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OCTOBER TERM, 1934

STATISTICS

	Original	Appellate	Total
Number of cases on docket.....	18	1,022	1,040
Cases disposed of .....	5	926	931
Remaining on docket .....	13	96	109

Cases disposed of—

By written opinions .....	191
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## SUPREME COURT OF THE UNITED STATES

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Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Cardozo.

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Murray F. Johnson, of New York City; Thomas Howell Scott, of Atlanta, Ga.; Jennings B. King, of Knoxville, Tenn.; C. B. Bee, of Oklahoma City, Okla.; Henry W. Coil, of Riverside, Calif.; Cyril J. McCauley, of Union City, N.J.; Doyle H. Strange, of Washington, D.C.; Wilbur N. Baughman, of Washington, D.C.; Haig H. Davidian, of New York City; Milton Dunn, of Washington, D.C.; Frank W. Davies, of Birmingham, Ala.; Aubrey R. Bowles, Jr., of Richmond, Va.; Justin Miller, of Durham, N.C.; J. Howard Reber, of Philadelphia, Pa.; Morris L. Ernst, of New York City; Lawrence S. Greenbaum, of New York City; George Arthur Henke, of New York City; Kenneth C. Royall, of Goldsboro, N.C.; John R. Salmon, of Boston, Mass.; Douglas B. Maggs, of Durham, N.C.; James G. Holland, of New York City; Carlos Washington Goltz, of Sioux City, Iowa; Jonas J. Shapiro, of New York City; and Reynolds Robertson, of Washington, D.C., were admitted to practice.

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No. 3. The United States of America, appellant, *v.* J. W. Smith, Roy Taylor, et al. Appeal from the District Court of the United States for the Eastern District of Texas. Dismissed and mandate granted on motion of Mr. Solicitor General Biggs for the appellant.

No. —, original. *Ex Parte*: L. W. Baldwin and Guy A. Thompson, Trustees, et al., petitioners. Motion for leave to file petition for writ of prohibition submitted by Mr. Edward J. White for the petitioners.

No. 254. Paramount Publix Corporation, petitioner, *v.* American Tri-Ergon Corporation;

No. 255. Altoona Publix Theatres, Inc., petitioner, *v.* American Tri-Ergon Corporation; and

No. 256. Wilmer & Vincent Corporation et al., petitioners, *v.* American Tri-Ergon Corporation. Motion for leave to file briefs of Columbia Pictures Corporation and others as *amici curiae* submitted by Mr. John B. Marsh in that behalf, and the motion denied.

No. —, original. *Ex parte*: Everglades Drainage District et al., petitioners. Motion for leave to file petition for writ of mandamus submitted by Mr. Herbert S. Sawyer for the petitioners.

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No. 4, original. The State of Wisconsin et al., complainants, *v.* The State of Illinois and Sanitary District of Chicago, et al.;

No. 5, original. The State of Michigan et al., complainants, *v.* The State of Illinois and Sanitary District of Chicago, et al.; and

No. 6, original. The State of New York et al., complainants, *v.* The State of Illinois and Sanitary District of Chicago, et al. Semi-annual report of defendant, Sanitary District of Chicago, dated July 1, 1934, presented.

No. 8, original. Commonwealth of Kentucky, complainant, *v.* State of Indiana et al. Report No. 9 of defendant, State of Indiana, presented.

No. 158. Norphlet School District No. 50, petitioner, *v.* El Dorado School District No. 15 et al. On petition for writ of certiorari to the Supreme Court of the State of Arkansas. Dismissed for failure to comply with the Rules.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, October 8, will be as follows: Nos. 18 (19, 20, and 21) October term 1933, 27, 28, 1, 2, 4, 5, 6, 7, and 9.

## 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, Mr. Justice Roberts, and Mr. Justice Cardozo.

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Earl Hubert Davis, of Washington, D. C.; Wm. T. Townsend, of Cartersville, Ga.; Wm. H. Wright, of Scottsbluff, Nebr.; Leonard Acker, of Brooklyn, N. Y.; John McGlasson, of Waco, Tex.; Guy C. Chambers, of Lincoln, Nebr.; Joseph M. Mesnig, of Troy, N. Y.; John R. O'Hanlon, of New York City; Richard C. Glass, of Los Angeles, Calif.; Daniel H. Cotter, of Bridgeport, Conn.; John T. L. Hubbard, of Bridgeport, Conn.; Lee A. Jackson, of Norfolk, Va.; Arthur A. O'Brien, of Washington, D. C.; and John J. Fitzpatrick, of Baltimore, Md., were admitted to practice.

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The Chief Justice announced the following orders of the Court:

No. 77. Arthur S. Secor, Rathbun Fuller, Florence Scott Libbey, et al., appellants. *v.* Ira J. Fulton, Superintendent of Banks of the State of Ohio, etc. 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. *Seattle & Renton Ry. v. Linhoff*, 231 U. S. 568, 570; *Enterprise Irrigation District v. Canal Co.*, 243 U. S. 157, 165, 166; *Tidal Oil Co. v. Flanagan*, 263 U. S. 444, 451; *Hebert v. Louisiana*, 272 U. S. 312, 316, 317; *American Railway Express Co. v. Kentucky*, 273 U. S. 269, 272, 273; *Comer v. Washington*, 292 U. S. 610; *Van Schaick v. City of Toledo*, 292 U. S. 611.

No. 88. C. A. Skipper, appellant, *v.* The State of Florida. Appeal from the Supreme Court of the State of Florida. *Per curiam*: The motion of the appellee to dismiss the appeal herein is granted, and the appeal is dismissed for the want of a properly presented Federal question. *Live Oak Water Users Association v. Railroad Commission*, 269 U. S. 354, 357, 358; *Rooker v. Fidelity Trust Co.*, 261 U. S. 114, 117; *Godchaux v. Estopinal*, 251 U. S. 179; *Archerd v. Oregon*, 290 U. S. 604.

No. 103. *Wilson & Co., Inc.*, of Louisiana, appellant, *v.* The State of Louisiana. Appeal from the Supreme Court of the State of Louisiana. *Per curiam*: The motion of appellee to dismiss the ap-

appeal herein is granted, and the appeal is dismissed for the want of a substantial Federal question. (1) *Knights of Pythias v. Meyer*, 265 U. S. 30, 32, 33; *Guaranty Trust Co. v. Blodgett*, 287 U. S. 509, 513; *Great Northern Ry. Co. v. Sunburst Co.*, 287 U. S. 358, 362; *Hicklin v. Coney*, 290 U. S. 169, 172; *Hartford Accident Co. v. Nelson Co.*, 291 U. S. 352, 358. (2) *Kehrer v. Stewart*, 197 U. S. 60, 65; *Sonneborn Bros. v. Cureton*, 262 U. S. 506; *Eastern Air Transport v. Tax Commission*, 285 U. S. 147, 152; *Gregg Dyeing Co. v. Query*, 286 U. S. 472, 478, 479; *Liggett Co. v. Lee*, 288 U. S. 517, 539; *Magnano Co. v. Hamilton*, 292 U. S. 40, 44-47.

No. 162. *The Nashville, Chattanooga & St. Louis Railway, appellant, v. Denis Lee Herndon*. 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. *Barrett v. Virginian Ry. Co.*, 250 U. S. 473, 476; *Ownbey v. Morgan*, 256 U. S. 94, 112; *Jackman v. Rosenbaum Co.*, 260 U. S. 22, 31; *Corn Exchange Bank v. Commissioner*, 280 U. S. 218, 223; *Snyder v. Massachusetts*, 291 U. S. 97, 111; *International Milling Co. v. Columbia Transportation Co.*, 292 U. S. 511.

No. 163. *Marie L. Wade and Leonidas E. Wade, her husband, appellants, v. City of Jacksonville*. Appeal from the Supreme Court of the State of Florida. *Per curiam*: The motion of the appellee to dismiss the appeal herein is granted, and the appeal is dismissed (1) for the want of properly presented Federal questions (*Dewey v. Des Moines*, 173 U. S. 193, 197-200; *Whitney v. California*, 274 U. S. 357, 360, 362, 363; *Chicago, Indianapolis, etc., Ry. Co. v. McGuire*, 196 U. S. 128, 131-133; *Archerd v. Oregon*, 290 U. S. 604), and (2) for the want of a substantial Federal question (*Castillo v. McConnico*, 168 U. S. 674, 681-684; *Ballard v. Hunter*, 204 U. S. 241, 256, 257; *Witherspoon v. Duncan*, 4 Wall. 210, 217; *Hebert v. Louisiana*, 272 U. S. 312, 316, 317).

No. 166. *D. A. Dobry, appellant, v. The State of Iowa*. Appeal from the Supreme Court of the State of Iowa. *Per curiam*: The motion of the appellee to dismiss the appeal herein is granted, and the appeal is dismissed for the want of a properly presented Federal question. *Bowe v. Scott*, 233 U. S. 658, 664, 665; *Layton v. Missouri*, 187 U. S. 356, 358, 361; *Jacobi v. Alabama*, 187 U. S. 133, 135; *Kipley v. Illinois*, 170 U. S. 182, 187; *Miller v. Cornwall R. R. Co.*, 168 U. S. 131, 134; *Porter v. Foley*, 24 How. 415; *New York ex rel. Sackett v. Lynch*, 291 U. S. 652; 292 U. S. 604.

No. 286. *M. M. Kelliher, Amy Kelliher, and Tena Marsh, appellants, v. Investment & Securities Company et al.* Appeal from the Supreme Court of the State of Washington. *Per curiam*: The motion of the appellees to dismiss the appeal herein is granted, and the appeal is dismissed (1) for the want of a substantial Federal



question (Commercial Bank *v.* Buckingham's Executors, 5 How. 317, 342, 343; Ross *v.* Oregon, 227 U. S. 150, 161, 162; Quong Ham Wah Co. *v.* Industrial Commission, 255 U. S. 445, 448, 449), and (2) for the want of a properly presented Federal question (Live Oak Water Users Association *v.* Railroad Commission, 269 U. S. 354, 357, 358; Rooker *v.* Fidelity Trust Co., 261 U. S. 114, 117; Godchaux *v.* Estopinal, 251 U. S. 179; Archerd *v.* Oregon, 290 U. S. 604). The motion for leave to proceed further herein *in forma pauperis* is denied.

No. 288. Paul Cassel Chubb, appellant, *v.* State of Washington. Appeal from the Supreme Court of the State of Washington. *Per curiam*: The motion of the appellee to dismiss the appeal herein is granted, and the appeal is dismissed for the want of a properly presented Federal question. Kerr Glass Mfg. Corp. *v.* Superior Court, 286 U. S. 532; White River Co. *v.* Arkansas, 279 U. S. 692, 700; Hiawasse River Power Co. *v.* Carolina-Tennessee Power Co., 252 U. S. 341, 344; Cleveland & Pittsburgh R. R. Co. *v.* Cleveland, 235 U. S. 50, 53; Manhattan Life Ins. Co. *v.* Cohen, 234 U. S. 123, 134; Chapin *v.* Fye, 179 U. S. 127, 129, 130. The motion for leave to proceed further herein *in forma pauperis* is denied.

The Chief Justice said:

"The other orders of the Court appear upon the list certified to by the Chief Justice and filed with the Clerk and will not be announced orally."

No. —, original. *Ex parte*: John Brown, petitioner;

No. —, original. *Ex parte*: Morris Horowitz, petitioner;

No. —, original. *Ex parte*: George Washington, petitioner; and

No. —, original. *Ex parte*: Lloyd Rubin, petitioner. The motions for leave to file petitions for writs of habeas corpus are denied.

No. —, original. *Ex parte*: Harlan O. Morgan, petitioner; and

No. —, original. *Ex parte*: Harry Mitchell, petitioner. The motions for leave to file petitions for writs of habeas corpus are denied without prejudice to appropriate applications to the proper District Courts of the United States or Judges.

No. —, original. *Ex parte*: Miller D. Grubbs, petitioner. The motion for leave to file petition for writ of mandamus herein is denied. *Ex parte*: United States, 287 U. S. 241, 248. The motion for leave to proceed *in forma pauperis* herein is also denied.

No. —, original. *Ex parte*: Everglades Drainage District et al. The motion for leave to file petition for writ of mandamus is denied.

No. 4, original. The State of Wisconsin et al., complainants, *v.* The State of Illinois and Sanitary District of Chicago et al.;

No. 5, original. The State of Michigan et al., complainants, *v.* The State of Illinois and Sanitary District of Chicago et al.; and

No. 6, original. The State of New York et al., complainants, *v.* State of Illinois and Sanitary District of Chicago et al. The semi-annual report of defendant Sanitary District of Chicago, dated July 1, 1934, is received and ordered to be filed.

No. 8, original. Commonwealth of Kentucky, complainant, *v.* State of Indiana et al. Report No. 9 of defendant, State of Indiana, is received and ordered to be filed.

No. —. In Re Complaint of Edmond C. Fletcher against Raymond M. Hudson, a member of the Bar of the Supreme Court of the United States. The complaint is held by the Court for the purpose of affording opportunity to the complainant to present the subject of the complaint for the consideration of the District Court of the United States for the Eastern District of Virginia, and for the further consideration of this Court in the light of whatever action may be taken by the said District Court.

No. 212. West Ohio Gas Company, appellant, *v.* The Public Utilities Commission of Ohio;

No. 213. West Ohio Gas Company, appellant, *v.* The Public Utilities Commission of Ohio;

No. 221. The United States of America et al., appellants, *v.* The Baltimore and Ohio Railroad et al.;

No. 271. Nathan A. Tirrell, appellant, *v.* Francis W. Johnston, Attorney General of the State of New Hampshire, et al.;

No. 344. Atlantic Coast Line Railroad Company, appellant, *v.* State of Florida and E. S. Matthews, et al., etc.;

No. 345. State of Florida and E. S. Matthews, et al., etc., appellants, *v.* The United States of America et al.;

No. 373. F. R. Thatcher and Claudine Thatcher, et al., appellants, *v.* County of San Diego, a Municipal Corporation, et al.;

No. 379. The United States of America et al., appellants, *v.* Chicago, Milwaukee, St. Paul & Pacific Railroad, et al.; and

No. 387. Cape Fear Railways, Incorporated, appellant, *v.* The United States of America et al. In these cases probable jurisdiction is noted.

No. 142. Noah Stewart, appellant, *v.* Robert Keyes et al. In this case probable jurisdiction is noted. The motion to dismiss is denied.

No. 272. Detroit International Bridge Company, appellant, *v.* Corporation Tax Appeal Board of the State of Michigan. The motion for leave to file statement as to jurisdiction is granted. In this case probable jurisdiction is noted.

No. 296. Borden's Farm Products Company, Inc., appellant, *v.* Charles H. Baldwin, as Commissioner of Agriculture and Markets of the State of New York, et al., etc. In this case probable juris-

diction is noted. The motion to advance is granted and the case is assigned for argument on Monday, November 5, next.

No. 62. Frances Wetzel, appellant, *v.* Ira J. Fulton, Superintendent of Banks of the State of Ohio, etc.;

No. 183. The Nashville, Chattanooga & St. Louis Railway, appellant, *v.* Frank W. Webster, Commissioner of Highways, et al. 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. 186. Fannie Abrams, George Pleayl, et al., etc., appellants, *v.* George S. Van Schaick, as Superintendent of Insurance of the State of New York, et al. Further consideration of the question of the jurisdiction of this Court in this case is postponed to the hearing of the case on the merits and attention is called to the question of the nature and finality of the order sought to be reviewed in the light of Sec. 344 (a), U. S. Code, Title 28.

No. 171. Rebecca Green, petitioner, *v.* Letus N. Crowell, Deputy Commissioner, et al. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit;

No. 231. Arthur McGeorge, petitioner, *v.* The Charles Nelson Company. On petition for writ of certiorari to the District Court of Appeal, First Appellate District, State of California;

No. 237. Mary Rasmussen, petitioner, *v.* Norman R. Hamilton, as Receiver of the Northeast Savings Bank, et al. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia;

No. 243. Otis Puckett, 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;

No. 263. Samuel Lesser, petitioner, *v.* People of the State of New York. On petition for writ of certiorari to the Supreme Court of the State of New York;

No. 284. Frank Hunter, petitioner, *v.* Fred G. Zerbst, Warden of the United States Penitentiary at Leavenworth, Kansas. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit;

No. 325. James Andreas, petitioner, *v.* Robert E. Clark, United States Marshal for the Southern District of California. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit;

No. 375. F. W. Fowler, petitioner, *v.* American Mail Line, Ltd., et al. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit;

No. 384. Robert Wohlfeld, petitioner, *v.* The People of the State of New York. On petition for writ of certiorari to the Supreme Court of the State of New York; and

No. 389. George Whitfield, petitioner, *v.* State of North Carolina. On petition for writ of certiorari to the Supreme Court of the State of North Carolina. The motions for leave to proceed further herein *in forma pauperis* are denied for the reason that the Court, upon examination of the papers herein submitted finds no grounds upon which writs of certiorari should be issued. The petitions for writs of certiorari are therefore also denied.

No. 47. Sarah Enelow, petitioner, *v.* New York Life Insurance Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit granted.

No. 51. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Union Pacific Railroad Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 60. The Indiana Farmer's Guide Publishing Company, petitioner, *v.* The Prairie Farmer Publishing Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted.

No. 68. R. H. Davis, trading as Davis Motor Sales, petitioner, *v.* Aetna Acceptance Company. Petition for writ of certiorari to the Appellate Court, First District, State of Illinois, granted.

No. 72. Lizzie May McCullough, Executrix of the Estate of Ida Reid, deceased, petitioner, *v.* W. M. Smith, Administrator, etc. Petition for writ of certiorari to the Supreme Court of the State of North Carolina granted.

No. 78. David G. Dimick, petitioner, *v.* Peter Schiedt. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit granted.

No. 91. Louise M. Hunt, a *Femme Sole*, Personally, etc., petitioner, *v.* Western Casualty Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit granted.

No. 95. Catherine Llewellyn Van Wart, by Roy M. Van Wart, Natural Tutor, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit granted.

No. 100. Thomas W. White, Collector of Internal Revenue, petitioner, *v.* Katharine W. Atkins. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit granted.

No. 102. Samuel B. Smith, petitioner, *v.* E. H. Snow and E. H. Snow, doing business as Snow's Hatcheries, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit granted.

No. 208. Herbert H. Waxham, Doing business as Waxham Hatcheries, petitioner, *v.* Samuel B. Smith et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted.

No. 115. The Hammond Clock Company, petitioner, *v.* Henry T. Schiff. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted.

No. 120. The United States of America, petitioner, *v.* Guaranty Trust Company of New York. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 125. John P. McLaughlin, Collector of Internal Revenue, etc., petitioner, *v.* Pacific Lumber Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted.

No. 127. Evelyn F. Gregory, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 131. Keystone Driller Company, petitioner, *v.* Northwest Engineering Corporation;

No. 132. Keystone Driller Company, petitioner, *v.* Harnischfeger Corporation; and

No. 133. Keystone Driller Company, petitioner, *v.* Bucyrus-Erie Company. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted.

No. 134. Harry Schnell and Samuel Schnell, Copartners doing business, etc., petitioner, *v.* The Steamship "Vallescura", her engines, etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 135. Panama Refining Company et al., petitioners, *v.* A. D. Ryan, S. D. Bennett, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit granted.

No. 260. Amazon Petroleum Corporation et al., petitioners, *v.* Archie D. Ryan, S. D. Bennett, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit granted.

No. 148. Marine National Exchange Bank of Milwaukee et al., petitioners, *v.* Kalt-Zimmers Manufacturing Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted.

No. 154. The Mutual Life Insurance Company of New York, petitioner, *v.* E. E. Johnson, Administrator of Benjamin F. Cooksey,

deceased. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit granted.

No. 161. The United States of America, petitioner, *v.* Irah D. Spaulding. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit granted.

No. 170. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Twin Bell Oil Syndicate. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted.

No. 176. William E. Herring, petitioner, *v.* Commissioner of Internal Revenue; and

No. 177. Eula Day Herring, petitioner, *v.* Commissioner of Internal Revenue. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit granted.

No. 178. Baltimore & Carolina Line, Inc., petitioner, *v.* Donald Redman. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 210. The Wilber National Bank of Oneonta, New York, as Administrator etc., petitioner, *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. 211. Shanferoke Coal & Supply Corporation of Delaware, petitioner, *v.* Westchester Service Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 214. Ernest R. Forrest, petitioner, *v.* Arch R. Jack, as Receiver etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit granted.

No. 219. Abraham Posner, petitioner, *v.* Gustave Anderson, Individually etc. Petition for writ of certiorari to the Supreme Court of the State of New York, Appellate Division, granted.

No. 247. Central Vermont Transportation Company, petitioner, *v.* Harry M. Durning, Collector of Customs etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 249. Livingston H. McCrea, petitioner, *v.* The United States of America, as Owner of the S. S. "American Shipper", etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 261. S. A. Taylor, petitioner, *v.* Henry Sternberg, Trustee, etc.; and

No. 262. John R. Duty, petitioner, *v.* Henry Sternberg, Trustee, etc. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit granted.

No. 268. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* E. Morgan Grinnell, as Executor, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 289. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Walter W. Taylor. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 292. Minnie Lerner, petitioner, *v.* First Wisconsin National Bank of Milwaukee, Wisconsin, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted.

No. 338. David H. Jennings, Receiver, etc., et al., petitioners, *v.* United States Fidelity and Guaranty Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted.

No. 339. Chesley W. Journey, petitioner, *v.* William P. MacCracken, Jr. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia granted.

No. 54. E. Forrest Mitchell, Insurance Commissioner of the State of California, petitioner, *v.* Bertha E. Maurer et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted limited to the question of the validity of the appointment of ancillary receivers upon the petition of the primary receivers, and attention is directed to *McCandless v. Furlaud*, No. 11 on the present docket.

No. 107. Old Mission Portland Cement Company, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted limited to the question of the right of the taxpayer to deductions (a) on account of amortization of bond discount and (b) on account of contributions to the San Francisco Community Chest.

No. 128. David Graves George, petitioner, *v.* Victor Talking Machine Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit granted, limited to the question of the jurisdiction of the Circuit Court of Appeals.

No. 146. Clifton Manufacturing Company, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit granted and the case is assigned for argument immediately following Nos. 35 to 39, inclusive.

No. 173. Irving Trust Company, as Trustee in Bankruptcy of Sarnoff-Irving Hat Stores, Inc., Bankrupt, petitioner, *v.* Ingersoll Bowditch et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted, and the case is assigned for argument immediately following No. 22 on Monday, November 5, next.

No. 215. John C. Schumacher, Sheriff of Butler County, Ohio, petitioner, *v.* Ralph K. Beeler, Trustee, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit granted, limited to the question of the jurisdiction of the District Court under Sec. 23 (b) of the Bankruptcy Act.

No. 234. The United States of America, *ex rel.* Chicago Great Western Railroad Co. et al., petitioners, *v.* Interstate Commerce Commission et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia granted. Mr. Justice Brandeis took no part in the consideration or decision of this application.

No. 270. Norman C. Norman, petitioner, *v.* The Baltimore and Ohio Railroad Company. Petition for writ of certiorari to the Supreme Court of the State of New York granted. The motion to advance is denied.

No. 340. Old Company's Lehigh, Inc., petitioner, *v.* Henry E. Meeker, as Receiver, etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted and the case is assigned for argument immediately following No. 338.

No. 303. Charles Gass, petitioner, Louis S. Wetmore and Benjamin R. Kittredge, copartners trading under the name of L. S. Wetmore Co. et al. Petition for writ of certiorari to the Supreme Court of the State of New York denied. Mr. Justice Stone took no part in the consideration or decision of this application.

No. 315. Royal Insurance Company, Ltd., and Franklin Fire Insurance Company of Philadelphia, petitioners, *v.* J. M. Eastham. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied. Mr. Justice Roberts took no part in the consideration or decision of this application.

No. 31. Daniel Bekins, Bertha Bekins, his wife, et al., petitioners, *v.* The Pacific Savings & Loan Association. Petition for writ of certiorari to the Supreme Court of the State of Oregon denied.

No. 33. The Chesapeake and Ohio Railway Company, petitioner, *v.* Phleta Estell Mears, Administratrix of the Estate of E. J. Mears, deceased. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.



No. 34. Continental National Bank, Commercial National Trust & Savings Bank, etc., et al., petitioners, *v.* National City Bank of New York. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 40. McLaughlin & Freeman, petitioner, *v.* The United States. Petition for writ of certiorari to the United States Court of Customs and Patent Appeals denied.

No. 41. Missouri Pacific Railroad Company, petitioner, *v.* James D. Creighton. Petition for writ of certiorari to the Kansas City Court of Appeals, State of Missouri, denied.

No. 43. William Wingert, petitioner, *v.* E. J. Smead et al., Trustees in Bankruptcy of the Hagerstown Silk Company; and

No. 44. William Wingert, petitioner, *v.* E. J. Smead et al., Trustees in Bankruptcy of the Hagerstown Silk Company. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 45. Carl A. Jones, petitioner, *v.* John G. Foster. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 46. American Textile Woolen 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. 48. Wilbur W. Masters and A. W. Williams, petitioners, *v.* Duval County, Florida, et al. Petition for writ of certiorari to the Supreme Court of the State of Florida denied.

No. 49. International Railway Company, petitioner, *v.* Isabelle Burdick and The Industrial Board of the State of New York. Petition for writ of certiorari to the Supreme Court of the State of New York, Appellate Division, denied.

No. 50. Union Pacific Railroad Company, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 52. Mayor and City Council of Baltimore, petitioner, *v.* Anne R. Gibbs. Petition for writ of certiorari to the Court of Appeals of the State of Maryland denied.

No. 53. Charles U. Becker, Charles U. Becker, as Secretary of State of the State of Missouri, et al., petitioners, *v.* Montgomery Ward & Co., Inc. Petition for writ of certiorari to the Supreme Court of the State of Missouri denied.

No. 56. Farley Hopkins, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 57. Wabash Railway Company, petitioner, *v.* Juanita Hiatt, Administratrix of the Estate of James Hiatt, deceased. Petition for writ of certiorari to the Supreme Court of the State of Missouri denied.

