frank L. Smith et al., etc., petitioners. Motion for leave to file petition for writ of mandamus submitted by Mr. Eliot C. Lovet in behalf of counsel for the petitioners.

No. 504. The United States, petitioner, *v.* Douglas Clyde Macintosh; and

No. 505. The United States of America, petitioner, *v.* Marie Averil Bland. Leave granted to file brief of Charles P. Howland and Richard W. Hale, as *amici curiæ*, on motion of Mr. Dean G. Acheson in that behalf.

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No. 698. Liberty Central Trust Company et al., appellants, *v.* Greenbrier College for Women et al. Statement as to jurisdiction submitted by Mr. W. Chapman Revercomb for the appellants, in support thereof, and by Mr. Howard B. Lee and Mr. R. A. Blessing for the appellees, in opposition thereto.

No. 728. United States ex rel. Empire & Southeastern Railway Company, etc., petitioner, *v.* Interstate Commerce Commission. Petition for writ of certiorari to the Court of Appeals of the District of Columbia submitted by Mr. Paysoff Tinkoff and Mr. John E. Bennett for the petitioner, and by Mr. Nelson W. Thomas and Mr. Daniel W. Knowlton for the respondent.

No. 737. Missouri-Kansas-Texas Railroad Company, petitioner, *v.* R. F. Highfill. Petition for writ of certiorari to the Supreme Court of the State of Oklahoma submitted by Mr. Joseph M. Bryson, Mr. Charles S. Burg, and Mr. Maurice D. Green for the petitioner, and by Mr. S. P. Jones for the respondent.

No. 747. Simons Brick Company, petitioner, *v.* David Burnet, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. John H. Brennan for the petitioner, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Youngquist, Mr. Claude R. Branch, Mr. Sewall Key, Mr. John G. Remy, and Mr. W. Marvin Smith for the respondent.

No. 755. Crider Brothers Commission Company, petitioner, *v.* David Burnet, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Levi Cooke, Mr. J. Walter Farrar, and Mr. Geo. R. Beneman for the petitioner, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Youngquist, Mr. Claude R. Branch, Mr. Sewall Key, Mr. William Cutler Thompson, and Mr. William H. Riley, jr., for the respondent.

No. 784. Rogers & Hubbard, petitioner, *v.* Hartford & New York Transportation Company; and

No. 785. Rogers & Hubbard, petitioner, *v.* Hartford & New York Transportation Company. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. John W. Crandall for the petitioner, and by Mr. John W. Griffin for the respondent.

Adjourned until Monday, April 13, at 12 o'clock.

The day call for Monday, April 13, will be as follows: Nos. 16 original, 94, 584, 618 (676, 704, and 743), 720, 306, 678, 362, 422, and 423.

## SUPREME COURT OF THE UNITED STATES

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Present: The Chief Justice, Mr. Justice Holmes, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, and Mr. Justice Roberts.

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William H. Dannat Pell, of New York City; Edwin H. Gibson, of Richmond, Va.; James Wilkinson, of New Orleans, La.; and Henry W. Boyce, of New York City, were admitted to practice.

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No. 288. David Burnet, Commissioner of Internal Revenue, petitioner, *v.* Thompson Oil & Gas Company. On writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit. Judgment reversed and cause remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Roberts.

No. 176. Edward A. Pagel, as Administrator of the Estate of Jacob E. Hallbom, decedent, petitioner, *v.* John G. MacLean, Administrator of Selma Hallbom. On writ of certiorari to the Supreme Court of the State of Minnesota. Judgment vacated without costs to either party in this Court, and cause remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Stone.

No. 116. The United States, petitioner, *v.* Felt & Tarrant Mfg. Co. On writ of certiorari to the Court of Claims. Judgment reversed and cause remanded to the said Court of Claims for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Stone.

No. 239. Alvis Maynard, Administrator of Mary A. Ronan, deceased, petitioner, *v.* W. K. Elliott, Trustee in Bankruptcy of Nancy Jane Varney and Pricy A. Varney;

No. 240. John B. Varney, petitioner, *v.* W. K. Elliott, Trustee in Bankruptcy of Nancy Jane Varney and Pricy A. Varney;

No. 241. J. M. Smith and A. B. Scott, petitioners, *v.* W. K. Elliott, Trustee in Bankruptcy of Nancy Jane Varney and Pricy A. Varney; and

No. 242. A. G. Rutherford, petitioner, *v.* W. K. Elliott, Trustee in Bankruptcy of Nancy Jane Varney and Pricy A. Varney. On



writs of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. Judgments reversed with costs and cases remanded to the District Court of the United States for the Eastern District of Kentucky for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Stone.

No. 425. Group No. 1 Oil Corporation, petitioner, *v.* James W. Bass, Collector of Internal Revenue for the United States for the First District of Texas. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Judgment affirmed with costs and cause remanded to the District Court of the United States for the Western District of Texas. Opinion by Mr. Justice Stone. Mr. Justice Roberts took no part in the consideration or decision of this case.

No. 261. Standard Marine Insurance Company, Ltd., petitioner, *v.* Scottish Metropolitan Assurance Company, Ltd. On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. Judgment affirmed with costs and cause remanded to the District Court of the United States for the Northern District of Ohio. Opinion by Mr. Justice Stone.

No. 368. The Susquehanna Power Company, appellant, *v.* State Tax Commission of Maryland. Appeal from the Court of Appeals of the State of Maryland. Judgment affirmed with costs. Opinion by Mr. Justice Stone.

No. 369. The Susquehanna Power Company, appellant *v.* State Tax Commission of Maryland. Appeal from the Court of Appeals of the State of Maryland. Dismissed with costs. Opinion by Mr. Justice Stone.

No. 93. New York Life Insurance Company, petitioner, *v.* Frank Collis Bowers, Executor of Frank K. Bowers, Collector, etc.; and

No. 160. Frank Collis Bowers, Executor of Frank K. Bowers, Collector, etc., petitioner, *v.* New York Life Insurance Company. On writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment affirmed with costs and cause remanded to the District Court of the United States for the Southern District of New York. Opinion by Mr. Justice Butler.

No. 193. Missouri Pacific Railroad Company, appellant, *v.* Hal Norwood, Attorney General of the State of Arkansas; Joe Joiner, Prosecuting Attorney, et al., etc. Appeal from the District Court of the United States for the Western District of Arkansas. Decree affirmed with costs. Opinion by Mr. Justice Butler.

No. 282. Bonwit Teller & Company, petitioner, *v.* The United States. On writ of certiorari to the Court of Claims. Judgment reversed and cause remanded to the said Court of Claims for further

proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Butler.

No. 155. The Chesapeake and Ohio Railway Company, petitioner, *v. H. E. Martin and W. H. Porter*. On writ of certiorari to the Supreme Court of Appeals of the State of Virginia. Judgment reversed with costs and cause remanded to the said Supreme Court of Appeals for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Sutherland.

No. 199. David Burnet, Commissioner of Internal Revenue, petitioner, *v. Samuel F. Houston*. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Judgment reversed and cause remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Sutherland.

No. 202. David Burnet, Commissioner of Internal Revenue, petitioner, *v. Sallie H. Henry*. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Judgment reversed, and cause remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Sutherland.

No. 203. David Burnet, Commissioner of Internal Revenue, petitioner, *v. William Hobart Porter and Andrew W. Porter, Executors of the Estate of William W. Porter, deceased*. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Judgment reversed and cause remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Sutherland.

No. 387. Etta M. Klein, Former Administratrix of the Estate of Solomon Klein, deceased, etc., et al., petitioners, *v. The United States*. On writ of certiorari to the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Sutherland.

No. 384. Standard Oil Company (Indiana), appellant, *v. The United States of America, The Interstate Commerce Commission, et al.* Appeal from the District Court of the United States for the Northern District of Indiana. Decree affirmed. Opinion by Mr. Justice Sutherland.

No. 378. Standard Oil Company (Indiana), et al., appellants, *v. The United States of America*. Appeal from the District Court of the United States for the Northern District of Illinois. Decree reversed and cause remanded to the said District Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Brandeis. Mr. Justice Stone took no part in the consideration or decision of this case.

No. 358. Interstate Transit, Inc., appellant, *v.* Dick Lindsey, County Court Clerk. Appeal from the Supreme Court of the State of Tennessee. Decree reversed with costs and cause remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Brandeis. Mr. Justice McReynolds is of the opinion that the decree should be affirmed.

No. 138. Gene Buck, as President of the American Society of Composers, Authors, and Publishers, and De Sylva, Brown & Henderson, Inc., *v.* Jewell-La Salle Realty Company;

No. 139. Gene Buck, as President of the American Society of Composers, Authors, and Publishers, and Leo Feist, Inc., *v.* Jewell-La Salle Realty Company. On certificate from the United States Circuit Court of Appeals for the Eighth Circuit. Question answered in the affirmative. Opinion by Mr. Justice Brandeis.

No. 140. Jewell-La Salle Realty Company *v.* Gene Buck, as President of the American Society of Composers, Authors, and Publishers, and Leo Feist, Inc. On certificate from the United States Circuit Court of Appeals for the Eighth Circuit. Questions II and III answered in the affirmative. Question IV not answered. Opinion by Mr. Justice Brandeis.

No. 124. The First National Bank of Chicago, petitioner, *v.* The United States. On writ of certiorari to the Court of Claims. Judgment affirmed. Opinion by Mr. Justice McReynolds.

No. 129. David Burnet, Commissioner of Internal Revenue, petitioner, *v.* Sybil Whitehouse. On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit. Judgment affirmed and cause remanded to the said Circuit Court of Appeals. Opinion by Mr. Justice McReynolds.

No. 179. Farbwerke vormals Meister Lucius & Bruning, Deutsche Gold & Silber Scheide Anstalt vorm., etc., et al., petitioners, *v.* Chemical Foundation, Inc., E. I. Du Pont de Nemours & Co., etc., et al.

No. 180. Farbwerke vormals Meister Lucius & Bruning, petitioner, *v.* E. I. Du Pont de Nemours & Co., and Walter O. Woods, as Treasurer of the United States;

No. 181. Deutsche Gold & Silber Scheide Anstalt vorm. Roessler, petitioner, *v.* E. I. Du Pont de Nemours & Co. et al.;

No. 182. Badische-Anilin & Soda-Fabrik, petitioner, *v.* E. I. Du Pont de Nemours & Co. et al.;

No. 271. Walter O. Woods, as Treasurer of the United States, petitioner, *v.* The Chemical Foundation, Inc., et al.;

No. 272. Howard Sutherland, as Alien Property Custodian, petitioner, *v.* Farbwerke vormals Meister Lucius & Bruning et al.;

No. 273. Howard Sutherland, as Alien Property Custodian, petitioner *v.* Deutsche Gold & Silber Scheide Anstalt vorm. Roessler, et al.; and

No. 274. Howard Sutherland, as Alien Property Custodian, petitioner, *v.* Badische Anilin & Soda-Fabrik, E. I. Du Pont de Nemours & Co., et al. On writs of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Decrees affirmed and cases remanded to the District Court of the United States for the District of Delaware. Opinion by Mr. Justice McReynolds. Mr. Justice Sutherland and Mr. Justice Stone took no part in the consideration or decision of these cases.

No. 342. Southern Railway Company, petitioner, *v.* Jack W. Hussey. On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Judgment affirmed with costs and cause remanded to the District Court of the United States for the Eastern District of Missouri. Opinion by Mr. Justice Holmes.

No. 351. A. James Eckert, petitioner, *v.* David Burnet, Commissioner of Internal Revenue. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment affirmed and cause remanded to the said Circuit Court of Appeals. Opinion by Mr. Justice Holmes.

No. 14, original. The United States of America, complainant, *v.* The State of Utah. Decree to be prepared dismissing the bill of complaint in accordance with the decision of this Court. Opinion announced by Mr. Chief Justice Hughes.

No. 131. G. E. Herron *v.* Southern Pacific Company. On certificate from the United States Circuit Court of Appeals for the Ninth Circuit. The first question is answered in the negative, the second in the affirmative. Opinion by Mr. Chief Justice Hughes.

No. 195. Columbus & Greenville Railway Company et al., appellants and petitioners, *v.* W. J. Miller, State Tax Collector, for the use of the Mississippi Levee District. Appeal from and on writ of certiorari to the Supreme Court of the State of Mississippi. Judgment reversed with costs and cause remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Chief Justice Hughes.

No. 252. The United States, petitioner, *v.* Artemus C. Wells et al., Executors of the Estate of John W. Wells. On writ of certiorari to the Court of Claims. Judgment affirmed. Opinion by Mr. Chief Justice Hughes. Mr. Justice Roberts took no part in the consideration or decision of this case.

No. 315. Hannah M. Smith, Administratrix of the Estate of Owen P. Smith, petitioner, *v.* Springdale Amusement Park, Limited, et al. On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. Decree affirmed with costs, and cause remanded to the District Court of the United States for the Southern District of Ohio. Opinion by Mr. Chief Justice Hughes.

No. 334. Hans Rees' Sons, Inc., appellant, *v.* State of North Carolina on the relation of Allen J. Maxwell, Commissioner of Revenue. Appeal from the Supreme Court of the State of North Carolina. Judgment reversed with costs and cause remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Chief Justice Hughes.

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The Chief Justice announced the following orders of the Court:

No. 8, original. The State of Louisiana, complainant, *v.* The State of Mississippi. Decree entered.

No. 12, original. The State of Connecticut, complainant, *v.* The Commonwealth of Massachusetts. Order fixing compensation and allowing expenses of the special master entered.

No. 22, original. The United States of America, complainant, *v.* The State of Oregon. On consideration of the motion by the United States for the appointment of a special master to take the evidence in this case and report the same to this Court with his findings of fact, conclusions of law, and recommendations for a decree,

It is now here ordered that Garret W. McEnerney, of San Francisco, State of California, be, and he is hereby, appointed a special master with the powers of a master in chancery, as provided in the rules of this Court, to take the evidence *viva voce* or by deposition and to report the same to the Court with his findings of fact, conclusions of law, and recommendation for a decree, all subject to examination, consideration, approval, modification, or other disposal by the Court.

The special master shall have authority (1) to employ competent stenographic and clerical assistants, (2) to fix the times and places of taking the evidence and to limit the time within which each party shall present its evidence, and (3) to issue subpoenas to secure the attendance of witnesses and to administer oaths. Depositions of witnesses residing at any place may be taken upon stipulation of the parties, or by the mode provided in the Rules of Practice for the Courts of Equity of the United States, or as provided by sections 863, 865-867 of the Revised Statutes for the taking of depositions *de bene esse* in the District Courts, or as may be directed by the master. They may be returned in the first instance to the master.



When the special master's report of his findings of fact, conclusions of law, and recommendations for a decree is completed the clerk of the Court shall cause the same to be printed; and when the same is presented to the Court in printed form the parties will be accorded a reasonable time, to be fixed by the Court, within which to present exceptions. The special master shall be allowed his actual expenses and a reasonable compensation for his services to be fixed hereafter by the Court. The allowances to him, the compensation paid to his stenographic and clerical assistants, and the cost of printing his report shall be charged against and be borne by the parties in such proportions as the Court may hereafter direct.

If the appointment herein made of a special master is not accepted, or if the place becomes vacant during the recess of the Court, the Chief Justice shall have authority to make a new designation which shall have the same effect as if originally made by the Court herein.

No. 54. Carbice Corporation of America, petitioner, *v.* American Patents Development Corporation et al. The petition for a rehearing is granted limited to the question of the validity of patent No. 1595426 and the case is assigned for reargument on Monday, April 27 next, after the case heretofore assigned for that day.

No. 698. Liberty Central Trust Company, etc., et al., appellants, *v.* Greenbrier College for Women. In this case probable jurisdiction is noted, case placed on the summary docket, and assigned for argument on Monday, April 27 next, after the cases heretofore assigned for that day.

No. —, original. *Ex parte*: Frank L. Smith et al., petitioners. The motion for leave to file a petition for writ of mandamus is denied.

No. 728. The United States *ex rel.* Empire & Southeastern Railway Company, petitioner, *v.* The Interstate Commerce Commission. Petition for writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 737. The Missouri-Kansas-Texas Railroad Company, petitioner, *v.* R. F. Highfill. Petition for writ of certiorari to the Supreme Court of the State of Oklahoma denied.

No. 747. Simons Brick Company, petitioner, *v.* David Burnet, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 755. Crider Brothers Commission Company, petitioner, *v.* David Burnet, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.



No. 784. Rogers & Hubbard, petitioner, *v.* Hartford & New York Transportation Company; and

No. 785. Rogers & Hubbard, petitioner, *v.* Hartford & New York Transportation Company. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

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No. 721. David W. Phillips, Collector of Internal Revenue, *v.* Dime Trust and Safe Deposit Company, etc. Joint motion to bring up the entire record and cause submitted by Mr. Solicitor General Thacher in that behalf.

No. 817. Ector O. Munn, petitioner, *v.* Frank K. Bowers, Collector, etc. Death of Frank K. Bowers suggested, and Frank Collis Bowers as Executor, etc., substituted as the party respondent on motion of Mr. Solicitor General Thacher in that behalf.

No. 455. Annie G. Phillips et al., etc. petitioners, *v.* David Burnet, Commissioner of Internal Revenue. Leave granted to file brief of South Penn Oil Company, as *amicus curiae*, on motion of Mr. Oscar R. Ewing in that behalf.

No. 470. The Atchison, Topeka and Santa Fe Railway Company, appellant, *v.* Railroad Commission of the State of California et al.;

No. 471. Los Angeles & Salt Lake Railroad Company, appellant, *v.* Railroad Commission of the State of California et al.; and

No. 472. Southern Pacific Company et al., appellants, *v.* Railroad Commission of the State of California et al. Leave granted to file brief of the City of Los Angeles, as *amicus curiae*, on motion of Mr. Edwin C. Blanchard in that behalf.

No. —. original. *Ex parte*: Madden Bros., Inc., petitioner. Motion for leave to file petition for writ of mandamus submitted by Mr. Abbot P. Mills in behalf of counsel for the petitioner.

No. 831. The Maytag Company, petitioner, *v.* The Meadows Manufacturing Company. Motion for leave to file brief of Henry M. Huxley, as *amicus curiae*, submitted by Mr. William S. Hodges, and the motion denied.

No. 457. Duquesne Steel Foundry Company, petitioner, *v.* David Burnet, Commissioner of Internal Revenue. Leave granted to file brief of Moody & Waters Company, as *amicus curiae* granted, on motion of Mr. William Cogger in that behalf.

No. 582. W. J. McCahan Sugar Refining and Molasses Company et al., petitioners. *v.* Augustus P. Norton, Deputy Commissioner, etc. Motion for counsel fees submitted by Mr. Mortimer W. H. Cox in that behalf.

No. 563. Great Northern Railway Company, petitioner, *v.* Delmar Company. Leave granted to file brief of the Interstate Commerce Commission as *amicus curiae*, on motion of Mr. Nelson Thomas in that behalf.

No. 678. Smoot Sand and Gravel Corporation, petitioner, *v.* Washington Airport, Inc. Leave granted to file brief of the Commonwealth of Virginia, as *amicus curiae*, on motion of Mr. Edwin H. Gibson in that behalf.

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No. 837. Burley Adams, appellant, *v.* James B. Park, Judge of the Superior Courts of Ocmulgee Circuit. Motion for leave to proceed *in forma pauperis* submitted by Mr. Benjamin E. Pierce for the appellant.

No. 838. Arthur Meyers, appellant, *v.* M. G. Whittle, Sheriff of Richmond County, Georgia. Motion for leave to proceed *in forma pauperis* submitted by Mr. Benjamin E. Pierce for the appellant.

No. 859. Fred Strang, petitioner, *v.* The United States of America. Motion for leave to proceed *in forma pauperis* submitted by Mr. Charles T. Rowland for the petitioner.

No. 624. Thomas L. Wolfe, Grace C. Wolfe, et al., appellants. *v.* Patrick J. Hurley, Secretary of War, et al. Statement as to jurisdiction submitted by Mr. Charles F. Borah and Mr. Hugh Tullis for the appellants, in support thereof, and by Mr. Solicitor General Thacher and Mr. W. Marvin Smith for the appellee, in opposition thereto.

No. 714. Albert A. Hoeper, appellant, *v.* Tax Commission of Wisconsin, etc. Statement as to jurisdiction submitted by Mr. Claire B. Bird for the appellant, in support thereof, and by Mr. John W. Reynolds and Mr. Harold M. Wilkie for the appellees, in opposition thereto.

No. 837. Burley Adams, appellant, *v.* James B. Park, Judge, etc. Statement as to jurisdiction submitted by Mr. Benjamin E. Pierce for the appellant in support thereof, and by Mr. George M. Napier and Mr. T. R. Gress for the appellant in opposition thereto.

No. 838. Arthur Meyers, appellant, *v.* M. G. Whittle, Sheriff, etc. Statement as to jurisdiction submitted by Mr. Benjamin E. Pierce for the appellant in support thereof, and by Mr. George M. Napier and Mr. T. R. Gress for the appellant in opposition thereto.

No. 685. DeLaval Steam Turbine Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims submitted by Mr. John S. Flannery, Mr. George C. Holton, Mr.

Frank F. Nesbit, and Mr. George F. Losche for the petitioner, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Rugg, and Mr. Claude R. Branch for the respondent.

No. 695. The Ship Construction & Trading Co., Inc., petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims submitted by Mr. A. Hayne deYampert for the petitioner, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Rugg, Mr. Claude R. Branch, and Mr. William W. Scott for the respondent.

No. 696. Congressional Country Club, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims submitted by Mr. Edward F. Colladay, Mr. Benjamin B. Pettus, and Mr. H. B. McCawley for the petitioner, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Rugg, Mr. Claude R. Branch, Mr. R. C. Williamson, and Mr. William H. Riley, jr., for the respondent.

No. 699. Wilton Lloyd-Smith, Receiver, etc., petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims submitted by Mr. George R. Shields for the petitioner, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Rugg, Mr. Claude R. Branch, Mr. Charles R. Pollard, Mr. H. Brian Holland, and Mr. William H. Riley, jr., for the respondent.

No. 738. Bankers Reserve Life Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims submitted by Mr. A. K. Shipe and Mr. Charles Kerr for the petitioner, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Rugg, Mr. Claude R. Branch, and Mr. William H. Riley, jr., for the respondent.

No. 750. West Disinfecting Company, petitioner, *v.* United States Paper Mills, Inc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. E. Clarkson Seward for the petitioner, and by Mr. Clarence B. Des Jardins, Mr. Herbert J. Jacobi, and Mr. William J. Jacobi for the respondent.

No. 751. The Moffat Tunnel Improvement District, etc., et al., petitioners, *v.* The Denver and Salt Lake Railway Company; and

No. 752. The Moffat Tunnel Improvement District, etc., et al., petitioners, *v.* The Denver and Salt Lake Railway Company. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit submitted by Mr. Horace N. Hawkins, Mr. Norton Montgomery, and Mr. Erskine R. Myer, for the petitioner, and by Mr. Gerald Hughes, Mr. Clayton C. Dorsey, and Mr. Elmer L. Brock for the respondent.

No. 757. Abraham J. Weinstein, doing business under the trade name of Weinstein Brothers, petitioner, *v.* Black Diamond Steamship Corporation, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Frank I. Finkler for the petitioner, and by Mr. Solicitor General Thacher, Mr. Claude R. Branch, and Mr. J. Frank Staley for the respondent.

No. 758. Greater New York Life Poultry Chamber of Commerce et al., petitioners, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Charles Dickerman Williams for the petitioners, and by Mr. Solicitor General Thacher, Mr. Assistant to the Attorney General O'Brian, and Mr. Claude R. Branch for the respondent.

No. 759. The United States, petitioner, *v.* Kirby Lumber Company. Petition for writ of certiorari to the Court of Claims submitted by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Rugg, and Mr. Paul D. Miller for the petitioner, and by Mr. Robert Ash for the respondent.

No. 761. Roberts K. Skinner et al., petitioners, *v.* Robert O. Eaton, Collector of Internal Revenue, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. E. F. Donaghoe for the petitioners, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Youngquist, Mr. Claude R. Branch, Mr. Sewall Key, Mr. A. G. Divet, Mr. Whitney North Seymour, and Mr. William H. Riley, jr., for the respondent.

No. 763. The Atchison, Topeka and Santa Fe Railway Company, petitioner, *v.* Frank P. McComb. Petition for writ of certiorari to the District Court of Appeals, First Appellate District, State of California, submitted by Mr. Robert O. Brennan, Mr. E. E. McInnis, and Mr. Edward W. Camp for the petitioner, and by Mr. James F. Brennan for the respondent.

No. 764. The Delaware Bay and River Pilots' Association, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Otto Wolff, jr., for the petitioner, and by Mr. Solicitor General Thacher, Mr. Claude R. Branch, Mr. J. Frank Staley, Mr. Whitney North Seymour, and Mr. William H. Riley, jr., for the respondent.

No. 766. Grand Trunk Western Railway Company, petitioner, *v.* Stanley Pipal. Petition for writ of certiorari to the Supreme Court of the State of Illinois submitted by Mr. Louis L. Dent and Mr. Charles Y. Freeman for the petitioner, and by Mr. Joseph D. Ryan for the respondent.

No. 767. Jacob Sokol, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Max V. Schoonmaker for the petitioner, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Youngquist, Mr. Claude R. Branch, Mr. Mahlon D. Kiefer, Mr. F. Cadmus Damrell, and Mr. W. Marvin Smith for the respondent.

No. 768. Thirty-first Infantry Post Exchange et al., petitioners, *v.* Juan Posadas, jr., Collector, etc. Petition for writ of certiorari to the Supreme Court of the Philippine Islands submitted by Mr. Arthur W. Brown and Mr. Mark E. Guerin for the petitioners, and by Mr. James S. Easby-Smith and Mr. Francis W. Hill, jr., for the respondent.

No. 769. Morris-Cumings Dredging Company, petitioner, *v.* Henry Steers, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Leonard J. Matteson for the petitioner, and by Mr. William F. Purdy for the respondent.

No. 770. Dr. William Quitt, Individually, etc., petitioner, *v.* Thomas E. Stone, Federal Prohibition Administrator, etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. Joseph A. Cantrel for the petitioner, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Youngquist, Mr. Claude R. Branch, Mr. Mahlon D. Kiefer, and Mr. W. Marvin Smith for the respondents.

No. 771. Alexander Davidoff, petitioner, *v.* Thomas A. Edison, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Borris M. Komar for the petitioner, and by Mr. Roger Hinds for the respondent.

No. 772. National Tank & Export Company, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Eliot C. Lovett and Mr. Elisha Hanson for the petitioner, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Youngquist, Mr. Claude R. Branch, Mr. Sewall Key, Mr. Norman D. Keller, Mr. Whitney North Seymour, and Mr. William H. Riley, jr., for the respondent.

No. 773. Wm. H. Moore, Jr., Trustee, etc., petitioner, *v.* O. S. Bay. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Charles F. Hutchins for the petitioner.