No. 58. Katharine Fisher Dixon, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 59. Chicago and North Western Railway Company, petitioner, *v.* Wilcox Company, Atwood-Davis Sand Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 61. Mrs. Martha H. Trimble, petitioner, *v.* New York Life Insurance Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 63. Irving E. Burdick, William H. Dunn, and A. H. Dougherty, petitioners, *v.* Campbell C. Cochran, Jr. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 64. May Kimball Smith, 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. 65. Walter M. Austin and Westinghouse Electric & Manufacturing Company, petitioners, *v.* Conway P. Coe, Commissioner of Patents. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 66. Atlantic Greyhound Lines, Inc., of West Virginia, petitioner, *v.* Lucy Metz. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 67. Wichita State Bank & Trust Company, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 71. Cuyuna Mining and Investment Company, Assignee of James E. Gibbon, Receiver for the Northern Minnesota Ore Company, petitioner, *v.* Harold L. Ickes, Secretary of the Interior. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 73. L. M. Dakin, as Receiver of Central National Bank & Trust Company, etc., petitioner, *v.* Federal Reserve Bank of Boston et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 74. Spencer Kellogg & Sons, Inc., and British Empire Grain Company, Ltd., petitioners, *v.* The Buckeye Steamship Company,

Owner of the Steamer "Briton." Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 75. Francis E. Snypp, petitioner, *v.* State of Ohio. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 76. Mary Virginia Dunklee, petitioner, *v.* The Cunard Steamship Company, Ltd. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 79. William Nusbaum, Trustee in Bankruptcy of Joseph Cohen, Bankrupt, petitioner, *v.* New Liberty Loan and Savings Association. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 80. Central Iron & Steel Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 169. Cleveland Automobile Company, 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. 257. W. H. Bradford & Company, Inc., petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 81. The United States of America, petitioner, *v.* A. Vinton Clarke, Executor, Estate of Mary Jane Clarke. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 242. The United States of America, petitioner, *v.* Union Trust Company of Rochester, as Executor of the Will of Charles Larowe, deceased. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 82. Thomas E. Donnelley, Thorne Donnelley, and Eleanor Donnelley Erdman, Coexecutors of Reuben H. Donnelley, deceased, petitioners, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 83. Great Lakes Transit Corporation, petitioner, *v.* Norris Grain Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 84. The Central Railroad Company of New Jersey, petitioner, *v.* Daisy Gasser. Petition for writ of certiorari to the Superior Court of the State of Pennsylvania denied.

No. 85. Max Schwartz, as Trustee in Bankruptcy of Arthur C. Holzman, bankrupt, petitioner, *v.* Tessie Holzman. Petition for

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

No. 86. The Farmers' Loan & Trust Company, as Trustee, etc., et al., petitioners, *v.* Frank Collis Bowers, as Executors, etc.; and

No. 87. The Farmers' Loan & Trust Company, as Trustee, etc., et al., petitioners, *v.* Frank Collis Bowers, as Executor, etc. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 89. The United States, petitioner, *v.* William E. Jones, Frank W. Hallowell, et al. Petition for writ of certiorari to the Court of Claims denied.

No. 90. Reisenwebers, Inc., petitioner, *v.* Irving Trust Company, as Trustee in Bankruptcy of United Cigar Stores Company, Bankrupt. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 92. Mercantile-Commerce Bank & Trust Company of St. Louis, Missouri, as Trustee, etc., petitioner, *v.* Drainage District No. 2 of Crittenden County, Arkansas, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 93. Dolores Costello Barrymore, John Barrymore, Henry Hotchener, et al., petitioners, *v.* A. N. Kemp, Receiver for Guaranty Building and Loan Association of Los Angeles, et al.; and

No. 94. Dolores Costello Barrymore, John Barrymore, Henry Hotchener, et al., petitioners, *v.* Fred J. Weiler, Guaranty Building and Loan Association of Los Angeles, et al. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 96. Thomas A. Morrissey, 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. 97. William Wingert, Lewis P. Wingert, and Miller Wingert, etc., petitioners, *v.* E. J. Smead, John B. Kieffer, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 98. Axel Anderson, Anna Anderson, et al., petitioners, *v.* J. S. Moore, Maurice Scroggs, et al.; and

No. 99. William J. Graham, Dora A. Graham, his wife, et al., petitioners, *v.* J. S. Moore, Maurice Scroggs, et al. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 101. Shanferoke Coal & Supply Corporation of Delaware, petitioner, *v.* Westchester Service Corporation. Petition for writ of

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

No. 104. Levy-Ward Grocer Company, petitioner, *v.* Arthur H. Lamborn, Henry B. Hutchings, et al., etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 105. Raymond Sargeant, petitioner, *v.* Ben Grimes. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 106. Jerome B. McCutchan, 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. 108. The Central Railroad Company of New Jersey, petitioner, *v.* The State Tax Commission, J. H. Thayer Martin, et al. Petition for writ of certiorari to the Court of Errors and Appeals of the State of New Jersey denied.

No. 109. Pacific Western Oil Company, petitioner, *v.* Wm. C. McDuffie, as Receiver of Richfield Oil Company of California, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 111. Louis Bandes, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 112. Nelson E. Johnson, Receiver of Atlantic, Pacific & Gulf Oil Company and The Pennsylvania Petroleum Company, petitioner, *v.* Merchants and Manufacturers Securities Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 113. Marcia Webb Dort, Administratrix *de bonis non* with Will annexed of the estate of J. Dallas Dort, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue; and

No. 114. Marcia Webb Dort, Administratrix *de bonis non* with Will annexed of the estate of J. Dallas Dort, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Petition for writs of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 116. Henry M. Wallace et al., petitioners, *v.* O. R. Seagraves. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 117. Maryland Casualty Company, petitioner, *v.* Cook-O'Brien Construction Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 118. Aldrew Oil and Gas Company, petitioner, *v.* Acel C. Alexander, Collector of Internal Revenue; and

No. 119. Bergen Oil and Gas Company, petitioner, *v.* Acel C. Alexander, Collector of Internal Revenue. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 121. Anna True Perron, petitioner, *v.* Aetna Life Insurance Company of Hartford, Connecticut. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 122. Nicola Ultimo, petitioner, *v.* C. A. Palmer, District Director of Immigration, Chicago District, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 123. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Pearl B. Brown, Executrix of the Estate of Frank B. Brown, deceased; and

No. 124. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Harry A. Brown. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 250. George Hyman, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 293. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Henry B. Babson;

No. 294. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Gustavus Babson; and

No. 295. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Fred K. Babson. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 126. Abraham Straus and Irving Eliasberg, Copartners doing business under the firm name and style of Straus and Eliasberg, petitioners, *v.* Henry M. Fiest, as Trustee in Bankruptcy of William Druckerman, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 129. Effie Lora Grammer, Administratrix of the Estate of W. J. Grammer, deceased, petitioner, *v.* Mid-Continent Petroleum Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 130. United States on relation of Shoshone Irrigation District, petitioner, *v.* Harold L. Ickes, Secretary of the Interior. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 269. Keystone Driller Company, petitioner, *v.* The Byers Machine Company and Byers Machine Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 136. John H. Layne, petitioner, *v.* The Tribune Company. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 137. Colorado Tax Commission, petitioner, *v.* Colorado Central Power Company;

No. 138. Colorado Tax Commission, petitioner, *v.* Colorado Central Power Company; and

No. 139. Colorado Tax Commission, petitioner, *v.* Colorado Central Power Company. Petition for writs of certiorari to the Supreme Court of the State of Colorado denied.

No. 140. Lorenzo Allen, petitioner, *v.* Thomas Johnson et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 141. F. H. Hollow, Abram A. Martens, George A. Martens, et al., petitioners, *v.* Shell Petroleum Corporation and John Mabee. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 143. Henry Woodhouse, petitioner, *v.* Moncure, Davis & Budweskey, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 144. I. F. Laucks, Inc., petitioner, *v.* Chas. H. Lilly Co. and Wilmot H. Lilly. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 145. I. F. Laucks, Inc., petitioner, *v.* Chas. H. Lilly Co. and Wilmot H. Lilly. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 147. The United States of America, *ex rel.* Benjamin F. Karpay, on behalf of Domenico Roberts, petitioner, *v.* Byron H. Uhl, Acting Commissioner of Immigration at the Port of New York. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 149. Henry Fritzinger et al., petitioners, *v.* The People of the State of Illinois; and

No. 150. Henry Fritzingler et al., petitioners, *v.* The People of the State of Illinois. Petitions for writs of certiorari to the Supreme Court of the State of Illinois denied.

No. 151. Earl Shelton, 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. 152. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Pryor and Lockhart Development Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 153. James P. Christie, petitioner, *v.* The City of Cleveland Heights. Petition for writ of certiorari to the Supreme Court of the State of Ohio denied.

No. 155. Illinois Central Railroad Company, petitioner, *v.* Aaron L. Hardin. Petition for writ of certiorari to the Supreme Court of the State of Missouri denied.

No. 156. Pennsylvania Slovak Roman and Greek Catholic Union, petitioner, *v.* American Surety Company of New York. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 157. Sidney F. Strongin, as Trustee in Bankruptcy of Walter Van Bokkelen, petitioner, *v.* International Acceptance Bank, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 159. Chesapeake & Delaware Steamboat Company, as Owner of the Motor Vessel "Lillian Anne", petitioner, *v.* Tug "Pennsylvania" Donaldson Towing & Lightering Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 160. Simon Beemsterboer, petitioner, *v.* People of the State of Illinois, ex rel. Joseph B. McDonough, County Treasurer and ex-officio County Collector of Cook County. Petition for writ of certiorari to the Supreme Court of the State of Illinois denied.

No. 164. N. W. Pugh Company, Inc., petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 165. The City of Milwaukee, petitioner, *v.* Activated Sludge, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 167. John W. Nord, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.



No. 168. Frank A. Lowery, petitioner, *v.* The Connecticut Fire Insurance Company of Hartford, Connecticut. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 172. Coe Manufacturing Company, petitioner, *v.* The People of the State of New York. Petition for writ of certiorari to the Court of Errors and Appeals of the State of New Jersey denied.

No. 174. Luckenbach Steamship Co., Inc., et al., petitioners, *v.* G. Plantou Middleton, as Administrator of the Estates of Gerald Wilson, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 175. National Box Company, petitioner, *v.* Robert W. McKinley, as Trustee of the Superior Metal Bed Company, Bankrupt. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 232. Donald Redman, petitioner, *v.* Baltimore & Carolina Line, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 179. Sam Howard, Trustee in Bankruptcy of Lake County Fuel & Supply Company, petitioner, *v.* The Chicago Gravel Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 180. American Surety Company of New York, Walter S. Franklin, et al., etc., petitioners, *v.* Thomas P. Conroy. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 181. Pratt Food Company, petitioner, *v.* Geo. H. Lee Co. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 182. Aetna Life Insurance Company, petitioner, *v.* Mary H. Braukman. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 184. New England Mutual Life Insurance Company, petitioner, *v.* Mary H. Braukman. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 185. Watson Washburn and Central Hanover Bank and Trust Company, Executors, etc., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 187. Carl I. Dingfelder and Benjamin Balish, Copartners, doing business under the firm name of Dingfelder & Balish, petitioners, *v.* Steamship "Brenta II", her engines, etc., et al.; and

No. 188. Ramon J. Boera and Alvaro Boera, Copartners, doing business under the firm name of Boera Brothers, petitioners, *v.* Steamship "Brenta II", her engines, etc. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 189. Cornell Steamboat Company, as Owner of the Steamtug "Wilson P. Foss", petitioner, *v.* Uladilla Scholl, as Owner of the Barge "W. C. Block" and as Bailee, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 190. Carrie Lutcher Brown, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 191. Bessie D. Darby, petitioner, *v.* The Montgomery County National Bank, Rockville, Maryland. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 218. International Finance Corporation, petitioner, *v.* General Motors Acceptance Corporation. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 192. Alphonse K. Roy, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue;

No. 193. Charles J. Derbes, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue;

No. 194. Inez M. Roy, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue;

No. 195. Alphonse K. Roy and Charles J. Derbes, Executors of the Estate of Andrew Stafford, deceased, petitioners, *v.* Guy T. Helvering, Commissioner of Internal Revenue;

No. 196. Carmen Derbes, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue;

No. 197. Stafford, Derbes & Roy, Inc., petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue;

No. 198. Stafford, Derbes & Roy, Inc., petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue;

No. 199. Stafford, Derbes & Roy, Inc., petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue;

No. 200. Stafford, Derbes & Roy, Inc., petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue;

No. 201. Stafford, Derbes & Roy, Inc., petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue; and

No. 202. Upstream Realty Co., Inc., petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Petition for writs of cer-

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

No. 203. Texas and New Orleans Railroad Company et al., petitioners, *v.* Katie M. Webster et al. Petition for writ of certiorari to the Supreme Court of the State of Texas denied.

No. 320. Texas and Pacific Railway Company, petitioner, *v.* T. A. Dawson. Petition for writ of certiorari to the Supreme Court of the State of Texas denied.

No. 204. Horace Van Deventer, petitioner, *v.* State of Tennessee, *ex rel.* Roy C. Wallace, Comptroller, etc. Petition for writ of certiorari to the Supreme Court of the State of Tennessee denied.

No. 205. Carrollton Excelsior & Fuel Co., Ltd., petitioner, *v.* New Orleans & Northeastern Railroad Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 206. J. Don Alexander, petitioner, *v.* William Theleman, Trustee of the Estate of Alexander Industries, Inc., Bankrupt. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 207. Baltimore & Ohio Railroad Company, petitioner, *v.* Margaret DeWald, Claiming as Widow of George M. DeWald, deceased. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 209. Charles Harris, *alias* Charles Blum, etc., petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 216. Maryland Casualty Company, petitioner, *v.* American Trust Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 217. Frank Parsons, petitioner, *v.* Provident Mutual Life Insurance Company of Philadelphia. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 220. Mary S. Witherbee and Spotswood D. Bowers, as Sole Surviving Executors and as Trustees under the will of Lispenard Stewart, deceased, 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 denied.

No. 222. Clinch-Mitchell Construction Company, petitioner, *v.* W. E. McCullough and C. A. Cheney, doing business as McCullough & Cheney. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 223. Carl A. Hillmert, Debtor, and Frank M. McKey, Receiver, etc., petitioners, *v.* George W. Busch, as Receiver of the Superior Court of Cook County, Illinois, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 224. Robert W. McKinlay, Trustee in Bankruptcy of L. Balkin Company, petitioner, *v.* Philadelphia National Bank, Assignee, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied. Mr. Justice Roberts took no part in the consideration or decision of this application.

No. 225. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* B. B. Jones;

No. 226. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Elliott L. Jones;

No. 227. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Robert L. Jones; and

No. 228. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Bernard B. Jones, Elliott L. Jones, et al., executors, etc. Petition for writs of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 229. Minneapolis, St. Paul and Sault Ste. Marie Railway Company and Arthur Schwenke, petitioners, *v.* Walter Newberry. Petition for writ of certiorari to the Supreme Court of the State of Wisconsin denied.

No. 230. The Commercial Trust Company of New York, 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. 235. Walter L. Eckhardt et al., Trustees, etc., petitioners, *v.* J. Rodney Ball et al., trustees, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 236. Burt C. Hardenbrook, Frank M. Gordon, et al., etc., petitioners, *v.* Fred E. Landquist and Agnes Landquist. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 238. Gertrude Vanderbilt Whitney et al., as Executors of the Estate of Harry Payne Whitney, deceased, petitioners, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 239. W. A. Faris, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 240. William F. Kelly, petitioner, *v.* The National City Bank of New York. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 241. State of Missouri, at the relation of and to the use of Abeille Fire Insurance Company of Paris et al., petitioners, *v.* Nike G. Sevier, Judge of the Circuit Court of Cole County, State of Missouri. Petition for writ of certiorari to the Supreme Court of the State of Missouri denied. The Chief Justice and Mr. Justice Roberts took no part in the consideration or decision of this application.

No. 244. Locke Insulator Corporation, petitioner, *v.* Florence Jacque, as Administratrix of the Estate of Joseph A. Jacque, deceased. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 245. Robert L. Stevenson, petitioner, *v.* Jefferson Standard Life Insurance Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 246. George E. Warren Corporation, petitioner, *v.* The United States. Petition for writ of certiorari to the United States Court of Customs and Patent Appeals denied.

No. 248. William J. Fullilove et ux., 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. 251. Consumers Power Company, petitioner, *v.* The City of Allegan, Joseph F. Mosier, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 252. Arkansas Utilities Company, petitioner, *v.* City of Paragould, W. C. Middleton, etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 253. Bruce McIntosh, Trustee of the Estate of Hugh B. Hutchinson, deceased, 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. 321. H. B. Gilliam and C. E. Ellis, Receivers of the Quantico Company, 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. 254. Paramount Publix Corporation, petitioner, *v.* American Tri-Ergon Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied. Mr. Justice Brandeis took no part in the consideration or decision of this application.

No. 255. Altoona Publix Theatres, Inc., petitioner, *v.* American Tri-Ergon Corporation and Tri-Ergon Holding, A. G.; and

No. 256. Wilmer & Vincent Corporation, and Locust Street Real Estate Company, petitioners, *v.* American Tri-Ergon Corporation and Tri-Ergon Holding, A. G. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied. Mr. Justice Brandeis took no part in the consideration or decision of this application.

No. 258. Process Engineers, Inc., petitioner, *v.* Container Corporation of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 259. The First National Bank of Amarillo, petitioner, *v.* Continental Casualty Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 265. Frank A. Vanderlip, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 266. Steamtug "Perth Amboy No. 3", Fred B. Dalzell, petitioners, *v.* W. Drew Dittmar, as Owner of the Barge "Charles A. Owen", et al.; and

No. 267. Steamtug "Perth Amboy No. 3", Fred B. Dalzell, petitioners, *v.* Hudson Barge Corporation, Owner of the Barge "Mamie & Frank", et al. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 273. John H. Ott, Jr., Trustee in Bankruptcy of the Estate of Long Beach Company of Florida, as Such Trustee, petitioner, *v.* Long Beach Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 274. Aluminum Company of America, petitioner, *v.* Bausch Machine Tool Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied. The Chief Justice took no part in the consideration or decision of this application.

No. 275. Mary V. Vaughan, petitioner, *v.* Atlantic Life Insurance Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 276. Albert M. Morrison 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. 277. The Honduran Motor Boat "Yulu", Nini Bush, Master and Claimant, 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. 278. Marshall & Ilsley Bank, as Trustee, etc., petitioner, *v.* Irving Trust Company, as Trustee in Bankruptcy of F. & W. Grand 5-10-25 Cent Stores, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 279. The Payne Glove Company, petitioner, *v.* Boss Manufacturing Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 280. Silver Brown Company, petitioner, *v.* Francis B. Sheridan and William A. Jacobson. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 281. Chicago Title and Trust Company, Trustee, et al., etc., petitioners, *v.* Maud W. Welton and Rebecca S. Chandler. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 282. United States of America, *ex rel.* Lazo Koleff, petitioner, *v.* E. P. Reynolds, Inspector in Charge, U. S. Immigration Service; and

No. 283. United States of America, *ex rel.* Boris Lazo Koleff, petitioner, *v.* E. P. Reynolds, Inspector in Charge, U. S. Immigration Service. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 285. Myra Page Wiren, petitioner, *v.* Shubert Theatre Corporation et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 287. James A. Singmaster, petitioner, *v.* The New Jersey Zinc Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 290. Connecticut General Life Insurance Company, petitioner, *v.* Robert Hazard Maher. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 291. W. B. Hogue, Angeline E. Hogue, and Charles F. Engle, et al., petitioners, *v.* Stricker Land & Timber Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 297. Etta Rittersbacher, Fern S. Buffum, et al., petitioners, *v.* The Board of Supervisors of Los Angeles County, et al. Petition for writ of certiorari to the Supreme Court of the State of California denied.

No. 298. The American Title & Trust Company, petitioner, *v.* Gulf Refining Company and Corbin Land Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 299. E. L. Cord, petitioner, *v.* Maynard McFie, as Receiver of Auburn-Fuller Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 300. Frederick Barber Campbell, petitioner, *v.* The Chase National Bank of the City of New York. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 301. Frederick B. Campbell, petitioner, *v.* George Z. Medalie, as District Attorney of the United States for the Southern District of New York. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 302. Stacy Hensley, petitioner, *v.* Chicago, St. Paul, Minneapolis & Omaha Railway Company. Petition for writ of certiorari to the Supreme Court of the State of Nebraska denied.

No. 304. Angelo Annunziato, 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. 305. Otis Elevator Company, petitioner, *v.* Pacific Finance Corporation et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 306. Louis Kulesza, Ignatz Spiradek, et al., petitioners, *v.* H. A. Blair and T. H. Rawson, Receivers, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 307. Fidelity Mutual Life Insurance Company of Philadelphia, Pennsylvania, petitioner, *v.* Merchants & Mechanics Bank of Macon, Ga., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 308. Texas Steel Company, petitioner, *v.* Missouri-Kansas-Texas Railroad Company et al. Petition for writ of certiorari to the Court of Civil Appeals, 2d Supreme Judicial District denied.

No. 309. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Anton E. Walbridge. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 310. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Joseph A. Archbald. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 311. Philip Elting, Collector of Customs, Port of New York, petitioner, *v.* Lancashire Shipping Company, Ltd. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.



No. 312. E. A. Laboratories, Inc., petitioner, *v.* Trico Products Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 313. Artercraft Silk Hosiery Mills, Inc., petitioner, *v.* Gotham Silk Hosiery Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 314. Levering & Garrigues Company, Heddon Iron Construction Company, et al., petitioners, *v.* Paul J. Morrin, William J. McGinn, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 316. Coastwise Transportation Corporation, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 317. Joseph R. Kelly, petitioner, *v.* New York, Chicago & St. Louis Railroad Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 318. Art Metal Works, Inc., petitioner, *v.* Abraham & Straus, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 322. United States on relation of The State of New Mexico, petitioner, *v.* Harold L. Ickes, as Secretary of the Interior. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 323. A. C. Powers and T. B. Vance, petitioners, *v.* David B. Johnson, Trustee in Bankruptcy, et al.; and

No. 324. A. C. Powers and T. B. Vance, petitioners, *v.* David B. Johnson, Trustee in Bankruptcy, et al. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 326. Jeannette G. H. Murphy and Abram Sebring, as Executors, etc., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 327. Metropolitan Life Insurance Company, petitioner, *v.* Elizabeth Trapp. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 329. Boston and Maine Railroad, petitioner, *v.* Catherine T. Hanley, Adm'x; and

No. 330. Boston and Maine Railroad, petitioner, *v.* Annie M. Murphy, Adm'x. Petition for writs of certiorari to the Superior Court in and for the County of Middlesex, Commonwealth of Massachusetts, denied.

No. 332. Herman Herzog, petitioner, *v.* Abraham Stern and William M. Kurtz, as the personal representatives and executors of, etc., of David Stern, deceased. Petition for writ of certiorari to the Supreme Court of the State of New York denied.

No. 334. Hobart M. Darden, petitioner, *v.* The Nashville, Chattanooga and St. Louis Railway. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 868, October Term, 1933. State of Ohio et al., appellants, *v.* United States of America et al. A rehearing is granted to the appellant Empire Sheet & Tinsplate Company as respects only so much of the decree of the court below and the order of the Interstate Commerce Commission in its docket No. 7036, Empire Steel Corporation *v.* Baltimore and Ohio Railroad Company et al., as affects the reduction in the rate by the Ohio Public Utilities Commission between the Cambridge district and Mansfield, Ohio, from \$1.76 to \$1.51, and the restoration thereof by the Interstate Commerce Commission to \$1.76. The case is assigned for re-argument on Monday, November 5, next.

No. 619. October Term, 1933. Radio Corporation of America et al., petitioners, *v.* Radio Engineering Laboratories, Inc. On due consideration, it is ordered that the opinion filed May 21, 1934, be amended by striking from the last two lines on page eight the following words: "which means that the frequency could be varied at will", and substituting therefor the following: "which means, or was understood, we are told, by DeForest to mean, that by other simple adjustments the frequency of the oscillations could be varied at will."

The petition for rehearing is denied.

No. 709, October Term, 1933. Eastman Kodak Company et al., petitioners, *v.* Charles B. Gray;

No. 787, October Term, 1933. Illinois Commerce Commission et al., appellants, *v.* The United States of America et al.;

No. 995, October Term, 1933. Minnie E. Simpson et al., petitioners, *v.* David L. Stern, Abner Drury Company, etc., et al.;

No. 1016, October Term, 1933. Julius Glaser et al., petitioners, *v.* Commissioner of Internal Revenue;

No. 1029, October Term, 1933. Sallie Strickland Tricou, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue;

No. 1044, October Term, 1933. Walter J. Patten, petitioner, *v.* The United States of America;

No. 1045, October Term, 1933. The Aleograph Company, petitioner, *v.* Western Electric Company, Inc.;

No. 1078, October Term, 1933. Henry Long, petitioner, *v.* The State of Michigan; and

No. 1083, October Term, 1933. The People of the State of Illinois, *er rel.* Jack J. Cobine, petitioner, *v.* Peter J. Angsten, Chairmen, etc. Petitions for rehearing in these cases denied.

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No. —, original. State of Nebraska, complainant, *v.* State of Wyoming. Motion for leave to file bill of complaint submitted by Mr. Paul F. Good for the complainant.

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No. 13, original. The United States of America, complainant, *v.* The State of Oregon. Report of the Special Master presented.

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No. 4. Claire A. Warner, Administratrix, etc., petitioner, *v.* Edward F. Goltra, doing business under the style and name of The Goltra Barge Line. Submitted by Mr. Walter P. Armstrong, Mr. Samuel W. Fordyce, Mr. C. Powell Fordyce, and Mr. Henry J. Richardson for the petitioner, and by Mr. Joseph T. Davis for the respondent.

No. 18, October Term, 1933. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Northern Coal Company;

No. 19, October Term, 1933. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* C. H. Sprague & Sons Co.;

No. 20, October Term, 1933. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* United States Refractories Corporation; and

No. 21, October Term, 1933. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Oswega & Syracuse Railroad Company. Argued on questions raised by petition for rehearing by Mr. Justin Miller for the petitioner; by Mr. Paul F. Myers for the respondents in Nos. 18 and 19; by Mr. W. W. Montgomery, Jr., for the respondent in No. 20; and by Mr. Douglas Swift for the respondent in No. 21.

No. 27. Hegeman Farms Corporation, appellant, *v.* Charles H. Baldwin et al., etc. Argument commenced by Mr. Leonard Acker for the appellant. Argument suspended temporarily.

No. 28. Robert C. Gillis, as Receiver, etc., petitioner, *v.* State of California. Argument commenced by Mr. Ernest C. Carman for the petitioner. Argument suspended temporarily.

No. 2. The United States, petitioner, *v.* The Creek Nation. Argued by Mr. Assistant Attorney General Sweeney for the petitioner, and by Mr. W. W. Spalding for the respondent.

No. 27. Hegeman Farms Corporation, appellant, *v.* Charles H. Baldwin et al., etc. Argument resumed by Mr. Leonard Acker for the appellant.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, October 9, will be as follows: Nos. 27, 28, 1, 5, 6, 7, 9, 10, 24, and 11.

## 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, Mr. Justice Roberts, and Mr. Justice Cardozo.

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Tom Pool Scott, of Waco, Tex.; Robert R. Rose, of Casper, Wyo.; Edmund H. O'Brien, of Niagara Falls, N. Y.; Gerome B. Rogers, of Waco, Tex.; Rudolph L. von Bernuth, of New York City; and Ira P. Jones, Jr., of Houston, Tex., were admitted to practice.

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No. —, original. *Ex parte*: Disney Film Recording Company, Ltd., et al., petitioners. Motion for leave to file petition for writ of mandamus submitted by Mr. James P. Burns for the petitioners.

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No. 27. Hegeman Farms Corporation, appellant, *v.* Charles H. Baldwin et al., etc. Argument concluded by Mr. Henry S. Manley for the appellees.

No. 28. Robert C. Gillis, as Receiver of Western Oil and Refining Co., petitioners, *v.* State of California. Argument resumed by Mr. Ernest C. Carman for the petitioner; continued by Mr. H. H. Linney for the respondent; and concluded by Mr. Ernest C. Carman for the petitioner.

No. 1. Thomas M. Lynch et al., petitioners, *v.* The People of the State of New York on the relation of Elizabeth Pierson. Argued by Mr. Joseph M. Mesnig for the petitioners and by Mr. C. P. Williamson for the respondent.

No. 5. The City of Waco, Texas, petitioner, *v.* United States Fidelity & Guaranty Company et al. Argued by Mr. John McGlasson for the petitioner, and by Mr. G. B. Rogers for the respondent.

No. 6. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Susan Dwight Bliss. Argument commenced by Mr. Solicitor General Biggs for the petitioner, and continued by Mr. R. L. von Bernuth for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, October 10, will be as follows: Nos. 6, 7, 9, 10, 24, 11, 12, 13 (and 14), 15, and 16.

## 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, Mr. Justice Roberts, and Mr. Justice Cardozo.

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Vincent Mulvaney, of Casper, Wyo.; Frank F. Groff, of New York City; James F. Callahan, of Washington, D. C.; Louis J. Altkrug, of New York City; Ernest E. Wheeler, of New York City; and Lawrence E. Green, of Boston, Mass., were admitted to practice.

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No. 6. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Susan Dwight Bliss. Argument continued by Mr. R. L. von Bernuth for the respondent and concluded by Mr. Solicitor General Biggs for the petitioner.

No. 7. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* William Albert Harbison. Argued by Mr. Solicitor General Biggs for the petitioner, and by Mr. Hugh Satterlee for the respondent.

No. 9. Thomas C. Rowley, as Treasurer, etc., et al., petitioners, *v.* Chicago and Northwestern Railway Company. Argument commenced by Mr. Ray E. Lee for the petitioner; continued by Mr. James A. Greenwood for the petitioner; and concluded by Mr. R. R. Rose for the respondent.

No. 10. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Stockholms Enskilda Bank. Argument commenced by Mr. Assistant Solicitor General MacLean for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, October 11, will be as follows: Nos. 10, 24, 11, 12, 13 (and 14), 15, 16, 17, 18, and 30.

## 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, Mr. Justice Roberts, and Mr. Justice Cardozo.

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Ira W. Hirshfield, of New York City; Geo. Howard Wilson, of Enid, Okla.; Cleveland Thurber, of Detroit, Mich.; Melville Fuller Weston, of Boston, Mass.; G. Leslie Field, of Detroit, Mich.; and Frank P. Christian, Jr., of Lynchburg, Va., were admitted to practice.

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No. 10. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Stockholms Enskilda Bank. Argument continued by Mr. Assistant Solicitor General MacLean for the petitioner, and concluded by Mr. Truman Henson for the respondent.

No. 24. British-American Tobacco Company, Ltd., petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Argued by Mr. John H. Jackson for the petitioner, and by Mr. Assistant Solicitor General MacLean for the respondent.

No. 11. George W. McCandless, as Receiver of Duquesne Gas Corporation, petitioner, *v.* Maxime H. Furlaud et al. Argued by Mr. Ralph Royall for the petitioner, and by Mr. Louis B. Eppstein for the respondents.

No. 12. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Morgan's Incorporated et al. Argument commenced by Mr. H. Brian Holland for the petitioner, and continued by Mr. Lawrence E. Green for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, October 12, will be as follows: Nos. 12, 13 (and 14), 15, 16, 17, 18, 20, 30, 21, and 19.

## 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, Mr. Justice Roberts, and Mr. Justice Cardozo.

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Alan W. Boyd, of Indianapolis, Ind., Sidney S. Miller, of Indianapolis, Ind., and Eli Whitney Debevoise, of New York City, were admitted to practice.

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No. 12. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, v. Morgan's, Incorporated, et al. Argument continued by Mr. Lawrence E. Green, for the respondents, and concluded by Mr. H. Brian Holland for the petitioner.

No. 13. Detroit Trust Company, Trustee, petitioner, v. Steamer "Thomas Barlum", her engines, etc.; and

No. 14. Detroit Trust Company, Trustee, petitioner, v. Steamer "John J. Barlum", her engines, etc. Argued by Mr. Ray M. Stanley for the petitioner, and by Mr. George E. Brand for the respondents.

No. 15. Charles L. McNally, petitioner, v. Henry C. Hill, Warden, etc. Argued by Mr. Justin Miller for the respondent, and case submitted by Mr. John S. Wise, Jr., for the petitioner.

No. 16. Commonwealth of Virginia, petitioner, v. Imperial Coal Sales Company, Incorporated. Argued by Mr. Henry R. Miller, Jr., for the petitioner, and by Mr. James R. Caskie and Mr. Frank P. Christian, Jr., for the respondent.

No. 17. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, v. Leland Powers, Executor, et al. Argument commenced by Mr. Solicitor General Biggs for the petitioner.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, October 15, will be as follows: Nos. 17, 18, 30, 20, 21, 19, 23, 25, 32, and 69.



## 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, Mr. Justice Roberts, and Mr. Justice Cardozo.

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David Silbert, of Chicago, Ill.; Miles H. McKey, of Salem, Oreg.; Byron Spencer, of Kansas City, Mo.; Leon E. Hickman, of Pittsburgh, Penna.; Linden L. D. Stark, of Minneapolis, Minn.; Thomas A. Sanderson, of Sturgeon Bay, Wis.; William A. Montén, of Los Angeles, Calif.; Edgar H. Wayman, of St. Louis, Mo.; Charles F. King, of Portland, Me.; Daniel Baker, of Olympia, Wash.; William B. Arnold, of Lancaster, Penna.; and Percie D. Jordan, of Boston, Mass., were admitted to practice.

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The Chief Justice announced the following orders of the Court:

No. **398**. Charles H. Baldwin, as Commissioner of Agriculture and Markets of the State of New York, et al., etc., appellants, v. G. A. F. Seelig, Inc. Appeal from the District Court of the United States for the Southern District of New York. *Per curiam*: Appeal from an order granting an interlocutory injunction. Jurisdictional statement has been filed. The order is affirmed. *Alabama v. United States*, 279 U. S. 229, 231; *National Fire Ins. Co. v. Thompson*, 281 U. S. 331, 338; *United Gas Co. v. Public Service Commission*, 278 U. S. 322, 326, 327; *United Drug Co. v. Washburn*, 284 U. S. 593; *South Carolina Power Co. v. South Carolina Tax Commission*, 286 U. S. 525; *Ogden & Moffet Co. v. Michigan Public Utilities Commission*, 286 U. S. 525; *Langer, Governor, v. Grandin Farmers Co-operative Elevator Co.*, 292 U. S. 605; *Northwest Bancorporation v. Benson*, 292 U. S. 606.

No. **416**. American Bakeries Company, appellant, v. The City of Sumter. Appeal from the Supreme Court of the State of South Carolina. *Per curiam*: The appeal herein is dismissed for the want of a substantial Federal question. *Armour & Co. v. Virginia*, 246 U. S. 1, 6; *National Linen Service Corporation v. Lynchburg*, 291 U. S. 641; *Singer Sewing Machine Co. v. Brickell*, 233 U. S. 304, 315; *Tax Commissioners v. Jackson*, 283 U. S. 527, 537, et seq.

The Chief Justice said:

“The other orders of the Court appear upon the list certified to by the Chief Justice and filed with the Clerk and will not be announced orally.”

No. —. In Re Disbarment of T. Morris Wampler and Mortimer M. Harris. It having been shown to the Court that T. Morris Wampler, of Lewisburg, Pennsylvania, and Mortimer M. Harris, of Washington, D. C., members of the Bar of this Court, have been disbarred from the practice of the law by the Supreme Court of the District of Columbia,

And it appearing that by orders of April 30, 1934, this Court suspended the said T. Morris Wampler and Mortimer M. Harris from the practice of law in this Court and directed that rules issue requiring these members of the Bar to show cause, under Rule 2, why they should not be disbarred from the further practice of the law in this Court,

And it appearing that said rules were duly issued and served upon each of said respondents; and the return day of said rules having passed and no return or answer to said rules having been filed by or in behalf of said respondents or either of them,

It is now here ordered that the said T. Morris Wampler and Mortimer M. Harris be, and they are hereby, disbarred, and that their names be stricken from the roll of attorneys admitted to practice in this Court.

No. —, original. State of Nebraska, complainant *v.* State of Wyoming. The motion for leave to file bill of complaint herein is granted and process is ordered to issue returnable within 60 days from this date.

No. —, original. Ex parte: L. W. Baldwin and Guy A. Thompson, Trustees, et al., petitioners. Motion for leave to file petition for writ of prohibition denied.

No. —, original. Ex parte: Disney Film Recording Company, Ltd., et al., petitioners. Motion for leave to file petition for writ of mandamus denied.

No. —, original. Ex parte: John Ross Cooper, petitioner;

No. —, original. Ex parte: Edward E. Curtis, petitioner;

No. —, original. Ex parte: M. B. Martin, petitioner, and

No. —, original. Ex parte: Capris Mann, petitioner. Motions for leave to file petitions for writs of habeas corpus denied.

No. 13. original. The United States of America, complainant, *v.* The State of Oregon. The report of the Special Master herein is received and ordered to be filed. It is ordered that exceptions to the said report, if any, be filed on or before December 3, next; that briefs upon such exceptions be filed on or before February 4; and that reply briefs, if any, be filed on or before March 4. The cause is assigned for hearing on Monday, March 11, next, at the head of the call for that day.

No. 342. Madison L. Miller, Jr., petitioner, *v.* The United States of America. The motion for leave to proceed further herein *in forma pauperis* is granted.

No. 429. Leonard R. Poch, petitioner, *v.* Henry C. Hill, Warden, United States Northeastern Penitentiary; and

No. 430. Leonard R. Poch, petitioner, *v.* Guy L. Fake, United States District Judge for New Jersey. On petition for writs of certiorari to the United States Circuit Court of Appeals for the Third Circuit; and

No. 432. Deck Martin, et al., petitioners, *v.* Texas & Pacific Railway Company. On petition for writ of certiorari to the Supreme Court of the State of Texas. The motions for leave to proceed further herein *in forma pauperis* are denied, for the reason that the Court, upon examination of the papers herein submitted, finds no grounds upon which writs of certiorari should be granted. The petitions for writs of certiorari are therefore also denied.

No. 400. John F. Forward, Jr., et al., etc., appellants, *v.* American Securities Company. Further consideration of the question of the jurisdiction of this Court in this case is postponed to the hearing of the case on the merits and the case is assigned for argument immediately following No. 373.

No. 412. Panhandle Eastern Pipe Line Company, appellant, *v.* State Highway Commission of Kansas. Further consideration of the question of the jurisdiction of this Court in this case is postponed to the hearing of the case on the merits.

No. 423. Frank H. Cooney, as Governor of the State of Montana, et al., etc., appellants, *v.* The Mountain States Telephone and Telegraph Company. In this case probable jurisdiction is noted.

No. 361. E. W. Clark, Commissioner of Insurance of the State of Iowa, et al., *v.* Harry O. Williard et al. Petition for writ of certiorari to the Supreme Court of the State of Montana granted.

No. 319. Pevely Dairy Company, petitioner, *v.* John Cripe. Petition for writ of certiorari to the Appellate Court, Fourth District, State of Illinois, denied.

No. 328. Alphonse Capone, petitioner, *v.* A. C. Aderhold, Warden, United States Penitentiary, Atlanta, Georgia. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 331. Texas Employers' Insurance Association et al., petitioners, *v.* Mike Volek et al. Petition for writ of certiorari to the Supreme Court of the State of Texas denied.

No. 333. The McGinley Corporation, petitioner, *v.* Lido Oil Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 335. Old Gold Chemical Company, Inc., petitioner, *v.* Chesebrough Manufacturing Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 336. Standard Oil Company (Indiana), petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 337. The United States, petitioner, *v.* American Safety Razor Corporation. Petition for writ of certiorari to the Court of Claims denied.

No. 341. C. F. Saunders, as Trustee in Bankruptcy, petitioner, *v.* Charles Given. Petition for writ of certiorari to the Court of Civil Appeals, 8th Supreme Judicial District, State of Texas, denied.

No. 343. The United States, petitioner, *v.* The Youngstown Sheet and Tube Company. Petition for writ of certiorari to the Court of Claims denied.

No. 346. William O. Hay, as Executor and Trustee, etc., petitioner, *v.* Irving Trust Company, as Trustee in Bankruptcy of United Cigar Stores, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 348. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Elizabeth B. Wallace, Executrix, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 349. The Joseph Joseph & Brothers Company, 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. 350. Shawkee Manufacturing Company et al., petitioners, *v.* Hartford-Empire Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 351. Downers Grove Sanitary District, petitioner, *v.* Gustav H. Bunge, Herbert A. Grotefeld et al., etc. Petition for writ of certiorari to the Supreme Court of the State of Illinois denied.

No. 352. Alfred Hofmann, Inc., petitioner, *v.* Textile Machine Works. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 353. Albert H. Woods, petitioner, *v.* Regain, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 354. Ada V. Peabody, petitioner, *v.* The Marlboro Implement Company; and

No. 355. John T. W. Peabody, petitioner, *v.* The Marlboro Implement Company. Petition for writs of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 356. Vinton Petroleum Company of Texas, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 357. The Nisley Shoe Company, petitioner, *v.* The Nisley Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 358. George McLean, petitioner, *v.* C. J. Jaffray and R. H. M. Robinson, as Receivers, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 359. E. V. Townshend, Trustee in Bankruptcy of R. R. Smith, Bankrupt, petitioner, *v.* F. O. Lamb, Receiver of the Huntington Banking & Trust Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 360. George Montgomery, petitioner, *v.* Terminal Railroad Association of St. Louis. Petition for writ of certiorari to the Supreme Court of the State of Missouri denied.

No. 362. William J. Neale, H. G. Avers, et al., petitioners, *v.* Melvin C. Hazen et al., Commissioners of the District of Columbia. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 363. Wheeling Mold & Foundry Company, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 364. Missouri-Kansas-Texas Railroad Company et al., petitioners, *v.* Emma Embrey, Administratrix, etc. Petition for writ of certiorari to the Supreme Court of the State of Oklahoma denied.

No. 365. Transcontinental & Western Air, Inc., petitioner, *v.* James A. Farley, Postmaster General of the United States of America et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 366. Mississippi Valley Trust Company et al., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 368. Clarence J. Hansen, 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.

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## ORDER

The Court will take a recess from Monday, October 22, to Monday, November 5, next.

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No. 100. Thomas W. White, Collector of Internal Revenue, petitioner, *v.* Katharine W. Atkins. Passed to await the Court's decision in No. 6 and No. 7 on motion of Mr. Solicitor General Biggs for the petitioner.

No. 42. E. R. Squibb & Sons *v.* Mallinckrodt Chemical Works. Motion to bring up the entire record and cause submitted by Mr. Richard H. Wilmer in behalf of counsel for E. R. Squibb & Sons, in support of the motion, and by Mr. Frank Y. Gladney and Mr. Lawrence C. Kingsland for Mallinckrodt Chemical Works, in opposition thereto.

No. 186. Fannie Abrams et al., appellants, *v.* George S. Van Schaick, as Superintendent of Insurance etc., et al. Motion to advance submitted by Mr. Abbot P. Mills in behalf of counsel for the appellees.

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No. 17. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Leland Powers, Executor, et al. Argument concluded by Mr. Melville F. Weston for the respondents.

No. 18. Huey P. Long, petitioner, *v.* Samuel T. Ansell. Argued by Mr. Seth W. Richardson for the petitioner, and case submitted by Mr. Samuel T. Ansell for the respondent.

No. 30. City Bank Farmers Trust Company, Executor, etc., appellant, *v.* William A. Schnader, Attorney General, etc., et al. Argued by Mr. Henry S. Drinker, Jr., for the appellant, and by Mr. Wm. A. Schnader for the appellees.

No. 20. The Metropolitan Casualty Insurance Company of New York, petitioner, *v.* Kenneth V. Brownell, as Receiver, etc. Argued by Mr. Alan W. Boyd for the petitioner, and by Mr. Sidney S. Miller for the respondent.

No. 21. J. C. Pflueger, H. H. Pflueger, et al., *v.* George Sherman et al. Argument commenced by Mr. John Francis Neylan for

Pfueger et al., and continued by Mr. W. H. Lawrence for Sherman et al.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, October 16, will be as follows: Nos. **21**, **19**, **23**, **25**, **32**, **35** (**36**, **37**, **38**, and **39**), **146**, **29**, **55**, and **233**.

## 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, Mr. Justice Roberts, and Mr. Justice Cardozo.

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V. M. Armstrong, of Indianapolis, Ind.; Arthur D. Baldwin, of Cleveland, Ohio; Francis J. Sweeney, of New York City; W. L. Bryan, of Atlanta, Ga.; and John U. Calkins, Jr., of San Francisco, Calif., were admitted to practice.

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No. 21. J. C. Pflueger, H. H. Pflueger, et al., *v.* George Sherman et al. Argument continued by Mr. W. H. Lawrence for Sherman et al., and concluded by Mr. John Francis Neylan for Pflueger et al.

No. 19. Missouri Pacific Railroad Company and The Texas and Pacific Railway Company, appellants, *v.* The United States of America et al. Argument commenced by Mr. T. D. Gresham for the appellants; continued by Mr. Carl McFarland for appellees, The United States and Interstate Commerce Commission; by Mr. Ben C. Dey for the appellee, Southern Pacific Co.; and concluded by Mr. T. D. Gresham for the appellants.

No. 23. Harold L. Ickes, as Secretary of the Interior, petitioner, *v.* Virginia-Colorado Development Corporation. Argued by Mr. Assistant Attorney General Blair for the petitioner, and by Mr. Louis Titus for the respondent.

No. 25. The United States of America, appellant, *v.* Jacob Troy. Argued by Mr. Assistant Attorney General Wideman for the appellant, and case submitted by Mr. Joseph F. Gunster for the appellee.

No. 32. Brotherhood of Locomotive Firemen and Enginemen et al., petitioners, *v.* Ella E. Pinkston. Argument commenced by Mr. Thomas Stevenson for the petitioners.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, October 17, will be as follows: Nos. 32, 35 (36, 37, 38, and 39), 146, 55, 29, and 233.



## 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, Mr. Justice Roberts, and Mr. Justice Cardozo.

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William Clayton Jones, of Philadelphia, Penna.; William B. Ladd, of Kingston, Tenn.; Cyril J. Smith, of Rockwood, Tenn.; Lawrence B. Morris, of New York City; and David Mackay, of New York City, were admitted to practice.

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No. **32.** Brotherhood of Locomotive Firemen and Enginemen et al., petitioners v. Ella E. Pinkston. Argument continued by Mr. Thomas Stevenson for the petitioners; by Mr. W. L. Bryan for the respondent; and concluded by Mr. Thomas Stevenson for the petitioners.

No. **35.** National Paper Products Company, petitioner, v. Guy T. Helvering, Commissioner of Internal Revenue;

No. **36.** Zellerbach Paper Company, petitioner, v. Guy T. Helvering, Commissioner of Internal Revenue;

No. **37.** Zellerbach Paper Company, petitioner, v. Guy T. Helvering, Commissioner of Internal Revenue;

No. **38.** Zellerbach Paper Company, as Transferee of A. S. Hopkins Co., petitioner, v. Guy T. Helvering, Commissioner of Internal Revenue; and

No. **39.** National Paper Products Company, petitioner, v. Guy T. Helvering, Commissioner of Internal Revenue. Argued by Mr. John Francis Neyland for the petitioners, and by Mr. Assistant to the Attorney General Stanley for the respondent.

No. **146.** Clifton Manufacturing Company, petitioner, v. The United States of America. Argued by Mr. Wm. A. Sutherland for the petitioner and by Mr. Assistant to the Attorney General Stanley for the respondent.

No. **55.** Albert W. Hamilton, by Albert Hamilton, his guardian *ad litem*, et al., appellants, v. The Regents of the University of California et al. Arguments commenced by Mr. John Beardsley for the appellant. Leave granted the appellant to file an additional brief within five days.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, October 18, will be as follows: Nos. **55, 29, and 233.**

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, Mr. Justice Roberts, and Mr. Justice Cardozo.

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Charles E. Wyzanski, Jr., of Boston, Mass.; Oscar W. Worthwine, of Boise, Idaho; Calhoun A. Mays, of Greenwood, S. C.; and Basil Hubbard Pollitt, of Montclair, N. J., were admitted to practice.

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No. 55. Albert W. Hamilton, by Albert Hamilton, his Guardian ad litem, et al., appellants, *v.* The Regents of the University of California et al. Argument continued by Mr. John Beardsley for the appellants; by Mr. Jno. U. Calkins, Jr., for the appellees; and concluded by Mr. John Beardsley for the appellants.

No. 29. Arthur Mattson, appellant, *v.* Department of Labor and Industries of the State of Washington. Argued by Mr. Harry E. Foster for the appellant, and by Mr. Daniel Baker and Mr. Miles H. McKey for the appellee.

No. 233. John H. Frederick *v.* The United States of America. Argument commenced by Mr. Warren E. Miller for Frederick; continued by Mr. Will G. Beardslee for the United States; by Mr. Oscar W. Worthwine for Frederick, and concluded by Mr. Solicitor General Biggs for the United States.

Adjourned until Monday, October 22, at 12 o'clock.

## 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, Mr. Justice Roberts, and Mr. Justice Cardozo.

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Lehan T. Ryan, of Des Moines, Iowa; James Oliver Modisette, of Jennings, La.; Maurice Saeta, of Los Angeles, Calif.; Frank L. Warfield, of Washington, D. C.; Marion W. Seabrook, of Sumter, S. C.; Arthur M. Carden, of San Leandro, Calif.; Coleman Taylor, of Russellville, Ky.; R. Wendell Brown, of Detroit, Mich.; Samuel Frederick Placer, of New York City; Percy Heiliger, of New York City; Abraham Howard Feller, of Washington, D. C.; George Heber Swerer, of Denver, Colo.; Earle T. Fiddler, of New York City; and Harold N. McLaughlin, of Cleveland, Ohio, were admitted to practice.

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The Chief Justice announced the following orders of the Court:

No. 19. Missouri Pacific Railroad Company and The Texas and Pacific Railway Company, appellants, *v.* The United States of America, Interstate Commerce Commission, et al. Appeal from the District Court of the United States for the Eastern District of Kentucky. *Per curiam*: The decree is affirmed. *New York Central Securities Co. v. United States*, 287 U. S. 12, 25-29; *Texas v. United States*, 292 U. S. 522, 531; *Virginian Ry. v. United States*, 272 U. S. 658, 663; *Mississippi Valley Barge Co. v. United States*, 292 U. S. 282, 286-287; *Georgia Commission v. United States*, 283 U. S. 765, 775; *Assigned Car Cases*, 274 U. S. 564, 580-581; *Seaboard Air Line Ry. Co. v. United States*, 254 U. S. 57, 62; *Akron, Canton & Youngstown Ry. Co. v. United States*, 284 U. S. 575.

No. 433. John Laing, appellant, *v.* Fred L. Fox, State Tax Commissioner of the State of West Virginia. Appeal from the Supreme Court of Appeals of the State of West Virginia. *Per curiam*: The motion of appellee to dismiss the appeal herein is granted, and the appeal is dismissed for the want of a substantial Federal question. (1) *Southwestern Oil Co. v. Texas*, 217 U. S. 114, 121; *Brown-Forman Co. v. Kentucky*, 217 U. S. 563, 572 et seq.; *American Sugar Refining Co. v. Louisiana*, 179 U. S. 89, 95; *Hicklin v. Coney*, 290 U. S. 169, 176. (2) *League v. Texas*, 184 U. S. 156, 161; *Kentucky Union Co. v. Kentucky*, 219 U. S. 140, 152-153; *Magnano Co. v. Hamilton*, 292 U. S. 40, 44; (3) *Knights of Pythias v. Meyer*, 265

U. S. 30, 32-33; *Hicklin v. Coney*, 290 U. S. 169, 172; *Hartford Accident Co. v. Nelson Co.*, 291 U. S. 352, 358; *Swiss Oil Corporation v. Shanks*, 273 U. S., 407, 413.

The Chief Justice said:

"The other orders appear upon the list certified to by the Chief Justice and filed with the Clerk and will not be announced orally."

No. 18, October Term, 1933. *Guy T. Helvering*, Commissioner of Internal Revenue, petitioner, *v. Northern Coal Company*;

No. 19, October Term, 1933. *Guy T. Helvering*, Commissioner of Internal Revenue, petitioner, *v. C. H. Sprague & Son Company*;

No. 20, October Term, 1933. *Guy T. Helvering*, Commissioner of Internal Revenue, petitioner, *v. U. S. Refractories Corporation*; and

No. 21, October Term, 1933. *Guy T. Helvering*, Commissioner of Internal Revenue, petitioner, *v. Oswego & Syracuse Railroad Company*. *Per curiam*: In these cases, the judgments were severally affirmed on October 23, 1933, by an equally divided Court. 290 U. S. 591. Petitions for rehearing in Nos. 18, 19, and 21 were denied on November 20, 1933. The mandates of the Court were severally issued in the four cases on November 29, 1933. The present petitions for rehearing were filed on May 21, 1934.