No. 774. James W. Hubbell, as Administrator, etc., petitioner, *v.* David Burnet, Commissioner of Internal Revenue;

No. 775. Grover C. Hubbell, petitioner, *v.* David Burnet, Commissioner of Internal Revenue;



No. 776. Beulah C. Wachtmeister, petitioner, *v.* David Burnet, Commissioner of Internal Revenue; and

No. 777. F. C. Hubbell, petitioner, *v.* David Burnet, Commissioner of Internal Revenue. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. J. G. Gamble for the petitioner, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Youngquist, Mr. Sewall Key, Mr. John Henry McEvers, and Mr. W. Marvin Smith for the respondent.

No. 778. Frank Dial, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims submitted by Mr. Frank Dial, *pro se*, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Rugg, Mr. Claude R. Branch, and Mr. Louis R. Mehlinger for the respondent.

No. 779. Sun Insurance Office, petitioner, *v.* J. M. Scott;

No. 780. Norwich Union Fire Insurance Society, Ltd., petitioner, *v.* J. M. Scott; and

No. 781. The Home Insurance Company of New York, petitioner, *v.* J. M. Scott. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Rolland M. Edmonds for the petitioners, and by Mr. Elwood Murphy and Mr. F. S. Monnett for the respondent.

No. 782. Al-Gene P. Conrad, petitioner, *v.* New York Life Insurance Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Lovick P. Miles for the petitioner, and by Mr. Earl King, Mr. Caruthers Ewing, and Mr. Louis H. Cooke for the respondent.

No. 783. Mabel Rupert, as Administratrix, etc., petitioner, *v.* Chicago, Milwaukee, St. Paul & Pacific Railway Company. Petition for writ of certiorari to the Supreme Court of the State of Wisconsin submitted by Mr. Joseph Very Quarles for the petitioner, and by Mr. O. W. Dynes, Mr. Rodger Murphy Trump, Mr. C. S. Jefferson, and Mr. Walter Bender for the respondent.

No. 788. Agnes McGarry, General Administratrix, etc., petitioner, *v.* The Central Railroad Company of New Jersey. Petition for writ of certiorari to the Court of Errors and Appeals of the State of New Jersey submitted by Mr. Harry Lane and Mr. Clement K. Corbin for the petitioner, and by Mr. Edwin F. Smith and Mr. Charles E. Miller for the respondent.

No. 789. Miami Valley Fruit Company et al., petitioners, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. John R. L. Smith for the petitioners, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Young-



quist, Mr. Claude R. Branch, Mr. Sewall Key, and Mr. Andrew D. Sharpe for the respondent.

No. 790. William H. Mecon, Administrator, etc., petitioner, *v.* Fitzsimmons Drilling Company, Inc., etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit submitted by Mr. S. J. Montgomery for the petitioner, and by Mr. George F. Short, Mr. Horace H. Hagan, Mr. Hal C. Thurman, Mr. Ray S. Fellows, and Mr. Thomas R. Freeman for the respondents.

No. 791. Julia Biernacki, as Administrator, etc., petitioner, *v.* The Pennsylvania Railroad Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Sydney A. Syme for the petitioner, and by Mr. Roscoe H. Hupper and by Mr. Morton L. Fearey for the respondent.

No. 792. Norman S. Bowles, petitioner, *v.* Bolitha J. Laws et al. Petition for writ of certiorari to the Court of Appeals of the District of Columbia submitted by Mr. T. Morris Wampler for the petitioner.

No. 797. Chesapeake & Ohio Railway Company, petitioner, *v.* William Kuhn; and

No. 798. Chesapeake & Ohio Railway Company, petitioner, *v.* William Kuhn. Petition for writs of certiorari to the Supreme Court of the State of Ohio and to the Court of Appeals of Pike County, State of Ohio, submitted by Mr. David H. Leake and Mr. Henry Bannon for the petitioner, and by Mr. George D. Nye for the respondent.

No. 799. Charles D. Jaffee, petitioner, *v.* David Burnet, Commissioner, etc.;

No. 800. Louis J. Jaffee, petitioner, *v.* David Burnet, Commissioner, etc.;

No. 801. Julius Schwarz, petitioner, *v.* David Burnet, Commissioner, etc.; and

No. 802. Harry H. Schwartz, petitioner, *v.* David Burnet, Commissioner. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Harvey L. Rabbitt and Mr. Harry T. Lore for the petitioners, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Youngquist, Mr. Claude R. Branch, Mr. Sewall Key, Mr. John G. Remey, Mr. Whitney North Seymour, and Mr. William H. Riley, jr., for the respondent.

No. 803. James W. Alker et al., etc., petitioners, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted

by Mr. Karl Knox Gartner for the petitioners, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Youngquist, Mr. Claude R. Branch, Mr. Sewall Key, Mr. William Cutler Thompson, and Mr. William H. Riley, jr., for the respondent.

No. 808. Detroit, Toledo & Ironton Railroad Company, petitioner, *v.* John T. Hahn. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Clifford B. Longley and Mr. Wallace R. Middleton for the petitioner, and by Mr. R. B. Newcomb for the respondent.

No. 812. Jones Engineering and Construction Company, Inc., et al., petitioners, *v.* Lambert Lumber Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. John T. Harding, Mr. David A. Murphy, and Mr. Edward S. Bailey for the petitioners, and by Mr. Harris L. Moore for the respondent.

No. 814. Margaret C. Staley et al., petitioners, *v.* David Espenlaub et al., etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit submitted by Mr. Simeon A. Handy for the petitioners, and by Mr. Howard F. Bresee for the respondents.

No. 831. The Maytag Company, petitioner, *v.* The Meadows Manufacturing Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Wallace R. Lane, Mr. Edward S. Rogers, and Mr. William J. Hughes for the petitioner, and by Mr. Hal M. Stone for the respondent.

No. 847. The Atchison, Topeka and Santa Fe Railway Company et al., petitioners, *v.* Consolidated Cut Stone Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit submitted by Mr. Joseph M. Bryson, Mr. Maurice D. Green, Mr. C. C. Hine, and Mr. Charles S. Burg for the petitioners, and by Mr. Karl Knox Gartner for the respondent.

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No. 16, original. The State of New Jersey, complainant, *v.* The State of New York and the City of New York. Six and one-quarter hours allowed for the argument of this case. Argument on exceptions to the report of the special master commenced by Mr. Duane E. Minard for the complainant.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, April 14, will be as follows: Nos. 16, original, 94, 584, 618 (676, 704, and 743), 720, 306, 678, 362, 422, and 423.

## SUPREME COURT OF THE UNITED STATES

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Present: The Chief Justice, Mr. Justice Holmes, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, and Mr. Justice Stone.

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Paul B. Hunter, of Washington, D. C.; Allan C. Bakewell, of New York City; Rosser J. Coke, of Dallas, Tex.; Wm. H. Clark, jr., of Dallas, Tex.; Vicente Zayas, of Ponce, P. R.; Maurice M. Grudd, of Washington, D. C.; Charles Henry Fleming, of Pittsburgh, Pa.; Alfred E. Roth, of Chicago, Ill.; Harold W. Sullivan, of Boston, Mass.; Joe Ewing Estes, of Fort Worth, Tex.; Lucien Aubrey Warden, of Trenton, Mo.; James G. Mothersead, of Scottsbluff, Nebr.; Thomas N. Foynes, of Melrose, Mass.; Floyd E. Wright, of Scottsbluff, Nebr.; and John D. Richer, of Los Angeles, Calif., were admitted to practice.

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No. 16, original. The State of New Jersey, complainant. *v.* The State of New York and the City of New York. Argument on the exceptions to the report of the Special Master continued by Mr. Duane E. Minard for the complainant; by Mr. Thomas Penney, jr., for the defendant, State of New York; by Mr. Arthur J. W. Hilly, for the defendant, the City of New York; and by Mr. George G. Chandler for the intervener, the State of Pennsylvania.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, April 15, will be as follows: Nos. 16, original, 94, 584, 618 (676, 704, and 743), 720, 306, 678, 362, 422, and 423.

## SUPREME COURT OF THE UNITED STATES

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Present: The Chief Justice, Mr. Justice Holmes, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, and Mr. Justice Roberts.

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W. Braxton Dew, of Hartford, Conn., and Calman Mayer, of Washington, D. C., were admitted to practice.

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No. 16, original. The State of New Jersey, complainant, *v.* The State of New York and the City of New York. Argument on exceptions to the report of the special master concluded by Mr. James M. Beck for the complainant.

No. 94. Ramsey & Gatlin Construction Company and Aetna Casualty & Surety Company *v.* Vincennes Bridge Company. Argued by Mr. W. Braxton Dew for Ramsey & Gatlin Construction Company et al., and by Mr. Frank C. Malin for the Vincennes Bridge Company.

No. 584. Yetta Stromberg, appellant, *v.* The People of the State of California. Argued by Mr. John Beardsley for the appellant, and by Mr. John D. Richer for the appellee.

No. 618. The United States of America, *ex rel.* Ethel M. McLennan, petitioner, *v.* Ray Lyman Wilbur, Secretary of the Interior;

No. 676. The United States of America, *ex rel.* H. H. Simpson, petitioner, *v.* Ray Lyman Wilbur, Secretary of the Interior, et al.;

No. 704. The United States of America, *ex rel.* Roy G. Barton, petitioner, *v.* Ray Lyman Wilbur, Secretary of the Interior; and

No. 743. The United States of America, *ex rel.* W. B. Pyron, petitioner, *v.* Ray Lyman Wilbur, Secretary of the Interior, et al. Three and one-half hours allowed for the argument of these cases. Argument commenced by Mr. Lewis Edwin Hoffman for the petitioner in No. 618.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, April 16, will be as follows: Nos. 618 (676, 704, and 743), 720, 306, 678, 362, 422, 423, 426, and (427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441), 445, and 449.

## SUPREME COURT OF THE UNITED STATES

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Present: The Chief Justice, Mr. Justice Holmes, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, and Mr. Justice Roberts.

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Millard E. Tompkins, of New York City; George A. Mathers, of Bennington, Vt.; Henry G. Molina, of Rye, N. Y.; Frank Michels, of Chicago, Ill.; LeRoy B. Iserman, of New York City; John W. Heller, III, of York, Pa.; and O. Leland Hunt, of Washington, D. C., were admitted to practice.

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No. 618. The United States of America, *ex rel.* Ethel M. McLennan, petitioner, *v.* Ray Lyman Wilbur, Secretary of the Interior;

No. 676. The United States of America, *ex rel.* H. H. Simpson, petitioner, *v.* Ray Lyman Wilbur, Secretary of the Interior, et al.;

No. 704. The United States of America, *ex rel.* Roy G. Barton, petitioner, *v.* Ray Lyman Wilbur, Secretary of the Interior; and

No. 743. The United States of America, *ex rel.* W. B. Pyron, petitioner, *v.* Ray Lyman Wilbur, Secretary of the Interior, et al. Argument continued by Mr. Lewis Edwin Hoffman for the petitioner in No. 618; by Mr. Homer R. Hendricks for the petitioner in No. 676; by Mr. James Conlon for the petitioner in No. 704; by Mr. James G. Leovy for the petitioner in No. 743; by Mr. James A. Greenwood for the State of Wyoming and Mr. Clarence L. Ireland for the State of Colorado as *amici curiae*, by special leave of Court; by Mr. Assistant Attorney General Richardson for the respondents; and concluded by Mr. Chester I. Long for the petitioner in No. 618.

20 No. 70. Walter C. Feters, U. S. Marshal, etc., petitioner, *v.* The United States of America, *ex rel.* Thomas W. Cunningham. Argued by Mr. Claude R. Branch for the petitioner and by Mr. Ruby R. Vale for the respondent.

No. 306. Guy Spurrier and Gerata Cella Spurrier, appellants, *v.* Mitchell Irrigation District and Gering & Ft. Laramie Irrigation District. Argument commenced by Mr. J. M. Fitzgerald for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, April 17, will be as follows: Nos. 306, 678, 362, 422, 423, 426 (427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, and 441), 445, 449, 453, and 455.

## SUPREME COURT OF THE UNITED STATES

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Present: The Chief Justice, Mr. Justice Holmes, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, and Mr. Justice Roberts.

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Erwin E. Richter, of San Francisco, Calif.; Robert H. Hopkins, of Boston, Mass.; and Robert Hale, of Portland, Me., were admitted to practice.

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No. 306. Guy Spurrier and Gerat Cella Spurrier, appellants, *v.* Mitchell Irrigation District and Gering & Ft. Laramie Irrigation District. Argument continued by Mr. J. M. FitzGerald for the appellants. The Court declined to hear further argument.

No. 678. Smoot Sand and Gravel Corporation, petitioner, *v.* Washington Airport, Incorporated. Argued by Mr. Thomas D. Thacher for the petitioner, and by Mr. Louis Titus for the respondent.

No. 362. Gasoline Products Company, Inc., petitioners, *v.* Champlin Refining Company. Argument commenced by Mr. John B. Marsh for the petitioner, continued by Mr. Horace G. McKeever for the respondent, and concluded by Mr. Robert Hale for the petitioner.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, April 20, will be as follows: Nos. 422, 423, 426 (427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, and 441), 445, 449, 453, 455, 290, 457 (and 489), and 470 (471, and 472).



## SUPREME COURT OF THE UNITED STATES

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Present: The Chief Justice, Mr. Justice Holmes, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, and Mr. Justice Roberts.

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J. Howard Flint, of Washington, D. C.; Raymond B. Goodell, of Salem, Mass.; Milton Bryan, of Los Angeles, Calif.; H. E. Carter, of Tallahassee, Fla.; Geo. A. Keyser, of Washington, D. C.; Israel B. Oseas, of New York City; Harrison Fargo McConnell, of Helena, Mont.; Arthur Vincent McKee, of Butler, Pa.; and Denton Dunn, of Kansas City, Mo., were admitted to practice.

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No. 137. Joseph B. Straton, Raymond Fleshman, and Randolph Bias, Special Commissioners, etc., *v.* Andy New, Jr., Trustee in Bankruptcy of Fall Branch Coal Company, et al. On certificate from the United States Circuit Court of Appeals for the Fourth Circuit. Question answered in the negative. Opinion by Mr. Justice Roberts.

No. 166. State-Planters Bank and Trust Company, J. Jordan Leake, and A. S. Buford, Junior, Partners, etc., *v.* T. Nelson Parker, Ellsworth Wiltshire, et al., etc. On certificate from the United States Circuit Court of Appeals for the Fourth Circuit. Certificate dismissed. Opinion by Mr. Justice Roberts.

No. 683. Alfred Scott Aldridge, petitioner, *v.* The United States of America. On writ of certiorari to the Court of Appeals of the District of Columbia. Judgment reversed and cause remanded to the said Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Chief Justice Hughes. Dissenting opinion by Mr. Justice McReynolds.

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The Chief Justice announced the following orders of the Court: No. —, original. Ex parte: Madden Brothers, Inc., petitioner. On consideration of the motion for leave to file petition for writ of mandamus, and of the petition for writ of mandamus herein, It is ordered that a rule issue to the Honorable Joseph W. Molyneaux,

Judge of the District Court of the United States for the District of Minnesota, returnable on Monday, May 18 next, to show cause why a writ of mandamus should not issue to him in accordance with the prayer of the petition.

No. 582. W. J. McCahan, Sugar Refining and Molasses Company, et al., petitioners, *v.* Augustus P. Norton, Deputy Commissioners, et al. The motion for counsel fees is denied without prejudice to an application to the District Court.

No. 721. David W. Phillips, Collector, etc., *v.* Dime Trust & Safe Deposit Company, Executor, etc. The joint motion to bring up the entire record and cause is granted.

No. 624. Thomas L. Wolfe et al., appellants, *v.* Patrick J. Hurley, Secretary of War, et al. Further consideration of the question of the jurisdiction of this Court is postponed to the hearing of the case on the merits. The motion to advance is granted and the case is assigned for argument on Friday, May 1 next.

No. 714. Albert A. Hoeper, appellant, *v.* Tax Commission of Wisconsin et al. Further consideration of the question of the jurisdiction of this Court is postponed to the hearing of the case on the merits.

No. 837. Burley Adams, appellant, *v.* James B. Park, Judge of the Superior Courts of Ocmulgee Circuit. Appeal from the Supreme Court of the State of Georgia. *Per curiam:* The motion for leave to proceed further herein *in forma pauperis* is denied. The appeal is dismissed for the want of a substantial federal question. *Malloy v. South Carolina*, 237 U. S. 180, 183, 185; *Wabash R. R. Co. v. Flannigan*, 192 U. S. 29; *Erie R. R. Co. v. Solomon*, 237 U. S. 427; *Zucht v. King*, 260 U. S. 174; *Sugarman v. United States*, 249 U. S. 182; *C. A. King & Co. v. Horton*, 276 U. S. 600; *Bank of Indianola v. Miller*, 276 U. S. 605; *Roe v. Kansas*, 278 U. S. 191. The costs already incurred herein shall be paid by the clerk, as provided in the order of October 29, 1926.

No. 838. Arthur Meyers, appellant, *v.* M. G. Whittle, Sheriff of Richmond County, Georgia. Appeal from the Supreme Court of the State of Georgia. *Per curiam:* The motion for leave to proceed further herein *in forma pauperis* is denied. The appeal is dismissed for the want of a substantial federal question. *Malloy v. South Carolina*, 237 U. S. 180, 183, 185; *Wabash R. R. Co. v. Flannigan*, 192 U. S. 29; *Erie R. R. Co. v. Solomon*, 237 U. S. 427; *Zucht v. King*, 260 U. S. 174; *Sugarman v. United States*, 249 U. S. 182; *C. A. King & Co. v. Horton*, 276 U. S. 600; *Bank of Indianola v. Miller*, 276 U. S. 605; *Roe v. Kansas* 278 U. S. 191. The costs already incurred herein shall be paid by the clerk, as provided in the order of October 29, 1926.

No. 859. Fred Strang, petitioner, *v.* The United States of America. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. *Per curiam:* The motion for leave to proceed further herein *in forma pauperis* is denied, for the reason that the Court, upon examination of the unprinted record herein submitted, finds that there is no ground upon which a writ of certiorari should be issued. The petition for writ of certiorari is therefore also denied. The costs already incurred herein shall be paid by the clerk, as provided in the order of October 29, 1926.

No. 94. Ramsey & Gatlin Construction Company and Aetna Casualty & Surety Company *v.* Vincennes Bridge Company. On certificate from the United States Circuit Court of Appeals for the Sixth Circuit. *Per curiam:* As it appears from statements at the bar that the contract herein and the bond given pursuant thereto were made and the obligations thereof were to be performed within the State of Kentucky, and as the bond should be construed in accordance with the law of that state, and it appearing that, since the certification herein, the Court of Appeals of Kentucky has construed the bond in question and decided that one in the position of the appellee in the court below, as a subcontractor, was entitled to avail itself of the provision in the bond and maintain its action (*Aetna Casualty & Surety Co. v. Wheeler & Putnam Co.*, decided March 27, 1931, 236 Ky. ---) the Court is of opinion that there is no occasion for an answer by the Court to the question propounded in the certificate. *Illinois Surety Co. v. The John Davis Co.*, 244 U. S. 376, 381; *Hartford Fire Ins. Co. v. Chicago, Milwaukee & St. Paul Ry. Co.*, 175 U. S. 91, 100; *Globe Indemnity Co. v. Southern Pacific Co.*, 30 F. (2d) 580, 583; *Federal Surety Co. v. City of Staunton*, 29 F. (2d) 9, 11; *Community Building Co. v. Maryland Casualty Co.*, 8 F. (2d) 678, 680; *Black Diamond S. S. Corporation v. Fidelity & Deposit Co.*, 33 F. (2d) 767, 768.

The certificate is, accordingly, dismissed.

No. 306. Guy Spurrier and Gerata Cella Spurrier, appellants, *v.* Mitchell Irrigation District and Gering & Ft. Laramie Irrigation District. Appeal from the Supreme Court of the State of Nebraska. *Per curiam:* The appeal herein is dismissed for the want of jurisdiction Section 237 (a) Judicial Code, as amended by the act of February 13, 1925 (43 Stat. 936, 937). Treating the papers whereon the appeal was allowed as a petition for writ of certiorari, as required by section 237 (c) Judicial Code as amended (43 Stat. 936, 938), certiorari is denied for want of a substantial federal question. *Wabash R. R. Co. v. Flanningan*, 192 U. S. 29; *Erie R. R. Co. v. Solomon*, 237 U. S. 427; *Zucht v. King*, 260 U. S. 174; *Sugarman v. The United States*, 249 U. S. 182; *C. A. King & Co. v. Horton*, 276

U. S. 600; *Bank of Indianola v. Miller*, 276 U. S. 605; *Roe v. Kansas*, 278 U. S. 191.

No. 685. DeLaval Steam Turbine Company, petitioner, *v. The United States*. Petition for writ of certiorari to the Court of Claims granted.

No. 759. The United States, petitioner, *v. Kirby Lumber Company*. Petition for writ of certiorari to the Court of Claims granted.

No. 773. Wm. H. Moore, Jr., Trustee in Bankruptcy, etc., petitioner *v. O. S. Bay*. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted.

No. 779. Sun Insurance Office, petitioner, *v. J. M. Scott*;

No. 780. Norwich Union Fire Insurance Society, Ltd., petitioner, *v. J. M. Scott*; and

No. 781. The Home Insurance Company of New York, petitioner, *v. J. M. Scott*. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit granted.

No. 790. William H. Mecon, Administrator, etc., petitioner, *v. Fitzsimmons Drilling Company, Inc., et al.* Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit granted.

No. 797. The Chesapeake and Ohio Railway Company, petitioner, *v. William Kuhn*; and

No. 798. The Chesapeake and Ohio Railway Company, petitioner, *v. William Kuhn*. Petition for writs of certiorari to the Supreme Court of the State of Ohio and to the Court of Appeals of Pike County, State of Ohio, granted.

No. 745. David Burnet, Commissioner of Internal Revenue, petitioner, *v. William L. Nevin, Executor of the Estate of John Wannamaker*. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 695. The Ship Construction & Trading Co., Inc., petitioner, *v. The United States*. Petition for writ of certiorari to the Court of Claims denied.

No. 696. Congressional Country Club, petitioner, *v. The United States*. Petition for writ of certiorari to the Court of Claims denied.

No. 699. Wilton Lloyd-Smith, Receiver for Willys Corporation, petitioner, *v. The United States*. Petition for writ of certiorari to the Court of Claims denied.

No. 738. Bankers Reserve Life Company, petitioner, *v. The United States*. Petition for writ of certiorari to the Court of Claims denied.

No. 750. West Disinfecting Company, petitioner, *v.* United States Paper Mills, Inc., and Courtney P. Winters. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 751. The Moffat Tunnel Improvement District, etc., et al., petitioners, *v.* The Denver and Salt Lake Railway Company; and

No. 752. The Moffat Tunnel Improvement District, etc., et al., petitioners, *v.* The Denver and Salt Lake Railway Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 757. Abraham J. Weinstein, doing business under the trade name of Weinstein Brothers, petitioner, *v.* Black Diamond Steamship Corporation, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 758. Greater New York Live Poultry Chamber of Commerce et al., petitioners, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 761. Roberts K. Skinner, William C. Skinner, Jr., et al., etc., petitioners, *v.* Robert O. Eaton, Collector of Internal Revenue for the District of Connecticut. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 763. The Atchison, Topeka and Santa Fe Railway Company, petitioner, *v.* Frank P. McComb. Petition for writ of certiorari to the District Court of Appeals, First Appellate District, State of California, denied.

No. 764. The Delaware Bay and River Pilots' Association, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 766. Grand Trunk Western Railway Company, petitioner, *v.* Stanley Pival. Petition for writ of certiorari to the Supreme Court of the State of Illinois denied.

No. 767. Jacob Sokol, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 768. Thirty-first Infantry Post Exchange et al., petitioners, *v.* Juan Posadas, Jr., Collector of Internal Revenue, Philippine Islands. Petition for writ of certiorari to the Supreme Court of the Philippine Islands denied.

No. 769. Morris-Cumings Dredging Company, petitioner, *v.* Henry Steers, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.



No. 770. Dr. William Quitt, individually, etc., petitioner, *v.* Thomas E. Stone, Federal Prohibition Administrator, etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 771. Alexander Davidoff, petitioner, *v.* Thomas A. Edison, Incorporated. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 772. National Tank & Export Company, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 774. James W. Hubbell, Administrator of the Estate of Frederick M. Hubbell, deceased, petitioner, *v.* David Burnet, Commissioner of Internal Revenue;

No. 775. Grover C. Hubbell, petitioner, *v.* David Burnet, Commissioner of Internal Revenue;

No. 776. Beulah C. Wachtmeister, petitioner, *v.* David Burnet, Commissioner of Internal Revenue; and

No. 777. F. C. Hubbell, petitioner, *v.* David Burnet, Commissioner of Internal Revenue. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 778. Frank Dial, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 782. Al-Gene P. Conrad, petitioner, *v.* New York Life Insurance Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 783. Mabel Rupert, as Administratrix of the Estate of Arba Rupert, deceased, intestate, petitioner, *v.* Chicago, Milwaukee, St. Paul & Pacific Railroad Company. Petition for writ of certiorari to the Supreme Court of the State of Wisconsin denied.

No. 788. Agnes McGarry, General Administratrix, etc., petitioner, *v.* The Central Railroad Company of New Jersey. Petition for writ of certiorari to the Court of Errors and Appeals of the State of New Jersey denied.

No. 789. Miami Valley Fruit Company et al., petitioners, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 791. Julia Biernacki, as Administratrix of the Goods, etc., petitioner, *v.* The Pennsylvania Railroad Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 792. Norman S. Bowles, petitioner, *v.* Bolitha J. Laws, C. F. R. Ogilby, and Lucien H. Vandoren. Petition for writ of certiorari to the Court of Appeals of the District of Columbia denied.



No. 803. James W. Alker, Henry A. Alker, et al., petitioners, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 808. Detroit, Toledo & Ironton Railroad Company, petitioner, *v.* John T. Hahn. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 812. Jones Engineering and Construction Company, Inc., et al., petitioners, *v.* Lambert Lumber Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 814. Margaret C. Staley, Mattie J. Snyder, et al., petitioners, *v.* David Espenlaub, Samuel Clarke, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 831. The Maytag Company, petitioner, *v.* The Meadows Manufacturing Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 847. The Atchison, Topeka and Santa Fe Railway Company, et al., petitioners, *v.* Consolidated Cut Stone Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

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The Chief Justice also announced the following order of the Court:

ORDER

It is now here ordered by this Court that the call of the docket be suspended for the term on Friday, May 1 next, and that the Court will take a recess from Monday, May 4, until Monday, May 18, next. It is further ordered by this court that no petitions for writs of certiorari or other motions, except motions for admission to practice, will be received after Monday, May 25 next.

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No. —. Samuel B. Field and Joseph S. Pruitt, appellants, *v.* James T. Powell and John S. Daisy. Petition for appeal and motion to substitute Nellie Field Burwell, sole devisee of Samuel B. Field, as a party appellant submitted by Mr. Christopher B. Garnett in behalf of counsel.