Section 1005 (a) (4) of the Revenue Act of 1926, c. 27, 44 Stat. 9, 110, 111, U. S. C., Tit. 26, sec. 640, with respect to decisions of the Board of Tax Appeals, provides:

"Sec. 1005 (a). The decision of the Board shall become final— \* \* \*

(4) Upon the expiration of 30 days from the date of issuance of the mandate of the Supreme Court, if such Court directs that the decision of the Board be affirmed or the petition for review dismissed."

In view of the authoritative and explicit requirement of the statute and of its application to these cases, the petitions for rehearing are severally denied.

No. 42. *E. R. Squibb & Sons, v. Mallinckrodt Chemical Works*. The motion to bring up the entire record and cause is denied.

No. 186. *Fannie Abrams, George Pleayl, et al., etc., appellants, v. George S. Van Schaick, as Superintendent of Insurance, etc.* The motion to advance is granted and the case is assigned for argument on Monday, November 12, next.

No. 383. *G. D. Swinson, petitioner, v. Chicago, St. Paul, Minneapolis and Omaha Railway Company*. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit granted.

No. 431. Penn General Casualty Company, petitioner, *v.* Commonwealth of Pennsylvania, *ex rel.* Wm. A. Schnader, Attorney General. Petition for writ of certiorari to the Supreme Court of the State of Pennsylvania granted.

No. 424. Hildegard Schoenamsgruber, by Gustav Schoenamsgruber, her guardian, petitioner, *v.* The Hamburg American Line, Claimant, etc.; and

No. 425. Gustav Schoenamsgruber, petitioner, *v.* The Hamburg American Line, Claimant, etc. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted.

No. 374. Ross C. Adams, Receiver of the Farmers National Bank of Pekin, Illinois, petitioner, *v.* Edwin V. Champion, Trustee, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted and the case assigned for argument immediately following Nos. 338 and 340.

No. 394. Commonwealth of Pennsylvania, petitioner, *v.* John G. Williams, Joseph B. Simon, et al., etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit granted and the case assigned for argument immediately following No. 431.

No. 369. C. Wilbur Miller and Ernest B. Miller, petitioners, *v.* The Pyrities Company, Inc., et al.;

No. 370. O. E. Merrell and Edwin H. Brown, petitioners, *v.* The Pyrites Company, Inc., et al. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 371. The Wadsworth Electric Manufacturing Company, petitioner, *v.* The Westinghouse Electric and Manufacturing Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 378. Grace L. Hutton, petitioner, *v.* New York Title & Mortgage Company. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 380. Fred W. Mears Heel Company, Inc., petitioner, *v.* Norman E. Walley. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 396. Standard Nut Margarine Company of Florida, petitioner, *v.* Andrew W. Mellon and Ogden L. Mills. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 410. The United States of America, petitioner, *v.* Matoil Service and Transport Company, Claimant, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 367. R. T. B. Little, Trustee in Bankruptcy of A. M. Clark, trading as Clark Bros., bankrupt, petitioner, *v.* Bank of Wadesboro. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 372. Alexander Pickering & Company, Ltd., petitioner, *v.* Chinese American Cold Storage Association, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 376. Eleanor M. Morgan, petitioner, *v.* Robert J. Hoage, Deputy Commissioner, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 377. San Francisco Shopping News Company, petitioner, *v.* City of South San Francisco, Louis Balloni, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 381. Edward P. Farley and Morton L. Fearey, Trustees, etc., petitioners, *v.* Frank F. Seidl et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 382. Louis Schleier, 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. 385. American Compress & Warehouse Company, petitioner, *v.* Agnes B. McGrawl Bender, Individually, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 388. Carl C. Carlsen, petitioner, *v.* The State of Nebraska. Petition for writ of certiorari to the Supreme Court of the State of Nebraska denied.

No. 390. Day Kimball, Lawrence Kimball, et al., etc., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 391. Illinois Central Railroad Company, petitioner, *v.* Ida B. Crain, Administratrix, etc. Petition for writ of certiorari to the Supreme Court of the State of Missouri denied.

No. 392. Arko Mining Company, petitioner, *v.* Harold L. Ickes, Secretary of the Department of the Interior, etc. Petition for writ.

of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 402. Alanson B. Houghton and Amory Houghton, as Executors, etc., petitioners, *v.* Commissioner of Internal Revenue;

No. 403. Alanson B. Houghton, petitioner, *v.* Commissioner of Internal Revenue;

No. 404. Alanson B. Houghton, Amory Houghton, et al., etc., petitioners, *v.* Commissioner of Internal Revenue;

No. 405. Corning Trust Company, as Executor, etc., petitioner, *v.* Commissioner of Internal Revenue;

No. 406. Eugene C. Sullivan, petitioner, *v.* Commissioner of Internal Revenue;

No. 407. George Buell Hollister, petitioner, *v.* Commissioner of Internal Revenue; and

No. 408. City Bank Farmers Trust Company, etc., as Trustee, etc., petitioner, *v.* Commissioner of Internal Revenue. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 409. Fae Robison, petitioner, *v.* First National Pictures, Inc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 459. J. R. Handy, Receiver of the Red River Bridge Company of Texas, petitioner, *v.* State of Oklahoma, *ex rel.* J. Berry King, Attorney General. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

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No. 460. Eric Lyders, petitioner, *v.* Inger Marie Petersen, et al. Motion to diminish the record submitted by Mr. C. F. R. Ogilby in behalf of counsel for the petitioner in support thereof, and by Mr. Herbert W. Clark for the respondent in opposition thereto.

No. —, original. Ex parte: Charlotte F. Jones, petitioner. Motion for leave to file petition for writ of mandamus submitted by Charlotte F. Jones, *pro se*.

No. —, original. Ex parte: Thomas J. Mooney, petitioner. Motion for leave to file petition for writ of habeas corpus submitted by Mr. John F. Finerty for the petitioner.

Adjourned until Monday, November 5, at 12 o'clock.

The day call for Monday, November 5, will be as follows: Nos. 868, October Term, 1933, 22, 173, 296, 42, 47, 51, 54, 60, and 62.

## 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, Mr. Justice Roberts, and Mr. Justice Cardozo.

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Myron Kommel, of New York City; William K. Gardner, of Cleveland, Ohio; Nathan Hale Berger, of Newark, N. J.; Rex H. Holden, of Oklahoma City, Okla.; Leonard Kommel, of New York City; Leroy L. Todd, of Anacortes, Wash.; Edwin C. Caffrey, of Newark, N. J.; Lester D. Melzer, of New York City; Louis Levinson, of Philadelphia, Pa.; Isaac Levy, of Philadelphia, Pa.; Joseph Gray Jackson, of Philadelphia, Pa.; David Bortin, of Philadelphia, Pa.; Joseph Savoretti, of Clarendon, Va.; Israel H. Mandel, of New York City; Jose Arnaiz, of Manila, P. I.; Walter E. Gates, of Austin, Tex.; Joseph H. Morey, of Buffalo, N. Y.; Robert G. Blabey, of Albany, N. Y.; Thos. G. Finucane, of Washington, D. C.; Gabriel Kotcher, of Brooklyn, N. Y.; Glen H. Foe, of Lincoln, Nebr.; Thomas E. Murphy, of Chicago, Ill.; Robt. N. Anderson, of Lyon Village, Va.; Samuel Bradford Stewart, Jr., of New York City; H. Struve Hensel, of New York City; Claude L. Dawson, of Fargo, N. Dak.; Andrew Jack Lewis, of San Antonio, Tex.; John Gregory Bruce, of Pineville, Ky.; David A. Turner, of San Antonio, Tex.; Eugene F. Roth, of New York City; John Bernard O'Brien, Jr., of Vineland, N. J.; John M. F. Donovan, Jr., of Turners Falls, Mass.; John V. Copren, of San Francisco, Calif.; Stevenson Masson, of Baltimore, Md.; Burke G. Slaymaker, of Indianapolis, Ind.; and Clarence F. Merrell, of Indianapolis, Ind., were admitted to practice.

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No. 4. Claire A. Warner, Administratrix of the Estate of John M. Warner, deceased, petitioner, *v.* Edward F. Goltra, Doing Business under the Style and Name of the Goltra Barge Line. On writ of certiorari to the Supreme Court of the State of Missouri. 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 Cardozo.

No. 27. Hegeman Farms Corporation, appellant, *v.* Charles H. Baldwin, Thomas Parran, Jr., et al. Appeal from the District Court of the United States for the Southern District of New York.



Judgment affirmed with costs. Opinion by Mr. Justice Cardozo. Mr. Justice Sutherland concurs in the result.

No. 37. Zellerbach Paper Company, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue;

No. 38. Zellerbach Paper Company, as Transferee of A. S. Hopkins Company, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue; and

No. 39. National Paper Products Company, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. On writs of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgments reversed and cases remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Cardozo.

No. 35. National Paper Products Company, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue; and

No. 36. Zellerbach Paper Company, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. On writs of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgments reversed and cases remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Cardozo.

No. 146. Clifton Manufacturing Company, petitioner, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit. Judgment reversed and cause remanded to said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Cardozo.

No. 5. The City of Waco, Texas, petitioner, *v.* United States Fidelity & Guaranty Company et al. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Judgment reversed with costs and cause remanded to the said Circuit Court of Appeals with instructions to reinstate the appeal and to proceed therein in conformity with law. Opinion by Mr. Justice Roberts.

No. 6. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Susan Dwight Bliss; and

No. 7. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* William Albert Harbison. On writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgments affirmed, and cases remanded to the said Circuit Court of Appeals. Opinion by Mr. Justice Roberts.\*

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\*No. 8. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Mary Colgate. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment affirmed, per stipulation of counsel to abide the decision in No. 7.

No. 29. Arthur Mattson, appellant, *v.* Department of Labor and Industries of the State of Washington. Appeal from the Supreme Court of the State of Washington. Judgment affirmed with costs. Opinion by Mr. Justice Roberts.

No. 12. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Morgan's, Incorporated, et al. On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit. Decree affirmed, and cause remanded to the said Circuit Court of Appeals. Opinion by Mr. Justice Stone.

No. 15. Charles L. McNally, petitioner, *v.* Henry C. Hill, Warden United States Northeastern Penitentiary, Lewisburg, Pa. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Judgment affirmed, and cause remanded to the District Court of the United States for the Middle District of Pennsylvania. Opinion by Mr. Justice Stone.

No. 9. Thomas C. Rowley, as Treasurer of Converse County, State of Wyoming, et al., etc., petitioners, *v.* Chicago and Northwestern Railway Company. On writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit. Decree reversed with costs, and case remanded to the District Court of the United States for the District of Wyoming for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Butler.

No. 30. City Bank Farmers Trust Company, Executor under the Will of Thomas B. Clark, deceased, appellant, *v.* William A. Schnader, Attorney General of the Commonwealth of Pennsylvania, et al. Appeal from the District Court of the United States for the Eastern District of Pennsylvania. Decree affirmed with costs. Opinion by Mr. Justice Butler.

No. 11. George W. McCandless, as Receiver of Duquesne Gas Corporation, petitioner, *v.* Maxime H. Furlaud, Kingston Corporation, et al. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment reversed with costs, and cause remanded to the said Circuit Court of Appeals for the determination of the questions relating to the liability of the defendants decided by the District Court and presented by the appeal and cross appeal. Opinion by Mr. Justice Brandeis.

No. 18. Huey P. Long, petitioner, *v.* Samuel T. Ansell. On writ of certiorari to the United States Court of Appeals of the District of Columbia. Judgment affirmed with costs and cause remanded to the said Court of Appeals. Opinion by Mr. Justice Brandeis.

No. 25. The United States of America, appellant, *v.* Jacob Troy. Appeal from the District Court of the United States for the Middle District of Pennsylvania. 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 McReynolds.\*

No. 28. Robert C. Gillis, as Receiver of Western Oil and Refining Company, petitioner, *v.* State of California. 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. Justice McReynolds.

No. 10. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Stockholms Enskilda Bank. On writ of certiorari to the United States Court of Appeals for the District of Columbia. Judgment reversed, and cause remanded to said Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Sutherland announced by the Chief Justice.

No. 24. British-American Tobacco Company, Ltd., petitioner, *v.* Guy T. Helvering, 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 Sutherland announced by the Chief Justice.

No. 32. Brotherhood of Locomotive Firemen and Enginemen, David B. Robertson, et al., petitioners, *v.* Ella E. Pinkston. 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 Northern District of Ohio. Opinion by Mr. Justice Sutherland announced by the Chief Justice.

No. 16. Commonwealth of Virginia, petitioner, *v.* Imperial Coal Sales Company, Inc. On writ of certiorari to the Supreme Court of Appeals of the State of Virginia. Judgment reversed with costs, and cause remanded to said Supreme Court of Appeals for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Chief Justice Hughes.

No. 13. Detroit Trust Company, Trustee, petitioner, *v.* Steamer "Thomas Barlum", her engines, etc.; Barlum Steamship Company; and

No. 14. Detroit Trust Company, Trustee, petitioner, *v.* Steamer "John J. Barlum", her engines, etc.; Barlum Steamship Company.

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\*No. 26. The United States of America, appellant, *v.* Jacob Troy. Appeal from the District Court of the United States for the Middle District of Pennsylvania. Judgment reversed, per stipulation of counsel to abide the decision in No. 25.

On writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Decrees reversed with costs, and cases remanded to the District Court of the United States for the Western District of New York for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Chief Justice Hughes.

No. 1. Thomas M. Lynch, John J. Merrill, and John P. Hennessey, as Commissioners Constituting the State Tax Commissioners of the State of New York, petitioners, *v.* The People of the State of New York upon the relation of Elizabeth Pierson. On writ of certiorari to the Supreme Court of the State of New York. Writ of certiorari dismissed as improvidently granted. Opinion by Mr. Chief Justice Hughes.

No. 21. J. C. Pflueger, H. H. Pflueger, and George Rodiek *v.* George Sherman et al. On certificate from the United States Circuit Court of Appeals from the Ninth Circuit. Certificate dismissed. Opinion, *per curiam*, announced by Mr. Chief Justice Hughes.

The Chief Justice announced the following orders of the Court:

No. 437. Abe Rosen, appellant, *v.* Paul Fry, as Excise Director of the State of Indiana et al., etc. Appeal from the Supreme Court of the State of Indiana. *Per curiam*: The appeal is dismissed upon the ground that the jurisdictional statement fails to disclose any properly presented substantial federal question. Rule 12.

No. 450. Clayton E. Wheeler, appellant, *v.* James A. Farley, as Postmaster General, United States of America et al., etc. Appeal from the District Court of the United States for the Southern District of California. *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. 467. The 134 William Street Co., Inc., appellant, *v.* Thomas M. Lynch, as an Individual and as Former President of the State Tax Commission et al., etc. Appeal from the Supreme Court of the State of New York. The motion of appellees to dismiss the appeal herein is granted, and the appeal is dismissed for the reason that the judgment sought here to be reviewed is based upon a nonfederal ground adequate to support it. *Doyle v. Atwell*, 261 U. S. 590; *Farson Son & Co. v. Bird*, 248 U. S. 268, 271; *McCoy v. Shaw*, 277 U. S. 302; *Ohio ex rel. Eastman v. Stuart*, 291 U. S. 643.

No. 468. L. R. Kagarise, doing business under the fictitious name and style of Keystone Express System, appellant, *v.* Railroad Commission of the State of California et al. Appeal from the Supreme Court of the State of California. *Per curiam*: The motion of appellee to dismiss the appeal herein is granted, and the appeal is dismissed upon the ground that it does not appear that the decision of

a federal question was necessary to the determination of the cause or was actually determined. *Lynch v. New York ex rel. Pierson*, 293 U. S. —, decided November 5, 1934.

No. 477. Joseph H. Barwise and George Thompson, Jr., as Trustees, etc., appellants, *v. George H. Sheppard*, as Comptroller of the State of Texas et al., et al. Appeal from the District Court of the United States for the Western District of Texas. *Per curiam*: Decree affirmed. *Healy v. Ratta*, 292 U. S. 263.

The Chief Justice said:

“The other orders of the Court appear upon the list certified to by the Chief Justice and filed with the Clerk and will not be announced orally.”

No. —, original. *Ex parte*: Charlotte F. Jones, petitioner;

No. —, original. *Ex parte*: Joseph Poresky, petitioner;

No. —, original. *Ex parte*: G. B. Harrell, petitioner. Motions for leave to file petitions for writs of mandamus denied.

No. 460. Eric Lyders, petitioner, *v. Inger Marie Petersen et al.* Upon consideration of a motion by petitioner to diminish the record and to extend time for the filing and serving thereof, it is ordered that the petitioner's designation of parts of the record to be printed shall be served upon respondents within ten days of this date, and that the respondents shall have ten days from such service within which to file with the Clerk a designation of such additional portions of the record to be printed as may be necessary to the consideration of the petition for writ of certiorari. If it shall appear to the Court that the respondents have caused unnecessary parts of the record to be printed, such order as to printing and clerk's costs shall be made as the Court shall think proper. Rule 13, paragraph 9. The service required by Rule 38, paragraph 3, shall be made within 10 days after the completion of the printing of the record.

No. 454. The Stewart Dry Goods Company, appellant, *v. John B. Lewis et al.*;

No. 455. Fred Levy et al., appellants, *v. John B. Lewis et al.*;

No. 456. J. C. Penney Company, appellant, *v. John B. Lewis et al.*;

No. 457. The Kroger Grocery & Baking Company, appellant, *v. John B. Lewis et al.*; and

No. 465. Alaska Packers Association, appellant, *v. The Industrial Accident Commission of the State of California et al.* In these cases probable jurisdiction is noted.

No. 439. Wiloil Corporation, appellant, *v. Commonwealth of Pennsylvania*; and

No. 469. Henry L. Doherty & Company, appellant, *v. Frank Goodman*. 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. 254. Paramount Publix Corporation, petitioner, *v.* American Tri-Ergon Corporation. It is ordered that the petition for rehearing herein be, and the same is hereby, granted. The order heretofore entered on October 8, 1934, denying the petition for writ of certiorari is vacated, and it is ordered that the petition for writ of certiorari in this case be, and the same is hereby, granted.

No. 255. Altoona Public Theatres, Inc., petitioner, *v.* American Tri-Ergon Corporation et al.; and

No. 256. Wilmer & Vincent Corporation et al., petitioners, *v.* American Tri-Ergon Corporation et al. It is ordered that the petition for rehearing herein be, and the same is hereby, granted. The order heretofore entered on October 8, 1934, denying the petition for writs of certiorari is vacated, and it is ordered that the petition for writs of certiorari in these cases be, and the same is hereby, granted.

No. 395. William D. Gordon, Secretary of Banking of Pennsylvania, etc., petitioner, *v.* Joseph Ominsky et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit granted and the case is assigned for argument immediately following No. 394.

No. 413. Gulf, Mobile & Northern Railroad Company, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia granted limited to the question of the right of the taxpayer to deductions on account of amortization of bond discount, and the case is assigned for argument immediately following No. 107.

No. 471. The United States of America et al., petitioners. *v.* Bankers Trust Company et al.; and

No. 472. The United States of America et al., petitioners. *v.* Bankers Trust Company et al. The petition for writs of certiorari in these cases is granted and the cases are assigned for argument immediately following No. 270.

No. 434. J. Congdon Seabury, as Receiver, etc., petitioner, *v.* Beatrice C. Green, Administratrix, etc., et al. The petition for writ of certiorari to the Court of Common Pleas for Sumter County is granted and the case is assigned for argument immediately following No. 214.

No. 441. United States Mortgage Company and The Mortgage Guarantee Company, petitioners, *v.* Mary E. Matthews et al. Petition for writ of certiorari to the Court of Appeals of the State of Maryland granted and the case is assigned for argument immediately following No. 186.

No. 386. Manuel V. Domenech, Treasurer of Puerto Rico, petitioner, *v* The National City Bank of New York. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit granted.

No. 393. David Warshauer, petitioner, *v*. Lloyd Sabaudo, S. A., a Foreign Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is denied, for the reason that application for the writ of certiorari was not made within the time provided by law. Act of February 13, 1925, sec. 8 (a), 43 Stat. 936, 940; U. S. Code, Title 28, Sec. 350, *Medhurst v. S. S. "South American"*, 264 U. S. 587.

No. 264. Warren Steam Pump Company, petitioner, *v*. The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 397. Alice L. Maxfield, petitioner, *v*. Canadian Pacific Railway Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 399. James J. McShane, Administrator of the Estate of William P. McShane, deceased, et al., petitioners, *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. 401. Sabine Towing Company, Inc., et al., petitioners, *v*. Sophia Brennan, Administratrix, etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 411. Ahles Realty Corporation, petitioner, *v*. Guy T. Helvering, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 415. Investment Properties Corporation, petitioner, *v*. Wm. H. Moore, Jr., Trustee in Bankruptcy, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 417. Seiberling Rubber 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. 418. Joseph S. Laurent, Receiver of the Banco-Kentucky Company, et al., petitioners, *v*. Henry J. Stites, Trustee in Bankruptcy, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 419. Skelly Oil Company, petitioner, *v*. Universal Oil Products Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 420. The Cincinnati, Newport & Covington Railway Company, petitioner, *v.* The City of Covington, Kentucky, et al.; and

No. 421. The City of Covington, et al., petitioners, *v.* The Cincinnati, Newport and Covington Railway Company. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 422. The Cincinnati, Newport & Covington Railway Company, petitioner, *v.* The City of Cincinnati, Ohio, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 427. Hilton Lumber Company, petitioner, *v.* Gilliam Grissom, as Collector of Internal Revenue, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 428. The Cem Securities Corporation, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 436. Compagnie Francaise de Navigation a Vapeur, petitioner *v.* Emery J. San Souci, Collector of Customs, etc. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 440. Joseph A. Broderick, Superintendent of Banks of the State of New York, petitioner, *v.* Irving Trust Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 451. The Osgood Company and The Hercules Company, petitioners, *v.* Wendell F. Koger, Trustee, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 414. Theodore Malvin Vineyard, 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. 426. Mattie May Stalcup et al., petitioners, *v.* S. R. Stalcup. Petition for writ of certiorari to the Supreme Court of the State of Kansas denied.

No. 453. John Hassall, Inc., petitioner, *v.* Heyman Rosenberg and Parker-Kalon Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 1083, October Term, 1933. People of the State of Illinois *ex rel.* Jack J. Cobine, petitioner, *v.* Peter J. Angsten, Chairman, etc.;



No. 50. Union Pacific Railroad Company, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue;

No. 93. Dolores Costello Barrymore et al., petitioners, *v.* A. N. Kemp, Receiver, etc.;

No. 94. Dolores Costello Barrymore et al., petitioners, *v.* Fred J. Weiler, et al.;

No. 113. Marcia Webb Dort, Administratrix, etc., petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue;

No. 114. Marcia Webb Dort, Administratrix, etc., petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue;

No. 116. Henry M. Wallace et al., petitioners, *v.* O. R. Seagraves;

No. 160. Simon Beemsterboer, petitioner, *v.* People of the State of Illinois, *ex rel.* Joseph B. McDonough, County Treasurer, etc.;

No. 182. Aetna Life Insurance Company, petitioner, *v.* Mary H. Braukman;

No. 203. Texas and New Orleans Railroad Company et al., petitioners, *v.* Katie M. Webster et al.;

No. 220. Mary S. Witherbee et al., petitioners, *v.* Commissioner of Internal Revenue;

No. 263. Samuel Lesser, petitioner, *v.* People of the State of New York;

No. 285. Myra Page Wiren, petitioner, *v.* Shubert Theatre Corporation et al.;

No. 321. H. B. Gilliam et al., Receivers, etc., petitioners, *v.* The United States of America;

No. 409. Fae Robison, petitioner, *v.* First National Pictures, Inc., et al.; and

No. 459. J. R. Handy, Receiver of the Red River Bridge Company of Texas, petitioner, *v.* State of Oklahoma, *ex rel.* J. Berry King, Attorney General. Petitions for rehearing denied.

No. 233. John H. Frederick *v.* The United States of America. Motion of Mr. Solicitor General Biggs on behalf of the United States to defer consideration and the decision of this case granted, and the decision will be withheld for a reasonable length of time to afford an opportunity to seek legislative action.

No. 296. Borden's Farm Products Company, Inc., appellant, *v.* Charles H. Baldwin, as Commissioner of Agriculture, etc. Leave granted to file brief of The Independent Milk Dealers of Brooklyn and others as *amici curiae* on motion of Mr. Gabriel Kotcher in that behalf.

No. 15, original. The State of Wisconsin, complainant, *v.* The State of Michigan. Report of the Special Master presented.

No. 115. The Hammond Clock Company, petitioner, *v.* Henry T. Schiff. Motion to reverse submitted by Mr. Clifford C. Bradbury for the petitioner.

No. 383. G. D. Swinson, petitioner, *v.* Chicago, St. Paul, Minneapolis and Omaha Railway Company. Motion to advance submitted by Mr. Tom Davis and Mr. Ernest A. Michel for the petitioner, in support thereof and by Mr. Samuel H. Cady, and Mr. William T. Faricy for the respondent, in opposition thereto.

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No. 868, October Term, 1933. State of Ohio, Public Utilities Commission of Ohio et al., appellants, *v.* The United States of America et al. Reargued by Mr. H. Austin Hauxhurst for the appellant, Empire Sheet & Tin Plate Co.; by Mr. Donald C. Power, for the appellant, Public Utilities Commission of Ohio; by Mr. J. Stanley Payne for the appellees, United States and Interstate Commerce Commission; and by Mr. Guernsey Orcutt for the appellees, Railroad Interveners.

No. 22. Irving Trust Company, as Trustee in Bankruptcy, etc., petitioner, *v.* A. W. Perry, Inc. Argument commenced by Mr. Edward K. Hanlon for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, November 6, will be as follows: Nos. 22, 173, 296, 42, 47, 51, 54, 60, 62, and 68.

## 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, Mr. Justice Roberts, and Mr. Justice Cardozo.

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Abraham L. Freedman, of Philadelphia, Pa.; Roger Edward Davis, of Miami, Fla.; Franklin D. Trueblood, of Chicago, Ill.; George A. Edwards, of Chicago, Ill.; Eben Lesh, of Huntington, Ind.; Ernest L. Branhan, of Columbia, S. C.; David E. Snodgrass, of San Francisco, Calif.; Charles Francis Cocke, of Roanoke, Va.; Samuel Klaus, of Brooklyn, N. Y.; Eli Frank, Jr., of Baltimore, Md.; Alice L. Kelly Conner, of Washington, D. C.; and Wm. F. Kelly, Jr., of Bloomfield, N. J., were admitted to practice.