No. 744. The Texas and Pacific Railway Company et al., appellants, *v.* The United States of America et al. Motion to make the Louisiana Public Service Commission a party appellant and motion to advance submitted by Mr. Robert L. W. Thompson in that behalf.

No. 748. May Norwood and Carlisle Norwood, appellants, *v.* John J. Bennett, Jr., Attorney General of the State of New York, et al., etc. Motion to advance submitted by Mr. Robert Ash in behalf of counsel for the appellants.

No. 895. B. M. Goldman, appellant, *v.* M. B. Korman. Appeal from the Superior Court of the County of Los Angeles, State of California. Docketed and dismissed on motion of Mr. Israel J. Mendelson for the appellee.

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No. 748. May Norwood and Carlisle Norwood, appellants, *v.* John J. Bennett, Jr., Attorney General of the State of New York, et al., etc. Statement as to jurisdiction submitted by Mr. Sidney S. Bobbe for the appellants.

No. 753. City of Chicago, appellant, *v.* Chicago Rapid Transit Company. Statement as to jurisdiction submitted by Mr. Samuel A. Ettleson, Mr. Albert H. Veeder, and Mr. Edward C. Higgins for the appellant.

No. 787. Magno Santovincenzo, Consul of the Kingdom of Italy, at New York, appellant, *v.* James F. Egan, Public Administrator, etc. Statement as to jurisdiction submitted by Mr. Carroll G. Walter for the appellant.

No. 739. Dunbar & Sullivan Dredging Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims submitted by Mr. Dana B. Hellings for the petitioner, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Rugg, Mr. Claude R. Branch, Mr. Whitney North Seymour, Mr. P. M. Cox, and Mr. Wm. H. Riley, jr., for the respondent.

No. 762. Frank Dial, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims submitted by Mr. Frank Dial, *pro se*, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Rugg, Mr. Claude R. Branch, Mr. J. F. Mothershead, and William H. Riley, jr., for the respondent.

No. 794. The Employers' Liability Assurance Corporation, Limited, petitioner, *v.* Irving A. Durkee. Petition for writ of certiorari to the Industrial Accident Commission of the State of California submitted by Mr. M. C. Sloss for the petitioner, and by Mr. J. M. Chamberlin for the respondent.

No. 795. The Employers' Liability Assurance Corporation, Limited, petitioner, *v.* Industrial Accident Commission of the State of California et al. Petition for writ of certiorari to the District Court of Appeal, 1st Appellate District, State of California, submitted by Mr. M. C. Sloss for the petitioner, and by Mr. J. M. Chamberlin for the respondents.

No. 796. The Employers' Liability Assurance Corporation, Limited, petitioner, *v.* Industrial Accident Commission of the State of California et al. Petition for writ of certiorari to the Supreme Court of the State of California submitted by Mr. M. C. Sloss for the petitioner, and by Mr. J. M. Chamberlin for the respondents.

No. 806. United States Fidelity & Guaranty Company, petitioner, *v.* J. M. Hardy et al. Petition for writ of certiorari to the Court of Civil Appeals, 9th Supreme Judicial District, State of Texas, submitted by Mr. Wilmer S. Hunt for the petitioner.

No. 809. The Reading Company, petitioner, *v.* John Geary. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. Alexander Armstrong and Mr. Eugene S. Williams for the petitioner, and by Mr. Saul Praeger, Mr Roszel C. Thomsen, and Mr. Walter L. Clark for the respondent.

No. 810. Joy Chemical Company, petitioner, *v.* William D. Moss, Supervisor of Permits, etc., et al.; and

No. 811. Isidor Selkow, trading as Washington Barber Supply Company, petitioner, *v.* Maurice Campbell, former Federal Prohibition Administrator, etc., et al. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Charles Dickerman Williams and Mr. John Fletcher Caskey for the petitioners, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Youngquist, Mr. Claude R. Branch, Mr. Mahlon D. Kiefer, and Mr. Paul D. Miller for the respondent.

No. 816. First National Bank in Dallas, Administrator, etc., petitioner, *v.* David Burnet, Commissioner, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Rhodes S. Baker and Mr. Alex. F. Weisberg for the petitioner, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Youngquist, Mr. Claude R. Branch, Mr. J. Louis Monarch, Mr. Whitney North Seymour, Mr. William H. Riley, jr., Mr. C. M. Charest, and Mr. Prew Savoy for the respondent.

No. 817. Ector O. Munn, petitioner, *v.* Frank Collis Bowers, Executor, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr.

Livingston Platt, Mr. John G. Jackson, and Mr. Eli J. Blair for the petitioner, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Youngquist, Mr. Claude R. Branch, Mr. Wm. Cutler Thompson, and Mr. W. Marvin Smith for the respondent.

No. 818. Helene Walker King, petitioner, *v.* A. C. Alexander, Collector, etc.;

No. 819. Helene Walker King, petitioner, *v.* A. C. Alexander, Collector, etc.;

No. 820. Helene Walker King, petitioner, *v.* A. C. Alexander, Collector, etc.; and

No. 821. Anna Ruzek, petitioner, *v.* A. C. Alexander, Collector, etc. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit submitted by Mr. Harry O. Glasser for the petitioner, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Youngquist, Mr. Claude R. Branch, Mr. Sewall Key, Mr. Hayner N. Larson, and Mr. W. Marvin Smith for the respondent.

No. 822. John Strong, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit submitted by Mr. William H. Lewis for the petitioner, and by Mr. Attorney General Mitchell, Mr. Assistant Attorney General Youngquist, Mr. Claude R. Branch, Mr. John J. Byrne, and Mr. Paul D. Miller for the respondent.

No. 824. Lela Gaddis et al., petitioners, *v.* Guy W. Junker et al. Petition for writ of certiorari to the Court of Civil Appeals, 9th Supreme Judicial District, State of Texas, submitted by Mr. W. D. Gordon for the petitioners, and by Mr. Will E. Orgain for the respondents.

No. 826. Bank of Italy, petitioner, *v.* David Burnet, Commissioner, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Ralph W. Smith for the petitioner, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Youngquist, Mr. Claude R. Branch, Mr. J. Louis Monarch, and Mr. John Henry McEvers for the respondent.

No. 827. First National Bank of Fresno, California, petitioner, *v.* David Burnet, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Ralph W. Smith for the petitioner, and by Mr. Solicitor General Thacher for the respondent.

No. 834. Erie Railroad Company, petitioner, *v.* Grace M. O'Dell, Administratrix, etc. Petition for writ of certiorari to the United

States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Benjamin D. Holt and Mr. E. A. Foote for the petitioner, and by Mr. John Ruffalo for the respondent.

No. 835. C. W. Greene and Robert A. Meier et al., petitioners, *v.* Joseph B. Uniacke. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. George C. Bedell for the petitioners, and by Mr. Peter O. Knight and Mr. A. G. Turner for the respondent.

No. 888. Radio Corporation of America, petitioner, *v.* DeForest Radio Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. John W. Davis, Mr. Thurlow M. Gordon, Mr. Manton Davis, Mr. Stephen H. Philbin, and Mr. Porter R. Chandler for the petitioner, and by Mr. Samuel E. Darby, jr., for the respondent.

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No. 290. Western Land & Reclamation Company, appellant, *v.* The Reclamation Board of the State of California et al. Submitted by Mr. W. H. Metson for the appellant, and by Mr. Stephen W. Downey for the appellees.

No. 422. W. W. Custer, petitioner, *v.* Rob B. McCutchen, Substituted for F. M. Breshears, deceased, United States Marshal, etc. Argued by Mr. J. F. Nugent for the petitioner, and by Mr. Whitney North Seymour for the respondent.

No. 423. Francisco Lopez Sanchez, petitioner, *v.* Antonia Gautier y Borrás. Argued by Mr. Nelson Gammans for the petitioner, and by Mr. Henry G. Molina for the respondent.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, April 21, will be as follows: Nos. 635 (636, 637, 638, 639, 640, 641, 642, and 643), 426 (427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, and 441), 445, 449, 453, 455, 457 (and 489), 470 (471 and 472), 484, and 490.

## SUPREME COURT OF THE UNITED STATES

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Present: The Chief Justice, Mr. Justice Holmes, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, and Mr. Justice Roberts.

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Timothy G. Histon, of Washington, D. C.; Richard H. Wills, of Tulsa, Okla.; J. Ernest Isherwood, of Waynesburg, Pa.; Samuel M. Smith, of Waynesburg, Pa.; Charles J. Isber, of Boston, Mass.; Robt. G. Stephens, of New York City; John L. Goodwyn, of Montgomery, Ala.; and Carl H. Davis, of Wilmington, N. C., were admitted to practice.

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No. 520. Lewis-Simas-Jones Company, petitioner, *v.* Southern Pacific Company. Leave granted to file brief of the American Cyanamid Company, as *amicus curiæ*, on motion of Mr. Robert E. Quirk in that behalf.

No. 635. Merchants Warehouse Company, appellant, *v.* The United States of America et al.;

No. 636. Merchants Warehouse Company et al., appellants, *v.* The United States of America et al.;

No. 637. The United States of America et al., appellants, *v.* Merchants Warehouse Company et al.;

No. 638. The Pennsylvania Warehousing and Safe Deposit Co., appellant, *v.* The United States of America et al.;

No. 639. The Pennsylvania Warehousing and Safe Deposit Company et al., appellants, *v.* The United States of America et al.;

No. 640. The United States of America et al., appellants, *v.* The Pennsylvania Warehousing and Safe Deposit Company et al.;

No. 641. The Philadelphia Warehousing and Cold Storage Company, appellant, *v.* The United States of America et al.;

No. 642. Philadelphia Warehousing and Cold Storage Company et al., appellants, *v.* The United States of America et al.; and

No. 643. The United States of America et al., appellants, *v.* The Philadelphia Warehousing and Cold Storage Company et al. Three hours allowed for the oral argument of this case. Argument commenced by Mr. John W. Davis for the Merchants Warehouse Company et al.; continued by Mr. John P. Connelly for the Pennsyl-



vania Warehousing and Cold Storage Company; by Mr. J. Stanley Payne for the United States of America and the Interstate Commerce Commission; by Mr. John J. Hickey for James Gallagher, Northeast Warehouse Company, et al.; and concluded by Mr. John W. Davis for Merchants Warehouse Company et al.

No. 426. B. D. McCaughn, Collector, petitioner, *v.* Hershey Chocolate Company;

No. 427. Est. E. Lederer, Collector, petitioner, *v.* Hershey Chocolate Company;

No. 428. Est. B. F. Davis, Collector; petitioner, *v.* Hershey Chocolate Company;

No. 429. Est. E. Lederer, Collector, petitioner, *v.* Hershey Chocolate Company;

No. 430. B. D. McCaughn, Collector, petitioner, *v.* Hershey Chocolate Company;

No. 431. Est. B. F. Davis, Collector, petitioner, *v.* Hershey Chocolate Company;

No. 432. Est. B. F. Davis, Collector, petitioner, *v.* Klein Chocolate Company;

No. 433. Est. E. Lederer, Collector, petitioner, *v.* Klein Chocolate Company;

No. 434. Est. E. Lederer, Collector, petitioner, *v.* Klein Chocolate Company;

No. 435. B. D. McCaughn, Collector, petitioner, *v.* Klein Chocolate Company;

No. 436. Est. E. Lederer, Collector, petitioner, *v.* Wilbur-Suchard Chocolate Company;

No. 437. Est. E. Lederer, Collector, petitioner, *v.* Wilbur-Suchard Chocolate Company;

No. 438. B. D. McCaughn, Collector, petitioner, *v.* Wilbur-Suchard Chocolate Company;

No. 439. Est. B. F. Davis, Collector, petitioner, *v.* York Chocolate Company;

No. 440. Est. E. Lederer, Collector, petitioner, *v.* York Chocolate Company; and

No. 441. B. D. McCaughn, Collector, petitioner, *v.* York Chocolate Company. Argument commenced by Mr. Claude R. Branch for the petitioners, and continued by Mr. William Clarke Mason for the respondents.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, April 22, will be as follows: Nos. 426 (427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, and 441), 445, 449, 453, 455, 457 (and 489), 470 (471 and 472), 484, 490, and 504.

## SUPREME COURT OF THE UNITED STATES

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Present: The Chief Justice, Mr. Justice Holmes, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, and Mr. Justice Roberts.

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Lowe P. Siddons, of Chicago, Ill.; William B. Cockley, of Cleveland, Ohio; Percy R. Taylor, of Toledo, Ohio; Daniel Eberstein, of New York City; and Lewis W. McCandless, of Detroit, Mich., were admitted to practice.

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No. 455. Annie G. Phillips et al., petitioners, *v.* David Burnet, Commissioner of Internal Revenue. Leave granted to file brief of Mid-Continent Petroleum Corporation, as *amicus curiae*, on motion of Mr. Richard H. Wills in that behalf.

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No. 426. B. D. McCaughn, Collector, petitioner, *v.* Hershey Chocolate Company;

No. 427. Est. E. Lederer, Collector, petitioner, *v.* Hershey Chocolate Company;

No. 428. Est. B. F. Davis, Collector, petitioner, *v.* Hershey Chocolate Company;

No. 429. Est. B. Lederer, Collector, petitioner, *v.* Hershey Chocolate Company;

No. 430. B. D. McCaughn, Collector, petitioner, *v.* Hershey Chocolate Company;

No. 431. Est. B. F. Davis, Collector, petitioner, *v.* Hershey Chocolate Company;

No. 432. Est. B. F. Davis, Collector, petitioner, *v.* Klein Chocolate Company;

No. 433. Est. E. Lederer, Collector, petitioner, *v.* Klein Chocolate Company;

No. 434. Est. E. Lederer, Collector, petitioner, *v.* Klein Chocolate Company;

No. 435. B. D. McCaughn, Collector, petitioner, *v.* Klein Chocolate Company;

No. 436. Est. E. Lederer, Collector, petitioner, *v.* Wilbur-Suchard Chocolate Company;

No. 437. Est. E. Lederer, Collector, petitioner, *v.* Wilbur-Suchard Chocolate Company;

No. 438. B. D. McCaughn, Collector, petitioner, *v.* Wilbur-Suchard Chocolate Company;

No. 439. Est. B. F. Davis, Collector, petitioner, *v.* York Chocolate Company;

No. 440. Est. E. Lederer, Collector, petitioner, *v.* York Chocolate Company; and

No. 441. B. D. McCaughn, Collector, petitioner, *v.* York Chocolate Company. Argument continued by Mr. William Clarke Mason for the respondents, and concluded by Mr. Claude R. Branch for the petitioners.

No. 445. Floy P. Baldwin, petitioner, *v.* Iowa State Traveling Men's Association. Argued by Mr. Denton Dunn for the petitioner, and by Mr. J. M. Parsons for the respondent.

No. 449. E. S. Smith, appellant, *v.* W. B. Cahoon, Sheriff of Duval County, Florida. Argued by Mr. John W. Davis for the appellant, and by Mr. H. E. Carter for the appellee.

No. 453. The East Ohio Gas Company, appellant, *v.* The Tax Commission of Ohio et al. Argument commenced by Mr. William B. Cockley for the appellant, and continued by Mr. Gilbert Bettman for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, April 23, will be as follows: Nos. 453, 455, 457, 489, 470 (471 and 472), 484, 490, 504, 505, and 513.

## SUPREME COURT OF THE UNITED STATES

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Present: The Chief Justice, Mr. Justice Holmes, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, and Mr. Justice Roberts.

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Rockwell T. Gust, of Detroit, Mich.; H. Linwood Godfrey, of Philadelphia, Pa.; Richard T. Rector, of Columbus, Ohio; Lewis Jones, of Brigham, Utah; and Samuel Kaufman, of Pittsburgh, Pa., were admitted to practice.

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No. 453. The East Ohio Gas Company, appellant, *v.* The Tax Commission of Ohio et al. Argument continued by Mr. Gilbert Bettman for the appellees, and concluded by Mr. William B. Cockley for the appellant.

No. 455. Annie G. Phillips et al., etc., petitioners, *v.* David Burnet, Commissioner of Internal Revenue. Argued by Mr. Elkan Turk for the petitioners, and by Mr. Assistant Attorney General Youngquist for the respondent.

No. 457. Duquesne Steel Foundry Company, petitioner, *v.* David Burnet, Commissioner of Internal Revenue. Argued by Mr. William S. Moorhead for the petitioner, and by Mr. Assistant Attorney General Rugg for the respondent.

No. 489. Enameled Metals Company, petitioner, *v.* David Burnet, Commissioner of Internal Revenue. Argued by Mr. S. Leo Ruslander and Mr. Clarence N. Goodwin for the petitioner, and by Mr. Assistant Attorney General Rugg for the respondent.

No. 470. The Atchison, Topeka and Santa Fe Railway Company, appellant, *v.* Railroad Commission of the State of California et al.;

No. 471. Los Angeles & Salt Lake Railroad Company, appellant, *v.* Railroad Commission of the State of California et al.; and

No. 472. Southern Pacific Company et al., appellants, *v.* Railroad Commission of the State of California. Argument commenced by Mr. C. W. Durbrow for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, April 24, will be as follows: Nos. 470 (471 and 472), 484, 490, 520, 504, 505, 513, 521 (and 522), 543, and 549.

## SUPREME COURT OF THE UNITED STATES

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Present: The Chief Justice, Mr. Justice Holmes, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, and Mr. Justice Roberts.

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Walter Leichter, of Union City, N. J.; Daniel Burke, of New York City; W. Barton Leach, of Boston, Mass.; and Frank Howard Purinton, of Portland, Me., were admitted to practice.

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No. 470. The Atchison, Topeka and Santa Fe Railway Company, appellant, *v.* Railroad Commission of the State of California;

No. 471. Los Angeles & Salt Lake Railroad Company, appellant, *v.* Railroad Commission of the State of California; and

No. 472. Southern Pacific Company et al., appellants, *v.* Railroad Commission of the State of California. Argument continued by Mr. C. W. Durbrow for the appellants, by Mr. Arthur T. George for the appellees, and concluded by Mr. C. W. Durbrow for the appellants.

No. 484. Federal Trade Commission, petitioner, *v.* Raladam Company. Argued by Mr. Assistant to the Attorney General O'Brien for the petitioner, and by Mr. Lewis W. McCandless for the respondent.

No. 490. Frank L. Young Company, petitioner, *v.* McNeal-Edwards Company. Argument commenced by Mr. Walter B. Leach for the petitioner.

Adjourned until Monday next at 12 o'clock.

The day call Monday, April 27, will be as follows: Nos. 490, 596, 54, 698, 504, 505, 513, 520, 521 (and 522), and 543.

SUPREME COURT OF THE UNITED STATES

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Present: The Chief Justice, Mr. Justice Holmes, Mr. Justice Van Devanter, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, and Mr. Justice Roberts.

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Frank Hormuth, of Milwaukee, Wis.; Ellis D. Bever, of Independence, Kans.; Walter A. Darby, of New York City; Gilbert Lamb, of Salisbury, Mo.; Albert A. Carmichael, of Montgomery, Ala.; Wm. F. James, of San Jose, Calif.; Leo C. Fennelly, of New York City; W. Elliott Nefflen, of Keyser, W. Va.; and Haymond Maxwell, of Clarksburg, W. Va., were admitted to practice.

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The Chief Justice announced the following orders of the Court:

No. —. Samuel B. Field and Joseph S. Pruitt, appellants, *v.* James T. Powell and John S. Daisy. Appeal allowed and Nellie Field Burwell, sole executrix, substituted as a party appellant in place of Samuel B. Field, deceased.

No. 744. The Texas and Pacific Railway Company et al., appellants, *v.* The United States of America et al. Motion to advance granted and the case assigned for argument on Monday, October 5 next. Motion to make the Louisiana Public Service Commission a party appellant granted.

No. 753. City of Chicago, appellant, *v.* Chicago Rapid Transit Company. In this case probable jurisdiction is noted.

No. 787. Magno Santovincenzo, Consul of the Kingdom of Italy, at New York, appellant, *v.* James F. Egan, Public Administrator, etc. Further consideration of the question of the jurisdiction of this Court is postponed to the hearing of the case on the merits.

No. 361. Charles F. Noack, Ted Hendricksen, Charlie Olsen, et al., appellants, *v.* I. Zellerbach, Reginald B. Fernald, M. J. Connell, et al. Appeal from the District Court of the United States for the Northern District of California. *Per curiam*: Decree affirmed. California Act of April 2, 1931, amending California Penal Code, sec. 634 (Stats. of California, 1931, ch. 101); *Svenson v. Engelke*, 81 Cal. Dec. 237, 383; *New York ex rel. Silz v. Hesterberg*, 211 U. S. 31.



No. 290. Western Land & Reclamation Company, appellant, *v.* The Reclamation Board of the State of California et al. Appeal from the Supreme Court of the State of California. *Per curiam*: The appeal herein is dismissed for the want of a substantial federal question. Guaranty Trust Co., Trustee, *v.* New York & Queens County Railway Co., 282 U. S. iii; Ennis Water Works *v.* City of Ennis, 233 U. S. 652, 658; Wabash R. R. Co. *v.* Flannigan, 192 U. S. 29; Erie R. R. Co. *v.* Solomon, 237 U. S. 427; Zucht *v.* King, 260 U. S. 174; Sugarman *v.* The United States, 249 U. S. 182; C. A. King & Co. *v.* Horton, 276 U. S. 600; Bank of Indianola *v.* Miller, 276 U. S. 605; Roe *v.* Kansas, 278 U. S. 191.

No. 423. Francisco Lopez Sanchez, petitioner, *v.* Antonia Gautier y Borrás. On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit. *Per curiam*: As it does not appear, upon an examination of the record, that the decision of the Circuit Court of Appeals, upon the facts disclosed is in conflict with the decisions of the Supreme Court of Porto Rico, the writ of certiorari granted herein is dismissed.

No. 457. Duquesne Steel Foundry Company, petitioner, *v.* David Burnet, Commissioner of Internal Revenue. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. *Per curiam*: Judgment affirmed. Williamsport Wire Rope Co. *v.* The United States, 277 U. S. 551.

No. 489. Enameled Metals Company, petitioner, *v.* David Burnet, Commissioner of Internal Revenue. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. *Per curiam*: Judgment affirmed. Williamsport Wire Rope Co. *v.* The United States, 277 U. S. 551.

No. 822. John Strong, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit granted.

No. 739. Dunbar & Sullivan Dredging Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 762. Frank Dial, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 794. The Employers' Liability Assurance Corporation, Limited, petitioner, *v.* Irving A. Durkee. Petition for writ of certiorari to the Industrial Accident Commission of the State of California denied.

No. 795. The Employers' Liability Assurance Corporation, Limited, petitioner, *v.* Industrial Accident Commission of the State of California and Irving A. Durkee. Petition for writ of certiorari to

the District Court of Appeal, 1st Appellate District, State of California, denied.

No. 796. The Employers' Liability Assurance Corporation, Limited, petitioner, *v.* Industrial Accident Commission of the State of California and Irving A. Durkee. Petition for writ of certiorari to the Supreme Court of the State of California denied.

No. 806. United States Fidelity & Guaranty Company, petitioner, *v.* J. H. Hardy and Annie Helen Hardy, His Wife. Petition for writ of certiorari to the Court of Civil Appeals, 9th Supreme Judicial District, State of Texas, denied.

No. 809. The Reading Company, petitioner, *v.* John Geary. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 810. Joy Chemical Company, petitioner, *v.* William D. Moss, Supervisor of Permits, etc., et al.; and

No. 811. Isidor Selkow, trading as Washington Barber Supply Company, petitioner, *v.* Maurice Campbell, former Federal Prohibition Administrator, etc., et al. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 816. First National Bank in Dallas, Administrator of the Estate of Louis A. Pires, deceased, petitioner, *v.* David Burnet, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 817. Ector O. Munn, petitioner, *v.* Frank Collis Bowers, Executor of Frank K. Bowers, Collector of Internal Revenue, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 818. Helene Walker King, petitioner, *v.* A. C. Alexander, Collector of Internal Revenue;

No. 819. Helene Walker King, petitioner, *v.* A. C. Alexander, Collector of Internal Revenue;

No. 820. Helene Walker King, petitioner, *v.* A. C. Alexander, Collector of Internal Revenue; and

No. 821. Anna Ruzek, petitioner, *v.* A. C. Alexander, Collector of Internal Revenue. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 824. Lela Gaddis et al., petitioners, *v.* Guy W. Junker et al. Petition for writ of certiorari to the Court of Civil Appeals, 9th Supreme Judicial District, State of Texas, denied.

No. 826. Bank of Italy, petitioner, *v.* David Burnet, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 827. First National Bank of Fresno, California, petitioner, *v.* David Burnet, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 834. Erie Railroad Company, petitioner, *v.* Grace M. O'Dell, Administratrix of the Estate of William O'Dell, deceased. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 835. C. W. Greene and Robert A. Meier et al., petitioners, *v.* Joseph B. Uniacke. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 888. Radio Corporation of America, petitioner, *v.* DeForest Radio Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

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No. 804. Louisiana Public Service Commission, etc., et al., appellants, *v.* The Texas & New Orleans Railroad Company et al.; and

No. 805. State of Louisiana and Louisiana Public Service Commission, appellants, *v.* The United States of America et al. Motion to advance submitted by Mr. Solicitor General Thacher in behalf of counsel for the appellants.

No. 54. Carbice Corporation of America, petitioner, *v.* American Patents Development Corporation et al. Motion to pass submitted by Mr. George F. Thompson for the respondents and the motion denied.

No. 649. The Great Atlantic & Pacific Tea Company et al., appellants, *v.* Allen J. Maxwell, Commissioner, etc. Leave granted to file brief of Tax Commission of the State of South Carolina, as *amicus curiae*, on motion of Mr. J. Fraser Lyon in that behalf.

No. 166. State-Planters Bank and Trust Company et al. *v.* T. Nelson Parker et al. Mandate granted on motion of Mr. Littleton M. Wickham in that behalf.

No. 137. Joseph B. Straton et al. *v.* Andy New, Jr., Trustee, etc. Mandate granted on motion of Mr. Littleton M. Wickham in that behalf.

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No. 842. New Orleans Land Company, appellant, *v.* Board of Levee Commissioners of the Orleans Levee District. Motion to affirm submitted by Mr. James Wilkinson for the appellee in support of the motion, and by Mr. J. D. Dresner and Mr. Arthur A. Moreno for the appellant, in opposition thereto.

No. 804. Louisiana Public Service Commission, etc., appellants, *v.* The Texas & New Orleans Railroad Company et al.; and

No. 805. State of Louisiana and Louisiana Public Service Commission, appellants, *v.* The United States of America et al. Statement as to jurisdiction submitted by Mr. Wylie M. Barrow and Mr. Percy Saint for the appellants.

No. 756. North Star Chemical Works, Inc., petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims submitted by Mr. Raymond M. Hudson for the petitioner, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Rugg, Mr. Claude R. Branch, Mr. Paul D. Miller, Mr. William W. Scott, and Mr. H. Brian Holland for the respondent.

No. 823. Frank A. Mahutga, petitioner, *v.* Minneapolis, St. Paul & Sault Ste. Marie Railway Company. Petition for writ of certiorari to the Supreme Court of the State of Minnesota submitted by Mr. Samuel A. Anderson for the petitioner, and by Mr. Henry S. Mitchell and Mr. John E. Palmer for the respondent.

No. 825. H. A. Wroe, petitioner, *v.* James W. Bass, Collector of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. John D. Cofer for the petitioner, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Youngquist, Mr. Claude R. Branch, Mr. Sewall Key, Miss Helen R. Carloss, and Mr. W. Marvin Smith for the respondent.

No. 829. The Farmers and Merchants State Bank of Morganville, etc., petitioner, *v.* H. W. Koenke, Bank Commissioner, etc. Petition for writ of certiorari to the Supreme Court of the State of Kansas submitted by Mr. A. C. Crane for the petitioner.

No. 830. St. Louis-San Francisco Railway Company et al., petitioners, *v.* J. V. Bridges. Petition for writ of certiorari to the Supreme Court of the State of Mississippi submitted by Mr. Alexander P. Stewart, Mr. Edward T. Miller, Mr. David W. Houston, sr., and Mr. John W. Canada for the petitioners.

No. 832. Lippman's Incorporated, petitioner, *v.* D. B. Heiner, Collector, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Charles H. Sachs and Mr. Louis Caplan for the petitioner, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Youngquist, Mr. Claude R. Branch, Mr. Sewall Key, Mr. John G. Remey, Mr. Whitney North Seymour, and Mr. William H. Riley, jr., for the respondent.

No. 840. Port Angeles Western Railroad Company, petitioner, *v.* Clallam County, Washington, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Alexander C. Shaw for the petitioner, and by Mr. John H. Dunbar.

No. 844. Wilie H. Underhill, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit submitted by Mr. Cornelius Hardy for the petitioner, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Youngquist, Mr. Claude R. Branch, Mr. Mahlon D. Kiefer, Mr. F. Cadmus Damrell, and Mr. W. Marvin Smith for the respondent.

No. 855. Missouri Pacific Railroad Company, petitioner, *v.* A. A. Guillory. Petition for writ of certiorari to the Court of Civil Appeals, 6th Supreme Judicial District, State of Texas, submitted by Mr. W. T. Henry and Mr. Frank W. Wozencraft for the petitioner, and by Mr. S. P. Jones for the respondent.

No. 870. John P. Good, as Receiver, etc., petitioner, *v.* John T. Derr. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. William R. Bagley for the petitioner, and by Mr. James E. Trask for the respondent.

No. 898. Peter B. Freund and Gertrude Davis, petitioners, *v.* E. H. Johnson, Trustee. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Meyer Abrams for the petitioners, and by Mr. Frank Michels for the respondent.

No. 899. Southern Railway Company, petitioner, *v.* Edward Walters, a minor, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. H. O'B. Cooper, Mr. S. R. Prince, Mr. Rudolph J. Kramer, Mr. Bruce A. Campbell, and Mr. L. E. Jeffries for the petitioner.

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No. 490. Frank L. Young, petitioner, *v.* McNeal-Edwards Company. Argument concluded by Mr. Walter B. Leach for the petitioner, and case submitted by Mr. Asa P. French for the respondent.

No. 596. Graniteville Manufacturing Company, appellant, *v.* W. G. Query et al. Argument commenced by Mr. P. F. Henderson for the appellant. The Court declined to hear further argument.

No. 54. Carbice Corporation of America, petitioner, *v.* American Patents Development Corporation. Reargued by Mr. Samuel E. Darby, jr., for the petitioner, and by Mr. Charles Neave for the respondents.

No. 698. Liberty Central Trust Company et al., appellants, *v.* Greenbrier College for Women et al. Argued by Mr. W. Elliott Nefflen for the appellees and case submitted by Mr. W. Chapman Revercomb for the appellants.

No. 504. The United States, petitioner, *v.* Douglas Clyde Macintosh. Argued by Mr. Solicitor General Thacher for the petitioner, and by Mr. John W. Davis for the respondent.

No. 505. The United States of America, petitioner, *v.* Marie Averil Bland. Leave granted to file brief of Edward L. Parsons and others, as *Amici curiae*, on motion of Miss Emily Marx in that behalf.

No. 505. The United States of America, petitioner, *v.* Marie Averil Bland. Argument commenced by Mr. Solicitor General Thacher for the petitioner, and continued by Miss Emily Marx for the respondent.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, April 28, will be as follows: Nos. 505, 513, 520, 521 (and 522), 543, 549, 555, 563, 600, and 630.

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## SUPREME COURT OF THE UNITED STATES

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Present: The Chief Justice, Mr. Justice Holmes, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, and Mr. Justice Roberts.

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John W. Ford, of Youngstown, Ohio, and Roy W. Johns, of Chicago, Ill., were admitted to practice.

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No. 505. The United States of America, petitioner, *v.* Marie Averil Bland. Argument concluded by Miss Emily Marx for the respondent.

No. 513. State of Alabama and Alabama Public Service Commission, appellants, *v.* The United States of America et al. Argued by Mr. Edgar Watkins for the appellants; by Mr. Daniel W. Knowlton for the appellee, the Interstate Commerce Commission; by Mr. Frank W. Gwathmey for the appellees, Alabama carriers; and submitted by Mr. Solicitor General Thacher for the appellee, the United States of America.

No. 520. Lewis-Simas-Jones Company, petitioner, *v.* Southern Pacific Company. Argument commenced by Mr. Robert E. Quirk for the petitioner, continued by Mr. J. R. Bell for the respondent, and by Mr. Robert E. Quirk for the petitioner.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, April 29, will be as follows: Nos. 520, 521 (and 522), 543, 549, 555, 563, 600, 630, 632, and 663.

## SUPREME COURT OF THE UNITED STATES

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Present: The Chief Justice, Mr. Justice Holmes, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, and Mr. Justice Roberts.

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James F. Pace, of Gary, Ind.; Robert D. Austin, of Indianapolis, Ind.; G. Kibby Munson, of Washington, D. C.; and Benicio F. Sanchez, of San Juan, P. R., were admitted to practice.

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No. 555. Georgia Public Service Commission et al., appellants, v. The United States of America et al. Leave granted to file brief of The American Short Line Railroad Association, as *amicus curiae*, on motion of Mr. Moultrie Hitt in that behalf.

No. 520. Lewis-Simas-Jones Company, petitioner, v. Southern Pacific Company. Argument concluded by Mr. Robert E. Quirk for the petitioner.

No. 521. David Burnet, Commissioner of Internal Revenue, petitioner, v. Edith Andrews Logan; and

No. 522. David Burnet, Commissioner of Internal Revenue, petitioner, v. Julia Andrews Bruce. Argument commenced by Mr. Assistant Attorney General Youngquist for the petitioner, continued by Mr. Herbert C. Smyth for the respondent in No. 521, by Mr. John Enrietto for the respondent in No. 521, and concluded by Mr. Raymond B. Goodell for the respondent in No. 522.

No. 543. Minneapolis, St. Paul & Sault Ste. Marie Railway Company, petitioner, v. Noah Moquin. Argued by Mr. Henry S. Mitchell for the petitioner, and by Mr. Tom Davis for the respondent.

No. 549. Nash-Breyer Motor Company, etc., petitioner, v. David Burnet, Commissioner of Internal Revenue. Argument commenced by Mr. Theodore B. Benson for the petitioner, continued by Mr. Solicitor General Thacher for the respondent, and concluded by Mr. Arthur H. Deibert for the petitioner.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, April 30, will be as follows: Nos. 17 original, 555, 563, 600, 630, and 632.

SUPREME COURT OF THE UNITED STATES

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Present: The Chief Justice, Mr. Justice Holmes, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, and Mr. Justice Roberts.

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Ernest Wright Stephens, of Pierre, S. Dak.; James H. Gilfoil, jr., of Lake Providence, La.; Roscoe C. Rowe, of Annapolis, Md.; Charles Horowitz, of New York City; Raymer F. Maguire, of Orlando, Fla.; and Harry M. Voorhis, of Orlando, Fla., were admitted to practice.

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No. 17, original. The State of New Jersey, complainant, *v.* The City of New York. Argued on the exceptions to the report of the special master by Mr. Arthur J. W. Hilly for the defendant in support thereof, and by Mr. Duane E. Minard for the complainant in opposition thereto.

No. 555. Georgia Public Service Commission et al., appellants, *v.* The United States of America et al. Argument commenced by Mr. John S. Burchmore for the appellants, the Georgia Public Service Commission et al.; continued by Mr. Daniel W. Knowlton for the appellees, The United States of America and The Interstate Commerce Commission; by Mr. Robert C. Alston for the appellees, the Atlantic Coast Line R. R. Co. et al.; and concluded by Mr. Edtar Watkins for the appellants, the State Highway Board et al.

No. 563. Great Northern Railway Company, petitioner, *v.* Delmar Company. Argument commenced by Mr. R. J. Hagman for the petitioner, and continued by Mr. Fred W. Putnam for the respondent.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, May 1, will be as follows: Nos. 563, 624, 600, 630, and 632.

## SUPREME COURT OF THE UNITED STATES

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Present: The Chief Justice, Mr. Justice Holmes, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, and Mr. Justice Roberts.

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Elmer E. Finck, of Buffalo, N. Y.; John McDill Fox, of Milwaukee, Wis.; William Oliver Murrell, of Orlando, Fla.; Robert James White, of Boston, Mass.; Arthur R. Young, of Charleston, S. C.; Robert McCormick Figg, jr., of Charleston, S. C.; David M. Wood, of New York City; and Maja Leon Berry, of Toms River, N. J., were admitted to practice.

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No. 630. De Forest Radio Company, petitioner, *v.* General Electric Company. Leave granted to file brief of the Chemical Foundation, Inc., and others, as *amici curiae*, on motion of Mr. John F. Neary in that behalf.

No. 563. Great Northern Railway Company, petitioner. *v.* Delmar Company. Argument continued by Mr. Fred W. Putnam for the respondent, and concluded by Mr. R. J. Hagman for the petitioner.

No. 624. Thomas L. Wolfe et al., appellants, *v.* Patrick J. Hurley, Secretary of War, et al. Argument commenced by Mr. Hugh Tullis for the appellants. The Court declined to hear further argument.

No. 600. Atlantic Coast Line Railroad Company, petitioner, *v.* J. L. Powe, as Administrator, etc. Argued by Mr. Thomas W. Davis and Mr. Arthur R. Young for the petitioner, and by Mr. John P. Grace for the respondent.

No. 630. De Forest Radio Company, petitioner, *v.* General Electric Company. Argument commenced by Mr. Samuel E. Darby, jr., for the petitioner, and continued by Mr. Thomas G. Haight for the petitioner.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, May 4, will be as follows: Nos. 630 and 632.

SUPREME COURT OF THE UNITED STATES

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Present: The Chief Justice, Mr. Justice Holmes, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, and Mr. Justice Roberts.

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Donald Gottwald, of Akron, Ohio; Louis B. Ewbank, of Indianapolis, Ind.; Michael G. Luddy, of Sioux Falls, S. Dak.; Manuel Guevara Zamora, of Manila, P. I.; G. H. Birrell, of Warren, Ohio; George W. Secrest, of Warren, Ohio; Howard Booher, of Warren, Ohio; Harry D. Williams, of Buffalo, N. Y.; Lawrence G. Williams, of Buffalo, N. Y.; and Alan V. Parker, of Niagara Falls, N. Y., were admitted to practice.

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No. 330. Twin City Pipe Line Company and Industrial Oil & Gas Company, petitioners, *v.* Harding Glass Company. On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Decree reversed with costs, and the cause remanded to the District Court of the United States for the Western District of Arkansas for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Butler.

No. 16, original. The State of New Jersey, complainant, *v.* The State of New York and the City of New York. Report of the special master confirmed. A decree to be entered in accordance with the provisions contained in the opinion. Opinion by Mr. Justice Holmes. The Chief Justice and Mr. Justice Roberts took no part in the consideration or decision of this case.

No. 678. Smoot Sand and Gravel Corporation, petitioner, *v.* Washington Airport, Inc. On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit. Decree reversed and cause remanded to the District Court of the United States for the Eastern District of Virginia for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Holmes. Dissenting opinion by Mr. Justice McReynolds.

The Chief Justice announced the following orders of the Court:

No. 748. May Norwood and Carlisle Norwood, appellants, *v.* John J. Bennett, Jr., Attorney General of the State of New York, et

al., etc. Appeal from the District Court of the United States for the Southern District of New York. *Per curiam*: Decree affirmed. *Lehon v. City of Atlanta*, 242 U. S. 53, 55, 56; *Gundling v. Chicago*, 177 U. S. 183, 186; *Braze v. Michigan*, 241 U. S. 340; *Hall v. Geiger-Jones Co.*, 242 U. S. 539.

No. 698. Liberty Central Trust Company, a corporation, and Meredith C. Jones, Trustees, appellants, *v. Greenbrier College for Women*, a corporation, et al. Appeal from the District Court of the United States for the Southern District of West Virginia. *Per curiam*: Decree affirmed. *Doheny v. Rogers*, 281 U. S. 362, 366; *Bragg v. Weaver*, 251 U. S. 57, 62; *Sweet v. Rechel*, 159 U. S. 380, 402; *Backus v. Ft. Street Union Depot Co.*, 169 U. S. 557, 568;

No. 624. Thomas L. Wolfe, Grace C. Wolfe, and Ida B. Sturgess, appellants, *v. Patrick J. Hurley*, Secretary of War, et al. Appeal from the District Court of the United States for the Western District of Louisiana. *Per curiam*: Decree affirmed. *Dohany v. Rogers*, 281 U. S. 362, 366; *Bragg v. Weaver*, 251 U. S. 57, 62; *Sweet v. Rechel*, 159 U. S. 380, 402; *Backus v. Ft. Street Union Depot Co.*, 169 U. S. 557, 568.

No. 804. Louisiana Public Service Commission, etc., et al., appellants, *v. The Texas & New Orleans Railroad Company* et al.; and

No. 805. State of Louisiana et al., appellants, *v. The United States of America* et al. In these cases probable jurisdiction is noted. The motion to advance is granted and the cases are advanced and assigned for argument on Monday, October 5 next, after the case heretofore assigned for that day.

No. 899. Southern Railway Company, petitioner, *v. Edward Walters*, a minor, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit granted.

No. 756. North Star Chemical Works, Inc., petitioner, *v. The United States*. Petition for writ of certiorari to the Court of Claims denied.

No. 823. Frank A. Mahutga, petitioner, *v. Minneapolis, St. Paul & Sault Ste. Marie Railway Company*. Petition for writ of certiorari to the Supreme Court of the State of Minnesota denied.

No. 825. H. A. Wroe, petitioner, *v. James W. Bass*, Collector of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 829. The Farmers and Merchants State Bank of Morganville, Kansas, etc., petitioner, *v. H. W. Koeneke*, Bank Commissioner of the State of Kansas. Petition for writ of certiorari to the Supreme Court of the State of Kansas denied.

No. 830. St. Louis-San Francisco Railway Company and United States Fidelity and Guaranty Company, petitioner, *v. J. V. Bridges*.



Petition for writ of certiorari to the Supreme Court of the State of Mississippi denied.

No. 832. Lippman's, Inc., petitioner, *v.* D. B. Heiner, Collector of Internal Revenue, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 840. Port Angeles Western Railroad Company, petitioner, *v.* Clallam County, Washington, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 844. Wilie H. Underhill, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 855. Missouri Pacific Railroad Company, petitioner, *v.* A. A. Guillory. Petition for writ of certiorari to the Court of Civil Appeals, Sixth Supreme Judicial District, State of Texas, denied.

No. 870. John P. Good, as Receiver of the Interstate Securities Company, petitioner, *v.* John T. Derr. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 898. Peter B. Freund and Gertrude Davis, petitioners, *v.* E. H. Johnson, Trustee. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

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The Chief Justice also announced the following order:

ORDER

The Court will take a recess from to-day until Monday, May 18; from that day until Monday, May 25, and from that day until Monday, June 1, upon which day it will adjourn for the term.

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No. 754. A. D. Cummins and Company, petitioner, *v.* The United States. Submission of petition for writ of certiorari postponed until Monday, May 25 next, with leave to the respondent to file brief by that date on motion of Mr. Solicitor General Thacher for the respondent.

No. 425. Group No. 1 Oil Corporation, petitioner, *v.* James W. Bass, Collector of Internal Revenue, etc. Leave granted to file brief of the State of Texas, as *amicus curiae* in support of petition for rehearing, and issuance of mandate stayed on motion of Mr. W. W. Spalding in that behalf.

No. 863. Parlex Holding Corporation, petitioner, *v.* The City of New York. Submission of petition for writ of certiorari postponed until Monday, May 25 next, on motion of Mr. Martin Conboy for the petitioner.

No. —, original. The State of Washington, complainant, *v.* The State of Oregon. Motion for leave to file bill of complaint submitted by Mr. Blaine Mallon in behalf of counsel for the complainant.

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No. 828. Stacy-Vorwerk Company, petitioner, *v.* C. L. Buck, doing business as C. L. Buck & Son et al. Petition for writ of certiorari to the Supreme Court of the State of Wyoming submitted by Mr. Michael A. Rattigan for the petitioner.

No. 843. Southern Transportation Company et al., petitioners, *v.* Interstate Commerce Commission. Petition for writ of certiorari to the Court of Appeals of the District of Columbia submitted by Mr. Karl Knox Gartner for the petitioners, and by Mr. Nelson Thomas and Mr. Daniel W. Knowlton for the respondent.

No. 848. Chicagoff Extension Gold Mining Company, petitioner, *v.* Alaska Handy Gold Mining Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. W. H. Metson and Mr. A. H. Ricketts for the petitioner, and by Mr. F. W. Clements and Mr. Lawrence H. Cake for the respondent.

No. 849. State of Utah, petitioner, *v.* The United States of America; and

No. 877. Carbon County Land Company, petitioner, *v.* The United States of America et al. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit submitted by Mr. George P. Parker and Mr. Mahlon E. Wilson for the petitioner in No. 849, by Mr. Samuel A. King for the petitioner in No. 877, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Richardson, Mr. Claude R. Branch, Mr. Nat M. Lacy, and Mr. Paul D. Miller for the respondent.

No. 850. The Bauer Brothers Company, petitioner, *v.* David Burnet, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Homer C. Corry for the petitioner, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Youngquist, Mr. Claude R. Branch, Mr. Sewall Key, Mr. John G. Remy, and Mr. William H. Riley, jr., for the respondent.

No. 851. Mike Salibo, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court

of Appeals for the Fifth Circuit submitted by Mr. E. Howard McCaleb, jr., for the petitioner, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Youngquist, Mr. Claude R. Branch, Mr. Mahlon D. Kiefer, and Mr. W. Marvin Smith for the respondent.

No. 853. B. J. Palmer, petitioner, *v.* The Aeolian Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. A. G. Bush for the petitioner, and by Mr. Joe R. Lane for the respondent.

No. 856. Missouri-Kansas-Texas Railroad Company of Texas, petitioner, *v.* W. H. Hemphkins. Petition for writ of certiorari to the Court of Civil Appeals, Sixth Supreme Judicial District, State of Texas, submitted by Mr. Joseph M. Bryson, Mr. C. C. Huff, Mr. C. S. Burg, and Mr. H. E. Howell for the petitioner.

No. 857. Jim Bonner, petitioner, *v.* The United States of America; and

No. 858. Jim Bonner, petitioner, *v.* The United States of America. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. George W. Dodd for the petitioner, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Youngquist, Mr. Claude R. Branch, Mr. Mahlon D. Kiefer, Mr. A. E. Gottschall, and Mr. W. Marvin Smith for the respondent.

No. 862. John Wright et al., petitioners, *v.* The Federal Reserve Life Insurance Company et al. Petition for writ of certiorari to the Supreme Court of the State of Kansas submitted by Mr. Thomas F. Doran and Mr. Frank Doster for the petitioners, and by Mr. J. H. Brady for the respondent.

No. 866. Southern Railway Company, petitioner, *v.* R. R. Moore, as Administrator, etc. Petition for writ of certiorari to the Supreme Court of the State of South Carolina submitted by Mr. S. R. Prince, Mr. H. O'B. Cooper, Mr. Frank G. Tompkins, and Mr. L. E. Jeffries for the petitioner.

No. 876. Champ Spring Company, petitioner, *v.* the United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Walter R. Mayne for the petitioner, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Youngquist, Mr. Claude R. Branch, Mr. Sewall Key, Mr. S. Dee Hanson, Mr. William H. Riley, jr., and Mr. C. M. Charest for the respondent.

No. 885. Newton Tood, petitioner, *v.* Citizens Gas Company of Indianapolis et al., etc.; and

No. 886. John J. Cotter et al., petitioners, *v.* Citizens Gas Company of Indianapolis et al., etc. Petition for writs of certiorari to

the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Frederick E. Matson, Mr. Earl B. Barnes, Mr. William L. Taylor, and Mr. Walter T. Kinder for the petitioner, and by Mr. W. H. Thompson, Mr. Henry H. Hornbrook, and Mr. Albert L. Rabb for the respondents.

No. 892. Southern Railway Company, petitioner, *v.* Mrs. Julia M. Varnell. Petition for writ of certiorari to the Supreme Court of the State of Alabama submitted by Mr. S. R. Prince, Mr. H. O'B. Cooper, and Mr. L. E. Jeffries for the petitioner, and by Mr. William Shelton Pritchard for the respondent.

No. 897. William Rogers, petitioner, *v.* James E. Watson et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Otto Gresham for the petitioner, and by Mr. William L. Taylor, Mr. Arthur L. Gilliom, and Mr. Albert Ward for the respondents.

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No. 630. DeForest Radio Company, petitioner, *v.* General Electric Company. Argument concluded by Mr. Ralph B. Evans for the respondent.

No. 632. A. Spates Brady, appellant, *v.* The United States of America et al. Argument commenced by Mr. George T. Bell for the appellant. The Court declined to hear further argument.

Adjourned until Monday, May 18, at 12 o'clock.

SUPREME COURT OF THE UNITED STATES

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Present: The Chief Justice, Mr. Justice Holmes, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, and Mr. Justice Roberts.

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Willis Raymond Lansford, of Washington, D. C.; Hiram P. Whitacre, of Charlotte, N. C.; Arthur M. Hahn, of Washington, D. C.; Robert W. Lyons, of Indianapolis, Ind.; Carl S. Carlsmith, of Hilo, T. Hawaii; Cecil C. Tague, of Brookville, Ind.; George Richard Warfield, of Gardner, Mass.; Roland Obenchain, of South Bend, Ind.; Samuel M. Chapin, of New York City; H. R. Partlow, of Paragould, Ark.; George Seagrave Franklin, of New York City; Roy G. Lord, of Detroit, Mich.; and Frederick W. Lyle, of Williamsburg, Pa., were admitted to practice.

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No. 422. W. W. Custer, petitioner, *v.* Rob B. McCutcheon, substituted for F. M. Breshears, deceased, United States Marshal for the District of Idaho. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Decree reversed, and cause remanded to the District Court of the United States for the District of Idaho for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Roberts.

No. 543. Minneapolis, St. Paul & Sault Ste. Marie Railway Company, petitioner, *v.* Noah Moquin. On writ of certiorari to the Supreme Court of the State of Minnesota. Judgment reversed with costs and cause remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Roberts.

No. 445. Floy P. Baldwin, petitioner, *v.* Iowa State Traveling Men's Association. On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Judgment reversed with costs and cause remanded to the District Court of the United States for the Southern District of Iowa for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Roberts.

No. 183. State Board of Tax Commissioners of the State of Indiana, James Showalter, Pliny H. Wolfard, etc., et al., appellants, *v. Lafayette A. Jackson*. Appeal from the District Court of the United States for the Southern District of Indiana. Decree reversed with costs and the cause remanded to the said District Court with instructions to dismiss the bill of complaint. Opinion by Mr. Justice Roberts. Dissenting opinion by Mr. Justice Sutherland in which Mr. Justice Van Devanter, Mr. Justice McReynolds, and Mr. Justice Butler concur.

No. 549. Nash-Breyer Motor Company, formerly Troy Motor Sales Company, petitioner, *v. David Burnet*, Commissioner of Internal Revenue. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment affirmed and cause remanded to the said Circuit Court of Appeals. Opinion by Mr. Justice Stone.

No. 426. B. D. McCaughn, Collector, petitioner, *v. Hershey Chocolate Co.*;

No. 427. Est. E. Lederer, Collector, petitioner, *v. Hershey Chocolate Co.*;

No. 428. Est. B. F. Davis, Collector, petitioner, *v. Hershey Chocolate Co.*;

No. 429. Est. E. Lederer, Collector, petitioner, *v. Hershey Chocolate Co.*;

No. 430. B. D. McCaughn, Collector, petitioner, *v. Hershey Chocolate Co.*;

No. 431. Est. B. F. Davis, Collector, petitioner, *v. Hershey Chocolate Co.*;

No. 432. Est. B. F. Davis, Collector, petitioner, *v. Klein Chocolate Co.*;

No. 433. Est. E. Lederer, Collector, petitioner, *v. Klein Chocolate Co.*;

No. 434. Est. E. Lederer, Collector, petitioner, *v. Klein Chocolate Co.*;

No. 435. Blakely D. McCaughn, Collector, petitioner, *v. Klein Chocolate Co.*;

No. 436. Est. E. Lederer, Collector, petitioner, *v. Wilbur Suchard Chocolate Co.*;

No. 437. Est. E. Lederer, Collector, petitioner, *v. Wilbur Suchard Chocolate Co.*;

No. 438. Blakely D. McCaughn, Collector, petitioner, *v. Wilbur Suchard Chocolate Co.*;

No. 439. Est. B. F. Davis, Collector, petitioner, *v. York Chocolate Co.*;



No. 440. Est. E. Lederer, Collector, petitioner, *v.* York Chocolate Co.; and

No. 441. Blakely D. McCaughn, Collector, petitioner, *v.* York Chocolate Co. On writs of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Judgments reversed with costs and causes remanded to the District Court of the United States for the Eastern District of Pennsylvania for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Stone.

No. 362. Gasoline Products Company, Inc., petitioner, *v.* Champlin Refining Company. On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit. Judgment reversed with costs, and cause remanded to the District Court of the United States for the District of Maine for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Stone.

No. 635. Merchants Warehouse Company, appellant, *v.* The United States of America et al.;

No. 636. Merchants Warehouse Company et al., appellants, *v.* The United States of America et al.;

No. 637. The United States of America et al., appellants, *v.* Merchants Warehouse Company et al.;

No. 638. The Pennsylvania Warehousing and Safe Deposit Company, appellant, *v.* The United States of America et al.;

No. 639. The Pennsylvania Warehousing & Safe Deposit Company et al., appellants, *v.* The United States of America et al.;

No. 640. The United States of America et al., appellants, *v.* The Pennsylvania Warehousing & Safe Deposit Company et al.;

No. 641. The Philadelphia Warehousing & Cold Storage Company, appellant, *v.* The United States of America et al.;

No. 642. Philadelphia Warehousing & Cold Storage Company et al., appellants, *v.* The United States of America et al.; and

No. 643. The United States of America et al., appellants, *v.* The Philadelphia Warehousing & Cold Storage Company et al. Appeals from the District Court of the United States for the Eastern District of Pennsylvania. Decree affirmed. Opinion by Mr. Justice Stone. Mr. Justice Roberts took no part in the consideration or decision of this case.