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No. 22. Irving Trust Company, as Trustee in Bankruptcy etc., petitioner, *v.* A. W. Perry, Inc. Argument continued by Mr. Edward K. Hanlon for the petitioner, and concluded by Mr. Thomas F. Dougherty for the respondent.

No. 173. Irving Trust Company, as Trustee in Bankruptcy etc., petitioner, *v.* Ingersoll Bowditch et al. Argued by Mr. Lester D. Melzer for the petitioner, and by Mr. Burton E. Eames for the respondents.

No. 296. Borden's Farm Products Company, Inc., appellant, *v.* Charles H. Baldwin, as Commissioner of Agriculture, etc., et al. Argument commenced by Mr. Walter E. Hope for the appellant, and continued by Mr. Henry S. Manley for the appellees.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, November 7, will be as follows: Nos. 296, 42, 47, 51, 54, 60, 62, 68, 69, and 72.

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## 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, Mr. Justice Roberts, and Mr. Justice Cardozo.

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Irwin Geiger, of Cleveland, Ohio; Lyttleton Waddell, of Charlottesville, Va.; Kenneth G. Heisler, of Seattle, Wash.; T. Wade Harrison, of Tampa, Fla.; and Gus C. Edwards, of Austin, Tex., were admitted to practice.

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No. 296. Borden's Farm Products Company, Inc., appellant, *v.* Charles H. Baldwin, as Commissioner of Agriculture, etc., et al. Argument continued by Mr. Henry S. Manley for the appellees, and concluded by Mr. Walter E. Hope for the appellant.

No. 42. E. R. Squibb & Sons *v.* Mallinckrodt Chemical Works. Argued by Mr. Frederick H. Wood for E. R. Squibb & Sons and by Mr. Frank Y. Gladney for Mallinckrodt Chemical Works.

No. 47. Sarah Enelow, petitioner, *v.* New York Life Insurance Company. Argued by Mr. Charles H. Sachs for the petitioner and by Mr. William H. Eckert for the respondent.

No. 51. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Union Pacific Railroad Company. Argued by Mr. H. Brian Holland for the petitioner and by Mr. Henry W. Clark for the respondent.

No. 54. E. Forrest Mitchell, Insurance Commissioner of the State of California, petitioner, *v.* Bertha E. Maurer et al. Argument commenced by Mr. Frank L. Guereña for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, November 8, will be as follows: Nos. 54, 60, 62, 68, 69, 72, 78, 91, 95, and 107.

## SUPREME COURT OF THE UNITED STATES

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Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Cardozo.

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David H. Fulton, of Boston, Mass.; Thomas B. Jackson, of Charleston, W. Va.; William Holt Wooddell, of Charleston, W. Va.; Frederick H. Hennighausen, of Baltimore, Md.; I. Irwin Bolotin, of Washington, D. C.; Isaac C. Wright, of Wilmington, N. C.; J. H. McLain, of Charlotte, N. C.; Herbert B. Gerhart, of Santa Fe, N. M.; and Charles F. Stein, Jr., of Baltimore, Md., were admitted to practice.

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No. 54. E. Forrest Mitchell, Insurance Commissioner of the State of California, petitioner, *v.* Bertha E. Maurer et al. Argument continued by Mr. Frank L. Guereña for the petitioner, and case submitted by Mr. Edw. D. Lyman and Mr. P. B. Plumb for the respondents.

No. 60. The Indiana Farmer's Guide Publishing Company, petitioner, *v.* The Prairie Farmer Publishing Company et al. Argument commenced by Mr. Eben Lesh for the petitioner; continued by Mr. Maxwell V. Beghtol for the respondent; and concluded by Mr. U. S. Lesh for the petitioner.

No. 62. Frances Wetzel, appellant, *v.* Ira J. Fulton, Superintendent of Banks of the State of Ohio, etc. Motion to dismiss submitted by Mr. Luther Day for the appellee, in support of the motion, and by Mr. Wm. K. Gardner and Mr. Merritt A. Vickery for the appellant in opposition thereto.

No. 62. Frances Wetzel, appellant, *v.* Ira J. Fulton, Superintendent of Banks of the State of Ohio, etc. Argument commenced by Mr. Merritt A. Vickery for the appellant; continued by Mr. Luther Day for the appellee; by Mr. John W. Bricker for the appellee; and by Mr. William K. Gardner for the appellant.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, November 9, will be as follows: Nos. 62, 68, 69, 72, 78, 91, 95, 107, 413, and 120.

## 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, Mr. Justice Roberts, and Mr. Justice Cardozo.

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S. Whitney Landon, of New York City; Frank A. Stamper, of Houston, Tex.; Jacob Logan Fox, of Chicago, Ill.; Margaret Parrish Setzler, of Kansas City, Mo.; James Thomas, of Baltimore, Md.; and Clarence Atwell Tucker, of Baltimore, Md., were admitted to practice.

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No. 62. Frances Wetzel, appellant, *v.* Ira J. Fulton, Superintendent of Banks of the State of Ohio, etc. Argument concluded by Mr. Wm. K. Gardner for the appellant.

No. 68. R. H. Davis, Trading as Davis Motor Sales, petitioner, *v.* Aetna Acceptance Company. Argued by Mr. Franklin D. Trueblood for the petitioner, and by Mr. W. S. Kleinman for the respondent.

No. 69. Fred L. Fox, in his individual right and in his official capacity as Tax Commissioner of the State of West Virginia, appellant, *v.* Standard Oil Company of New Jersey. Argued by Mr. Homer A. Holt for the petitioner, and by Mr. H. D. Rummel for the respondent.

No. 72. Lizzie May McCullough, Executrix, etc., petitioner, *v.* W. M. Smith, Administrator, etc. Argued by Mr. J. Howard McLain for the petitioner. No appearance for the respondent.

No. 78. David G. Dimick, petitioner, *v.* Peter Schiedt. Submitted by Mr. David H. Fulton and Mr. Leo M. Harlow for the petitioner, and by Mr. John G. Palfrey for the respondent.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, November 12, will be as follows: Nos. 91, 186, 441, 125, 95, 107, 413, 120, 134, and 142.

## 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, Mr. Justice Roberts, and Mr. Justice Cardozo.

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Emanuel Weitz, of Jersey City, N. J.; Milton E. Mermelstein, of Washington, D. C.; William L. Marcy, Jr., of Buffalo, N. Y.; Carl B. Carlton, of New York City; J. Calvin Carney, of Baltimore, Md.; Richard A. Mahar, of Washington, D. C.; Leon E. Kaumheimer, of Milwaukee, Wis.; Burton C. Meighan, Jr., of New York City; Douglass Van Dyke, of Milwaukee, Wis.; James O. Cade, of Amarillo, Tex.; Charles H. Kelby, of New York City; Frederick J. Powell, of New York City; Frank A. O'Brien, of Wheeling, W. Va.; Jay T. McCamic, of Wheeling, W. Va.; James E. Horton, of Durham, N. C.; Ambrose V. McCall of New York City; and John F. X. McGohey, of New York City, were admitted to practice.

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The Chief Justice said:

"The orders of the Court appear upon the list certified to by the Chief Justice and filed with the Clerk and will not be announced orally."

No. 868. October Term, 1933. The State of Ohio et al., appellants, *v.* The United States et al. Appeal from the District Court of the United States for the Southern District of Ohio. *Per curiam:* On full consideration the Court finds that the grounds advanced in the petition for rehearing are untenable, and that there is no reason for disturbing the judgment heretofore entered.

No. 491. The Hoover Motor Express Company, Inc., et al., appellants, *v.* Dancey Fort, Commissioner of Finance and Taxation, et al., etc. 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. *Stephenson v. Binford*, 287 U. S. 251, 264, 272, 275-276; *Continental Baking Co. v. Woodring*, 286 U. S. 352, 365-366, 369-371; *Sproles v. Binford*, 286 U. S. 374, 388-389, 391-396.

No. —, Original. *Ex parte:* Thomas J. Mooney, petitioner. A rule is ordered to issue, returnable within forty days from this date, requiring the respondent to show cause why leave to file the petition for a writ of habeas corpus should not be granted.

No. 15, Original. State of Wisconsin, complainant, *v.* State of Michigan. The report of the Special Master herein is received and ordered to be filed. It is ordered that exceptions to the said report, if any, be filed on or before December 10, next; that briefs upon such exceptions be filed on or before January 21; and that reply briefs, if any, be filed on or before February 4. The cause is assigned for hearing on Monday, February 11, next, at the head of the call for that day.

No. 383. G. D. Swinson, petitioner, *v.* Chicago, St. Paul, Minneapolis and Omaha Railway Company. The motion to advance this case is denied.

No. 115. The Hammond Clock Company, petitioner, *v.* Henry T. Schiff. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. *Per curiam*: On consideration of a suggestion by petitioner that the cause herein has become moot by reason of settlement between the parties, and of a motion by petitioner to reverse the decree of the Circuit Court of Appeals and to remand the cause with directions to dismiss, and respondent having consented to the entry of an order pursuant to the motion, it is ordered that the said motion be, and it is hereby, granted, and the decree of the Circuit Court of Appeals is reversed and the cause is remanded to the District Court with directions to vacate its decree and to dismiss the bill of complaint as against the respondent without prejudice, and without costs to either party, upon the ground that the cause is moot. *Brownlow v. Schwartz*, 261 U. S. 216; *United States v. Hamburg American Co.*, 239 U. S. 466, 477-478; *Commercial Cable Co. v. Burleson*, 250 U. S. 350, 362-363; *C. M. Patten & Co. v. United States*, 289 U. S. 705; *First Union Trust & Savings Bank v. Consumers Co.*, 290 U. S. 585; *Danciger Oil & Refining Co. v. Smith*, 290 U. S. 599.

No. 509. Pierre d'A. Philipppo, petitioner, *v.* People of the State of California. On petition for writ of certiorari to the District Court of Appeal, 3rd Appellate District, State of California. The motion for leave to proceed further herein *in forma pauperis* is denied, for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which a writ of certiorari should be granted. The petition for writ of certiorari is therefore also denied.

No. 452. George A. Adamos, petitioner, *v.* New York Life Insurance Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit granted and the case is advanced and assigned for argument on Monday, December 3 next.



No. 507. Morse Dry Dock & Repair Company, petitioner, *v.* Steamship "President Arthur." Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied. The Chief Justice took no part in the consideration or decision of this application.

No. 449. The United States of America, *ex rel.* John A. Campbell, petitioner, *v.* Henry C. Hill, Warden, U. S. Northeastern Penitentiary, Lewisburg, Pa. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 438. Thomas Lonergan, A. Unrein, et al., etc., petitioners, *v.* T. M. Lillard and W. D. Jochems, as Receivers, etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 442. The United States of America, on the relation of Albert R. Knight, etc., petitioner, *v.* William L. Mellon;

No. 443. The United States of America, on the relation of Albert R. Knight, etc., petitioner, *v.* H. L. Stone;

No. 444. The United States of America, on the relation of Albert R. Knight, etc., petitioner, *v.* Gale R. Nutty;

No. 445. The United States of America, on the relation of Albert R. Knight, etc., petitioner, *v.* F. A. Leovy;

No. 446. The United States of America, on the relation of Albert R. Knight, etc., petitioner, *v.* W. J. Guthrie; and

No. 447. The United States of America, on the relation of Albert R. Knight, etc., petitioner, *v.* George S. Davison. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 448. Rosa Greenbaum, as Administratrix, etc., petitioner, *v.* Columbian National Life Insurance Company of Boston, Mass. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 458. Shreveport Producing & Refining Company, Inc., petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 464. Eastern Ohio Transport Corporation, petitioner, *v.* City of Wheeling and Fred H. Frazier, Chief of Police, etc. Petition for writ of certiorari to the Supreme Court of Appeals of the State of West Virginia denied.

No. 473. Shefford Cheese Company, petitioner, *v.* Lakeshire Cheese Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 495. Pittsburgh Terminal Coal Corporation, petitioner, *v.* Martha Williams Bennett, Administratrix, etc. Petition for writ of

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

No. 191. Bessie D. Darby, petitioner, *v.* The Montgomery County National Bank, etc.; and

No. 366. Mississippi Valley Trust Company et al., petitioners, *v.* Commissioner of Internal Revenue. Petitions for rehearing denied.

ORDER

The Court will take a recess from Monday, November 19 to Monday, December 3 next.

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No. 91. Louise M. Hunt, a *Femme Sole*, etc., petitioner, *v.* Western Casualty Company. Argued by Mr. E. C. Street for the petitioner, and case submitted by Mr. Charles J. Faulkner, Jr., for the respondent.

No. 186. Fannie Abrams, George Pleayl, et al., appellants, *v.* George S. Van Schaick, as Superintendent of Insurance, etc. Motion for leave to file brief of S. Fay Carr and William L. Marcy, Jr., as *amici curiae* submitted by Mr. William L. Marcy, Jr., in that behalf and the motion denied.

No. 186. Fannie Abrams, George Pleayl, et al., appellants, *v.* George S. Van Schaick, as Superintendent of Insurance, etc. Leave granted appellants to file a reply brief on or before Thursday next on motion of Mr. Milton E. Mermelstein for the appellants.

No. 186. Fannie Abrams, George Pleayl, et al., appellants, *v.* George S. Van Schaick, as Superintendent of Insurance, etc. Argued by Mr. Morris L. Ernst for appellee, George S. Van Schaick, Superintendent of Insurance; by Mr. Samuel Kramer for appellee, Isidor Silberberg, and case submitted by Mr. Samuel Untermeyer, Mr. James M. Beck, and Mr. Edward Endelman for the appellants.

No. 441. United States Mortgage Company et al., petitioners, *v.* Mary E. Matthews et al. Argument commenced by Mr. James Thomas for the petitioner; continued by Mr. Charles F. Stein, Jr., and Mr. Frederick H. Hennighausen for the respondents; and concluded by Mr. William L. Marbury, Jr., for the petitioner.

No. 125. John P. McLaughlin, Collector of Internal Revenue, etc., petitioner, *v.* Pacific Lumber Company. Argument commenced by Mr. Solicitor General Biggs for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, November 13, will be as follows: Nos. 125, 95, 107, 413, 120, 134, 148, 154, 161, and 170.

## 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, Mr. Justice Roberts, and Mr. Justice Cardozo.

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Terese Haley Fromholz, of Washington, D. C.; George A. Affeldt, of Milwaukee, Wis.; Joseph Joffe, of New York City; Michael J. Mozola, of Hamtramck, Mich.; Leslie E. Martlew, of Wichita Falls, Tex.; John S. Bradway, of Durham, N. C.; and Gustave A. Stamm, of St. Louis, Mo., were admitted to practice.

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No. 125. John P. McLaughlin, Collector of Internal Revenue, etc., petitioner, *v.* Pacific Lumber Company. Argument continued by Mr. Solicitor General Biggs for the petitioner, by Mr. Claude R. Branch for the respondent; and concluded by Mr. Solicitor General Biggs for the petitioner.

No. 95. Catherine Llewellyn Van Wart etc., petitioner, *v.* Commissioner of Internal Revenue. Argued by Mr. Frederick R. Gibbs for the petitioner, and by Mr. Assistant Solicitor General MacLean for the respondent.

No. 107. Old Mission Portland Cement Company, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Argued by Mr. George E. H. Goodner for the petitioner, and by Mr. Robert N. Anderson for the respondent.

No. 413. Gulf, Mobile & Northern Railroad Company, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Argued by Mr. George E. H. Goodner for the petitioner, and by Mr. Robert N. Anderson for the respondent.

No. 120. The United States of America, petitioner, *v.* Guaranty Trust Company of New York. Argument commenced by Mr. Justin Miller for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, November 14, will be as follows: Nos. 120, 134, 148, 154, 161, 170, 178, 219, 176 (and 177), and 127.

## 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, Mr. Justice Roberts, and Mr. Justice Cardozo.

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John Morris Brady, of Oklahoma City, Okla.; Burnett Miller, of Culpeper, Va.; Samuel S. Leibowitz, of Brooklyn, N. Y.; George W. English, Jr., of Fort Lauderdale, Fla.; Lester C. Dibble, of Mason City, Iowa; Arthur L. Rule, of Mason City, Iowa; Edward I. Rothbart, of Chicago, Ill.; and Rolland O. Wilson, of Enid, Okla., were admitted to practice.

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No. 219. Abraham Posner, petitioner, *v.* Gustave Anderson, Individually and as Administrator, etc. Submitted by Mr. Emanuel van Dernoot for the petitioner, and by Mr. George L. Buland and Mr. Charles L. Minor for the respondent.

No. 120. The United States of America, petitioner, *v.* Guaranty Trust Company of New York. Argument continued by Mr. Justin Miller for the petitioner, and concluded by Mr. Theodore Kiendl for the respondent.

No. 134. Harry Schnell and Samuel Schnell, Co-partners, etc., petitioners, *v.* The Steamship "Vallescura", her engines, etc., et al. Argued by Mr. Joseph Joffe for the petitioner, and by Mr. Homer L. Loomis for the respondent.

No. 148. Marine National Exchange Bank of Milwaukee et al., petitioners, *v.* Kalt-Zimmers Manufacturing Company et al. Argument commenced by Mr. Leon E. Kaumheimer for the petitioner, and continued by Mr. Irving A. Fish for the respondent, and by Mr. George A. Affeldt for the petitioners.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, November 15, will be as follows: Nos. 148, 154, 161, 170, 215, 176 (and 177), 127, 247, and 178.

## SUPREME COURT OF THE UNITED STATES

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

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Llewellyn A. Luce, of Washington, D. C.; Alec Baker, of Miami, Fla.; Henry Burton Street, of Cincinnati, Ohio; and Coleman Avery, of Cincinnati, Ohio, were admitted to practice.

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No. 219. Abraham Posner, petitioner, *v.* Gustave Anderson, Individually, etc. Leave granted petitioner to file a reply brief within 3 days on motion of Mr. Gregory Hankin in behalf of counsel for petitioner.

No. 148. Marine National Exchange Bank of Milwaukee et al., petitioners, *v.* Kalt-Zimmers Manufacturing Company et al. Argument continued by Mr. George A. Affeldt for the petitioners, and concluded by Mr. Irving A. Fish for the respondents.

No. 154. The Mutual Life Insurance Company of New York, petitioner, *v.* E. E. Johnson, Administrator, etc. Argued by Mr. James C. Martin for the petitioner, and by Mr. Burnett Miller and Mr. John S. Barbour for the respondent.

No. 161. The United States of America, petitioner, *v.* Irah D. Spaulding. Argued by Mr. Will G. Beardslee for the petitioner, and by Mr. Warren E. Miller for the respondent.

No. 170. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Twin Bell Oil Syndicate. Argument commenced by Mr. Assistant Attorney General Wideman for the petitioner, and continued by Mr. George H. Koster for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, November 16 will be as follows: Nos. 170, 215, 176 (and 177), 127, and 247.

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, Mr. Justice Roberts, and Mr. Justice Cardozo.

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Morris Berick, of Pawtucket, R. I.; Albert Holmes Baldrige, of Oklahoma City, Okla.; J. Smith Christy, of Pittsburgh, Pa.; and Harold F. Trapp, of Lincoln, Ill., were admitted to practice.

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No. 100. Thomas W. White, Collector of Internal Revenue, petitioner, *v.* Katharine W. Atkins. On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit. Dismissed on motion of Mr. Solicitor General Biggs for the petitioner.

No. 170. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Twin Bell Oil Syndicate. Argument continued by Mr. George H. Koster for the respondent, and concluded by Mr. Assistant Attorney General Wideman for the petitioner.

No. 176. Williem E. Herring, petitioner, *v.* Commissioner of Internal Revenue; and

No. 177. Eula Day Herring, petitioner, *v.* Commissioner of Internal Revenue. Argued by Mr. Robert Ash for the petitioners and by Mr. Assistant to the Attorney General Stanley for the respondent.

No. 215. John C. Schumacher, Sheriff of Butler County, Ohio, petitioner, *v.* Ralph K. Beeler, Trustee, etc. Argued by Mr. Coleman Avery for the petitioner, and by Mr. Province M. Pogue and Mr. Henry B. Street for the respondent.

Adjourned until Monday, November 19 next, at 12 o'clock.

## SUPREME COURT OF THE UNITED STATES

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

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Frank H. Towsley, of New York City; Thomas L. Marshall, of Chicago, Ill.; Joseph S. Lewis, of Ponca City, Okla.; Dale Travis Lias, of Pittsburgh, Pa.; George Henry Huft, of Philadelphia, Pa.; H. R. Colwell, of East Falls Church, Va.; John Leo Quinlan, of New York City; and H. Loy Anderson, of Ocala, Fla., were admitted to practice.

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The Chief Justice announced the following order:

No. 186. Fannie Abrams et al., appellants, *v.* George S. Van Schaick as Superintendent of Insurance of the State of New York et al. Appeal from the Supreme Court of the State of New York. *Per curiam:* The Court of Appeals of the State of New York reversed an order of the Special Term of the Supreme Court which enjoined the Superintendent of Insurance from making any payments for expenditures incurred in connection with plans of reorganization promulgated under Chapter 745 of the Laws of 1933 relating to guaranteed participating certificates sold by the New York Title and Mortgage Company. The motion for injunction, denied by the Court of Appeals, was made in advance of the promulgation of a plan by the Superintendent of Insurance applicable to the interests of the appellants. Whether, if a plan of reorganization is promulgated by the Superintendent of Insurance it will be approved by the Court as required by the statute, or whether, if so approved, it will be opposed by certificate holders, or will receive the assent of the present appellants, or will operate to deprive them of any asserted constitutional right, are matters of conjecture. The appeal is dismissed for the want of a substantial Federal question. *Liverpool, New York & Philadelphia S. S. Co. v. Commissioners of Emigration*, 113 U. S. 33, 39; *California v. San Pablo & Tulare R. R. Co.*, 149 U. S. 308, 314; *Stearns v. Wood*, 236 U. S. 75, 78; *Cincinnati v. Vester*, 281 U. S. 439, 449.

The Chief Justice said:

"The other orders of the Court appear upon the list certified to by the Chief Justice and filed with the Clerk and will not be announced orally."

No. 42. *E. R. Squibb & Sons v. Mallinckrodt Chemical Works*. On certificate from the United States Circuit Court of Appeals for the Eighth Circuit. *Per curiam*: The Circuit Court of Appeals has certified the following questions: "Question 1. Where, on an appeal properly in this court, the appellee contends that one of the assignments of errors has been abandoned and all others are not presentable because defective either as assignments of errors or as specifications of errors and urges affirmance of the decree appealed from, and this court determines that such contention is well founded in all respects and that no issue on the merits is, for such reasons, presentable to it, is it proper to affirm the decree appealed from?"

"Question 2. If question 1 should be answered in the negative, should the order of this court be a dismissal without prejudice?"

Where an appellant fails to file assignments of error as required by the applicable rule (28 U. S. C. 862, 880; Rule No. 11 of the Rules of the Circuit Court of Appeals for the Eighth Circuit), the appeal may be dismissed. Compare Rules of this Court No. 9 and No. 27, pars. 4, 5. But where an appeal is properly before the Court and, upon hearing the appeal, the Court determines that such assignments of error as have been duly filed have been abandoned, the Court may affirm the decree from which the appeal is taken. Question No. 1 is answered in the affirmative. It is so ordered.

No. 91. *Louise M. Hunt, a Femme Sole, Personally and as Guardian of the Estate of Jack Russell Hunt and Sarah Ann Hunt, Minors, petitioner, v. Western Casualty Company*. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. *Per curiam*: While, under the applicable law of Texas, the District Court was without authority in this suit to enforce an award of the Industrial Accident Board to afford a trial *de novo* (*Vestal v. Texas Emp. Ins. Ass'n.*, 285 S. W. 1041; *Texas Emp. Ins. Ass'n. v. Neal*, 11 S. W. (2d) 847; 14 S. W. (2d) 793), the question of the true construction of the award was necessarily presented, and the decision of the Circuit Court of Appeals in reviewing the judgment of the District Court may be regarded as resting upon the determination of that question. The writ of certiorari is dismissed as improvidently granted.

No. 219. *Abraham Posner, petitioner, v. Gustave Anderson, Individually and as Administrator of the Estate of Mary Moran Anderson, etc.* On writ of certiorari to the Supreme Court of the State of New York. *Per curiam*: It appearing that petitioner is not a



party to the record, the writ of certiorari is dismissed as improvidently granted.

No. 62. Frances Wetzel, appellant, *v.* Ira J. Fulton, Superintendent of Banks of the State of Ohio, etc. Appeal from the Supreme Court of the State of Ohio. *Per curiam*: The appeal herein is dismissed for the want of jurisdiction: (1) Lynch *v.* New York *ex rel.* Pierson, 292 U. S. — (decided November 5, 1934); (2) Gibbes *v.* Zimmerman, 290 U. S. 326, 332.

No. 461. Martha Bright Farms, Inc., Everglade Farms, et al., appellants, *v.* Harry C. Davis, Bradford-Irving Corporation, et al. Appeal from the Supreme Court of the State of Florida. *Per curiam*: The motion of appellees to dismiss the appeal herein is granted, and the appeal is dismissed for the want of a substantial Federal question. Milheim *v.* Moffat Tunnel District, 262 U. S. 710, 717-721; Rindge Co. *v.* Los Angeles, 262 U. S. 700, 705-708; Olcott *v.* The Supervisors, 16 Wall. 678, 694-698; Township of Pine Grove *v.* Talcott, 19 Wall. 666, 676-677.

No. —, original. *Ex parte*: G. C. Wood, petitioner. The motion for leave to file petition for writ of habeas corpus is denied.

No. 462. George P. Hudson and Abraham E. Massman, petitioners, *v.* Texas Gulf Sulphur Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied. Mr. Justice Stone took no part in the consideration or decision of this application.

No. 512. Consolidated Dairy Products Company, Inc., petitioner, *v.* Irving Trust Company, as Trustee, etc.; and

No. 513. Consolidated Dairy Products Company, Inc., petitioner, *v.* Irving Trust Company, as Trustee, etc. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied. Mr. Justice Stone and Mr. Justice Roberts took no part in the consideration or decision of this application.