No. 453. The East Ohio Gas Company, appellant, *v.* The Tax Commission of Ohio et al. Appeal from the District Court of the United States for the Southern District of Ohio. Decree affirmed with costs. Opinion by Mr. Justice Butler.

No. 17, original. The State of New Jersey, complainant, *v.* The City of New York. Opinion announced by Mr. Justice Butler. The master's conclusions of law and recommendations for a decree approved. The cause referred to Hon. Edward K. Campbell, special master, for further examination and to make report of his findings and a form of decree.

No. 54. Carbice Corporation of America, petitioner, *v.* American Patents Development Corporation and Dry Ice Corporation of America. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. On consideration of the reargument of this case limited to the validity of the patent, the same is held to be invalid. Opinion by Mr. Justice Brandeis.

No. 19, original. The State of Arizona, complainant, *v.* The State of California et al. Bill dismissed without prejudice. Opinion announced by Mr. Justice Brandeis. Mr. Justice McReynolds is of the opinion that the motions to dismiss should be overruled and the defendants required to answer.

No. 521. David Burnet, Commissioner of Internal Revenue, petitioner, *v.* Edith Andrews Logan; and

No. 522. David Burnet, Commissioner of Internal Revenue, petitioner, *v.* Julia Andrews Bruce. On writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgments affirmed and causes remanded to the said Circuit Court of Appeals. Opinion by Mr. Justice McReynolds.

No. 618. United States of America *ex rel.* Ethel M. McLennan, petitioner, *v.* Ray Lyman Wilbur, Secretary of the Interior;

No. 676. United States of America *ex rel.* H. H. Simpson, petitioner, *v.* Ray Lyman Wilbur, Secretary of the Interior et al.;

No. 704. United States of America *ex rel.* Roy G. Barton, petitioner, *v.* Ray Lyman Wilbur, Secretary of the Department of the Interior; and

No. 743. United States of America *ex rel.* W. B. Pyron, petitioner, *v.* Ray Lyman Wilbur, Secretary of the Interior, et al. On writs of certiorari to the Court of Appeals of the District of Columbia. Judgments affirmed and causes remanded to the said Court of Appeals. Opinion by Mr. Justice McReynolds.

No. 490. Frank L. Young Company, petitioner, *v.* McNeal Edwards Company. On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit. Judgment reversed with costs, and cause remanded to the District Court of the United States for the District of Massachusetts for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Holmes.

No. 600. Atlantic Coast Line Railroad Company, petitioner, *v.* J. L. Powe, as Administrator of George A. Marshall, deceased. On writ of certiorari to the Supreme Court of the State of South Carolina. Judgment reversed with costs, and cause remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Holmes.

No. 584. Yetta Stromberg, appellant, *v.* The People of the State of California. Appeal from the District Court of Appeals of the State of California, Fourth Appellate District. Judgment reversed with costs, and cause remanded to the said District Court of Appeals for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Chief Justice Hughes. Separate opinion by Mr. Justice McReynolds. Dissenting opinion by Mr. Justice Butler.

No. 596. Graniteville Manufacturing Company, appellant, *v.* W. G. Query, J. P. Derham, et al., etc. Appeal from the District Court of the United States for the Eastern District of South Carolina. Decree affirmed with costs. Opinion by Mr. Chief Justice Hughes.

No. 470. The Atchison, Topeka and Santa Fe Railway Company, appellant, *v.* Railroad Commission of the State of California et al., etc.;

No. 471. Los Angeles & Salt Lake Railroad Company, appellant, *v.* Railroad Commission of the State of California et al., etc.; and

No. 472. Southern Pacific Company and Southern Pacific Railroad Company, appellants, *v.* Railroad Commission of the State of California et al., etc. Appeals from the Supreme Court of the State of California. Judgments affirmed with costs. Opinion by Mr. Chief Justice Hughes. Mr. Justice McReynolds is of opinion that the judgments of the court below should be reversed.

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The Chief Justice announced the following orders of the Court:

No. —. In the matter of the disbarment of Leroy B. Delaney. It appearing that the rule issued April 28, 1930, upon Leroy B. Delaney to show cause why he should not be disbarred from the practice of the law in this Court has not been served;

It is ordered that a further notice issue to the said Delaney to show cause, on or before the first Monday in October next, why he should not be disbarred.

No. —, original. The State of Washington *v.* The State of Oregon. The motion for leave to file bill of complaint herein is granted and process is ordered to issue returnable on Monday, October 5 next.

No. 6, original. October term, 1929. The State of Oklahoma, complainant, *v.* The State of Texas. Order relating to costs entered.

No. 14, original. The United States of America, complainant, *v.* The State of Utah. Decree and order fixing compensation and allowing expenses of the special master entered.

No. 632. A. Spates Brady, appellant, *v.* The United States of America et al. Appeal from the District Court of the United States for the Northern District of West Virginia. *Per curiam*: The decree of dismissal by the specially constituted District Court is affirmed. Standard Oil Company (Indiana) *v.* The United States of America et al. (decided April 13, 1931), 283 U. S. —.; United States *v.* Louisville & Nashville R. R. Co., 235 U. S. 314, 320; Interstate Commerce Commission *v.* Delaware, Lackawanna & Western R. R. Co., 220 U. S. 235, 251; Interstate Commerce Commission *v.* Illinois Central R. R. Co., 215 U. S. 452, 470; Baltimore & Ohio R. R. Co. *v.* United States *ex rel.* Pitcairn Coal Co., 215 U. S. 481, 494.

No. 849. State of Utah, petitioner, *v.* The United States of America; and

No. 877. Carbon County Land Company, petitioner, *v.* The United States of America et al. The petitions for writs of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit are granted and the cases are advanced and assigned for argument on Monday, October 5 next, after the cases heretofore assigned for that day.

No. 866. Southern Railway Company, petitioner, *v.* R. R. Moore, as Administrator, etc. Petition for writ of certiorari to the Supreme Court of the State of South Carolina granted.

No. 828. Stacy-Vorwerk Company, petitioner, *v.* C. L. Buck, Doing Business as C. L. Buck & Son et al. Petition for writ of certiorari to the Supreme Court of the State of Wyoming denied.

No. 843. Southern Transportation Company et al., petitioners, *v.* Interstate Commerce Commission. Petition for writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 848. Chicagoff Extension Gold Mining Company, petitioner, *v.* Alaska Handy Gold Mining Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 850. The Bauer Brothers Company, petitioner, *v.* David Burnet, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 851. Mike Salibo, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 853. B. J. Palmer, petitioner, *v.* The Aeolian Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 856. Missouri-Kansas-Texas Railroad Company of Texas, petitioner, *v.* W. H. Hemphins. Petition for writ of certiorari to the Court of Civil Appeals, Sixth Supreme Judicial District, State of Texas, denied.

No. 857. Jim Bonner, petitioner, *v.* The United States of America; and

No. 858. Jim Bonner, petitioner, *v.* The United States of America. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 862. John Wright, George W. Ziegler, and Ed Hossfeld, petitioners, *v.* The Federal Reserve Life Insurance Company et al. Petition for writ of certiorari to the Supreme Court of the State of Kansas denied.

No. 876. Champ Spring Company, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 885. Newton Todd, petitioner, *v.* Citizens Gas Company of Indianapolis et al., etc.; and

No. 886. John J. Cotter, Emy Martin, Executrix of the Estate of Elsie Martin, deceased, petitioners, *v.* Citizens Gas Company of Indianapolis et al., etc. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 892. Southern Railway Company, petitioner, *v.* Mrs. Julia M. Varnell. Petition for writ of certiorari to the Supreme Court of the State of Alabama denied.

No. 897. William Rogers, petitioner, *v.* James E. Watson, M. Bert Thurman, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

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No. 872. Mutual Lumber Company, petitioner, *v.* Burns Poe, Collector, etc. Submission of petition for writ of certiorari postponed until October 5 next, with leave to file brief for respondent on or before September 10 next, on motion of Mr. Solicitor General Thacher for the respondent.

No. 875. P. L. Mann, petitioner, *v.* The United States. Submission of petition for writ of certiorari postponed until May 25 next, on motion of Mr. Solicitor General Thacher for the respondent.

No. 686. Martin A. Leach, appellant, *v.* The People of the State of California. Leave granted to file brief of Raymond Benjamin and Henry P. Goodwin, as *amici curiae*, in opposition to motion to dismiss on motion of Mr. Louis Titus in that behalf.

No. 943. The Chicago, Rock Island & Pacific Ry. Co. et al., appellants, *v.* The United States et al. Motion to advance submitted by Mr. Alfred P. Thom for the appellants.

No. 842. New Orleans Land Company, appellant, *v.* Board of Levee Commissioners of Orleans Levee District. Leave granted to file statement as to jurisdiction on motion of Mr. R. Granville Curry in behalf of counsel for the appellant.

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No. —. In re Disbarment of William E. Baff. Return to the rule to show cause submitted by Mr. Kirtland I. Perky for the respondent.

No. 24, original. *Ex parte*: Madden Bros., Inc., petitioner. Return of Hon. Joseph W. Molyneaux, United States District Judge for the District of Minnesota, to the rule to show cause submitted by Mr. Henry N. Benson, Mr. Charles E. Phillips, and Mr. John F. Bonner in that behalf.

No. 686. Martin A. Leach, appellant, *v.* The People of the State of California. Motion to dismiss submitted by Mr. U. S. Webb for the appellee, in support of the motion, and by Mr. Jesse I. Miller for the appellant, in opposition thereto.

No. 841. Frank L. Smith et al., etc., appellants, *v.* Illinois Bell Telephone Company. Motion to dismiss or affirm submitted by Mr. Charles M. Bracelen, Mr. Horace Kent Tenney, Mr. William H. Thompson, Mr. Kenneth F. Burgess, and Mr. Leslie N. Jones for the appellee, in support of the motion, and by Mr. Oscar E. Carlstrom, Mr. George I. Haight, Mr. Benjamin F. Goldstein, Mr. Edmund D. Adcock, and Mr. Francis X. Busch for the appellant, in opposition thereto.

No. 852. Bandini Petroleum Company et al., appellants, *v.* The Superior Court of the State of California, etc., et al. Motion to dismiss or affirm submitted by Mr. U. S. Webb and Mr. James S. Bennett for the respondents, in support thereof, and by Mr. Robert B. Murphey and Mr. Asa V. Call for the appellants, in opposition thereto.

No. 964. Minnie D. Smith, petitioner, *v.* John B. Daniel. Motion for leave to proceed *in forma pauperis* submitted by Minnie D. Smith, *pro se*.

No. 966. Claude Nichols, petitioner, *v.* The United States of America. Motion for leave to proceed *in forma pauperis* submitted by Claude Nichols, *pro se*.



No. 836. Painters District Council No. 14 of Chicago, etc., et al., appellants, *v.* The United States of America. Statement as to jurisdiction submitted by Mr. William E. Rodriguez for the appellants.

No. 841. Frank L. Smith et al., etc., appellants, *v.* Illinois Bell Telephone Company. Statement as to jurisdiction submitted by Mr. Oscar E. Carlstrom, Mr. Samuel A. Ettelson, Mr. George I. Haight, Mr. Benjamin F. Goldstein, and Mr. Edmund D. Adcock for the appellants in support thereof, and by Mr. Charles M. Braceless, Mr. Horace Kent Tenney, Mr. William H. Thompson, Mr. Kenneth F. Burgess, and Mr. Leslie N. Jones for the appellee, in opposition thereto.

No. 842. New Orleans Land Company, appellant, *v.* Board of Levee Commissioners of the Orleans Levee District. Statement as to jurisdiction submitted by Mr. Arthur A. Moreno and Mr. J. D. Dresner for the appellant, in support thereof, and by Mr. James Wilkinson for the appellee, in opposition thereto.

No. 852. Bandini Petroleum Company et al., appellants, *v.* The Superior Court of the State of California et al. Statement as to jurisdiction submitted by Mr. Robert B. Murphey and Mr. Asa V. Call for the appellants, in support thereof, and by Mr. U. S. Webb and Mr. James S. Bennett for the appellees, in opposition thereto.

No. 854. M. J. Loftus et al., appellants, *v.* Department of Agriculture of the State of Iowa et al., etc. Statement as to jurisdiction submitted by Mr. Edward J. McVann for the appellants, in support thereof, and by Mr. John Fletcher and Mr. Earl F. Wisdom for the appellee, in opposition thereto.

No. 852. Bandini Petroleum Company et al., petitioners, *v.* The Superior Court of the State of California, etc., et al. Petition for writ of certiorari to the District Court of Appeal, Second Appellate District, State of California, submitted by Mr. Robert B. Murphey and Mr. Asa V. Call for the petitioners, and by Mr. U. S. Webb and Mr. James S. Bennett for the respondents.

No. 860. W. C. Austin, Receiver of O. K. Cattle Company, petitioner, *v.* C. F. Osborne et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. H. C. Ray for the petitioner, and by Mr. William J. Berne for the respondents.

No. 861. Robert L. McElroy et al., petitioners, *v.* Borough of Fort Lee. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. William H. Carey for the petitioners, and by Mr. Howard Mackay for the respondent.

No. 868. St. Louis-San Francisco Railway Company et al., petitioners, *v.* Orel Bishop, Administratrix, etc. Petition for writ of certiorari to the Supreme Court of the State of Arkansas submitted by Mr. Alexander P. Stewart, Mr. Edward T. Miller, and Mr. Edward L. Westbrook for the petitioners, and by Mr. Frank Pace and Mr. G. L. Grant for the respondent.

No. 874. Frank Dial, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims submitted by Mr. Frank Dial, *pro se.*, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Rugg, and Mr. Claude R. Branch for the respondent.

No. 878. Mississippi Valley Trust Company, as Administrator, etc., et al., petitioners, *v.* Gustavus A. Buder et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. T. M. Pierce for the petitioners.

No. 879. Hartford Electric Supply Company, petitioner, *v.* Joseph Sachs & Colt's Patent Fire Arms Manufacturing Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Walter F. Murray for the petitioner and by Mr. Oscar W. Jeffery and Mr. Harry G. Kimball for the respondent.

No. 880. H. E. Byram et al., petitioners, *v.* F. M. Miner and Robert J. McDonal, copartners, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Arthur C. Erdall and Mr. F. W. Root for the petitioners, and by Mr. Mortimer H. Boutelle and Mr. Frederick M. Miner for the respondents.

No. 881. The Seaboard Citizens National Bank of Norfolk, petitioner, *v.* Alan J. Hofheimer, Executor, etc. Petition for writ of certiorari to the Supreme Court of Appeals of the State of Virginia submitted by Mr. James Mann for the petitioner, and by Mr. James E. Heath for the respondent.

No. 882. Cora Ryan, Administratrix, etc., petitioner, *v.* The Atchison, Topeka and Santa Fe Railway Company. Petition for writ of certiorari to the Supreme Court of the State of Kansas submitted by Mr. Charles Stephens, and Mr. Charles W. Steiger for the petitioner.

No. 883. James Kellar, *alias* James Kirk, etc., petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Alfred E. Roth for the petitioner, and by Mr. Solicitor General Thacher, Mr. Claude R. Branch, Mr. Harry S. Ridgely, and Mr. W. Marvin Smith for the respondent.

No. 884. The State of Kansas on the relation of Roland Boynton, Attorney General, petitioner, *v.* The Board of County Commissioners of Shawnee County, Kansas, et al., etc. Petition for writ of certiorari to the Supreme Court of the State of Kansas submitted by Mr. Thomas F. Doran, Mr. Roland Boynton, and Mr. Frank Doster for the petitioners.

No. 887. Osaka Shosen Kaisha, petitioner, *v.* Olivier Straw Goods Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. John W. Crandall for the petitioner, and by Mr. Henry N. Longley and Mr. Ezra G. Benedict Fox for the respondent.

No. 889. The United States of America, petitioner, *v.* Edward Ryan, Claimant, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Youngquist, Mr. John P. Byrne, and Mr. Paul D. Miller for the petitioner.

No. 890. The United States of America, petitioner, *v.* George Anderson. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Youngquist, Mr. Mahlon D. Keefer, Mr. John J. Byrne, and Mr. Paul D. Miller for the respondent.

No. 891. J. W. Dana, petitioner. *v.* F. J. Searight et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit submitted by Mr. James M. Beck and Mr. Malcolm E. Rosser for the petitioner, and by Mr. Ed. J. Fleming, Mr. H. A. Tallman, Mr. Randolph Shirk, Mr. H. F. Aby, and Mr. W. F. Tucker for the respondents.

No. 893. Chicago, Rock Island and Pacific Railway Company, petitioner, *v.* Harry C. Trout. Petition for writ of certiorari to the Kansas City Court of Appeals of the State of Missouri submitted by Mr. M. L. Bell, Mr. W. F. Dickinson, Mr. Luther Burns, Mr. Henry S. Conrad, and Mr. Lisbon E. Durham for the petitioner, and by Mr. M. J. Henderson for the respondent.

No. 894. The Bank of United States, petitioner, *v.* Irving Trust Company, as Trustee, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. David Haar for the petitioner, and by Mr. Samuel Blumberg for the respondent.

No. 896. Western Pacific California Railroad Company, petitioner, *v.* Southern Pacific Company. Petition for writ of certiorari to

the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. F. M. Angellotti and Mr. Harriet P. Tyler for the petitioner, and by Mr. C. O. Amonette, Mr. H. C. Booth, Mr. C. W. Durbrow, and Mr. Guy V. Shoup for the respondent.

No. 900. Albert Pick & Company, petitioner, *v.* Peoples Bank of Buffalo et al. Petition for writ of certiorari to the County Court of Erie County, State of New York, submitted by Mr. Alfred M. Saperston for the petitioner, and by Mr. George W. Offutt for the respondent.

No. 903. Erie Railroad Company, petitioner, *v.* William R. Irons. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Clement K. Corbin for the petitioner, and by Mr. Thomas G. Haight and Mr. Charles Hershenstein for the respondent.

No. 906. I. J. Van Huffel, petitioner, *v.* Trace D. Harkelrode, Treasurer of Trumbull County, Ohio, etc. Petition for writ of certiorari to the Court of Appeals of Trumbull County, State of Ohio, submitted by Mr. H. H. Hoppe for the petitioner, and by Mr. G. H. Birrell for the respondent.

No. 907. I. J. Van Huffel, petitioner, *v.* Trace D. Harkelrode, Treasurer of Trumbull County, Ohio, etc. Petition for writ of certiorari to the Supreme Court of the State of Ohio submitted by Mr. H. H. Hoppe for the petitioner and by Mr. G. H. Birrell for the respondent.

No. 908. Standard Oil Company, petitioner, *v.* Glendola Steamship Corporation, Claimant, etc.; and

No. 909. Glendola Steamship Corporation, petitioner, *v.* Standard Oil Company. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. William H. McGrann for the petitioner in No. 908 and respondent in No. 909; by Mr. Horace M. Gray and Mr. Sanford H. E. Freund for the petitioner in No. 909 and respondent in No. 908.

No. 927. Commercial Stevedoring Company, Inc., petitioner, *v.* Anna Dowdell, as Administratrix, etc. Petition for writ of certiorari to the Supreme Court of the State of New York, Appellate Division, submitted by Mr. Clarence E. Mellen for the petitioner and by Mr. Sol Gelb for the respondent.

No. 928. March Haynes, Administrator, etc., petitioner, *v.* Union Carbide and Carbon Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Conrad Wolf and Mr. Earl B. Barnes for the petitioner, and by Mr. Henry H. Hornbrook, Mr. George A. Cooke, and Mr. Paul Y. Davis for the respondent.

No. 929. The New York, New Haven and Hartford Railroad Company, petitioner, *v.* Luigi Pascucci. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit submitted by Mr. John M. Gibbons for the petitioner, and by Mr. Clifford H. Byrnes for the respondent.

No. 930. Brief English Systems, Inc., petitioner, *v.* John P. Owen et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Edgar M. Kitchin and Mr. William St. John Tozer for the petitioner, and by Mr. O. Ellery Edwards for the respondents.

No. 931. Green Star Steamship Co., Ltd., petitioner, *v.* Armour & Co. et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. John C. Crawley for the petitioner, and by Mr. D. Roger Englar and Mr. Leonard J. Matteson for the respondent.

No. 935. Ray Lyman Wilbur, as Secretary, etc., petitioner, *v.* The United States of America, *ex rel.* The Vindicator Consolidated Gold Mining Company. Petition for writ of certiorari to the Court of Appeals of the District of Columbia submitted by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Richardson, and Mr. Whitney North Seymour for the petitioner, and by Mr. Edgar Watkins and Mr. J. C. Trimble for the respondent.

No. 936. Ray Lyman Wilbur, as Secretary of the Interior, petitioner, *v.* The United States of America, *ex rel.* Chestatee Pyrites & Chemical Corporation. Petition for writ of certiorari to the Court of Appeals of the District of Columbia submitted by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Richardson, and Mr. Whitney North Seymour for the petitioner, and by Mr. Marion Smith, Mr. Edgar Watkins, and Mr. Mac Asbill for the respondent.

No. 954. W. E. Hedger Company, Inc., petitioner, *v.* F. S. Royster Guano Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Horace T. Atkins for the petitioner, and by Mr. Charles R. Hickox and Mr. Robert S. Erskine for the respondent.

Adjourned until Monday, May 25 next, at 12 o'clock.



## SUPREME COURT OF THE UNITED STATES

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Present: The Chief Justice, Mr. Justice Holmes, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, and Mr. Justice Roberts.

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Percy W. Phillips, of Southampton, N. Y.; Dawson E. Hale, of Knoxville, Tenn.; Dan C. Flanagan, of Fort Wayne, Ind.; T. S. Halstead, of Norfolk, Va.; Whitman Taylor, of Chicago, Ill.; Paul Carpenter, of Chicago, Ill.; Joseph J. McGuigan, of Balboa Heights, Canal Zone; Helen K. MacDonald, of Detroit, Mich.; Ritchie S. Barrie, of Detroit, Mich.; J. Sterling Halstead, of New York City; David LaVerne Courtney, of Highland Park, Mich.; Samuel Hoffman, of New York City; William K. Herrick, of Cherokee, Iowa; William A. Flanagan, of Highland Park, Mich.; Clyde L. Fulton, of Highland Park, Mich.; Colin J. McRae, of Highland Park, Mich.; Frank B. Hubachek, of Minneapolis, Minn.; Francis Joseph Lawler, of Cleveland, Ohio; Maurice Blumenthal, of Los Angeles, Calif.; Harvey F. Remington, of Rochester, N. Y.; Thomas H. Remington, of Rochester, N. Y.; John W. Remington, of Rochester, N. Y.; Francis K. Remington, of Rochester, N. Y.; Walter W. Meinberg, of Highland Park, Mich.; Besse Moton Garner, of Highland Park, Mich.; Maurice D. Sharai, of Highland Park, Mich.; Charles O. Swartz, of Chicago, Ill.; Moffatt G. McDonald, of Greenwood, S. C.; Richard B. Scandrett, of New York City; John Edmond Hewitt, of New York City; and Robert H. Jackson, of Jamestown, N. Y., were admitted to practice.

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No. 563. Great Northern Railway Company, petitioner, *v.* Delmar Company. On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Judgment reversed with costs, and cause remanded to the District Court of the United States for the District of Minnesota for further proceeding in conformity with the opinion of this Court. Opinion by Mr. Justice Roberts.

No. 81. Henry Choteau, petitioner, *v.* David Burnet, Commissioner of Internal Revenue. On writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit. Judgment



affirmed and cause remanded to the said Circuit Court of Appeals. Opinion by Mr. Justice Roberts.

No. 630. De Forest Radio Company, petitioner, *v.* General Electric Company. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Decree reversed with costs, and cause remanded to the District Court of the United States for the District of Delaware for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Stone. Mr. Justice McReynolds concurs in the result.

No. 520. Lewis-Simas-Jones Company, petitioner, *v.* Southern Pacific Company. On writ of certiorari to the District Court of Appeal, First Appellate District, State of California. Judgment reversed with costs, and cause remanded to the said District Court of Appeal for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Butler.

No. 504. The United States, petitioner, *v.* Douglas Clyde Macintosh. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Decree of the United States Circuit Court of Appeals reversed and judgment of the District Court of the United States for the District of Connecticut affirmed, and cause remanded to the said District Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Sutherland. Dissenting opinion by Mr. Chief Justice Hughes, in which Mr. Justice Holmes, Mr. Justice Brandeis, and Mr. Justice Stone concur.

No. 505. The United States of America, petitioner, *v.* Marie Averil Bland. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Decree of the United States Circuit Court of Appeals reversed and judgment of the District Court of the United States for the Southern District of New York affirmed and cause remanded to the said District Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Sutherland. Dissenting opinion by Mr. Chief Justice Hughes, in which Mr. Justice Holmes, Mr. Justice Brandeis, and Mr. Justice Stone concur.

No. 720. Walter C. Fetters, United States Marshal for the Eastern District of Pennsylvania, petitioner, *v.* United States of America *ex rel.* Thomas W. Cunningham. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Judgment of the District Court of the United States for the Eastern District of Pennsylvania reversed and cause remanded to the said District Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Sutherland.

No. 484. Federal Trade Commission, petitioner, *v.* Raladam Company. On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. Decree affirmed and cause remanded to the said Circuit Court of Appeals. Opinion by Mr. Justice Sutherland.

No. 455. Annie G. Phillips, Arthur L. Phillips, Seymour Phillips, and Abraham S. Phillips, Executors of the estate of I. L. Phillips, deceased, petitioners, *v.* David Burnet, Commissioner of Internal Revenue. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment affirmed and cause remanded to the said Circuit Court of Appeals. Opinion by Mr. Justice Brandeis.

No. 263. Maas & Waldstein Company, petitioner, *v.* The United States. On writ of certiorari to the Court of Claims. Judgment affirmed. Opinion by Mr. Justice McReynolds.

No. 5. Indian Motorcycle Company *v.* The United States of America. On certificate from the Court of Claims. Question answered in the negative. Mr. Justice Holmes acquiesces in the decision. Dissenting opinion by Mr. Justice Stone, in which Mr. Justice Brandeis concurs.

No. 66. Northport Power and Light Company, appellant, *v.* Roland H. Hartley, as Governor of the State of Washington, and John H. Dunbar, as Attorney General of the State of Washington. Appeal from the District Court of the United States for the Western District of Washington. Decree affirmed with costs. Opinion by Mr. Justice Holmes.

No. 449. E. S. Smith, appellant, *v.* W. B. Cahoon, Sheriff of Duval County, Florida. Appeal from the Supreme Court of the State of Florida. Judgment reversed with costs, and cause remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Chief Justice Hughes.

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The Chief Justice announced the following orders of the Court:

No. 16, original. The State of New Jersey, complainant, *v.* The State of New York and City of New York. Decree and order approving expenses and fixing compensation of Special Master entered.

No. 24, original. Ex parte: Madden Bros., Inc., petitioner. *Per curiam*: Upon consideration of the return of the Honorable Joseph W. Molyneaux to the rule, heretofore issued to him, to show cause why a writ of mandamus should not issue directing and commanding him to vacate, annul, and set aside the order and decree of August 9, 1930, dismissing the bill of complaint in the case of Mad-

den Bros., Inc., *v.* The Railroad and Warehouse Commission of the State of Minnesota et al., and to call to his assistance two other judges and proceed in the said cause according to and in compliance with the provisions of Sec 266 of the Judicial Code in order to hear and determine the application for an interlocutory injunction in said cause;

It is now here ordered that the said rule be, and the same is hereby, made absolute.

No. 964. Minnie D. Smith, petitioner, *v.* John B. Daniel. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. *Per curiam:* The motion for leave to proceed further herein *in forma pauperis* is denied. The petition for writ of certiorari is also denied. The costs already incurred herein shall be paid by the Clerk as provided in the order of October 29, 1926.

No. 966. Claude Nichols, petitioner, *v.* The United States of America. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. *Per curiam:* The motion for leave to proceed further herein *in forma pauperis* is denied, for the reason that the Court, upon examination of the unprinted record herein submitted, finds that there is no ground upon which a writ of certiorari should be issued. The petition for writ of certiorari is therefore also denied. The costs already incurred herein shall be paid by the Clerk as provided in the order of October 29, 1926.

No. 686. Martin A. Leach, appellant, *v.* The People of the State of California. Appeal from the District Court of Appeal, Second Appellate District, State of California. *Per curiam:* The appeal herein is dismissed. *Stratton v. Stratton*, 239 U. S. 55; *Andrews v. Virginian Ry. Co.*, 248 U. S. 272, 275; *Matthews v. Huwe*, 269 U. S. 262, 265, 266; *American Railway Express Co. v. Levee*, 263 U. S. 19, 20.

No. 841. Frank L. Smith, Cicero J. Lindly, Hal W. Trovillion, et al., etc., appellants, *v.* Illinois Bell Telephone Company. Appeal from the District Court of the United States for the Northern District of Illinois. *Per curiam:* The appeal herein is dismissed. The order of the District Court merely reinstated the interlocutory injunction pursuant to the opinion of this Court. The parties should proceed with the trial of the cause upon the merits as this Court has directed.

No. 842. New Orleans Land Company, appellant, *v.* Board of Levee Commissioners of the Orleans Levee District. Appeal from the Supreme Court of the State of Louisiana. *Per curiam:* Judgment affirmed. *Wolfe v. Hurley*, 283 U. S. — (decided May 4, 1931);

Sweet *v.* Rechel, 159 U. S. 380; Clark *v.* Nash, 198 U. S. 361, 369; Strickley *v.* Gold Boy Mining Co., 200 U. S. 527, 531; Offield *v.* New York, New Haven & Hartford R. R. Co., 203 U. S. 372, 377.

No. 854. M. J. Loftus, Garfield Moody, Ben Schultheis, et al., appellants, *v.* Department of Agriculture of the State of Iowa et al., etc. Appeal from the Supreme Court of the State of Iowa. *Per curiam*: The appeal herein is dismissed for the want of a substantial federal question. Adams *v.* Milwaukee, 228 U. S. 572, 582, 583; North American Cold Storage Co. *v.* Chicago, 211 U. S. 306.

No. 852. Bandini Petroleum Company et al., appellants, *v.* The Superior Court of the State of California, etc. Further consideration of the motion to dismiss and of the petition for writ of certiorari is postponed to the hearing of the case on the merits. Case advanced and assigned for argument on Monday, October 5, next after the cases heretofore assigned for that day.

No. 836. Painters District Council No. 14 of Chicago, etc., et al., appellants, *v.* The United States of America. In this case probable jurisdiction is noted.

No. 889. The United States of America, petitioner, *v.* Edward Ryan, Claimant, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted.

No. 896. Western Pacific California Railroad Company, petitioner, *v.* Southern Pacific Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted.

No. 906. I. J. Van Huffel, petitioner, *v.* Trace D. Harkelrode, Treasurer, etc. Petition for writ of certiorari to the Court of Appeals of Trumbull County, State of Ohio, granted.

No. 907. I. J. Van Huffel, petitioner, *v.* Trace D. Harkelrode, Treasurer, etc. Petition for writ of certiorari to the Supreme Court of the State of Ohio granted.

No. 931. Green Star Steamship Co., Ltd., petitioner, *v.* Armour & Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 935. Ray Lyman Wilbur, as Secretary of the Interior, petitioner, *v.* The United States of America *ex rel.* The Vindicator Consolidated Gold Mining Company; and

No. 936. Ray Lyman Wilbur, as Secretary of the Interior, petitioner, *v.* The United States of America *ex rel.* Chestatee Pyrites & Chemical Corporation. Petition for writs of certiorari to the Court of Appeals of the District of Columbia granted.

No. 890. The United States of America, petitioner, *v.* George Anderson. Further consideration of the petition is withheld to

await the decision of this Court in No. 889, *The United States v. Ryan*, Claimant.

No. 799. Charles D. Jaffee, petitioner, *v. David Burnet*, Commissioner of Internal Revenue;

No. 800. Louis J. Jaffee, petitioner, *v. David Burnet*, Commissioner of Internal Revenue;

No. 801. Julius Schwartz, petitioner, *v. David Burnet*, Commissioner of Internal Revenue; and

No. 802. Harry H. Schwartz, petitioner, *v. David Burnet*, Commissioner of Internal Revenue. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 860. W. C. Austin, Receiver of O. K. Cattle Company, petitioner, *v. C. F. Osborne and J. W. Bailey*, Administrator of the Estate of Horace L. Hotchkiss, deceased. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 861. Robert L. McElroy et al., petitioners, *v. Burrough of Ft. Lee*. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 868. St. Louis-San Francisco Railway Company and E. L. Westbrooke, petitioners, *v. Orel Bishop*, Administratrix of the Estate of B. Bishop, deceased. Petition for writ of certiorari to the Supreme Court of the State of Arkansas denied.

No. 874. Frank Dial, petitioner, *v. The United States*. Petition for writ of certiorari to the Court of Claims denied.

No. 878. Mississippi Valley Trust Company, as Administrator, etc., et al., petitioners, *v. Gustavus A. Buder et al.* Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 879. Hartford Electric Supply Company, petitioner, *v. Joseph Sachs & Colt's Patent Fire Arms Manufacturing Company*. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 880. H. E. Byram, Mark W. Potter, and Edward J. Brundage, etc., petitioners, *v. F. M. Miner and Robert J. McDonald*, Co-partners, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 881. The Seaboard Citizens National Bank of Norfolk, petitioner, *v. Alan J. Hofheimer*, Executor, etc. Petition for writ of certiorari to the Supreme Court of Appeals of the State of Virginia denied.

No. 882. Cora Ryan, Administratrix, etc., petitioner, *v.* The Atchison, Topeka and Santa Fe Railway Company. Petition for writ of certiorari to the Supreme Court of the State of Kansas denied.

No. 883. James Kellar, *alias* James Kirk, etc., petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 884. The State of Kansas on the relation of Roland Boynton, Attorney General, petitioner, *v.* The Board of County Commissioners, of Shawnee County, Kansas, et al., etc. Petition for writ of certiorari to the Supreme Court of the State of Kansas denied.

No. 887. Osaka Shosen Kaisha, petitioner, *v.* Olivier Straw Goods Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 891. J. W. Dana, petitioner, *v.* F. J. Searight, Continental Supply Company, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 893. Chicago, Rock Island and Pacific Railway Company, petitioner, *v.* Harry C. Trout. Petition for writ of certiorari to the Court of Appeals of Kansas City, State of Missouri, denied.

No. 894. The Bank of United States, petitioner, *v.* Irving Trust Company, as Trustee in Bankruptcy of Times Square Auto Supply Co., Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 900. Albert Pick & Company, petitioner, *v.* Peoples Bank of Buffalo et al. Petition for writ of certiorari to the County Court of Erie County, State of New York, denied.

No. 903. Erie Railroad Company, petitioner, *v.* William R. Irons. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 908. Standard Oil Company (N. J.), petitioner, *v.* Glendola Steamship Corporation, Claimant, etc.; and

No. 909. Glendola Steamship Corporation, petitioner, *v.* Standard Oil Company (N. J.). Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 927. Commercial Stevedoring Company, Inc., petitioner, *v.* Anna Dowdell, as Administratrix, etc. Petition for writ of certiorari to the Supreme Court of the State of New York, Appellate Division, denied.

No. 928. March Haynes, Administrator, etc., petitioner, *v.* Union Carbide and Carbon Corporation. Petition for writ of certiorari to



the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 929. The New York, New Haven and Hartford Railroad Company, petitioner, *v.* Luigi Pascucci. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit, denied.

No. 930. Brief English Systems, Inc., petitioner, *v.* John P. Owen et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 954. W. E. Hedger Company, Inc., petitioner, *v.* F. S. Royster Guano Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

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No. 922. American Hide and Leather Company, petitioner, *v.* The United States. Submission of petition for writ of certiorari postponed until October 5 next on motion of Mr. Solicitor General Thacher for the respondent.

No. 1000. William Miller, Claimant, etc., petitioner, *v.* The United States of America. Leave granted to file brief of respondent by Thursday next on motion of Mr. Solicitor General Thacher for the respondent.

No. 997. Roy Myers, petitioner. *v.* The United States of America. Leave granted to file brief of respondent by Thursday next on motion of Mr. Solicitor General Thacher for the respondent.

No. 998. Joe Davis, petitioner, *v.* The United States of America. Leave granted to file brief of respondent by Thursday next on motion of Mr. Solicitor General Thacher for the respondent.

The Solicitor General waived the right to oppose petitions for writs of certiorari in criminal cases docketed up to and including Friday, May 29, next.

#### ORDER

The Court directs that all petitions for writs of certiorari in criminal prosecutions filed on or before Friday, May 29, next, to which the Government's waiver applies, shall be deemed to be submitted to the Court at the time of the filing of the petition, and the Clerk is directed thereupon to distribute the petitions and accompanying papers to the members of the Court.

No. 754. A. D. Cummins & Company, petitioner, *v.* The United States. Motion to remand to the Court of Claims for further findings submitted by Mr. F. E. Scott for the petitioner, in support of

the motion and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Rugg, and Mr. Claude R. Branch for the respondent, in opposition thereto, with leave to petitioner to file additional brief on or before Thursday next.

No. 193. Missouri Pacific Railroad Company, appellant, *v.* Hal Norwood, Attorney General of the State of Arkansas, etc. Motion to modify mandate submitted by Mr. Edward J. White for the appellant.

No. 711. Iowa Des Moines National Bank, petitioner, *v.* J. M. Stewart, Chairman, etc.; and

No. 712. Central State Bank, petitioner, *v.* J. M. Stewart, Chairman, etc. Motion to substitute Ben B. Dewey as respondent as the successor in office of C. F. Keeling, and to substitute E. R. Bennett as chairman of the Board of Supervisors of Polk County, Iowa, in place of respondent J. M. Stewart submitted by Mr. A. Rae Williams in behalf of counsel for the petitioners.

No. 863. Parlex Holding Corporation, petitioner, *v.* The City of New York. Leave granted to file supplemental brief of petitioner and amended remittitur of the Court of Appeals of New York, on motion of Mr. J. S. Easby-Smith in behalf of counsel for the petitioner.

No. 918. Pacific Northwest Canning Company, petitioner, *v.* Skookum Packer's Association; and

No. 919. Pacific Northwest Canning Company, petitioner, *v.* Skookum Packer's Association. Leave granted to file brief of respondent on or before Thursday next on motion of Mr. William C. DeLacy for the respondent.

No. 759. The United States, petitioner, *v.* Kirby Lumber Company. Motion to remand to the Court of Claims for further findings submitted by Mr. Robert Ash for the respondent in support of the motion, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Rugg, and Mr. Paul D. Miller for the petitioner, in opposition thereto.

No. 13, original. The State of Colorado, complainant, *v.* The State of Kansas et al. Motion for leave to introduce additional evidence submitted by Mr. Chester I. Long for the defendants in support of the motion, and by Mr. Clarence I. Ireland, Mr. Sidney P. Godsmen, Mr. Fred A. Sabin, Mr. A. Watson MacHendrie, and Mr. Henry C. Vidal for the complainants in opposition thereto.

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No. 793. The United States of America et al., appellants, *v.* Baltimore & Ohio Railroad Company et al. Statement as to jurisdiction

submitted by Mr. Solicitor General Thacher, Mr. Elmer B. Collins, Mr. J. Stanley Payne, and Mr. Parker McCollester for the appellants.

No. 807. A L. Moye, appellant, *v.* State of North Carolina and Town of Ahoskie. Statement as to jurisdiction submitted by Mr. Robert H. McNeill for the appellant.

No. 813. School District No. 7, Muskogee County, Oklahoma, et al., etc., appellants, *v.* Clarence Hunnicut, County Superintendent, etc. Statement as to jurisdiction submitted by Mr. J. J. Bruce, Mr. J. Bernard Smith, and Mr. O. B. Jefferson for the appellants.

No. 815. The United States of America, appellant, *v.* Harry Murdock. Statement as to jurisdiction submitted by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Youngquist, Mr. Sewall Key, and Mr. John Henry McEvers for the appellant.

No. 833. State Tax Commission of Mississippi et al., etc., appellants, *v.* Interstate Natural Gas Company, Inc. Statement as to jurisdiction submitted by Mr. J. A. Lauderdale for the appellants.

No. 839. James G. Clyne, appellant, *v.* The State of Ohio. Statement as to jurisdiction submitted by Mr. Henry A. Williams for the appellant in support thereof, and by Mr. Ray T. Miller for the appellee in opposition thereto.

No. 869. Western and Atlantic Railroad, appellant, *v.* Mrs. Helen N. Gray. Statement as to jurisdiction submitted by Mr. Fitzgerald Hall for the appellant.

No. 943. The Chicago, Rock Island and Pacific Railway Company et al., appellants, *v.* The United States of America et al. Statement as to jurisdiction submitted by Mr. Frank H. Towner, Mr. Alfred P. Thom, Mr. R. N. Van Doren, Mr. Herbert Fitzpatrick, Mr. Ben C. Dey, Mr. Edw. S. Jouett, Mr. L. E. Jeffries, Mr. W. F. Dickinson, Mr. R. V. Fletcher, Mr. Geo. F. Brownell, Mr. F. Barron Grier, and Mr. W. R. C. Cocke for the appellants.

No. 754. A. D. Cummins & Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims submitted by Mr. F. E. Scott for the petitioner and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Rugg, and Mr. Claude R. Branch for the respondent.

No. 845. The Rudolph Wurlitzer Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims submitted by Mr. Robert C. Cooley for the petitioner, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Rugg, Mr. Claude R. Branch, Mr. J. H. Sheppard, and Mr. William H. Riley, jr., for the respondent.

No. 846. Birkel Music Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims submitted by

Mr. Robert C. Cooley for the petitioner, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Rugg, Mr. Claude R. Branch, Mr. J. H. Sheppard, and Mr. William H. Riley, jr., for the respondent.

No. 863. Parlex Holding Corporation, petitioner, *v.* The City of New York. Petition for writ of certiorari to the Supreme Court of New York County, State of New York, submitted by Mr. Martin Conboy for the petitioner, and by Mr. Arthur J. W. Hilly for the respondent.

No. 864. Meyersdale Fuel Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims submitted by Mr. R. Lester Moore and Mr. Frank K. Nebeker for the petitioner, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Rugg, Mr. Claude R. Branch, and Mr. Ralph C. Williamson for the respondent.

No. 867. Columbia Steel & Shafting Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims submitted by Mr. Edward B. Burling, Mr. William A. Seifert, and Mr. Newell W. Ellison for the petitioner, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Rugg, Mr. Claude R. Branch, Mr. Charles R. Pollard, and Mr. William H. Riley, jr., for the respondent.

No. 871. Benjamin Clayton, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims submitted by Mr. R. C. Fulbright and Mr. John C. White for the petitioner, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Rugg, Mr. Claude R. Branch, Mr. Charles L. Pollard, and Mr. William H. Riley, jr., for the respondent.

No. 875. P. L. Mann, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims submitted by Mr. Robert Ash and Mr. Thos. J. Reilly for the petitioner, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Rugg, Mr. Claude R. Branch, and Mr. George H. Foster for the respondent.

No. 902. Harvey S. Stewart, Present Sheriff, etc., et al., petitioners, *v.* Edward Hines Yellow Pine Trustees et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Fleet C. Hathorn, and Mr. E. C. Sharp for the petitioners, and by Mr. Wm. S. Bennett, Mr. T. W. Davis, and Mr. T. J. Wills for the respondents.

No. 904. Edward E. Marshall, petitioner, *v.* Ray Lyman Wilbur, Secretary of the Interior. Petition for writ of certiorari to the Court of Appeals of the District of Columbia submitted by Mr. Walter Edmund Burke and Mr. Lucius Q. C. Lamar for the petitioner, and by Mr. Solicitor General Thacher, Mr. Assistant Attor-

ney General Richardson, Mr. Whitney North Seymour, and Mr. E. C. Finney for the respondent.

No. 905. Crimora Manganese Corporation et al., petitioners, *v.* Ray Lyman Wilbur, Secretary of the Interior. Petition for writ of certiorari to the Court of Appeals of the District of Columbia submitted by Mr. Walter Edmund Burke and Mr. Lucius Q. C. Lama for the petitioners, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Richardson, Mr. Whitney North Seymour, and Mr. E. C. Finney for the respondent.

No. 913. The United States of America, petitioner, *v.* Pacific Gas and Electric Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Richardson, and Mr. Aubrey Lawrence for the petitioner, and by Mr. Wm. B. Bosley for the respondent.

No. 914. Pacific Gas and Electric Company, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. William B. Bosley for the petitioner, and by Mr. Solicitor General Thacher, and Mr. Assistant Attorney General Richardson for the respondent.

No. 915. The United States of America, petitioner, *v.* Frank B. Campbell. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Solicitor General Thacher, Mr. J. Frank Staley, Mr. W. Clifton Stone, and Mr. Paul D. Miller for the petitioner, and by Mr. David F. Lee for the respondent.

No. 916. Charles Hazlitt Cahan, Jr., petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. George B. Webster for the petitioner, and by Mr. Solicitor General Thacher, Mr. Claude R. Branch, Mr. Harry S. Ridgely, and Mr. W. Marvin Smith for the respondent.

No. 917. Chicago & North Western Railway Company, petitioner, *v.* Eugene Bolle. Petition for writ of certiorari to the Appellate Court of the State of Illinois, Second District, submitted by Mr. Roy N. Van Doren and Mr. Samuel H. Cady for the petitioner, and by Mr. Joseph D. Ryan for the respondent.

No. 918. Pacific Northwest Canning Company, petitioner, *v.* Skookum Packers' Association; and

No. 919. Pacific Northwest Canning Company, petitioner, *v.* Skookum Packers' Association. Petition for writs of certiorari to the United States Court of Customs and Patent Appeals submitted

by Mr. Charles E. Townsend and Mr. Wm. A. Loftus for the petitioner.

No. 920. Taylor Oil & Gas Company et al., petitioners, *v.* David Burnet, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. George E. Shelley for the petitioners, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Youngquist, Mr. Claude R. Branch, Mr. Sewall Key, and Mr. S. Dee Hanson for the respondent.

No. 923. Gust Gerling, petitioner, *v.* Fred J. Dankers, as Executor, etc.; and

No. 924. Gust Gerling, petitioner, *v.* Fred J. Dankers, as Executor, etc. Petition for writs of certiorari to the Supreme Court of the State of Nebraska submitted by Mr. Willis E. Reed and Mr. Frank E. Edgerton for the petitioner, and by Mr. Ora S. Spillman for the respondents.

No. 925. Wabash Railway Company, petitioner, *v.* Harvey E. Lindley. Petition for writ of certiorari to the Supreme Court of the State of Nebraska submitted by Mr. Homer Hall, Mr. Nat S. Brown, and Mr. F. D. McKenney for the petitioner, and by Mr. John G. Parkinson for the respondent.

No. 932. Art Metal Construction Company, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Dana B. Hellings for the petitioner, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Youngquist, Mr. Claude R. Branch, Mr. Sewall Key, and Mr. Andrew D. Sharpe for the respondent.

No. 933. Henry C. Zeller and Edward G. Zeller, petitioners, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Dana B. Hellings for the petitioner, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Youngquist, Mr. Claude R. Branch, Mr. Sewall Key, and Mr. Andrew D. Sharpe for the respondent.

No. 937. Robert Gordon Duncan, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. D. C. Lewis for the petitioner, and by Mr. Solicitor General Thacher, Mr. Assistant to the Attorney General O'Brian, Mr. Claude R. Branch, Mr. Chas. H. Weston, and Mr. Paul D. Miller for the respondent.

No. 939. Henry A. Schweinhaut, Trustee, etc., petitioner, *v.* Delia Flaherty. Petition for writ of certiorari to the Court of Appeals



of the District of Columbia submitted by Mr. Charles H. Merillat for the petitioner.

No. 940. Ballard Brothers Fish Company, Inc., et al., petitioners, *v.* Percy S. Stephenson, Trustee, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. P. J. McCumber for the petitioners, and by Mr. Tazewell Taylor, Mr. James Mann, and Mr. S. Heath Tyler for the respondents.

No. 941. James W. Merkle, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Louis Halle for the petitioner, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Youngquist, Mr. Claude R. Branch, Mr. A. W. Henderson, and Mr. W. Marvin Smith for the respondent.

No. 942. Helen Lay, Lumbermen's Reciprocal Association, etc., et al., petitioners, *v.* E. Forrest Mitchell, as Insurance Commissioner, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Marshall B. Woodworth for the petitioners.

No. 946. Niagara Falls Gas and Electric Light Company, petitioner, *v.* William A. Prendergast et al., etc.;

No. 947. U. S. Light & Heat Corporation et al., petitioners, *v.* William A. Prendergast et al., etc.; and

No. 948. City of Niagara Falls, New York, petitioner, *v.* U. S. Light & Heat Corporation. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Harry D. Williams and Mr. Lawrence G. Williams for the petitioner in No. 946; by Mr. Alan V. Parker for the petitioners in No. 947; by Mr. Basil Robillard for the petitioners in No. 948; and by Mr. Charles G. Blakeslee for the respondents in Nos. 946 and 947.

No. 951. Frank Shore, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Court of Appeals of the District of Columbia submitted by Mr. William E. Leahy and Mr. James F. Reilly for the petitioner, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Youngquist, Mr. Claude R. Branch, Mr. John J. Byrne, and Mr. W. Marvin Smith for the respondent.

No. 957. Henry H. Cross Company, petitioner, *v.* Wilson Rice, Trustee. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Lewis L. Dent for the petitioner, and by Mr. Ben F. Heaton and Mr. Dan C. Flanagan for the respondent.

No. 960. W. W. Davis and George Ferguson, petitioners, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. W. Cleveland Davis for the petitioners, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Youngquist, Mr. Claude R. Branch, Mr. Mahlon D. Kiefer, and Mr. W. Marvin Smith for the respondent.

No. 969. Brown's "Shamrock" Linens, Ltd., petitioner, *v.* Frank C. Bowers, as Executor, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Thomas G. Haight and Mr. Robert H. Montgomery for the petitioner and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Youngquist, Mr. Claude R. Branch, Mr. Sewall Key, Mr. W. Cutler Thompson, and Mr. Paul D. Miller for the respondent.

No. 977. Louis Bonamico, *alias* Louis Toriana, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Louis Bonamico *pro se.* and by Mr. Solicitor General Thacher, Mr. Nugent Dodds, Mr. Claude R. Branch, and Mr. William H. Riley, jr., for the respondent.

No. 982. Gong Bell Manufacturing Company, petitioner, *v.* David Burnet, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Ferdinand Tannenbaum and Mr. Mark Eisner for the petitioner, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Youngquist, Mr. Claude R. Branch, Mr. Sewall Key, and Mr. John H. McEvers for the respondent.

No. 986. General Talking Pictures Corporation and DeForest Phonofilms, Inc., petitioners, *v.* The Stanley Company of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Samuel E. Darby, jr., for the petitioners, and by Mr. Charles Neave for the respondent.

No. 995. F. W. Darling, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. John Winston Read for the petitioner, and by Mr. Solicitor General Thacher, Mr. Assistant Attorney General Youngquist, and Mr. Claude R. Branch for the respondent.

No. 997. Roy Myers, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. J. Raymond Gordon for the petitioner.

No. 998. Joe Davis, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. Hiram P. Whitacre for the petitioner.

No. 1000. William Miller, Claimant, etc., petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. Louis Halle for the petitioner.

Adjourned until Monday, June 1, next, at 12 o'clock.

SUPREME COURT OF THE UNITED STATES

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Present: The Chief Justice, Mr. Justice Holmes, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, and Mr. Justice Roberts.

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Pierre A. Fontaine, of Oakland, Calif.; Charles W. Dunn, of Logan, Utah; Howard E. Wahrenbrock, of Washington, D. C.; John D. Rhodes, of Washington, D. C.; Horace London, of New York City; Ralph M. Lucas, of Columbus, Ohio; Robert Fosdick, of Cincinnati, Ohio; E. E. Danly, of Washington, D. C.; Howard Mackay, of Hackensack, N. J.; Holmes Hall, of Richmond, Va.; and George W. Babcock, of Hackensack, N. J., were admitted to practice.

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Mr. Attorney General Mitchell addressed the Court as follows:

*“May it please the court:*

“During the December recess of this Court members of its Bar assembled here to express their profound regret at the death of William Howard Taft, tenth Chief Justice of the United States, and to make a permanent record of their high regard for his devoted public service. That gathering included many men, themselves distinguished for public service, lifelong friends of the late Chief Justice, who paid eloquent and loving tribute to his memory. A minute was prepared, reviewing the principal events of his career, and the following resolutions were adopted:

“‘William Howard Taft was born in the city of Cincinnati, Ohio, September 15, 1857. He was graduated with distinction at Yale University in 1878 and at the Cincinnati Law School in 1880. He was called to public service within a year after his admission to the bar, first as Assistant Prosecuting Attorney at Hamilton County, Ohio, and then as Assistant County Solicitor. In 1887 he was appointed by Governor Foraker to succeed Hon. Judson Harmon as judge of the Superior Court of Cincinnati. Three years later, in 1890, he was appointed by President Harrison Solicitor General of the United States. After two years' service in that office he was appointed Circuit Judge of the United States for the Sixth Judicial Circuit. His three years' service in the Ohio State Court had given

Mr. Taft not only an insight into the interest and importance of the judicial office, but had awakened in him a love of the judicial function which deeply marked his character and colored his entire future career. He threw himself with ardor into the varied work of a federal circuit judge, which at that period required him to sit in courts of first instance, at law and in equity, and even on the criminal side, as well as to participate with his associates in the appellate work which the Evarts Act of 1890 devolved upon the newly created Circuit Court of Appeals, a jurisdiction which in a large and important class of cases was final. By his learning and industry, his keen sense of values, his broad human understanding and his appreciation of the supreme importance of the administration of justice, Judge Taft soon established a high reputation as one of the ablest members of the federal judiciary. In the year 1896 Judge Taft, in connection with Judson Harmon, Lawrence Maxwell, and others, reorganized the Cincinnati Law School, adopted the Harvard case book method of teaching, and started it upon a career of enlarged activity. He accepted the position of dean, as well as lecturer on real property law, and discharged the duties of both those positions until his resignation from the bench in 1900.