No. 110. Nelson E. Johnson, Receiver of Atlantic, Pacific & Gulf Oil Company et al., petitioners, *v.* Kansas City, Missouri, a Municipal Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 463. Frances H. Jeffers, petitioner, *v.* Bankers Life Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 466. Firemen's Insurance Company, petitioner, *v.* Otto L. Follett and Henry C. Bennett. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 476. General Gas & Electric Corporation, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 497. Jonesboro Compress Company, petitioner, *v.* Mente & Company, Inc.; and

No. 498. Jonesboro Compress Company, petitioner, *v.* Mente & Company, Inc. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 369. C. Wilbur Miller et al., petitioners, *v.* The Pyrites Company, Inc. et al.; and

No. 370. O. E. Merrell et al., petitioners, *v.* The Pyrites Company et al. Petition for rehearing denied.

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No. 270. Norman C. Norman, petitioner, *v.* The Baltimore and Ohio Railroad Company;

No. 471. The United States of America et al., petitioners, *v.* Bankers Trust Company et al.;

No. 472. The United States of America et al., petitioners, *v.* Bankers Trust Company et al.;

No. 531. F. Eugene Nortz *v.* The United States; and

No. 532. John M. Perry *v.* The United States. Cases assigned for argument on Tuesday, January 8, 1935, on motion of Mr. Solicitor General Biggs for the United States.

No. 303. Charles Gass, petitioner, *v.* Louis S. Wetmore et al. Leave granted to file petition for rehearing on motion of Mr. James J. Lenihan in behalf of counsel for the petitioner.

No. 9. Thomas C. Rowley, as Treasurer, etc., et al., petitioners, *v.* Chicago and Northwestern Railway Company. Mandate stayed on motion of Mr. William T. Faricy for the respondent.

No. 527. State of Florida ex rel. Stephen A. Vetter, appellant, *v.* W. V. Knott, State Treasurer and Ex Officio Insurance Commissioner. Appeal from the Supreme Court of the State of Florida. Dismissed, per stipulation, on motion of counsel for the appellant.

Adjourned until Monday, December 3, at 12 o'clock.

The day call for Monday, December 3 will be as follows: Nos. 452, 102, 208, 127, 128, 131 (132 and 133), 142, 178, 183, and 210.

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, Mr. Justice Roberts, and Mr. Justice Cardozo.

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Fred W. Catlett, of Seattle, Wash.; James A. Hoffman, of Washington, D. C.; Robt. L. Nase, of Richmond, Va.; Edmund Dill Scotti, of New York City; Oscar Moss, of Los Angeles, Calif.; Wallace T. Hughes, of Chicago, Ill.; Howard F. Burns, of Cleveland, Ohio; Julian S. Lawrence, of Norfolk, Va.; Merrell E. Clark, of New York City; Henry R. Ashton, of Bronxville, N. Y.; Ralph Elmore Williamson, of Minneapolis, Minn.; and Harold R. Oakes, of New York City, were admitted to practice.

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No. 68. R. H. Davis, Trading as Davis Motor Sales, petitioner, *v.* Aetna Acceptance Company. On writ of certiorari to the Appellate Court of the State of Illinois, First District. Judgment reversed with costs, and cause remanded to the said Appellate Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Cardozo.

No. 154. The Mutual Life Insurance Company of New York, petitioner, *v.* E. E. Johnson, Administrator of Benjamin F. Cooksey, deceased. On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit. Judgment affirmed with costs, and cause remanded to the District Court of the United States for the District of West Virginia. Opinion by Mr. Justice Cardozo.

No. 22. Irving Trust Company, as Trustee in Bankruptcy of Outfitters Operating Realty Co., Inc., petitioner, *v.* A. W. Perry, Inc. 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. Justice Roberts.

No. 173. Irving Trust Company, as Trustee in Bankruptcy of Sarnoff-Irving Hat Stores, Inc., Bankrupt, petitioner, *v.* Ingersoll Bowditch et al. 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. Justice Roberts.

No. 170. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Twin Bell Oil Syndicate. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. 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. Justice Roberts.

No. 176. William E. Herring, petitioner, *v.* Commissioner of Internal Revenue; and

No. 177. Eula Day Herring, petitioner, *v.* Commissioner of Internal Revenue. On writs of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Judgments reversed and cases remanded to the said Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Roberts.

No. 51. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Union Pacific Railroad Company. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment affirmed and cause remanded to the said Court of Appeals. Opinion by Mr. Justice Stone.

No. 107. Old Mission Portland Cement Company, petitioner, *v.* Guy T. Helvering, as Commissioner of Internal Revenue. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgment affirmed and cause remanded to the said Court of Appeals. Opinion by Mr. Justice Stone. Mr. Justice Butler and Mr. Justice Roberts think that so much of the judgment as sanctions the Commissioner's refusal to deduct the bond discount should be reversed.

No. 413. Gulf, Mobile & Northern Railroad Company, petitioner, *v.* Guy T. Helvering, as Commissioner of Internal Revenue. On writ of certiorari to the United States Court of Appeals for the District of Columbia. Judgment affirmed and cause remanded to the said Court of Appeals. Opinion by Mr. Justice Stone. Mr. Justice Butler and Mr. Justice Roberts think the judgment should be reversed.

No. 134. Harry Schnell and Samuel Schnell, Copartners, etc., petitioners, *v.* The Steamship "Vallescura" her Engines, etc., et al. 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 for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Stone.

No. 55. Albert W. Hamilton, by Albert Hamilton, his Guardian ad litem, et al., appellants, *v.* The Regents of the University of California et al. Appeal from the Supreme Court of the State of California. Judgment affirmed with costs. Opinion by Mr. Justice Butler. Concurring opinion by Mr. Justice Cardozo in which Mr. Justice Brandeis and Mr. Justice Stone join.

No. 60. The Indiana Farmer's Guide Publishing Company, petitioner *v.* The Prairie Farmer Publishing Company et. al. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Judgment reversed with costs, and cause remanded to the District Court of the United States for the Southern District of Indiana with directions that petitioner be granted a new trial. Opinion by Mr. Justice Butler.

No. 54. E. Forrest Mitchell, Insurance Commissioner of the State of California, petitioner, *v.* Bertha E. Maurer and International Re-Insurance Corporation. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Decree reversed with costs, and cause remanded to the District Court of the United States for the Southern District of California with directions to dismiss the bill for want of federal jurisdiction. Opinion by Mr. Justice Brandeis.

No. 72. Lizzie May McCullough, Executrix of the Estate of Ida Reid, deceased, petitioner, *v.* W. M. Smith, Administrator, etc. On writ of certiorari to 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. Justice McReynolds.

No. 441. United States Mortgage Company et al., petitioners, *v.* Mary E. Matthews and John Matthews. On writ of certiorari to the Court of Appeals of the State of Maryland. Decree reversed with costs, and cause remanded to the said Court of Appeals for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice McReynolds.

No. 296. Borden's Farm Products Company, Inc., appellant, *v.* Charles H. Baldwin, as Commissioner of Agriculture and Markets 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. Decree 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. Chief Justice Hughes. Mr. Justice Stone and Mr. Justice Cardozo concur in the result.

No. 17. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Leland Powers, Executor, et al. On writ of certiorari

to the United States Circuit Court of Appeals for the First Circuit. Decree 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.

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The Chief Justice announced the following order of the Court:

No. 435. Wishnatzki & Nathel, Jill Bros., Inc., et al., appellants, v. Railway Express Agency, Inc., et al. Appeal from the District Court of the United States for the Southern District of New York. *Per curiam*: The appeal herein is dismissed for the want of jurisdiction. Judicial Code, Sec. 238 (4) as amended by the Act of February 13, 1925 (43 Stat. 936, 938). Pittsburgh & West Virginia Ry. Co. v. United States, 281 U. S. 479, 486, 488; Standard Oil Company (Indiana) v. United States, 283 U. S. 235, 241.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified to by the Chief Justice and filed with the Clerk and will not be announced orally."

No. 9. Thomas C. Rowley, as Treasurer, etc., petitioners, v. Chicago and Northwestern Railway Company. Ordered that in this cause the opinion announced November 5, 1934 be and hereby it is amended by inserting at the end and before the words "Decree reversed" these words: "The district court may cause to be corrected the error in calculation referred to in marginal note 2."

No. 528. Joseph A. Broderick, Superintendent of Banks, etc., appellant, v. Mary Rosner et al. In this case probable jurisdiction is noted.

No. 506. Charles Minchella, petitioner, v. The State of Michigan. On petition for writ of certiorari to the Supreme Court of the State of Michigan; and

No. 535. John P. Goodman, petitioner, v. Louis E. Kunkle, Warden, Indiana State Prison. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. The motions for leave to proceed further herein *in forma pauperis* are denied for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which writs of certiorari should be granted. The petitions for writs of certiorari are therefore also denied.

No. 496. Lawyers County Trust Company, petitioner, v. William Reichert et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted and the case assigned for argument immediately following the hearing of No. 292.

No. 478. Fox Film Corporation, petitioner, *v.* A. B. Muller. Petition for writ of certiorari to the Supreme Court of the State of Minnesota granted.

No. 479. Continental Illinois National Bank and Trust Company of Chicago, petitioner, *v.* The Chicago, Rock Island & Pacific Railway Company et al.;

No. 480. Continental Illinois National Bank and Trust Company, petitioner, *v.* The Chicago, Rock Island & Pacific Railway Company, et al.;

No. 481. The Chase National Bank of the City of New York, petitioner, *v.* The Chicago, Rock Island & Pacific Railway Company et al.;

No. 482. The Chase National Bank of the City of New York, petitioner, *v.* The Chicago, Rock Island & Pacific Railway Company, et al.;

No. 483. Mississippi Valley Trust Company, petitioner, *v.* The Chicago, Rock Island & Pacific Railway Company et al.;

No. 484. Mississippi Valley Trust Company, petitioner, *v.* The Chicago, Rock Island & Pacific Railway Company et al.;

No. 485. Harris Trust and Savings Bank, petitioner, *v.* The Chicago, Rock Island & Pacific Railway Company et al.;

No. 486. Harris Trust and Savings Bank, petitioner, *v.* The Chicago, Rock Island & Pacific Railway Company et al.;

No. 487. The New York Trust Company, petitioner, *v.* The Chicago, Rock Island & Pacific Railway Company et al.;

No. 488. The New York Trust Company, petitioner, *v.* The Chicago, Rock Island & Pacific Railway Company et al.;

No. 489. Reconstruction Finance Corporation, petitioner, *v.* The Chicago, Rock Island & Pacific Railway Company, et al.; and

No. 490. Reconstruction Finance Corporation, petitioner, *v.* The Chicago, Rock Island & Pacific Railway Company et al. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted.

No. 499. Great Northern Railway Company, petitioner, *v.* P. B. Sullivan, Doing Business as Alberta Coal Sales Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit granted.

No. 342. Madison L. Miller, Jr., petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit granted.

No. 519. William A. S. Douglas and The American Mercury, Inc., petitioners, *v.* Elijah William Cunningham et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit granted.

No. 521. Steamship "Ansaldo San Giorgio I", Societa Nazionale Di Navigazione, Claimant, petitioner, *v.* The Rheinstrom Brothers Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 522. Manufacturers' Finance Company, petitioner, *v.* Frank M. McKey, as Trustee, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted.

No. 524. Aktieselskabet "Cuzco", as Owner, etc., petitioner, *v.* Steamship "Sucarseco", etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 502. Elizabeth M. Tolfree, petitioner, *v.* New York Title & Mortgage Company et al.;

No. 503. Beatrice Olive Rees, petitioner, *v.* New York Title & Mortgage Company et al.;

No. 504. Flora Jacoby, et al., petitioners, *v.* Bond and Mortgage Guarantee Company et al.; and

No. 505. Edith Depen and Alfred Depen, petitioners, *v.* Lawyers Title & Guaranty Company et al. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied. The Chief Justice took no part in the consideration or decision of this application.

No. 470. John E. Gardner, 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. 474. Erie Railroad Company, petitioner, *v.* Emma Fritsch et al.; and

No. 475. Erie Railroad Company, petitioner, *v.* David Landau, Individually, et al. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 493. Randolph S. Warner, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 492. Oregon-Washington Railroad & Navigation Company, petitioner, *v.* Lawrence S. Jorgensen. Petition for writ of certiorari to the Supreme Court of the State of Washington denied.

No. 494. George A. Threlkeld, 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. 500. Standard Oil Company of Colorado, petitioner, *v.* Standard Oil Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.



No. 501. Oscar M. Hartzell, 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. 508. John M. Freeman, 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. 510. Lavinia R. Strong, petitioner, *v.* John J. Rogers, Collector, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 514. Thomas O'Connor, petitioner, *v.* Ida Davitt. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 525. New York & Cuba Mail Steamship Company, petitioner, *v.* American Steamship Owners Mutual Protection and Indemnity Association, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 9. Thomas C. Rowley, as Treasurer, etc., et al., petitioners, *v.* Chicago and Northwestern Railway Company;

No. 11. George W. McCandless, as Receiver, etc., petitioner, *v.* Maxime H. Furlaud et al.;

No. 32. Brotherhood of Locomotive Firemen and Enginemen et al., petitioners, *v.* Ella E. Pinkston;

No. 303. Charles Gass, petitioner, *v.* Louis S. Wetmore et al.;

No. 397. Alice L. Maxfield, petitioner, *v.* Canadian Pacific Railway Company; and

No. 401. Sabine Towing Company, Inc., et al., petitioners, *v.* Sophia Brennan, Administratrix, etc., et al. Petitioners for rehearing denied.

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No. 452. George A. Adamos, petitioner, *v.* New York Life Insurance Company. Argued by Mr. Charles H. Sachs for the petitioner, and by Mr. Wm. H. Eckert for the respondent.

No. 102. Samuel B. Smith, petitioner, *v.* E. H. Snow et al. Argument commenced by Mr. Newton D. Baker for the petitioner, and continued by Mr. Ralph E. Williamson for the respondents.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, December 4, will be as follows: Nos. 102, 208, 127, 128, 131 (132 and 133), 142, 178, 183, 210, and 289.

## 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, Mr. Justice Roberts, and Mr. Justice Cardozo.

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S. Mortimer Ward, Jr., of New York City; John Joseph Hennessy, of Savannah, Ga.; Wm. C. Cook, of Nashville, Tenn.; and John D. Shaner, of Pittsburgh, Pa., were admitted to practice.

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No. 442. The United States of America, on the relation of Albert R. Knight, etc., petitioner, *v.* William L. Mellon;

No. 443. The United States of America, on the relation of Albert R. Knight, etc., petitioner, *v.* H. L. Stone;

No. 444. The United States of America, on the relation of Albert R. Knight, etc., petitioner, *v.* Gale R. Nutty;

No. 445. The United States of America, on the relation of Albert R. Knight, etc., petitioner, *v.* F. A. Leovy;

No. 446. The United States of America, on the relation of Albert R. Knight, etc., petitioner, *v.* W. J. Guthrie; and

No. 447. The United States of America, on the relation of Albert R. Knight, etc., petitioner, *v.* George S. Davison. Time within which to file petition for rehearing extended for 30 days on motion of Mr. James J. Lenihan in behalf of counsel for the petitioner.

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No. 102. Samuel B. Smith, petitioner, *v.* E. H. Snow et al. Argument continued by Mr. Ralph E. Williamson for the respondents and concluded by Mr. Albert L. Ely for the petitioner.

No. 208. Herbert H. Waxham, doing business as Waxham Hatcheries, petitioner, *v.* Samuel B. Smith et al. Argued by Mr. Drury W. Cooper for the petitioner and by Mr. Albert L. Ely for the respondents.

No. 127. Evelyn F. Gregory, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Arguments commenced by Mr. Hugh Satterlee for the petitioner and continued by Mr. Solicitor General Biggs for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, December 5, will be as follows: Nos. 127, 128, 131 (132 and 133), 142, 178, 183, 210, 289, 211, and 212.

## 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, Mr. Justice Roberts, and Mr. Justice Cardozo.

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Max Felix, of Los Angeles, Calif.; H. F. McNenny, of Cleveland, Ohio; Walter J. Blenko, of Pittsburgh, Pa.; Bruce G. Mackey, of Pittsburgh, Pa.; Albert Grobstein, of Washington, D. C.; Q. C. Davis, Jr., of Norfolk, Va.; William R. Meagher, of New York City; and Edward Hoopes III, of Pittsburgh, Pa., were admitted to practice.

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No. 127. Evelyn F. Gregory, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Argument continued by Mr. Solicitor General Biggs for the respondent and concluded by Mr. Hugh Satterlee for the petitioner.

No. 128. David Graves George, petitioner, *v.* Victor Talking Machine Company. Argument commenced by Mr. Minitree J. Fulton for the petitioner and continued by Mr. Louis Levinson for the respondent. The Court declined to hear further argument for petitioner.

No. 131. Keystone Driller Company, petitioner, *v.* Northwest Engineering Corporation;

No. 132. Keystone Driller Company, petitioner, *v.* Harnischfeger Corporation; and

No. 133. Keystone Driller Company, petitioner, *v.* Bucyrus-Erie Company. Argued by Mr. Clarence P. Byrnes for the petitioner; and by Mr. Frank Parker Davis for the respondents.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, December 6, will be as follows: Nos. 142, 178, 183, 210, 289, 211, 212, 213, 135 (and 260), and 214.

## SUPREME COURT OF THE UNITED STATES

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Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Cardozo.

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Fannie M. Boyls, of Beaumont, Tex.; Waldo A. Ross, of Washington, D. C.; Reginald S. Laughlin, of San Francisco, Calif.; Frank C. Huntington, of Oneonta, N. Y.; Sterling P. Harrington, of Oneonta, N. Y.; Charles Sterling Hutcheson, of Boydton, Va.; and Harry H. Holt, Jr., of Hampton, Va., were admitted to practice.

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No. 142. Noah Stewart, appellant, *v.* Robert Keyes et al. Argued by Mr. William Neff for the appellant and by Mr. Richard H. Wills for the appellees.

No. 178. Baltimore & Carolina Line, Inc., petitioner, *v.* Donald Redman. Argued by Mr. George Whitefield Betts, Jr., for the petitioner and by Mr. Martin A. Schenck for the respondent.

No. 183. The Nashville, Chattanooga & St. Louis Railway, appellant, *v.* Frank W. Webster, Commissioner of Highways, et al. Argued by Mr. Fitzgerald Hall for the appellant and by Mr. Edwin F. Hunt for the appellees.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, December 7, will be as follows: Nos. 210, 289, 211, 212, 213, 135 (and 260), 214, 434, 221, and 234.

## SUPREME COURT OF THE UNITED STATES

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Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Cardozo.

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James P. Aylward, of Kansas City, Mo.; Alfred B. Nathan, of New York City; Howard W. Wright, of Los Angeles, Calif.; Wellington P. Guild, of Columbus, Ohio; Loucks B. Brown, of Kenton, Ohio; Fred Markley, of Kenton, Ohio; John J. Douglass, of East Boston, Mass.; Eberhard P. Deutsch, of New Orleans, La.; Ellen Chaffee Callicott, of Washington, D. C.; Brinkley E. Callcott, of Washington, D. C.; Paul Thomas Mahon, of Kenton, Ohio; and Orville Linwood Williams, of Swan Quarter, N. C., were admitted to practice.

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No. 210. The Wilber National Bank of Oneonta, New York, as Administrator, etc., petitioner, *v.* The United States of America. Argued by Mr. Wm. Wolff Smith for the petitioner, and by Mr. Will G. Beardslee for the respondent.

No. 289. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Walter W. Taylor. Argued by Mr. Assistant Attorney General Wideman for the petitioner, and by Mr. Truman Henson for the respondent.

No. 211. Shanferoke Coal & Supply Corporation of Delaware, petitioner, *v.* Westchester Service Corporation. Argued by Mr. Alfred B. Nathan for the petitioner, and by Mr. Ernest E. Wheeler for the respondent.

No. 212. West Ohio Gas Company, appellant, *v.* The Public Utilities Commission of Ohio; and

No. 213. West Ohio Gas Company, appellant, *v.* The Public Utilities Commission of Ohio. Submitted by Mr. Edmond W. Hebel, Mr. Harry O. Bentley, and Mr. Charles C. Marshall, for the appellant, and by Mr. John W. Bricker and Mr. Donald C. Power for the appellee.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, December 10, will be as follows: Nos. 135 (and 260), 214, 434, 221, 234, 247, 249, 261 (and 262), 268, and 271.

## 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, Mr. Justice Roberts, and Mr. Justice Cardozo.

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Daniel Colquitt, of Washington, D. C.; W. Edward Lee, of Longview, Texas; Chas. A. Wolverton, of Camden, N. J.; Henry Marcus Cohn, of Cincinnati, Ohio; A. L. Greenspun, of Cleveland, Ohio; Clyde R. Chapman, of Belfast, Maine; Allen E. Throop, of Washington, D. C.; Emil Francis Goldhaber, of Philadelphia, Pa.; Henry H. Koven, of Chicago, Ill.; Merritt W. Oldaker, of Albuquerque, N. Mex.; Harry C. Blanton, of Sikeston, Mo.; and Edgar Philip Eaton, of New York City, were admitted to practice.

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No. 148. Marine National Exchange Bank of Milwaukee and West Side Bank, petitioners, *v.* Kalt-Zimmers Manufacturing Company and M. H. Grossman, Trustee, etc. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Judgment reversed with costs, and cause remanded to the District Court of the United States for the Eastern District of Wisconsin for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Cardozo.

No. 125. John P. McLaughlin, Collector of Internal Revenue for the First District of California, petitioner, *v.* Pacific Lumber Company. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgment reversed with costs, and cause remanded to the District Court of the United States for the Northern District of California for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Butler.

No. 120. The United States of America, petitioner, *v.* Guaranty Trust Company 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 Brandeis.

The Chief Justice said:

"The orders of the Court appear upon the list certified to by the Chief Justice and filed with the Clerk and will not be announced orally."

No. —, original. *Ex parte*; Joseph A. Platek. The motion for leave to file petition for writ of habeas corpus is denied.

No. 553. Carl Collier and Angelo D'Alessandro, petitioners, *v.* The State of Florida. On petition for writ of certiorari to the Supreme Court of the State of Florida. The motion for leave to proceed further herein in forma pauperis is denied for the reason that the Court upon examination of the papers herein submitted finds no ground upon which a writ of certiorari should be granted. The petition for writ of certiorari is therefore also denied.

No. 538. Harry Semler, appellant, *v.* Oregon State Board of Dental Examiners et al. Further consideration of the question of the jurisdiction of this Court in this case is postponed to the hearing of the case on the merits.

No. 567. Spielman Motor Sales Co., Inc., appellant, *v.* William C. Dodge, as District Attorney, etc. In this case probable jurisdiction is noted.

No. 511. H. M. Byllesby & Company, petitioner, *v.* Honorable Merrill E. Otis, Judge, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 515. Remington Rand Business Service, Inc., petitioner, *v.* Acme Card System Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 516. Teal Motor Company, Inc., petitioner, *v.* Orient Insurance Company, Inc., et al.; and

No. 517. Teal Motor Company, Inc., petitioner, *v.* Atlas Assurance Company, Inc. Petition for writs of certiorari to the Supreme Court of the Philippine Islands denied.

No. 518. Austin Organ Company, petitioner, *v.* Hartwell K. Hawthorne et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 520. Pacific Fire Insurance Company, petitioner, *v.* Pennsylvania Sugar Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 542. Manhattan Oil Company et al., petitioners, *v.* George A. Mosby. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 62. Frances Wetzel, appellant, *v.* Ira J. Fulton, Superintendent of Banks, etc. Petition for rehearing denied.

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ORDER

The Court will take a recess from Monday, December 17, to Monday, January 7, 1935.

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No. 135. Panama Refining Company et al., petitioners, *v.* A. D. Ryan et al.; and

No. 260. Amazon Petroleum Corporation et al., petitioners, *v.* Archie D. Ryan. Four hours and one half allowed for oral argument. Argument commenced by Mr. James N. Saye for the petitioner in No. 260; continued by Mr. Assistant Attorney General Stephens for the respondents; and by Mr. F. W. Fischer for the petitioners.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, December 11, will be as follows: Nos. 135 (and 260), 214, 434, 221, 234, 247, 249, 261 (and 262), 268, and 271.



## 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, Mr. Justice Roberts, and Mr. Justice Cardozo.

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Paul A. Baden, of Hamilton, Ohio; Paul F. Jones, of Danville, Ill.; Frank K. Lemon, of Clinton, Ill.; Clinton R. Barry, of Fort Smith, Ark.; James T. Hoffman, of Cleveland, Ohio; Roy B. Ford, of Lincoln, Nebr.; John T. Quisenberry, of Chicago, Ill.; Joseph Leander McKnight, of Akron, Ohio; Raymond Schwartz, of Sumter, S. C.; Sterling D. Bennett, of Beaumont, Tex.; Preston G. Woolf, of Indianapolis, Ind., and Oliver W. Toll, of Denver, Colo., were admitted to practice.

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No. 135. Panama Refining Company et al., petitioners, *v.* A. D. Ryan et al.; and

No. 260. Amazon Petroleum Corporation et al., petitioners, *v.* Archie D. Ryan et al. Argument continued by Mr. F. W. Fischer for the petitioners; by Mr. Assistant Attorney General Stephens for the respondents; and concluded by Mr. L. T. Martineau, Jr., for the respondents. Leave granted respondents to file a supplemental brief by Thursday.

No. 214. Ernest R. Forrest, petitioner, *v.* Arch R. Jack, as Receiver, etc. Argued by Mr. James F. Pierce for the petitioner, and by Mr. George P. Barse for the respondent.

No. 434. J. Congdon Seabury, as Receiver, etc., petitioner, *v.* Beatrice C. Green, Administratrix, etc. Argument commenced by Mr. Raymond Schwartz for the petitioner, and continued by Mr. Samuel Want for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, December 12, will be as follows: Nos. 434, 221, 234, 247, 249, 261 (and 262), 268, 271, 272, and 338.

## 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, Mr. Justice Roberts, and Mr. Justice Cardozo.

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E. P. Carville, of Reno, Nev.; Moreland M. Humphreys, of Denver, Colo.; Oscar Hallam, of St. Paul, Minn.; Jerome T. Fuller, of Centerville, Ala.; Albert S. Wright, of New York City; Harry Z. Maxwell, of Philadelphia, Pa.; Ellwood Thomas, of New York City; Leon S. Hirsh, of Oklahoma City, Okla.; Walter P. Luck, of Fort Worth, Texas; Samuel B. Finklestein, of Newark, N. J.; James M. Reeves, of Caruthersville, Mo.; and William M. Sperry, 2nd, of New York City, were admitted to practice.