“When the termination of the war with Spain left the United States with the responsibility for the future of the Philippine Islands, President McKinley called upon Judge Taft to head a commission of distinguished Americans to proceed to those islands, study the conditions prevailing in them, and make a report with recommendations as to the future relations of the Government of the United States to those islands and their people. There was little in his assignment which appealed to a Federal judge devoted to his judicial work and ardently believing that the administration of justice was the supreme concern of mankind. But the appointment was tendered him by the President as a call to public duty, and such an appeal never was made to him in vain. At the conclusion of the work of the Philippine Commission Mr. Taft was appointed first civil governor of the islands, serving in that capacity until February 1, 1904, when he was appointed Secretary of War in the Cabinet of President Roosevelt, from which he resigned in June, 1908, because of his impending nomination for the Presidency, to which he was elected in November of that year. Space is lacking here for an appraisal of the value of the distinguished public service rendered by Mr. Taft as civil governor of the Philippines, as Secretary of War, or as President of the United States. But it is peculiarly appropriate to this occasion to note that few Presidents, if any, have been called upon to appoint so large a number of Federal judges as he, and by none was a higher standard of learning and personal character required in his nominees. During

his four years of the presidency he selected five Associate Justices and one Chief Justice of the Supreme Court of the United States. The choice of the Chief Justice gave him more anxious thought than any other. Departing from precedents, he nominated to the chief justiceship an associate justice of the court, Edward D. White, of Louisiana, who also was a Democrat and a former Confederate soldier. This nomination was promptly confirmed by the Senate and met with universal approval on the part of the bar and the people of the country. It had been Mr. Taft's greatest ambition himself to become Chief Justice, and in selecting Judge White for that position he was putting another man into the only post in the Government he had ever really yearned to fill. On June 21, 1921, President Harding appointed Mr. Taft Chief Justice to succeed Chief Justice White, who had died a month earlier, and on the retirement of Chief Justice Taft himself, very shortly before his death, President Hoover appointed as his successor Charles Evans Hughes, whom President Taft had appointed an Associate Justice of the Supreme Court in 1910 (and who had resigned to accept the Republican nomination for the Presidency in 1916).

“Mr. Taft is the only American in our history who was the head of two of the three equal and coordinate branches of our Government. But the bench was his career of predilection and he brought to the office of Chief Justice devotion to and enthusiasm in its work, as well as the experience of his long, useful, and varied life in the public service. Aside from his strictly judicial work, the two outstanding events in the history of the court during his incumbency are (1) the passage of the act which greatly limited the number of appeals as of right to the Supreme Court from the final decisions of the Circuit Courts of Appeals, substituting for the right of appeal a discretionary power of review by writ of certiorari, and (2) the enactment by Congress of a law authorizing the construction of a building in which to house the Court and its offices, and the passage of appropriations adequate for the construction of a dignified and beautiful structure, the selection of a site, and the preparation and approval of the plans for the building. To the securing of both of these measures and the planning of the new court building, the Chief Justice devoted much thought and energy, appearing in person before the appropriate congressional committees to fully present all the reasons which had made him an advocate of these measures. His work on the court as reflected in his opinions speaks for itself. The number of opinions he wrote was surprisingly large, and the vigor, clarity, and sureness of touch which they express demonstrate his unquestioned title to a place high in the ranks of the leaders in the American judiciary. This brief sketch of the Chief Justice would be incomplete without an allusion to those personal qualities which endeared him to many



people of high and low degree throughout the land. In the truest sense of the word he was a great humanitarian, feeling the keenest sense of sympathy and interest in all that concerned men of all sorts and condition. He truly loved his fellows. He had compassion even for the erring. He found something good in everybody, but no mere sentimentality ever clouded his judgment or stayed the impetuous vigor of his condemnation of dishonesty or mere pretense. Not less characteristic than his broad sympathy was his genial and rescuing sense of humor. Sentiment balanced by humor produced in him a rare sanity of judgment and added to his great gifts of character and intellect the charm of a gracious and winsome personality.

“*It is now resolved*, That the Bar of the Supreme Court of the United States do hereby record their high appreciation of the long record of devoted and effective service rendered by William Howard Taft to the people of the United States in the many public employments to which he was called, and especially in the exalted office of Chief Justice of the United States.

“*Further resolved*, That the Attorney General be asked to present these resolutions to the Court and to request that they be inscribed upon its permanent records. And that the chairman of this meeting be requested to transmit a copy of the resolutions to the family of the late Chief Justice, together with the assurance of the sincere sympathy of the Bar in the great and irremediable loss they have sustained.’

“In obedience to those resolutions I am here to present them and ask that they be entered in the records of the Court.

“Chief Justice Taft was my good friend, and I am grateful for the tradition which gives to the office I hold the high privilege of representing the Bar on this occasion.

“The only man to hold the two greatest offices in the gift of the American people, he had a public career unparalleled in its variety, with great distinction as a teacher, a colonial administrator, and executive, but it is fitting in memorial exercises by the members of the profession which he loved, and for the archives of this Court, that we speak chiefly of his service to the Court and to the cause of justice, and first of that part of his work recorded in the official reports.

“During his service as Chief Justice the Court delivered fifteen hundred and ninety-six (1,596) opinions. One-ninth of that number is one hundred and seventy-seven. He delivered two hundred and fifty-three opinions for the Court, or one-sixth of the total. The nature of the cases and the labor required in each would have to be examined to judge accurately of his relative efforts, but he did his share.

“This is not the occasion to review his judicial opinions at length, but a study of them reveals these things. His public life and expe-

rience as an administrator and executive had developed a wisdom and common sense which are disclosed in these writings. His opinions are of the kind which are useful to lawyers. They not only decided the cases presented but they are charts for the future. The style is simple and direct, and he never clouded his thought by self-consciousness in expression. His judgments disclose prodigious energy expended in study and research.

“In assigning cases to members of the Court for preparation of opinions he gave to himself at least an equal share of those dull ones which were interspersed with the important matters before the Court. He seemed to take a special interest in patent and trademark cases. He had an unusual facility in that field, and wrote many fine opinions in important patent litigation. It is in constitutional law that his greatest judicial work was done. Of his two hundred and fifty-three opinions seventy dealt with important constitutional questions. That in the Myers case, settling a controversy as old as the Union, respecting the President's exclusive power of removing executive officers, alone would mark him a great constitutional lawyer. The opinions he delivered from this bench, together with two hundred and four others, rendered during his service as a United States Circuit Judge, form an enduring monument to his high judicial qualities.

“Beyond his performance of the routine tasks of a Chief Justice is other service for which we should be grateful.

“When he began his work here as Chief Justice the Court was eighteen months behind in disposing of the cases before it. He took a leading part in devising and procuring the passage by Congress of the act of February 13, 1925, which gave the Court a wide discretion to decide what cases should be brought before it for review, and with that change in procedure as a starting point he and his associates set about the task of bringing the work up to date with such determination and driving force that at the end of his service as Chief Justice in February, 1930, the business of the Court was practically current, and with the completion of that task during the past year it may no longer be said that appeals to this Court are a means of delaying justice or allowing criminals to postpone punishment. Under his leadership this Court has set an example to the courts of the land, and brought home to the profession that it should no longer be taken for granted that courts must always be behind in their work.

“During his incumbency Congress enacted the laws authorizing the construction of a building to be occupied by the Court and its officers. He had largely to do with that and gave constant thought and effort to obtaining the necessary appropriations, acquiring the site, and above all in seeing to it that the building when completed

shall be a dignified and beautiful structure. This project was dear to his heart, and we regret that he did not live to see the fulfillment of his efforts. The new Supreme Court building when completed will itself be a memorial of one of his services to the Court.

“He had much to do with the enactment of the law authorizing the judicial conference presided over by the Chief Justice and attended by the senior circuit judges of the ten judicial circuits, which annually considers the operation of our Federal judicial system for the purpose of bringing about administrative and legislative changes to increase efficiency in the administration of justice.

“By his influence for a high standard in judicial appointments he rendered inestimable service to the cause of justice. As President he appointed five associate justices and one Chief Justice of this Court and many judges of the other Federal courts. He spoke of this Court as the chief bulwark of the institutions of civil liberty created by the Constitution, and viewed the appointment of members of the Court as the most sacred duty with which he, as President, was charged. During all his public career, in whatever office he held, his influence was exerted to elevate the standards for judicial appointments and to combat the pressure of political expediency for the selection of mediocre men.

“With all the other demands upon him, he took time to see old friends, to find new ones, to address gatherings of his fellow citizens, and to make those many public appearances expected of one in his position. His big, warm personality, kindness, and humor, with that infectious chuckle of his, will never be forgotten by those who knew him.

“None of our institutions is so impregnable that popular confidence in and respect for it are not to be desired, and it is well for this Court and for the constitutional rights and liberties which it guards, each time there is chosen for Chief Justice one who in the public estimation is so preeminently fitted that his appointment is generally acclaimed. Chief Justice Taft had that fortunate distinction. What training for this high office could have excelled his? From early youth he was continuously in the public service. Within a year after his admission to the Bar he became prosecuting attorney of his county, then judge of a Superior Court. Forty-one years ago, in this very spot where I now stand, he commenced his service for the Nation, as Solicitor General of the United States, and with but a short interlude continued in the nation's service until he ended it, again in this room as Chief Justice of the United States. From Solicitor General to United States Circuit Judge, then president of the Philippine Commission, civil governor of the Philippine Islands, special representative of his Government on delicate diplomatic missions, Secretary of War, and President. What a preparation for

high judicial office! When finally the opportunity came to place him on this Court the whole nation knew that he was qualified by character, learning, and experience. It trusted him and believed in his judicial qualities and in his big-hearted understanding of the problems of plain people.

“He had always yearned for service on this Court. His was a judicial mind. Political life was not congenial to him but fate seemed bound to draw him against his will into the field of political and executive action. It has been said that because of his judicial instincts it was hard for him to adjust himself to the thoughts and feelings and methods of political life in a party sense. Nevertheless, twice he regretfully refused appointment as an Associate Justice of this Court because he felt he could not desert administrative responsibilities.

“He made no secret of his interest in judicial work. Millions of his fellow countrymen knew of these things and sympathized with his aspirations. They held him in affectionate regard. When in 1912 his party, torn by dissension, went down to defeat and he failed of reelection to the Presidency, his lack of bitterness or rancor, his smiling acceptance of his defeat, his frank and humorous public statement that he had retired from the Presidency with the full consent of the American people, met with instant response in the public mind, and from that moment, to an extraordinary degree, he found a place in the affections of the Nation. So when he came at last to the great office of Chief Justice he had the entire confidence and respect of great numbers of his fellow citizens. He held them to the end. His very presence on this Court quickened public interest in its functions, strengthened it in the public regard, and helped to maintain it as the bulwark of the Constitution.”

The Chief Justice said:

“Mr. Attorney General, in receiving the resolutions which you have presented we recognize that of all the tributes that have been paid to the memory of this eminent statesman and jurist there could be none which would have been more highly prized by him than this tribute coming from the profession which he loved in recognition of the distinction of his service to the cause which was nearest to his heart.

“Blessed by forbears who had achieved high repute by virtue of eminent talent and public spirit, it may be said that William Howard Taft was born to the purple of the highest advantages which our democracy affords. It was natural that his winning personality, giving play to marked ability, without suggestion of condescension, and distinguished by a nobility of character which scorned all that was sordid, base, or narrow, should have opened early the door of

opportunity for public service. The gracious leadership of his youth in the circle of the university prefigured the position which he at once took at the junior bar, and after showing his mettle in his native city as prosecutor and judge, he came, at the age of thirty-three, to the office of Solicitor General of the United States. From that time until his death he exemplified in varied undertakings of grave responsibility the finest type of public servant and enjoyed an increasing general esteem, until, in the closing years, after the wounds of political strife had been healed and the victories of a magnanimous spirit had been acclaimed, he was enriched beyond any man of his time with the wealth of universal affection.

"In other places there have been, and will be, appropriate appreciation of his services as the representative of his country in novel and important duties as executive head of the new government in the Philippines, and as Secretary of War and Chief Magistrate of the Republic. It is for us to recognize with gratitude, and with a deep sense of obligation and of loss, his labors in this Court, which brought his career to the fullness of illustrious accomplishment.

"Chief Justice Taft came to this service with a prestige which added weight to his pronouncements. But in the realm of lofty and conspicuous endeavor, success is never guaranteed by past achievements. It must be rewon daily, and even the highest prestige is put to fresh proof by the inescapable responsibilities of decision. Chief Justice Taft entered the Court with a distinguished reputation, but he left it with an even greater fame securely established.

"This was due to his special qualifications for judicial office, by virtue of training, aptitude, and temperament. His training began, as I have said, almost as soon as he was admitted to the bar. When he took executive office at the age of forty-three he had served nearly eleven years upon the bench and for eight of these years as United States Circuit Judge. In that work he was indefatigable, not only in the Circuit Court of Appeals but at trial terms. One who knew intimately his labors in those days has said that Judge Taft became known to the bar of his circuit as no other circuit judge had ever been before or has been since. Nor was he content with the range of his judicial duty, but in his enthusiasm for legal study he took a leading part in law school organization and teaching. The learning and strength of his judicial opinions as a Circuit Judge made him widely known. His interest was not simply in the right adjudication of particular cases, but in jurisprudence, and he consistently labored in the interest of system and coherence. It was his effort to master the special subject in hand so as to utilize it in giving a chart for the future. A conspicuous instance of this is his opinion for the Circuit Court of Appeals of the Sixth Circuit in *Addyston Pipe & Steel Com-*



pany *v. United States*, delivered in 1898 (85 Fed. 271), containing what was, at that time, perhaps the most thorough exposition in the American reports of the law relating to restraint of trade. The judicial service of his young manhood was rendered with a zest which never abated. And his duties and experiences in executive office **heightened for him the never-failing charm of the judicial career**, by reason of its independence and impartiality, and its devotion to what he believed to be the paramount interests of the administration of justice. Having begun as a student of the law, he returned to his legal studies when released from executive responsibilities, and as a lecturer on constitutional law he completed his preparation for the great task to which manifest destiny was to call him.

“To Chief Justice Taft, the administration of justice was never an abstract conception, to be extolled in vain phrases and with but slight regard to changes in social conditions and to existing deficiencies. While holding in contempt the fanciful schemes with which the administration of justice in this country is threatened from time to time he was ever pointing out its shortcomings and laboring for its improvement by practicable remedies. It was this concern which gave him a peculiar sensitiveness with respect to the qualifications for judicial office. He realized profoundly that the chief defects of the administration of justice lie in men rather **than in method**. A good judge, using the means at the command of an alert and informed mind, will find but rarely that he can not force his way through to effective action. No duty seemed to President Taft more important than that of selecting federal judges. It was his special concern while he had the responsibility of appointment, and his solicitude continued and was constantly expressed after he became Chief Justice. It has fallen to but three Presidents since Washington to appoint a majority of the members of this Court. President Jackson appointed Chief Justice Taney and four Associate Justices. President Lincoln appointed Chief Justice Chase and four Associate Justices. President Taft appointed Chief Justice White and five Associate Justices. In no act of Mr. Taft’s career was his estimate of the requirements of judicial office and his emphasis upon its proper independence of partisan considerations more strikingly shown than in his appointment of Chief Justice White, of a different political faith, but who had represented upon the bench the highest standards of judicial conduct. And we are admonished of the rapidity of the changes in this Court, despite the apparent permanence afforded by the tenure of office, when we reflect that when Chief Justice Taft came to the bench ten years ago only two of his appointees were still in service.

“No learning or information comes amiss to a Justice of this Court. Its members have been drawn from many fields of activity, and to



its conferences are brought the wisdom derived from varied experiences in different parts of our land. By reason of the variety and importance of his previous official duties, Chief Justice Taft had in this respect an unusual equipment. The learning and industry of the judge was reenforced by the special knowledge gained in statecraft. He had abundant opportunity to apply this knowledge, and it was applied with judicial independence. As illustrating this, and also as exhibiting the quality of his judicial opinions, reference may be made to *Balzac v. Porto Rico* (258 U. S. 298) and *Yu Cong Eng v. Trinidad* (271 U. S. 500), dealing with fundamental questions relating to the administration of our insular possessions; to *Stafford v. Wallace* (258 U. S. 495), sustaining and construing the Packers and Stockyards Act; to *Ex parte Grossman* (267 U. S. 87), upholding the power of the President to pardon criminal contempts; and to *Myers v. United States* (272 U. S. 52), sustaining the President's power of removal.

Because of the interest which he had shown throughout his public life in the problems affecting labor, Mr. Taft was appointed, when the United States entered the War in 1917, cochairman of the War Labor Board. And when he came to this Court no one had a more intimate knowledge of labor conditions in this country or was more highly respected by all those concerned in industry, whether as employers, managers, or employees. There can be no doubt of his special interest in the decisions of this Court affecting labor questions, and upon these questions he delivered many of the Court's most important opinions; as, for example, in *American Steel Foundries v. Tri-City Central Trades Council* (257 U. S. 184); in *United States Mine Workers v. Coronado Coal Company* (259 U. S. 344 and 268 U. S. 295); in the *Pennsylvania Railroad Company Cases* relating to the function of the United States Railroad Labor Board (261 U. S. 172 and 267 U. S. 203); and in *Charles Wolff Packing Company v. Industrial Court of Kansas* (262 U. S. 522) with respect to the extent of the authority of the State in the regulation of wages in industry.

"Chief Justice Taft had also the technical knowledge and aptitude which gave him a special interest and authority in patent cases, and his skill in this difficult branch of jurisprudence is illustrated in such leading opinions as those in *Eibel Process Company v. Minnesota & Ontario Paper Company* (261 U. S. 45) and *Corona Cord Tire Company v. Dovan Chemical Corporation* (276 U. S. 358). The Chief Justice always had an open mind with respect to the necessary adaptation of the authority of government, especially in relation to the broadening requirements of interstate commerce under modern conditions. This was conspicuously shown in the opinions that he delivered for the Court as to the power given

to the Interstate Commerce Commission by the Transportation Act of 1920, among which may be noted, as of permanent importance because of the principles definitely established, those in the cases of *Railroad Commission of Wisconsin v. Chicago, Burlington & Quincy Railroad Company* (257 U. S. 563), relating to the power of the Interstate Commerce Commission over intrastate rates, and *Dayton-Goose Creek Railway Company v. United States* (263 U. S. 456), with respect to the recapture provisions of the Interstate Commerce Act. To the growing volume of jurisprudence dealing with controversies between States, he made a notable contribution, especially in the case of the *Chicago Drainage Canal* (278 U. S. 367) and in that of *North Dakota v. Minnesota* which clearly laid down the essential bases for recovery by one State claiming injury by reason of operations conducted by another. I have not attempted the impossible task of making, upon such an occasion as this, a comprehensive survey or even a just estimate of the judicial service of the late Chief Justice, and I have sought to cite but a few of the many important opinions in which he touched every department of the law as laid down by this Court and which stand as imperishable memorials to his ability and conscientious labor.

“Chief Justice Taft had, as has well been said, ‘an almost religious reverence’ for the fundamental principles of our system of government. To quote his own words: ‘In the Federal Constitution there were embodied two great principles, first, that the Government should be a representative popular government, in which every class in society, the members of which have intelligence to know what will benefit them, is given a voice in selecting the representatives who are to carry on the government and in determining its general policy. On the other hand, the same constitution exalts the personal rights and opportunities of the individual and prescribes the judicial machinery for their preservation, against the infringement by the majority of the electorate in whose hands was placed the direction of the executive and legislative branches of the government.’ That was his confession of faith. And he had no sympathy with any attempt to undermine the fundamental protection of fair individual opportunity upon the assumption that social riches could be gained through individual impoverishment. He stood emphatically for the limitations of government under the Constitution and was unwilling to see these limitations exceeded even when legislative phrases were used which would otherwise have been appropriate to the exercise of legislative power. This was conspicuously shown by his opinion in delivering the judgment of the Court holding invalid the child labor tax law (259 U. S. 20) as infringing upon the reserved power of the States. ‘To give any such magic,’ he said, as was sought to be attributed, ‘to the word “tax” would be to break

down all constitutional limitation of the powers of Congress and completely wipe out the sovereignty of the States.' But he did not regard the country, as he expressed it, as 'tied to the defects of the past or present,' and he looked for a sure progress through discriminating and far-sighted legislators and through judges of broad vision but imbued with the spirit of the Constitution.

"Chief Justice Taft rarely dissented. In the multitude of cases to which you have referred, Mr. Attorney General, which were decided during his incumbency, I find but seventeen in which he expressed dissent and in but three of these did he write the dissenting opinion.

"Deeply concerned with improvements in administration the Chief Justice gave special attention to his own duty as administrator. Even the distinction of his contribution to the jurisprudence of the Court does not obscure, but throws into a stronger light, by reason of his versatility, his preeminence in the executive department of its work. In the successful endeavor to end the delays which bring such a deserved reproach upon judicial procedure, he was ever a leader, and he would have been the first to recognize the able support which he received from his colleagues in this effort. It was not a vain attempt to bring the Court up to its work by a spasmodic activity, but the intelligent formulation of a plan which receiving the sanction of Congress has put the Court, we trust permanently, upon a basis by which it can keep abreast of the demands upon it. So long as we follow the example which he has set and avail ourselves of the opportunity which his leadership provided, the delays of justice will have no countenance or illustration here.

"But the Chief Justice was not content with expediting the work of this Court. He felt a special responsibility with respect to the entire Federal judicial system. Many years before he came to this bench he had suggested that either the Supreme Court or the Chief Justice should have an adequate executive force to keep current watch upon the business awaiting dispatch in all the districts and circuits of the United States and to make a periodical estimate of the number of judges needed in the various districts and to make the requisite assignments. In a different manner, it was sought to attain the object he had in view by the establishment, in 1922, through his persistence, of the Judicial Conference of the Senior Circuit Judges, held annually, at which the Chief Justice of this Court presides, and which considers the needs of judicial service in the different districts and makes recommendations accordingly. This is an instrumentality of great value, and what it has accomplished and the promise of what it may achieve are due in the largest measure to the foresight and intelligent guidance of Chief Justice Taft.

"No appreciation of the late Chief Justice can stop with appraisal of his intellectual power, or his juristic and executive achievements, or his moral worth. The glow of his warm heart shone through all his activities and irradiated all his associations. As with every virile character, he had ardent sympathies and strong dislikes. But he could not cherish ill will or long harbor a sense of injury. He carried with him an invincible armor of kindness against which the shafts of opponents had proved harmless. With him, service in the temple of justice was not an austere performance, with the ill-grace of an unnatural aloofness, but a necessary human endeavor, with the dignity of lofty purpose, but pursued with a benignity and an affection for his fellows which made his presence in that temple a constant benediction.

"I should, in these last words, permit those to speak who were associated with him in this work, and I can do no better than to quote what they said to him upon his retirement: 'You came to us from achievements in other fields, and with the prestige of the illustrious place that you lately had held, and you showed in a new form your voluminous capacity for work and for getting work done, your humor that smoothed the rough places, your golden heart that has brought you love from every side, and, most of all, from your brethren whose tasks you have made happy and light.'

"There are those here who have witnessed these memorial exercises in honor of three Chief Justices. In the midst of our efforts, engrossed with present demands, we are moving with a steady and inescapable progress toward the inevitable end. The figures of to-day, like those of yesterday, will soon be replaced, and the best endeavors, striking as they may be in their immediate aspect, will soon form but the background of another picture. Without illusion, and with steady will, we continue in our task, heartened by the exemplars of our faith, among whom no one has a more inspiring or abiding influence than that of the late Chief Justice."

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Mr. Attorney General Mitchell addressed the Court as follows:

*"May it please the Court:*

"On the very day of the death of the late Chief Justice, Edward Terry Sanford, Associate Justice, was suddenly stricken and died. Representatives of the Bar, gathered to pay reverent tribute to his memory, adopted resolutions, which it is now my privilege to present to the Court with the request that they be entered in its records as a token of the high esteem in which Justice Sanford was held by the legal profession.

*"Resolved,* That the members of the Bar of the Supreme Court desire to express their profound regret at the death of Edward Terry Sanford, late Justice of the Supreme Court, and to record

their high appreciation of his life and character and of his conspicuous and faithful service to his country. He was born on July 23, 1865, in the State of Tennessee. He graduated from the University of Tennessee and then entered Harvard College, where he continued his studies; later on, studying in European universities and at the Harvard Law School. He became a member of the Bar of the State of Tennessee and practiced at Knoxville and throughout the State until the year 1907, when he became one of the Assistant Attorneys General of the United States. After a year in Washington he accepted the office of United States District Judge for the Middle and Eastern Districts of Tennessee. He served as such District Judge for fifteen years with marked ability and with the love and respect of the bar and community. He gave much of his time to the cause of education; was chairman of the board of trustees of the George Peabody College for Teachers; also trustee of the University of Tennessee. He was at one time president of the Alumni Association of the University of Tennessee and, later, president of the Alumni Association of Harvard College. In the year 1923 President Harding named him as Justice of the Supreme Court to fill the vacancy arising upon the resignation of Justice Pitney. He served on this Court with great distinction from the time of his qualification until his untimely death on the 8th day of March, 1930, at the early age of sixty-four. He had a personality of unusual charm and was a most gifted speaker. He was a lover of literature and the arts, was widely read, and deeply experienced in law and jurisprudence. He had ardent patriotism and a high sense of public duty. His work upon the Supreme Court was thorough, conscientious, and exacting, and had the high commendation of his associates and of the Bar. His death is his country's loss, and is mourned by the great circle of his friends and associates both upon the bench and at the bar.

“*Resolved also*, That the Attorney General be asked to present these resolutions to the Court and to request that they be inscribed upon its permanent records, and that the chairman of this meeting be requested to transmit a copy of these resolutions to the family of the late Justice with an expression of our sincere sympathy in their bereavement.”

“Justice Sanford's career in the public service had its beginning in the suggestion by Mr. Justice McReynolds, then an Assistant Attorney General of the United States, that he be retained by the Government in the investigation of the Fertilizer Trust in 1905. The marked ability disclosed in that case secured him immediate recognition and resulted in his appointment in 1907 to the position of Assistant Attorney General. While occupying that post he appeared before this Court on several occasions and make a favorable



impression by the skill and force with which he presented the cases entrusted to him. He attracted the favorable attention of President Roosevelt, and in 1908 was appointed to be United States District Judge for the Eastern and Middle Districts of Tennessee. He had hoped to have the post of Solicitor General, and accepted the judicial office with some reluctance, not realizing that he had been set upon the path that would lead him to the highest honor open to a member of his profession.

“During the last forty-five years those appointed United States District Judges have averaged forty-nine years of age when appointed. Judge Sanford was forty-three when he became a District Judge. His case is an example of the gain to the judicial service in appointing to the lower federal courts comparatively young men, of character and education, through the opportunities for distinguished judicial careers thus opened up to them.

“His service as a trial judge was one of exacting labor, rendered more than usually arduous by a temperament which demanded that every case be given the most careful and painstaking consideration regardless of its material importance. While at the bar he had shown a marked preference for practice before appellate courts, the quick and undeliberated decisions necessary in trial work being repugnant to his scholarly and rather cautious nature. For the same reason his duties as a District Judge were not entirely congenial to him, since he was constantly faced with the necessity of passing immediately upon questions to which he would have preferred to give more mature consideration.

“Nevertheless, his preferences in no way influenced his achievements, and his record was an enviable one. The high regard in which he was held by those with whom he was associated was made evident by the spontaneous outburst of approval with which they responded to the proposal that he be elevated to the Supreme Court. When the retirement of Mr. Justice Pitney, on December 1, 1922, created a vacancy, the Senate of the State of Tennessee adopted a resolution urging that Judge Sanford be considered for the position, and the overwhelming indorsement then given him by the people from his section of the country, coupled with the desire which had always been his to become a member of an appellate tribunal, must have made his selection for the supreme bench doubly gratifying to him.

“During the seven years of his service as a Justice of the Supreme Court he delivered the opinion of the Court in 130 cases. These opinions, which are to be found in volumes 261 to 281, inclusive, of the Reports, disclose his scholarly training. In addition to his technical equipment he had that culture and breadth of vision so valuable in high judicial office. His professional learning was



supplemented by an intimate familiarity with literature, which gave to his judicial opinions an unusual clarity and attractive style. Endowed by nature with the rare gift of felicitous expression, which he used to such good advantage at the bar, he could not be satisfied with a judicial utterance until it had been subjected to careful scrutiny to the end that the exposition of his views and the process of reasoning upon which they were founded might be full and lucid. His judicial labors were characterized by patient and conscientious deliberation upon every aspect of the case in hand. Fidelity to duty was ever his chief concern.

“His judicial opinions cover most of the branches of the law with which this Court is called upon to deal. Those in the Pocket Veto Case in the 279th, and in the Gitlow and Fiske cases in the 268th and 274th, which dealt with the constitutional validity of State statutes defining criminal anarchy, are examples of the excellence of his judicial work.

“All of his writings indicate a marked adherence to the principles on which our Constitution is based, coupled with an appreciation of the need of adjusting the application of those principles to fit the requirements of changing conditions. Conservative in judgment and strict in his adherence to tested doctrines, he was one of that great body of jurists who have maintained the stability of the common-law system of jurisprudence.

“No tribute to Justice Sanford, however brief, would be complete which touched only upon his professional achievements. His early studies, supplemented by foreign travel, bred in him an enduring appreciation of music, literature, and the fine arts. He was in every sense a man of the highest culture. His mastery of the English language and his training in the field of advocacy combined to make him a speaker of unusual ability and charm. But above all, his dominant traits of character were kindness and affection for his fellow men. His interests in the fields of education and charity were many. The joys of friendship were his constant and supreme delight.

“The widespread grief occasioned by his death was intensified by the fact that, only sixty-four years of age, his faculties matured by long experience and untiring industry, he appeared to have many years of useful service before him. The Nation has lost an able, high-minded judge, and many of us a gracious friend. Of him it may fittingly be said, as Campbell said of Lord Holt, ‘Perhaps the excellence which he attained may be traced to the passion for justice by which he was constantly actuated.’

The Chief Justice said:

“Mr. Attorney General, the Court receives with deep gratification this tribute from the bar to the service of an able and faithful mem-

ber of this Court, who was taken from us, with tragic suddenness, in the midst of his career.

"The strength of the Court is the resultant of the interaction and cooperation of individual forces, and the successful performance of its function depends upon the discharge of individual responsibility by Justices of equal authority in the decision of all matters that come before the Court. It has recruited its strength both from the bar and from the bench, and the contributions made to the jurisprudence of the Court by those whose judgment has been ripened by the responsibilities of administration in state and federal courts has been a conspicuous feature of its history.

"Mr. Justice Sanford had the advantage not only of careful preparation for the bar under the most exacting and stimulating teachers of the law, and of valuable experience in practice, but of many years of service as a District Judge of the United States. It was the distinguished success with which he met that long-continued test that led to his appointment to this bench. He came here as a graduate of the hard school of judicial experience, and he brought with him an intimate and precise knowledge of the problems of the federal courts. Never sacrificing the dignity, impartiality, and authority of his office as a District Judge to any desire for public favor, his ability and fidelity commanded their appropriate and gratifying reward in the esteem and confidence of the community that he served, so that the bar and the Legislature of the State of Tennessee gave to the proposal of his appointment to this Court a unanimous indorsement. It was preeminently his judicial quality which won this general esteem. Without eccentricity, affectation, or irritation, but with simplicity, candor, patience, and thoroughness, he had applied himself to every judicial task, whether agreeable or irksome, and the applause which greeted the conduct of his office was a tribute to the standards of the community as well as to his own.

"In the District Court Judge Sanford carried a heavy burden of criminal cases, and, as exemplifying his dominant traits, I may quote what has been said by an eminent member of the bar who had long observed his manner of discharging this duty: 'In the administration of the criminal laws he was judge and not prosecutor. The government was only a litigant in his court suing for justice. It stood on a parity with the humblest citizen it accused. The constitution and laws of his country were to be obeyed, and not evaded, by judge, government, and accused alike.' Especially prominent in every activity was his unfailing courtesy and grace. Never lacking this quality himself, he looked for it in others, and in the District Court under his guidance there was afforded a notable illustration of the commendable restraint and propriety in speech

which heighten rather than impair the effectiveness of forensic efforts.

“In addition to sound technical training as a lawyer and broad experience as a judge, Mr. Justice Sanford had resources of culture, developed by travel and liberal studies both here and abroad. He was interested in literature, music, and art, and those who enjoyed companionship with him were not disappointed because of limitations in his horizon. While the learning of the law was his supreme interest, it neither monopolized nor narrowed him. He was happy in his public addresses and brought to many important meetings the charm of eloquence. The members of the bar can not fail to remember with especial pleasure his address in London at the Lord Mayor’s dinner at Guild Hall on the occasion of the visit, in 1924, of the representatives of the American Bar Association, and his graceful response to the welcome of the French bench and bar in the Palais de Justice in Paris. The lawyers and judges of France had the unusual and welcome opportunity of listening to an eminent member of the American judiciary paying a beautiful tribute in their own tongue to their achievements and aspirations.

“You have alluded, Mr. Attorney General, to the important opinions delivered for this Court by Mr. Justice Sanford, and, as illustrating the quality of his work, you have referred in particular to the Pocket Veto Case (279 U. S. 655) relating to the authority of the President, and also to the cases in which Mr. Justice Sanford dealt in clear and definite utterance with the power of the State as affecting freedom of speech, upholding the necessary authority to punish abuses of that freedom (*Gitlow v. New York*, 258 U. S. 652; *Whitney v. California*, 274 U. S. 357) while also sustaining the constitutional limitations which safeguard the liberty of the citizen (*Fiske v. Kansas*, 274 U. S. 380). In his work in the District Court Mr. Justice Sanford had given special attention to the difficult problems arising in the administration of the bankruptcy law, and he performed a noteworthy service in this Court in that branch of jurisprudence, writing a number of opinions in leading cases. *Meek v. Centre County Banking Company* (268 U. S. 426) and *Taylor v. Voss* (271 U. S. 176) are illustrations. Another outstanding judgment delivered by Mr. Justice Sanford was that in *Liberty Warehouse Company v. Grannis* (273 U. S. 70) maintaining the essential limitation of the jurisdiction of the Federal courts to ‘cases’ and ‘controversies.’ He reaffirmed with careful emphasis the fundamental principle, as he expressed it, ‘that the judicial power vested by Article III of the Constitution in this Court and the inferior courts of the United States established by Congress thereunder, extends

only to "cases" and "controversies" in which the claims of litigants are brought before them for determination by such regular proceedings as are established for the protection and enforcement of rights, or the prevention, redress, or punishment of wrongs; and that their jurisdiction is limited to cases and controversies presented in such form, with adverse litigants, that the judicial power is capable of acting upon them, and pronouncing and carrying into effect a judgment between the parties, and does not extend to the determination of abstract questions or issues framed for the purpose of invoking the advice of the court without real parties or a real case.'

"In estimating the value of judicial work, it is well not to lay too much stress upon opinions which seem to have a particular importance because of the public attention they receive or the spectacular circumstances of the controversies to which they are addressed. Juristic achievements are not measured by the distinction of litigants, or the amount in controversy, or the dramatic setting which gives temporary notoriety. The most worthy performance of judicial duty in the careful analysis of facts, in exact reasoning, and in the observance of a correct perspective in bringing the results of earlier controversies to their appropriate present service, may be found in cases which attract at the time little attention on the part of the general public, but achieve importance in the annals of jurisprudence. The final reputation of a judge owes far less to contemporary estimate than to the inevitable later appraisal when his efforts find their appropriate historical setting.

"Mr. Justice Sanford was keenly aware of this, and, with philosophic bent and conscientious application, he was faithful to the judicial tradition, devoting the same care to every case which came before the Court, without regard to its rating in public opinion. He was ever intent upon the intrinsic quality of his work rather than upon adventitious circumstance.

"Although cut off in mid-career, as judicial careers are reckoned, we gratefully recognize the long service that he rendered in a life which enjoyed a succession of deserved honors and was crowned by the fulfillment of a worthy ambition. He met every responsibility with integrity of motive and singleness of purpose, and he discharged every trust with complete fidelity. His life is epitomized in his own words: 'Youth and age have come; youth rejoicing in the splendor of life's morning; and age, steadfast, in the majesty of its noonday, serene in the tender glow of its evening sky.' In the midst of that serenity, the final summons came, and he was taken from us. Mourning our loss, but enriched by the memory of his friendship and cooperation, we renew our labors."

No. 555. Georgia Public Service Commission, James A. Perry, Albert J. Woodruff, et al., etc., appellants, *v.* The United States of America and The Interstate Commerce Commission et al. Appeal from the District Court of the United States for the Northern District of Georgia. Decree affirmed. Opinion by Mr. Justice Brandeis.

No. 513. State of Alabama and Alabama Public Service Commission, appellants, *v.* The United States of America, Interstate Commerce Commission, Atlantic Coast Line Railroad Company, et al. Appeal from the District Court of the United States for the Northern District of Alabama. Decree affirmed. Opinion by Mr. Justice Brandeis.

No. 21. The United States of America, petitioner, *v.* The Equitable Trust Company of New York, Murray, Aldrich & Roberts, Edward J. Patterson, et al. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Decree modified and affirmed, and cause remanded to the District Court of the United States for the Southern District of New York. Opinion by Mr. Justice Van Devanter. Mr. Justice Stone did not participate in the consideration or decision of this case.

No. 78. Marshall L. Mott, petitioner, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit. Decree affirmed and cause remanded to the District Court of the United States for the Northern District of Oklahoma. Opinion by Mr. Justice Van Devanter. Mr. Justice Stone did not participate in the consideration or decision of this case.

No. 141. Hilary Halbert, Jr., Dorothy Halbert Rubble, Milred Halbert, a Minor, etc., et al., petitioners, *v.* The United States of America;

No. 142. Rich Halbert, a Minor, by Fred P. Halbert, Guardian, *ad litem*, petitioner, *v.* The United States of America;

No. 143. Vernon Sidney Halbert, a Minor, by Benjamin F. Halbert, Guardian *ad litem*, petitioner, *v.* The United States of America:

No. 144. Sidney E. Halbert, a Minor, by Sidney Seth Halbert, Guardian *ad litem*, petitioner, *v.* The United States of America;

No. 145. Rose Peers Pickernoll, Mabel Peers White, and Amelia Peers Alden, petitioners, *v.* The United States of America;

No. 146. Lulu M. Elliott, Sophie M. Elliott, Carolyn M. Elliott, etc., et al., petitioners, *v.* The United States of America;

No. 147. Mary Barichio Petit and Norris Petit, Ellis A. Petit, et al., petitioners, *v.* The United States of America;



No. 148. Dewey Barichio and Leda E. Barichio, Romie D. Barichio, et al., petitioners, *v.* The United States of America;

No. 149. Edna May Elliott, Ruth G. Elliott, William H. Elliott, et al., petitioners, *v.* The United States of America;

No. 150. Chas. G. Elliott, Jr., Anna Marie Elliott, Henry Elliott, et al., petitioners, *v.* The United States of America;

No. 151. Agnes Rubens, Louise Henry Peterson, Mary Henry Hagen, et al., petitioners, *v.* The United States of America;

No. 152. Virginia Walkowsky, Alvin Walkowsky, Catherine Walkowsky, et al., petitioners, *v.* The United States of America;

No. 153. Lizzie Rolfson, Alvin Smith, Eugene Smith, et al., petitioners, *v.* The United States of America; and

No. 154. Mary Francis Provoe, Laura M. Brown, Frank M. Provoe, et al., petitioners, *v.* The United States of America. On writs of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Decrees of the Circuit Court of Appeals reversed and decrees of the District Court affirmed, and cases remanded to the District Court of the United States for the Western District of Washington for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Van Devanter.

No. 91. J. M. Near, appellant, *v.* The State of Minnesota *ex rel.* Floyd B. Olson, County Attorney of Hennepin County, Minnesota. Appeal from the Supreme Court of the State of Minnesota. Judgment reversed with costs, and cause remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Chief Justice Hughes. Dissenting opinion by Mr. Justice Butler in which Mr. Justice Van Devanter, Mr. Justice McReynolds, and Mr. Justice Sutherland concur.

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The Chief Justice announced the following orders of the Court:

No. —. In re Disbarment of William E. Baff. It having been brought to the attention of the Court that the name of William E. Baff has been stricken from the roll of attorneys admitted to practice in the District Court of the United States for the Central Division of the Southern District of California, and a notice having issued to the said William E. Baff, March 23, 1931, to show cause why he should not be disbarred from the practice of the law in this Court and his name stricken from the roll of attorneys admitted to practice here, and the said Baff having filed his response to such notice;

And it having also been brought to the attention of the Court that the said Baff was disbarred from the practice of the law in the United States Patent Office on March 18, 1921, upon charges of



misconduct, and that his application to be re-registered as a member of the Patent Office Bar was denied upon March 28, 1929, by the Commissioner of Patents, and that the action of the Commissioner of Patents in refusing recognition to the said Baff as a patent attorney was sustained by the Chief Justice of the Supreme Court of the District of Columbia on February 19, 1931;

Now, therefore, it is ordered that the order of the District Court of the United States for the Southern District of California striking the name of the said Baff from the roll of attorneys admitted to practice before that Court; the order of the Commissioner of Patents disbarring the said Baff from practice as an attorney in the United States Patent Office, together with his said order refusing Baff re-registration and the order of the Supreme Court of the District of Columbia approving such refusal; the notice to show cause issued by this Court; and the response of the said Baff, with exhibits thereto, be, and the same are hereby, referred to Mr. Guernev E. Newlin, of Los Angeles, State of California; to Mr. Warren Olney, jr., of San Francisco, State of California; and to Mr. Melville Church, of Washington, District of Columbia, as a committee of the bar of this Court, to make such inquiry into the matter as may be necessary or appropriate, and thereupon to make a report and recommendation respecting the final action to be taken herein by this Court conformably to Rule 2, paragraph 5, of the Rules of this Court.

#### ORDER

1. It is ordered by this Court that section 6 of Rule 32 of this Court be amended by striking therefrom the words "For docketing a case and filing and indorsing the transcript of the record, five dollars," and inserting in lieu thereof the words "For docketing a case and filing and indorsing the transcript of the record, ten dollars."

2. Also, by striking therefrom the words "For preparing the record or a transcript thereof for the printer, in all cases, including records presented with petitions for certiorari, indexing the same, supervising the printing, and distributing the printed copies to the justices, the reporter, the law library, and the parties or their counsel, four cents per folio of each one hundred words," and inserting in lieu thereof the words "For preparing the record or a transcript thereof for the printer, in all cases, including records presented with petitions for certiorari, indexing the same, supervising the printing, and distributing the printed copies to the justices, the reporter, the law library, and the parties or their counsel, eight cents per folio of each one hundred words," but leaving therein unchanged the words "but where the necessary printed copies of the record as printed for

the use of the court below are furnished, charges under this item will be limited to any additions printed here under the clerk's supervision."

3. Also, by striking therefrom the words "For filing briefs, three dollars for each party appearing," and inserting in lieu thereof the words "For filing briefs, five dollars for each party appearing."

This order shall apply to causes filed here on or after July 1, 1931, but not to causes filed prior to that date.

#### ORDER

It is ordered that Rule XLVI of the General Orders in Bankruptcy, promulgated January 13, 1930 (280 U. S. 617), be amended by striking out from the last sentence the words "not less than two per cent per annum" and by inserting the word "such" before the words "local rule" at the end of the Rule, and thus amended the Rule will read as follows:

"Whenever a custodian, receiver, or trustee is a banking institution designated and qualified pursuant to section 61 of the Act to act as depositary for money, said banking institution may, if authorized by rule of the local Bankruptcy Court approved by a majority of the Circuit Judges of the Circuit, keep on deposit with itself money received by it as custodian, receiver, or trustee, if said banking institution under the local laws of the State of its domicile is permitted to keep on deposit with itself money collected and received by it acting as receiver or trustee under the appointment of any court. Such local rule shall contain such provisions for the supervision and control of such deposits as the court may deem adequate, and on all sums of money not less than \$100 so kept on deposit interest shall be allowed by such banking institution at such rate as may from time to time be directed by such local rule."

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Orders are entered approving and directing the recording of the bonds of the clerk of this Court.

No. 193. Missouri Pacific Railroad Company, appellant, *v.* Hal Norwood, Attorney General of the State of Arkansas, et al., etc. The judgment herein is modified so that the judgment clause will appear in the mandate as follows:

On consideration whereof, it is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed with costs without prejudice to any application to the District Court to amend the pleadings or otherwise.

No. 711. Iowa-Des Moines National Bank, petitioner, *v.* J. M. Stewart, Chairman, etc.; and

No. 712. Central State Bank, petitioner, *v.* J. M. Stewart, Chairman, etc. Ben B. Dewey, successor in office of C. F. Keeling, and E. R. Bennett, present chairman of the Board of Supervisors of Polk County, Iowa, substituted as parties respondents.

No. 759. The United States, petitioner, *v.* Kirby Lumber Company. Further consideration of the motion to remand this case to the Court of Claims for further findings is postponed to the hearing of the case on the merits.

No. 13, original. The State of Colorado, complainant, *v.* The State of Kansas et al. The motion for leave to introduce additional evidence is denied, without prejudice to the presentation to this Court upon the hearing, of the transcript containing the depositions described in the motion papers. The question of admissibility is postponed to the hearing.

No. 793. The United States of America, et al., appellants, *v.* Baltimore & Ohio Railroad Company et al.;

No. 815. The United States of America, appellant, *v.* Harry Murdock; and

No. 833. State Tax Commission of Mississippi et al., appellants, *v.* Interstate Natural Gas Company, Inc. In these cases probable jurisdiction is noted.

No. 943. The Chicago, Rock Island and Pacific Railway Company et al., appellants, *v.* The United States of America et al. In this case probable jurisdiction is noted and the case is advanced and assigned for argument on Monday, October 5 next, after the cases heretofore assigned for that day.

No. 807. A. L. Moye, appellant, *v.* State of North Carolina and Town of Ahoskie. Appeal from the Supreme Court of the State of North Carolina. *Per curiam:* The appeal herein is dismissed for the want of a properly presented substantial Federal question. *El Paso & South Western R. R. Co. v. Eichel & Weikel*, 226 U. S. 590; *Reinman v. Little Rock*, 237 U. S. 171; *Standard Oil Co. v. City of Marysville*, 279 U. S. 582.

No. 813. School District No. 7, Muskogee County, Oklahoma, et al., etc., appellants, *v.* Clarence Hunnicut, County Superintendent, etc. Appeal from the District Court of the United States for the Eastern District of Oklahoma. *Per curiam:* The decree herein is affirmed. *Ex Parte Collins*, 277 U. S. 576; *Ex Parte Public Bank*, 278 U. S. 101.

No. 839. James G. Clyne, appellant, *v.* The State of Ohio. Appeal from the Supreme Court of the State of Ohio. *Per curiam*: The appeal herein is dismissed. *Farson, Son & Co. v. Bird*, 248 U. S. 268.

No. 869. Western and Atlantic Railroad, appellant, *v.* Mrs. Helen N. Gray. Appeal from the Supreme Court of the State of Georgia. *Per curiam*: The appeal herein is dismissed for the want of a substantial Federal question. *Wabash R. R. Co. v. Flannigan*, 192 U. S. 29; *Erie R. R. Co. v. Solomon*, 237 U. S. 427; *Zucht v. King*, 260 U. S. 174; *Sugarman v. The United States*, 249 U. S. 182; *C. A. King & Co. v. Horton*, 276 U. S. 600; *Bank of Indianola v. Miller*, 276 U. S. 605; *Roe v. Kansas*, 278 U. S. 191.

No. 915. The United States of America, petitioner, *v.* Frank B. Campbell. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 917. Chicago and North Western Railway Company, petitioner, *v.* Eugene Bolle. Petition for writ of certiorari to the Appellate Court of the State of Illinois, Second District, granted.

No. 982. Gong Bell Manufacturing Company, petitioner, *v.* David Burnet, Commissioner, etc. Further consideration of the petition for writ of certiorari in this case is withheld to await the decision of this Court in No. 709, *Handy & Harman v. David Burnet, Commissioner of Internal Revenue*.

No. 754. A. D. Cummins and Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied. The motion to remand to the Court of Claims for further findings is also denied.

No. 918. Pacific Northwest Canning Company, petitioner, *v.* Skookum Packers' Association; and

No. 919. Pacific Northwest Canning Company, petitioner, *v.* Skookum Packers' Association. On petition for writs of certiorari to the United States Court of Customs and Patent Appeals. *Per curiam*: The petition for writs of certiorari herein is denied for the want of jurisdiction. Sec. 240, Judicial Code; Sec. 347, U. S. Code, Title 28; *Postum Cereal Co. v. California Fig Nut Co.*, 272 U. S. 693.

No. 960. W. W. Davis and George Ferguson, petitioners, *v.* The United States of America. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit; and

No. 998. Joe Davis, petitioner, *v.* The United States of America. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit. *Per curiam*: The petitions for writs of certiorari herein are severally denied. *Husty v. The United States*, 282 U. S. 694, 702.

No. 845. The Rudolph Wurlitzer Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 846. Birkel Music Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 863. Parlex Holding Corporation, petitioner, *v.* The City of New York. Petition for writ of certiorari to the Supreme Court of New York County, State of New York, denied.

No. 864. Meyersdale Fuel Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 867. Columbia Steel & Shafting Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 871. Benjamin Clayton, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 875. P. L. Mann, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 902. Harvey S. Stewart, Present Sheriff and Tax Collector of Pearl River County, Mississippi, et al., petitioners, *v.* Edward Hines Yellow Pine Trustees et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 904. Edward E. Marshall, petitioner, *v.* Ray Lyman Wilbur, Secretary of the Interior. Petition for writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 905. Crimora Manganese Corporation et al., petitioners, *v.* Ray Lyman Wilbur, Secretary of the Interior. Petition for writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 913. The United States of America, petitioner, *v.* Pacific Gas and Electric Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 914. Pacific Gas and Electric Company, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 916. Charles Hazlitt Cahan, Jr., petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 920. Taylor Oil & Gas Company et al., petitioners, *v.* David Burnet, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. **923.** Gust Gerling, petitioner, *v.* Fred J. Dankers, as Executor of the Last Will and Testament of William H. Miller, deceased, et al.; and

No. **924.** Gust Gerling, petitioner, *v.* Fred J. Dankers, as Executor of the Last Will and Testament of William H. Miller, deceased, et al. Petition for writs of certiorari to the Supreme Court of the State of Nebraska denied.

No. **925.** Wabash Railway Company, petitioner, *v.* Harvey E. Lindley. Petition for writ of certiorari to the Supreme Court of the State of Nebraska denied.

No. **932.** Art Metal Construction Company, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. **933.** Henry C. Zeller and Edward G. Zeller, petitioners, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. **937.** Robert Gordon Duncan, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. **939.** Henry A. Schweinhaut, Trustee in Bankruptcy of Wardman Park Taxicab Company, Inc., petitioner, *v.* Delia Flaherty. Petition for writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. **940.** Ballard Brothers Fish Company, Inc., et al., petitioners, *v.* Percy S. Stephenson, Trustee, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. **941.** James W. Merkle, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. **942.** Helen Lay, Lumbermen's Reciprocal Association, et al., etc., petitioners, *v.* E. Forrest Mitchell, as Insurance Commissioner of the State of California. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. **946.** Niagara Falls Gas and Electric Light Company, petitioner, *v.* William A. Prendergast, et al., etc., et al.;

No. **947.** U. S. Light & Heat Corporation et al., petitioners, *v.* William A. Prendergast et al., etc., et al.; and

No. **948.** City of Niagara Falls, New York, petitioner, *v.* U. S. Light & Heat Corporation et al., etc., et al. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.



No. 951. Frank Shore, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 957. Henry H. Cross Company, petitioner, *v.* Wilson Rice, Trustee. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 969. Browns' "Shamrock" Linens, Ltd., petitioner, *v.* Frank C. Bowers, as Executor, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 977. Louis Bonamico, *alias* Louis Toriana, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 986. General Talking Pictures Corporation and DeForest Phonofilms, Inc., petitioners *v.* The Stanley Company of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 995. F. W. Darling, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit of Appeals for the Fourth Circuit denied.

No. 997. Roy Myers, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 1000. William Miller, Claimant of the French Oil Screw "Metmuzel," petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 1007. Albert B. Fall, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 1011. J. E. Lane, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

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No. 484. Federal Trade Commission, petitioner, *v.* Raladam Company. Leave granted to file motion to modify judgment within thirty days. Term extended and mandate stayed pending disposition of the motion by this Court.

No. 183. State Board of Tax Commissioners of the State of Indiana et al., appellants, *v.* Lafayette A. Jackson. Chester H. Jackson, as Administrator of the estate of Lafayette A. Jackson, deceased,

substituted as the party appellee. Leave granted to file petition for rehearing within thirty days and mandate stayed pending disposition of the petition by this Court.

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ORDER

All cases submitted and all business before the Court at this term having been disposed of, It is ordered by this Court that all cases on the docket be, and they are hereby, continued to the next term.

Adjourned to the time and place appointed by law.