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No. 434. J. Congdon Seabury, as Receiver of the City National Bank of Sumter, S. C., petitioner, *v.* Beatrice C. Green, Administratrix, etc., et al. Argument continued by Mr. Samuel Want for the respondents and concluded by Mr. George P. Barse for the petitioner.

No. 221. The United States of America, Interstate Commerce Commission et al., appellants, *v.* The Baltimore and Ohio Railroad Company et al. L. W. Baldwin and Guy A. Thompson, Trustees of the property of the appellee Missouri Pacific Railroad Company; Frank O. Lowden, James E. Gorman, and Joseph B. Fleming, Trustees of the property of the appellee The Chicago, Rock Island and Pacific Railway Company; and Charles M. Thomson, Trustee of the property of the Chicago and Eastern Illinois Railway Company, substituted as parties appellees, in place of the named railroad companies, on motion of Mr. Nye F. Morehouse in that behalf.

No. 221. The United States of America, Interstate Commerce Commission et al., appellants, *v.* The Baltimore and Ohio Railroad Company et al. Three hours allowed for oral argument. Argument commenced by Mr. Daniel W. Knowlton for the appellants, United States and Interstate Commerce Commission, and continued by Mr. Jacob Aronson and Mr. Nye F. Morehouse for the appellees.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, December 13, will be as follows: Nos. 221, 234, 247, 261 (and 262), 249, 271, 272, 268, and 439.

## 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, Mr. Justice Roberts, and Mr. Justice Cardozo.

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Harry Johnson, of Phoenix, Ariz.; Warren Newcome, of St. Paul, Minn.; Francis X. Swietlik, of Milwaukee, Wis.; Harold W. Connell, of Milwaukee, Wis.; Chauncey A. Boyer, of Orlando, Fla.; Harry Tartalsky, of Jersey City, N. J.; Herman S. Waller, of Chicago, Ill.; Neil Brooks, of Selmer, Tenn.; Herman Steerman, of Philadelphia, Pa.; Myer A. Bornstein, of Boston, Mass.; Daniel F. Mathews, of Syracuse, N. Y.; and Ralph Horween, of Chicago, Ill., were admitted to practice.

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No. 356. Vinson Petroleum Company of Texas, petitioner, *v.* Commissioner of Internal Revenue. Leave granted to file petition for rehearing on motion of Mr. W. A. Bolinger for the petitioner.

No. 221. The United States of America et al., appellants, *v.* The Baltimore and Ohio Railroad et al. Argument continued by Mr. Nye F. Morehouse for the appellees and concluded by Mr. H. N. McLaughlin for the appellants A. Johnston, etc., et al.

No. 234. The United States of America ex rel. Chicago Great Western Railroad Co. et al., petitioners, *v.* Interstate Commerce Commission et al. Argued by Mr. Frank H. Towner for the petitioners; by Mr. Daniel W. Knowlton for respondent, Interstate Commerce Commission; and by Mr. Samuel W. Sawyer for respondent, Kansas City Terminal Ry. Co., and case submitted by Mr. Charles H. Woods, Mr. Jonathan C. Gibson, Mr. A. E. Boyd, Mr. Bruce Scott, Mr. Walter McFarland, Mr. W. F. Dickinson, Mr. W. F. Peter, Mr. J. M. Souby, Mr. Francis W. Clements, and Mr. H. H. Larimore for respondents, Atchison, Topeka and Santa Fe Ry. Co. et al.

No. 247. Central Vermont Transportation Company, petitioner, *v.* Harry M. Durning. Collector of Customs, etc. Argument commenced by Mr. J. W. Redmond for the petitioner; continued by Mr. Assistant Attorney General Sweeney for the respondent; and concluded by Mr. Horace H. Powers for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, December 14, will be as follows: Nos. 261 (and 262), 249, 271, and 272.

## 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, Mr. Justice Roberts, and Mr. Justice Cardozo.

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Louis R. Mahrt, of Dayton, Ohio; Joseph Eugene Keller, of Dayton, Ohio; Joseph Low, of Washington, D. C.; Carl E. Newton, of New York City; Russell C. Terry, of Washington, D. C.; Henry P. Thomas, of Alexandria, Va.; Benjamin J. Horton, of San Juan, Puerto Rico; James R. Fleming, of Fort Wayne, Ind., Clawson L. Williams, of Sanford, N. C.; Kenneth R. Hoyle, of Sanford, N. C.; and Edwin Lee Gavin, of Sanford, N. C., were admitted to practice.

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No. 261. S. A. Taylor, petitioner, *v.* Henry Sternberg, Trustee, etc.; and

No. 262. John R. Duty, petitioner, *v.* Henry Sternberg, Trustee, etc. Argued by Mr. Clinton R. Berry for the respondent, and case submitted by Mr. W. N. Ivie, for the petitioners.

No. 249. Livingston H. McCrea, petitioner, *v.* The United States of America, as Owner, etc. Argued by Mr. John M. Scoble for the petitioner, and by Mr. Assistant Attorney General Blair for the respondent.

No. 271. Nathan A. Tirrell, appellant, *v.* Francis W. Johnston, Attorney General for the State of New Hampshire, et al. Argued by Mr. Samuel A. Margolis for the appellant. The Court declined to hear further argument.

No. 272. Detroit International Bridge Company, appellant, *v.* Corporation Tax Appeal Board of the State of Michigan. Argued by Mr. Victor Klein for the appellant, and by Mrs. Alice E. Alexander and Mr. Patrick H. O'Brien for the appellee.

Adjourned until Monday, December 17, at 12 o'clock.

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, Mr. Justice Roberts, and Mr. Justice Cardozo.

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Lyle F. O'Rourke, of Omaha, Nebr.; W. Edgar Sampson, of Springfield, Ill.; Adolph H. Zwerner, of Terre Haute, Ind.; Grover A. Giles, of Salt Lake City, Utah; Richard F. Cleveland, of Baltimore, Md.; E. R. Hughes, of Oklahoma City, Okla.; and Thomas Rae Vaughan, of Little Rock, Ark., were admitted to practice.

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No. 215. John C. Schumacher, Sheriff of Butler County, Ohio, petitioner, *v.* Ralph K. Beeler, Trustee in Bankruptcy of the Long & Allstatter Company, Bankrupts. 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. 128. David Graves George, petitioner, *v.* Victor Talking Machine Company. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Decree of the Circuit Court of Appeals reversed with costs and the cause remanded to that court with directions to dismiss the appeal. Opinion, *per curiam*, announced by Mr. Chief Justice Hughes.

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The Chief Justice announced the following order of the Court:

No. 271. Nathan A. Tirrell, appellant, *v.* Francis W. Johnston, Attorney General for the State of New Hampshire, et al. Appeal from the Supreme Court of the State of New Hampshire. *Per curiam*: Judgment affirmed. *Alward v. Johnson*, 282 U. S. 509, 514; *Willcuts v. Bunn*, 282 U. S. 216, 225-226; *Fox Film Corporation v. Doyal*, 286 U. S. 123, 128-129; *Susquehanna Company v. Tax Commission (No. 1)*, 283 U. S. 291, 294; *Indian Territory Oil Co. v. Board*, 288 U. S. 325, 327-328.

The Chief Justice said:

"The other orders of the Court appear upon the list certified to by the Chief Justice and filed with the Clerk and will not be announced orally."

No. —. In Re Complaint of Edmond C. Fletcher against Raymond M. Hudson, a member of the Bar of the Supreme Court of the United States. There having been filed, on October 2, 1934, a complaint by Edmond C. Fletcher charging Raymond M. Hudson with conduct unbecoming a member of the Bar of this Court in connection with litigation in the District Court of the United States for the Eastern District of Virginia, it was, on October 8, 1934, ordered that the complaint be held by this Court for the purpose of affording opportunity to the complainant to present the subject of the complaint for the consideration of the said District Court, and for the further consideration of this Court in the light of whatever action should be taken by the said District Court;

And it now appearing from a certified copy of an order of the District Court of the United States for the Eastern District of Virginia that the charges against Raymond M. Hudson, as a member of the Bar of that Court, came on for hearing before the said District Court, sitting at Alexandria, Virginia, on December 6, 1934, after written notice had been duly given to all parties in interest, at which hearing, the said Edmond C. Fletcher failing to appear in proper person or by counsel, the Court proceeded to hear and determine said charges on the merits, and, being of opinion, after fully hearing the testimony produced and considering the said complaint and answer thereto, that the said charges were without merit, ordered that the said complaint be, and it was, dismissed;

It is now here ordered that the complaint of Edmond C. Fletcher against Raymond M. Hudson, a member of the Bar of the Supreme Court of the United States, be, and it hereby is, dismissed.

No. 565. Michael J. Cusick, *alias* Harry Jennings, petitioner, *v.* Colonel Frank D. Whipp, Warden of Illinois State Penitentiary. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. The motion for leave to proceed further herein *in forma pauperis* is denied for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which a writ of certiorari should be granted. The petition for writ of certiorari is therefore also denied.

No. 183. The Nashville, Chattanooga & St. Louis Railway, appellant, *v.* Frank W. Webster, Commissioner of Highways, et al. This case is restored to the docket and assigned for reargument on

Wednesday, January 16, 1935. It is ordered that Herbert S. Walters, successor in office of Frank W. Webster, be and he is hereby substituted as a party appellee in this cause.

No. 551. John M. Stanley, appellant, *v.* The Public Utilities Commission of Maine. Further consideration of the question of the jurisdiction of this Court in this case is postponed to the hearing of the case on the merits.

No. 552. The Youngstown Sheet and Tube Company et al., appellants, *v.* The United States of America et al. In this case probable jurisdiction is noted. It is ordered that Robert P. Hill and L. S. Zimmerman, Trustees of the Consolidation Coal Company be and they are hereby substituted as parties appellees in the place and stead of Robert P. Hill and Howell Fisher, domiciliary receivers; Robert C. Hill and William H. Koch, ancillary receivers; and The Consolidation Coal Company by its domiciliary and ancillary receivers aforesaid.

No. 556. W. B. Worthen Company, Bankers, etc., et al., appellants, *v.* Coburn C. Kavanaugh, Trustee. In this case probable jurisdiction is noted.

No. 566. Railroad Retirement Board et al., petitioners, *v.* The Alton Railroad Company et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia granted.

No. 523. Massachusetts Bonding and Insurance Company, petitioner, *v.* United States Quarry Tile Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 526. The Continental Trust Company, as Trustee of the First Mortgage, et al., etc., petitioners, *v.* W. R. Bonsal & Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 529. Tillie G. Frederick, petitioner, *v.* The Mutual Building & Investment Company et al. Petition for writ of certiorari to the Supreme Court of the State of Ohio denied.

No. 530. American Silk Mills, Inc., petitioner, *v.* Irving Trust Company and Jesse Woolf, Receivers, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 356. Vinton Petroleum Company of Texas, petitioner, *v.* Commissioner of Internal Revenue. Petition for rehearing denied.

No. 531. F. Eugene Nortz *v.* The United States. Motion of Grandin Tracy Vought to appear and present oral argument as *amicus curiae* submitted by Mr. A. Rae Williams in that behalf and the motion denied.

No. 296. Borden's Farm Products Company, Inc., appellant, *v.* Charles H. Baldwin, as Commissioner of Agriculture and Markets of the State of New York, et al., etc. Mandate granted on motion of Mr. George W. Dalzell in behalf of counsel for the appellant.

Adjourned until Monday, January 7, 1935, at 12 o'clock.

The day call for Monday, January 7, 1935, will be as follows: Nos. 339, 292, 496, 361, 431, 394, 395, 439, 268, and 338.

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## 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, Mr. Justice Roberts, and Mr. Justice Cardozo.

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Sherman Minton, of New Albany, Ind.; Mitchell Luftman, of New York City; Alexander Wolf, of Brooklyn, N. Y.; A. Alan Lane, of New York City; Abraham M. Lowenthal, of Brooklyn, N. Y.; George Martin Gunderson, of New York City; Don M. Harlan, of Detroit, Mich.; Herman A. Bachrack, of Los Angeles, Calif.; Leo F. S. Horan, of Philadelphia, Pa.; Nathaniel Kessler, of Newark, N. J.; Samuel I. Kessler, of Newark, N. J.; Anton A. Rezac, of Omaha, Nebr.; Joseph W. Byrns, Jr., of Nashville, Tenn.; Thomas G. Watkins, of Nashville, Tenn.; Richard B. Walsh, of Lowell, Mass.; Louis N. Wolf, of Kansas City, Mo.; C. Jasper Bell, of Kansas City, Mo.; Leo. A. Spalding, of Kansas City, Mo.; and Posey T. Kime, of Evansville, Ind., were admitted to practice.

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**No. 212.** West Ohio Gas Company, appellant, *v.* The Public Utilities Commission of Ohio. Appeal from the Supreme Court of the State of Ohio. 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 Cardozo. Concurring opinion by Mr. Justice Stone.

**No. 213.** West Ohio Gas Company, appellant, *v.* The Public Utilities Commission of Ohio. Appeal from the Supreme Court of the State of Ohio. 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 Cardozo.

**No. 131.** Keystone Driller Company, petitioner, *v.* Northwest Engineering Corporation;

**No. 132.** Keystone Driller Company, petitioner, *v.* Harnischfeger Corporation; and

**No. 133.** Keystone Driller Company, petitioner, *v.* Bucyrus-Erie Company. On writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Decrees affirmed with costs, and cases remanded to the District Court of the United States for the Eastern District of Wisconsin. Opinion by Mr. Justice Roberts.

No. 234. The United States of America, *ex rel.* Chicago Great Western Railroad Company et al., petitioners, *v.* Interstate Commerce Commission, Atchison, Topeka and Santa Fe Railway Company, et al. On writ of certiorari to the United States Court of Appeals for the District of Columbia. Judgment affirmed, and cause remanded to the said Court of Appeals. Opinion by Mr. Justice Roberts.

No. 102. Samuel B. Smith, petitioner, *v.* E. H. Snow and E. H. Snow, doing business as Snow's Hatcheries and Snow's Incubator Company. On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Decree 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 Stone.

No. 208. Herbert H. Waxham, Doing Business as Waxham Hatcheries, petitioner, *v.* Samuel B. Smith and The Buckeye Incubator 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 Southern District of California. Opinion by Mr. Justice Stone.

No. 249. Livingston H. McCrea, petitioner, *v.* The United States of America, as Owner of the S. S. "American Shipper", Engines, etc. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Decree affirmed, and cause remanded to the District Court of the United States for the Southern District of New York. Opinion by Mr. Justice Stone.

No. 247. Central Vermont Transportation Company, petitioner, *v.* Harry M. Durning, Collector of Customs at the Port of New York. 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. Justice Stone.

No. 161. The United States of America, petitioner, *v.* Irah D. Spaulding. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Judgment reversed, and cause remanded to the District Court of the United States for the Northern District of Florida for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Butler.

No. 289. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Walter W. Taylor. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment affirmed, and cause remanded to the said United States Circuit Court of Appeals. Opinion by Mr. Justice Butler. Dissenting opinion by Mr. Justice Stone.

No. 127. Evelyn F. Gregory, petitioner, *v.* Guy T. Helvering, 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 United States Circuit Court of Appeals. Opinion by Mr. Justice Sutherland.

No. 261. S. A. Taylor, petitioner, *v.* Henry Sternberg, Trustee in Bankruptcy for Parks Dry Goods Company, Bankrupt; and

No. 262. John R. Duty, petitioner, *v.* Henry Sternberg, Trustee in Bankruptcy for Parks Dry Goods Company, Bankrupt. On writs of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Decrees affirmed with costs, and cases remanded to the District Court of the United States for the Western District of Arkansas. Opinion by Mr. Justice Sutherland.

No. 78. David G. Dimick, petitioner, *v.* Peter Schiedt. On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit. Judgment affirmed with costs, and cause remanded to the District Court of the United States for the District of Massachusetts. Opinion by Mr. Justice Sutherland. Dissenting opinion by Mr. Justice Stone in which the Chief Justice, Mr. Justice Brandeis, and Mr. Justice Cardozo join.

No. 211. Shanferoke Coal & Supply Corporation of Delaware, petitioner, *v.* Westchester Service Corporation. 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 Brandeis.

No. 221. The United States of America, Interstate Commerce Commission, et al., appellants, *v.* The Baltimore and Ohio Railroad Company et al. Appeal from the District Court of the United States for the Northern District of Ohio. Decree affirmed. Opinion by Mr. Justice Brandeis.

No. 47. Sarah Enelow, petitioner, *v.* New York Life Insurance 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 Western District of Pennsylvania with direction to vacate its order for a hearing in equity and to proceed with the trial of the action at law. Opinion by Mr. Chief Justice Hughes.

No. 452. George A. Adamos, petitioner, *v.* New York Life Insurance 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 Western District of Pennsylvania with direction to vacate its decree and to proceed with the trial of the action at law. Opinion by Mr. Chief Justice Hughes.

No. 135. Panama Refining Company et al., petitioners, *v.* A. D. Ryan, S. D. Bennett, and J. Howard Marshall; and

No. 260. Amazon Petroleum Corporation, Barney Cockburn, E. J. Boase, et al., petitioners, *v.* Archie D. Ryan, S. D. Bennett, and Phil E. Baer. On writs of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Decrees reversed and causes remanded to the District Court of the United States for the Eastern District of Texas with direction to modify its decrees in conformity with the opinion of this Court so as to grant permanent injunctions. Opinion by Mr. Chief Justice Hughes. Dissenting opinion by Mr. Justice Cardozo.

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The Chief Justice announced the following orders of the Court:

No. 572. W. B. Mitchell, appellant, *v.* The State of Washington. Appeal from the Supreme Court of the State of Washington. *Per curiam*: The motion for leave to proceed further *in forma pauperis* is denied. 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). 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. 560. The Fidelity and Casualty Company of New York, appellant, *v.* D. N. Morrison Construction Company, Inc., of Virginia. Appeal from the Supreme Court of the State of Florida. *Per curiam*: The motion of the appellee to dismiss the appeal herein is granted, and the appeal is dismissed for the want of a substantial federal question. *Parsons v. Federal Realty Corporation*, 105 Fla. 105; 143 So. 912; *Mutual Life Ins. Co. v. Hilton-Green*, 241 U. S. 613, 623; *American Fire Ins. Co. v. King Lumber Co.*, 250 U. S. 2, 10-11, 13-14; *Orient Ins. Co. v. Daggs*, 172 U. S. 557, 565-566; *National Ins. Co. v. Wanberg*, 260 U. S. 71, 73 *et seq.*; *Stipcich v. Insurance Company*, 277 U. S. 311, 320; *Merchants Liability Co. v. Smart*, 267 U. S. 126, 129; *Hancock Mutual Life Ins. Co. v. Warren*, 181 U. S. 73, 76-77; *O'Gorman & Young v. Hartford Ins. Co.*, 282 U. S. 251, 257.

No. 561. The Fidelity and Casualty Company of New York, appellant, *v.* Coley & Peterson, Inc., of Virginia. Appeal from the Supreme Court of the State of Florida. *Per curiam*: The motion of the appellee to dismiss the appeal herein is granted, and the appeal is dismissed for the want of a substantial federal question. *Parsons v. Federal Realty Corporation*, 105 Fla. 105; 143 So. 912; *Mutual Life Ins. Co. v. Hilton-Green*, 241 U. S. 613, 623; *American Fire Ins. Co. v. King Lumber Co.*, 250 U. S. 2, 10-11, 13-14; *Orient*

Ins. Co. v. Daggs, 172 U. S. 557, 565-666; National Ins. Co. v. Wanberg, 260 U. S. 71, 73 *et seq.*; Stipcich v. Insurance Co., 277 U. S. 311, 320; Merchants Liability Co. v. Smart, 267 U. S. 126, 129; Hancock Mutual Life Ins. Co. v. Warren, 181 U. S. 73, 76-77; O'Gorman & Young v. Hartford Ins. Co., 282 U. S. 251, 257.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified to by the Chief Justice and filed with the Clerk and will not be announced orally."

No. —. In the Matter of Thomas Marshall.

It is ordered that Thomas Marshall, of Chicago, Illinois, show cause on or before Monday, February 4, 1935, why he should not be adjudged in contempt of this Court because of the character of the statements contained in his briefs presented to this Court on the application for certiorari in Marshall Electric Co. v. Pullman, Inc. et al., No. 536 on the present docket, with particular reference to the statements contained on pages 8 and 9 of the reply brief on said application, as follows:

"The association of Blair and Dunne, Jr., still has the appearance of a device and attempt to gain from a judge special personal consideration and favor and nothing said in the reply of Respondents in any way changes the situation.

"The 'odor' existing in this case was created by the acts of Blair and his associates presumably to benefit their clients in this case. Perhaps such methods can be shown in true perspective when it is made manifest that for many years past Blair has daily engaged in the practice of law in New York City without being licensed by New York state so to do. Men who begin by fraud upon the courts may be expected to continue such methods in daily practice. The reply they have filed in this Court demonstrates their utter disregard for truth and honor—and explains the level of which they now complain."

and why he should not be punished accordingly.

No. 574. Charles M. Doleman, Administrator of the Estate of Robert H. Doleman, deceased, petitioner, v. Harry Levine. The motion for leave to proceed further herein *in forma pauperis* is granted.

No. 577. Frank B. Thrasher, petitioner, v. A. C. Aderhold, Warden, United States Penitentiary, Atlanta, Georgia. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit;

No. 608. Georgia M. Spruill, petitioner, *v.* William T. Ballard et al. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia; and

No. 609. Georgia M. Spruill, petitioner, *v.* Supreme Court of the District of Columbia. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia. The motions for leave to proceed further herein *in forma pauperis* are denied for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which writs of certiorari should be granted. The petitions for writs of certiorari are therefore also denied.

No. 570. The Georgia Railway & Electric Company et al., appellants, *v.* City of Decatur; and

No. 586. Aero Mayflower Transit Company, appellant, *v.* Georgia Public Service Commission et al. 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. 534. Clarence Norris, petitioner, *v.* The State of Alabama. Petition for writ of certiorari to the Supreme Court of the State of Alabama granted.

No. 544. Harry Berger, petitioner, *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. 549. William D. Gordon, Secretary of Banking, et al., etc., petitioners, *v.* Laura A. Washington et al., etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit granted.

No. 550. William D. Gordon, Secretary of Banking, et al., etc., petitioners, *v.* Mary A. O'Brien et al., etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit granted.

No. 557. Vulcan Manufacturing Company, petitioner, *v.* The Maytag Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit granted.

No. 537. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Inter-Mountain Life Insurance Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit granted.

No. 546. William Roberts, as Receiver of the Manhattan Railway Company, et al., petitioners, *v.* The City of New York et al. Petition for writ of certiorari to the Supreme Court of the State of New York granted. The Chief Justice took no part in the consideration or decision of this application.

No. 554. Haywood Patterson, petitioner, *v.* State of Alabama. Petition for writ of certiorari to the Supreme Court of the State of Alabama granted, and the case assigned for argument immediately following No. 534.

No. 533. Hartford-Empire Company, petitioner, *v.* Obear-Nester Glass Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 536. Marshall Electric Company, petitioner, *v.* Pullman, Inc., The Pullman Company, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 540. David S. Cantor, petitioner, *v.* George J. Cherry, Trustee of the Bankrupt Estate of E. Franklin Bloch, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 539. William C. McDuffie, as Ancillary Receiver of Richfield Oil Company of California, petitioner, *v.* Wells Fargo Bank & Union Trust Co. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 541. Edward B. Douglas, petitioner, *v.* Levi M. Willcuts, as Collector of Internal Revenue, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 545. Highway Trailer Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 548. Fleetway, Inc., petitioner, *v.* Public Service Interstate Transportation Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 543. Eugene E. Merrill, 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. 547. Chas. C. Willey, as Administrator, etc., et al., petitioners, *v.* Hobbs, Wall & Company, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 558. Personal Finance Company of Council Bluffs, petitioner, *v.* Gilinsky Fruit Company et al. Petition for writ of certiorari to the Supreme Court of the State of Nebraska denied.

No. 559. Fidelity and Deposit Company of Maryland, petitioner, *v.* Peoples Bank of Sanford and Gurney P. Hood, Commissioner etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 55. Albert W. Hamilton, by Albert Hamilton, his guardian *ad litem*, et al., appellants, *v.* The Regents of the University of California et al.;

No. 60. The Indiana Farmer's Guide Publishing Company, petitioner, *v.* The Prairie Farmer Publishing Company et al.;

No. 506. Charles Minchella, petitioner, *v.* The State of Michigan; and

No. 520. Pacific Fire Insurance Company, petitioner, *v.* Pennsylvania Sugar Company. Petitions for rehearing denied.

No. —, original. The United States of America, complainant, *v.* The State of West Virginia et al. Motion for leave to file bill of complaint submitted by Mr. Solicitor General Biggs for the complainant.

No. —, original. *Ex parte*: First National Bank of Cincinnati, petitioner. Motion for leave to file petition for writ of mandamus submitted by Mr. Ralph Royall for the petitioner.

No. 4, original. State of Wisconsin et al., complainants, *v.* The State of Illinois et al.;

No. 5, original. State of Michigan et al., complainants, *v.* The State of Illinois et al.; and

No. 6, original. State of New York et al., complainants, *v.* The State of Illinois et al. Semiannual Report of defendant, Sanitary District of Chicago, presented.

No. —, original. *Ex parte*: Thomas J. Mooney, petitioner. Return to rule to show cause presented.

No. 339. Chesley W. Journey, petitioner, *v.* William P. MacCracken. Leave granted Hatton W. Sumners to appear and present oral argument on behalf of the House of Representatives as *amicus curiae*.

No. 339. Chesley W. Journey, petitioner, *v.* William P. MacCracken. Argument commenced by Mr. Leslie C. Garnett for the petitioner and continued by Mr. Hatton W. Sumners, by special leave of Court, on behalf of the House of Representatives, as *amicus curiae*.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, January 8, will be as follows: Nos. 339, 270, 471 (and 472), 531, 532, 361, 292, 496, 431, and 394.



## SUPREME COURT OF THE UNITED STATES

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

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Erwin P. Snyder, of Chicago, Ill.; James A. Sprowl, of Chicago, Ill.; Raymond Heilpern, of New York City; Edward F. Medley, of Seattle, Wash.; Suzanne M. Popp, of Detroit, Mich.; Richard B. Gwathmey, of Washington, D. C.; Edward W. Bourne, of New York City; Cassius M. Clay, of Washington, D. C.; Edgar F. Thoma, of Elmhurst, Ill.; and Alan B. David, of Washington, D. C., were admitted to practice.

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No. 339. Chesley W. Journey, petitioner, *v.* William P. MacCracken, Jr. Argument continued by Mr. Hatton W. Sumners, by special leave of Court, on behalf of the House of Representatives, as *amicus curiae*; by Mr. Frank J. Hogan for the respondent; and concluded by Mr. Leslie C. Garnett for the petitioner.

No. 270. Norman C. Norman, petitioner, *v.* The Baltimore and Ohio Railroad Company. Argued by Mr. Emanuel Redfield for the petitioner, and by Mr. Frederick H. Wood for the respondent. Leave granted petitioner to file a reply brief within two days.

No. 471. The United States of America et al., petitioners, *v.* Bankers Trust Company and William H. Bixby, Trustees. Five and one-half hours allowed for oral argument. Argument commenced by Mr. Attorney General Cummings for the petitioner, The United States of America.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, January 9, will be as follows: Nos. 471 (and 472), 531, 532, 361, 292, 496, 431, 394, 395, and 439.

## 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, Mr. Justice Roberts, and Mr. Justice Cardozo.

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Howard Myers, of New York City; Robert C. Ayers, of Lewistown, Mont.; Charles Josef Carey, of Sacramento, Calif.; Daniel M. Healy, of Chicago, Ill.; and Hersey Egginton, of New York City, were admitted to practice.

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No. —, original. The United States of America, complainant, *v.* The State of Arizona. Motion for leave to file bill of complaint submitted by Mr. Solicitor General Biggs for the complainant.

No. 471. The United States of America et al., petitioners, *v.* Bankers Trust Company and William H. Bixby, Trustees; and

No. 472. The United States of America et al., petitioners, *v.* Bankers Trust Company and William H. Bixby, Trustees. Argument continued by Mr. Attorney General Cummings for petitioner the United States by Mr. Stanley Reed for petitioner the Reconstruction Finance Corporation; by Mr. Edward J. White, for petitioner the Trustees of the Missouri Pacific Railroad Company; by Mr. James H. McIntosh for the respondents; and by Mr. Edward W. Bourne for the respondents.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, January 10, will be as follows: Nos. 471 (and 472), 531, 532, 361, 292, 496, 431, 394, 395, and 439.

## 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, Mr. Justice Roberts, and Mr. Justice Cardozo.

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John L. Chapman, Jr., of Washington, D. C.; Howard B. Hopps, of Oklahoma City, Okla.; James J. Magner, of Chicago, Ill.; Meyer Marlow, of New York City; Joe Crail, Jr., of Los Angeles, Calif.; Robert A. Hefner, Jr., of Oklahoma City, Okla.; Orval Grim, of Norman, Okla.; David Bill Hempstead, of Salt Lake City, Utah; Herman Lewlowitz, of Phoenix, Ariz.; Russell J. Brownback, of Norristown, Pa.; John B. Gage, of Kansas City, Mo.; and Robert E. Stone, of Berkeley, Calif., were admitted to practice.

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No. 471. The United States of America et al., petitioners, *v.* Bankers Trust Company and William H. Bixby, Trustees; and

No. 472. The United States of America et al., petitioners, *v.* Bankers Trust Company and William H. Bixby, Trustees. Argument continued by Mr. Edward W. Bourne for the respondents, and concluded by Mr. Stanley Reed for the petitioner the Reconstruction Finance Corporation.

No. 531. F. Eugene Nortz *v.* The United States. Argument commenced by Mr. Otto C. Sommerich for Nortz, continued by Mr. Assistant Solicitor General MacLean for the United States, and concluded by Mr. Raymond T. Heilpern for Nortz.

No. 532. John M. Perry *v.* The United States. Argument commenced by Mr. John M. Perry for Perry and continued by Mr. Assistant Solicitor General MacLean for the United States.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, January 11, will be as follows: Nos. 532, 361, 496, 292, 431, 394, 395, 439, 268, and 373.

## 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, Mr. Justice Roberts, and Mr. Justice Cardozo.

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Earl B. Wilkinson, of Chicago, Ill.; Lawrence E. Goldman, of Kansas City, Mo.; George M. Brodhead, Jr., of Philadelphia, Pa.; Charles Polis, of Philadelphia, Pa.; Jos. Ominsky, of Philadelphia, Pa.; Bertram I. DeYoung, of Philadelphia, Pa.; Oscar Brown, of Philadelphia, Pa.; John Y. Scott, of Harrisburg, Pa.; and Karl H. Mueller, of Fort Worth, Tex., were admitted to practice.

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No. 532. John M. Perry *v.* The United States. Argument continued by Mr. Assistant Solicitor General MacLean for the United States, and concluded by Mr. Attorney General Cummings for the United States.

No. 361. E. W. Clark, Commissioner of Insurance of the State of Iowa, as Receiver, etc., petitioner, *v.* Harry O. Willard et al. Argued by Mr. Edmond M. Cook for the petitioner and by Mr. H. Leonard DeKalb for the respondents.

No. 496. Lawyers County Trust Company, petitioner, *v.* William Reichert et al., etc.; and

No. 292. Minnie Lerner, petitioner, *v.* First Wisconsin National Bank of Milwaukee, Wis., et al. Argued by Mr. Howard Meyers for the petitioner in No. 496 and the respondent in No. 292; by Mr. Meyer Marlow for the respondent in No. 496; and by Mr. Emil Hersh for the petitioner in No. 292.

No. 431. Penn General Casualty Company, petitioner, *v.* Commonwealth of Pennsylvania, ex rel. Wm. A. Schnader, Attorney General. Argument commenced by Mr. J. W. Henderson for the petitioner and continued by Mr. Wm. A. Schnader for the respondent.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, January 14, will be as follows: Nos. 431, 394, 395, 439, 268, 386, 373, 400, 338, and 340.

## 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, Mr. Justice Roberts, and Mr. Justice Cardozo.

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Sydney A. Davies, of Cleveland, Ohio; Harry O. Levin, of Baltimore, Md.; Ernest Woodward, of Louisville, Ky.; Samuel M. Hollander, of Newark, N. J.; L. F. Orr, of St. Louis, Mo.; Joseph Varbalow, of Camden, N. J.; George Herrington, of San Francisco, Calif.; G. J. Neuner, of Kansas City, Mo.; Harvey H. Atherton, of San Diego, Calif.; Currie McCutcheon, of Dallas, Tex.; Frederic B. Warder, of Washington, D. C.; Harry M. Bralove, of Washington, D. C.; Louis H. Mann, of Washington, D. C.; Shippen Lewis, of Philadelphia, Pa.; Clinton Lewis Byers, of San Diego, Calif.; and Irve C. Boldman, of San Diego, Calif.; were admitted to practice.

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No. 69. Fred L. Fox, In his individual right and in his official capacity as Tax Commissioner of the State of West Virginia, appellant, *v.* Standard Oil Company of New Jersey. Appeal from the District Court of the United States for the Southern District of West Virginia. Decree reversed with costs and cause remanded to said District Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Cardozo. Dissenting: Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Sutherland, and Mr. Justice Butler.

No. 272. Detroit International Bridge Company, appellant, *v.* Corporation Tax Appeal Board of the State of Michigan. Appeal from the Supreme Court of the State of Michigan. Judgment affirmed with costs. Opinion by Mr. Justice McReynolds. Mr. Justice Stone and Mr. Justice Cardozo concur in the result.

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The Chief Justice announced the following orders of the Court:

No. 603. The Peoples Taxicab Company, appellant, *v.* The City of Wichita, Kansas, et al. 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. *Enterprise Irrigation District v. Canal Co.*, 243 U. S. 157, 165-166; *Hebert v. Louisiana*, 272 U. S. 312, 316-317; *American Railway Express v. Kentucky*, 273 U. S. 269, 272-273; *Secor v. Fulton*, 293 U. S. — (October 8, 1934).

No. 610. Emma D. Stephens, Administratrix, etc., et al., appellants, *v. The Commonwealth of Pennsylvania*. Appeal from the Superior Court of the State of Pennsylvania. *Per curiam*: The appeal herein is dismissed upon the ground that the jurisdictional statement fails to disclose any properly presented substantial federal question. Rule 12. *Rosen v. Fry*, 293 U. S.—(November 5, 1934). Leave to proceed further herein *in forma pauperis* is denied.

No. —, original. The United States of America, complainant, *v. The State of West Virginia*. Motion for leave to file bill of complaint granted and process is ordered to issue returnable on Monday, April 1, 1935.

No. —, original. The United States of America, complainant, *v. The State of Arizona*. Motion for leave to file bill of complaint granted and process is ordered to issue returnable on Monday, April 1, 1935.

No. —, original. *Ex parte*: First National Bank of Cincinnati, petitioner. The motion for leave to file petition for writ of mandamus is denied.

No. 4, original. State of Wisconsin et al., complainants, *v. State of Illinois et al.*;

No. 5, original. State of Michigan et al., complainants, *v. State of Illinois et al.*; and

No. 6, original. State of New York et al., complainants, *v. State of Illinois et al.* The semiannual report of the defendant Sanitary District of Chicago is received and ordered to be filed.

No. —. *In Re Disbarment of Norman B. Landreau*. It having been shown to the Court that Norman B. Landreau, a member of the Bar of this Court, has been disbarred from the practice of the law in the Supreme Court of the District of Columbia;

It is ordered that the said Norman B. Landreau be, and he is hereby, suspended from practice before this Court, and that a rule issue requiring him to show cause under Rule 2 why he should not be disbarred from the further practice of the law in this Court.

No. 632. James Ryan and Frank McKee, petitioners, *v. Gunnar H. Nordbye, Judge*, U. S. District Court for the District of Minnesota. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. The motion for leave to proceed further herein *in forma pauperis* is denied for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which a writ of certiorari should be issued. The petition for writ of certiorari is therefore also denied.

No. 604. Charles H. Baldwin, as Commissioner of Agriculture etc., et al., appellants, *v.* G. A. F. Seelig, Inc.; and

No. 605. G. A. F. Seelig, Inc., appellant, *v.* Charles H. Baldwin, as Commissioner of Agriculture, etc., et al. In these cases probable jurisdiction is noted. The joint motion to advance is granted and the cases are assigned for argument on Monday, February 11, next after the case heretofore assigned for that day.

No. 585. Mrs. Oscar C. Doty et al., appellants, *v.* J. S. Love, Superintendent of Banks of the State of Mississippi;

No. 606. The Atchison, Topeka and Santa Fe Railway Company et al., appellants, *v.* The United States of America, et al.; and

No. 607. The Union Stock Yard and Transit Company of Chicago, appellant, *v.* The United States of America, et al. In these cases probable jurisdiction is noted.

No. 563. R. R. Grovey, petitioner, *v.* Albert Townsend. Petition for writ of certiorari to the Justice Court, Precinct No. 1, Harris County, State of Texas, granted.

No. 569. United States of America, on relation of Arthur Kassin, petitioner, *v.* Hon. Raymond J. Mulligan, United States Marshal, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 555. Leslie A. Needham, 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. 564. Northern Trust Company, a Body Corporate, Administrator of the Estate of Robert J. Thompson, deceased, petitioner, *v.* Urey Woodson, as Alien Property Custodian, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 568. United States Building and Loan Association et al., petitioners, *v.* James R. McClelland, as State Commissioner, etc. Petition for writ of certiorari to the Supreme Court of the State of Colorado denied.

No. 571. Robert A. Grate, 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. 573. Mrs. Grace Mae Davis, petitioner, *v.* Jefferson Standard Life Insurance Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 576. Excelsior Motor Mfg. & Supply Co., et al., petitioners, *v.* Sound Equipment, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 581. W. Verdner Carson, Frank R. Atwill, et al., petitioners, *v.* The Long-Bell Lumber Corporation, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

## ORDER

In pursuance of section 29 of the amendments enacted by section 28 of the act of Congress approved August 5, 1909 (c. 6, sec. 28, 36 Stat. 11, 91, 105).

It is now here ordered by this Court that the following revised table of fees to be charged in the United States Court of Customs and Patent Appeals be, and the same is hereby, adopted and approved, viz.:

There shall be paid for each admission to practice, including certificate thereof, two dollars. For each certificate under seal, one dollar. For making or copying any record or other paper and certifying the same, per folio of 100 words, fifteen cents. For filing and docketing each customs appeal, six dollars, this fee to be in full of all fees in the case: *Provided*, That when an appeal is taken by the United States, no payment of fees shall be required. For filing and docketing each patent appeal, twelve dollars, this fee to be in full of all fees in the case, except the charge for preparing and supervising the printing of the record. For preparing the record or transcript in patent cases for the printer, or such parts thereof as may be required under the rules of the court, indexing the same, supervising the printing thereof, and distribution of copies under the rules, to be paid for by appellant, for each printed page of the record, twenty-five cents: *Provided*, That where the necessary copies of any record as printed for the use of any of the tribunals of the United States Patent Office are furnished, charges under this item will be limited to any additions printed here under the clerk's supervision. For certifying a printed record, two dollars.

It is further ordered that the fees and costs to be allowed the marshal shall be, and hereby are, fixed the same as those allowed the marshal of the Supreme Court of the United States.

## ORDER

The Court will take a recess from Monday, January 21, to Monday, February 4, next.

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No. 431. Penn General Casualty Company, petitioner, *v.* Commonwealth of Pennsylvania *ex rel.* Wm. A. Schnader, Attorney General. Argument continued by Mr. Wm. A. Schnader for the respondent; and concluded by Mr. J. W. Henderson for the petitioner.



No. 394. Commonwealth of Pennsylvania, petitioner, *v.* John G. Williams et al., etc. Argued by Mr. Wm. A. Schnader for the petitioner, and by Mr. Gordon A. Block for the respondents.

No. 395. William D. Gordon, Secretary of Banking, etc., petitioner, *v.* Joseph Ominsky et al., etc. Argued by Mr. Wm. A. Schnader for the petitioner, and by Mr. Oscar Brown and Mr. Grover C. Ladner for the respondents.

No. 439. Wiloil Corporation, appellant, *v.* Commonwealth of Pennsylvania. Argued by Mr. J. Smith Christy for the appellant, and by Mr. John Y. Scott for the appellee.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, January 15, will be as follows: Nos. 373, 400, 386, 268, 338, 340, 374, 344 (and 345), 254, and 255 (and 256).

## 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, Mr. Justice Roberts, and Mr. Justice Cardozo.

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Jacob R. Kweller, of New York City; Harry J. Rudick, of New York City; Woodson Dennie Scott, of New York City; James A. Stevenson, Jr., of New York City; Hugh N. Orr, of San Francisco, Calif.; Frederick K. Slanker, of Brooklyn, N. Y.; and Laurence H. Watres, of Scranton, Pa., were admitted to practice.

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No. **373**. F. R. Thatcher and Claudine Thatcher et al., appellants, *v.* County of San Diego et al. Argued by Mr. Irve C. Boldman for the appellants and by Mr. H. H. Atherton for the appellees.

No. **400**. John F. Forward, Jr., et al., etc., appellants, *v.* American Securities Company. Rutherford B. Irones, Will H. Cameron, Alva S. Davis, and Richard I. Scollin substituted as parties appellants in the place and stead of John F. Forward, Jr., Charles E. Anderson, Leroy E. Goodboy, and Wayne A. Hood, on motion of Mr. Challen B. Ellis for the appellants, per stipulation of counsel.

No. **400**. Rutherford B. Irones et al., etc., appellants, *v.* American Securities Company. Argued by Mr. C. L. Byers for the appellants, and by Mr. George Herrington for the appellee.

No. **386**. Manuel V. Domenech, Treasurer of Puerto Rico, petitioner, *v.* The National City Bank of New York. Argument commenced by Mr. William C. Rigby for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, January 16, will be as follows: Nos. **386, 183, 268, 338, 340, 374, 344** (and **345**), **254, 255** (and **256**), and **387**.

## 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, Mr. Justice Roberts, and Mr. Justice Cardozo.

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Harry N. Wyatt, of Chicago, Ill.; Roland G. Sweffield, of Long Beach, Calif.; Harold F. Collins, of Los Angeles, Calif.; Thomas W. Lanigan, of Greeley, Nebr.; William B. Flannery, of Elmira, N. Y.; Clel Georgetta, of Reno, Nev.; Alexander R. Smith, of Waltham, Mass.; George B. Whissell, of St. Louis, Mo.; Walton Whitwell, of Nashville, Tenn.; and Ross C. Fisher, of Los Angeles, Calif., were admitted to practice.

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No. 386. Manuel V. Domenech, Treasurer of Puerto Rico, petitioner, *v.* The National City Bank of New York. Leave granted respondent to file a reply brief by Friday. Argument continued by Mr. Earl T. Fiddler for the respondent and concluded by Mr. Wm. C. Rigby for the petitioner.

No. 183. The Nashville, Chattanooga & St. Louis Railway, appellant, *v.* Herbert S. Walters, Commissioner of Highways, et al. Re-argued by Mr. Fitzgerald Hall for the appellant and by Mr. Edwin F. Hunt for the appellees.

No. 268. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* E. Morgan Grinnell, as Executor, etc. Argued by Mr. Solicitor General Biggs for the petitioner and by Mr. Bernhard Knollenberg for the respondent.

No. 338. David H. Jennings, Receiver, etc., et al., petitioners, *v.* United States Fidelity and Guaranty Company. Argument commenced by Mr. John F. Anderson for the petitioners.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, January 17, will be as follows: Nos. 338, 340, 374, 344 (and 345), 387, and 519.

## 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, Mr. Justice Roberts, and Mr. Justice Cardozo.

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Robert E. Lee, of Oklahoma City, Okla.; Meyer Frank Englander, of Boston, Mass.; William S. Wilson, Jr., of Dothan, Ala.; Matthias N. Orfield, of Minneapolis, Minn.; John L. Connolly, of St. Paul, Minn.; John Alexander MacIntyre, of Cambridge, Mass.; Dwight D. Taylor, of Washington, D. C.; Alan C. Maxwell, of Washington, D. C.; Alden E. Branine, of Newton, Kans.; J. Sidney Nye, of Newton, Kans.; Joseph F. Kula, of Chicago, Ill.; Elmer M. Walsh, of Chicago, Ill.; and John J. McCullough, of Bisbee, Ariz., were admitted to practice.

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No. 338. David H. Jennings, Receiver, etc., et al., petitioners, *v.* United States Fidelity and Guaranty Company. Argument continued by Mr. John F. Anderson for the petitioner; by Mr. Arthur L. Gilliom for the respondent; and concluded by Mr. George P. Barse for the petitioner.

No. 340. Old Company's Lehigh, Inc., petitioner, *v.* Henry E. Meeker, as Receiver, etc., et al. Argued by Mr. Israel H. Mandel for the petitioner and by Mr. George P. Barse for the respondents.

No. 374. Ross C. Adams, Receiver, etc., petitioner, *v.* Edwin V. Champion, Trustee, etc. Argued by Mr. John F. Anderson for the petitioner, and case submitted by Mr. Harry C. Heyl for the respondent.

No. 344. Atlantic Coast Line Railroad Company, appellant, *v.* State of Florida et al., etc.; and

No. 345. State of Florida et al., etc., appellants, *v.* The United States of America et al. Jerry W. Carter, as Railroad Commissioner of Florida substituted as a party appellee in No. 344 and as a party appellant in No. 345 in the place and stead of Mamie Eaton Greene, on motion of Mr. Henry P. Adair in that behalf.

No. 344. Atlantic Coast Line Railroad Company, appellant, *v.* State of Florida, et al., etc.; and

No. **345**. State of Florida et al., etc., appellants, *v.* The United States of America, et al. Three hours allowed for oral argument. Argument commenced by Mr. C. G. Ashby for Brooks-Scanlon Co., et al.; and continued by Mr. Carl H. Davis for the Atlantic Coast Line Railroad Company.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, January 18, will be as follows: Nos. **344** (and **345**), **387**, and **519**.

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## 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, Mr. Justice Roberts, and Mr. Justice Cardozo.

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Thomas B. Mouer, of Minneapolis, Minn.; Thaddeus M. Machrowicz, of Hamtramck, Mich.; Joseph A. Lewandowski, of Hamtramck, Mich.; Eugene Quigley, of Cleveland, Ohio; J. Elwood Jones, of Indianapolis, Ind.; Samuel M. Salny, of Fitchburg, Mass.; and Cedric W. Porter, of Boston, Mass., were admitted to practice.

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No. 18, original. The United States of America, complainant, *v.* The State of Arizona. Application for an order to show cause why a restraining order should not issue submitted by Mr. Solicitor General Biggs for the complainant.

No. 344. Atlantic Coast Line Railroad Company, appellant, *v.* The State of Florida et al., etc.; and

No. 345. State of Florida et al., etc., appellants, *v.* The United States of America et al. Argument continued by Mr. Robert C. Alston for the Atlantic Coast Line Railroad Company; and concluded by Mr. Henry P. Adair for Brooks-Scanlon Corporation et al.; and case submitted by Mr. Carl D. Landis for the State of Florida; by Mr. Theo. T. Turnbull for the Florida Railroad Commission; and by Mr. J. V. Norman for Wilson Lumber Company. Leave granted the Atlantic Coast Line Railroad Company to file supplemental brief within three days.

No. 387. Cape Fear Railways, Inc., appellant, *v.* The United States of America et al. Argument commenced by Mr. Moultrie Hitt for the appellant. The Court declined to hear further argument.

No. 519. William A. S. Douglas et al., petitioners, *v.* Elijah William Cunningham et al. Argued by Mr. Cedric W. Porter for the petitioners, and by Mr. Edmund A. Whitman for the respondents.

Adjourned until Monday, January 21, at 12 o'clock.

## 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, Mr. Justice Roberts, and Mr. Justice Cardozo.

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Joseph Heller, of New York City; Leo W. White, of Pittston, Pa.; W. H. Gillespie, of Pittston, Pa.; Abraham Lieberman, of Union City, N. J.; Joseph C. O'Mahoney, of Cheyenne, Wyo.; Max Shulman, of Chicago, Ill.; Ismael Soldevila, of San Juan, Puerto Rico; Owen Cunningham, of Des Moines, Iowa; Thomas H. Cooley, of Mount Dora, Fla.; John G. Madden, of Kansas City, Mo.; Truman G. Futch, of Leesburg, Fla.; John H. Musgrave, of Pittsburgh, Pa.; and Helene Schmidt, of Middletown, Ohio; were admitted to practice.

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No. —, original. Ex parte: Thomas J. Mooney, petitioner. Leave to file petition for an original writ of habeas corpus denied without prejudice. Opinion, *per curiam*, announced by the Chief Justice.

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The Chief Justice also announced the following orders of the Court.

No. 373. F. R. Thatcher and Claudine Thatcher, et al., appellants, *v.* County of San Diego, a Municipal Corporation, L. H. Aul, et al. Appeal from the District Court of Appeal, 4th Appellate District, State of California. *Per curiam*: Judgment affirmed. Roberts *v.* Richland Irrigation District, 289 U. S. 71.

No. 400. Rutherford B. Irones, Albert W. Bennett, Dante Rossi, et al., etc., appellants, *v.* American Securities Company. Appeal from the Supreme Court of the State of California. *Per curiam*: Judgment affirmed. Roberts *v.* Richland Irrigation District, 289 U. S. 71; Thatcher *v.* County of San Diego, — U. S. — (decided this day).

No. 387. Cape Fear Railways, Incorporated, appellant, *v.* The United States of America, Interstate Commerce Commission et al. Appeal from the District Court of the United States for the Eastern District of Virginia. *Per curiam*: Decree affirmed. Mississippi Valley Barge Co. *v.* United States, 292 U. S. 282, 286; Florida *v.*

United States, 292 U. S. 1, 9; Nashville Ry. v. Tennessee, 262 U. S. 318, 324; Edward Hines, Trustees, v. United States, 263 U. S. 143, 148; Chicago I. & L. Ry. v. United States, 270 U. S. 287, 295.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified to by the Chief Justice and filed with the Clerk and will not be announced orally."

No. 18, original. The United States of America, complainant, v. State of Arizona. A rule is ordered to issue requiring the defendant to show cause, on or before February 4, next, why an order should not issue restraining interference by the defendant, State of Arizona, its officers, agents, and employees, with the construction of Parker Dam pending the final determination of this suit.

No. 637. Georgia M. Spruill, petitioner, v. Mary O'Toole and Edgar C. Snyder. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia. The motion for leave to proceed further herein *in forma pauperis* is denied for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which a writ of certiorari should be issued. The petition for writ of certiorari is therefore also denied.

No. 628. The United States of America, appellant, v. William Elbert Belcher *alias* W. E. Belcher. In this case probable jurisdiction is noted.

No. 580. State Automobile Insurance Association, petitioner, v. Bessie Glick, Administratrix, etc. Petition for writ of certiorari to the Supreme Court of the State of Nebraska granted.

No. 600. Harry E. Hallenbeck, Receiver of South Ashland National Bank, petitioner, v. W. F. Leimert, Receiver of Central Manufacturing District Bank. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted.

No. 575. Compagnie Generale Transatlantique, petitioner, v. Philip Elting, as Collector of Customs, Port of New York. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 578. A. J. Waldock, Trustee for the Republic Lumber Company, petitioner, v. The Choctaw Lumber Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.



No. 579. A. J. Waldo, Trustee of and for The Home Builders Lumber Company, petitioner, *v.* The Choctaw Lumber Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 583. Title Guaranty & Surety Company and American Surety Company of New York, petitioners, *v.* State of Missouri, at the relation and to the use of Andrew Jean Stormfeltz. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 584. Irving Trust Company, as Trustee in Bankruptcy of United Cigar Stores Company, petitioner, *v.* Bankers Trust Company, as Trustee, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 587. Fred Kaempfer, Fred William Kaempfer, et al., as Trustees of "Kaempfer Trust", petitioners, *v.* Mabel Reinecke. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 589. Anthony J. Drexel Biddle, Jr., petitioner, *v.* Irving Trust Company, as Trustee, etc.;

No. 590. Percy L. Deutsch, petitioner, *v.* Irving Trust Company, as Trustee, etc.;

No. 591. Harris Hammond, petitioner, *v.* Irving Trust Company, as Trustee, etc.;

No. 592. Irving Trust Company, as Trustee in Bankruptcy, etc., petitioner, *v.* Arthur D. Mendes, Wiley R. Reynolds, et al.; and

No. 650. Victor C. Bell, petitioner, *v.* Irving Trust Company, as Trustee, etc. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 596. Esther Larose Harris, petitioner, *v.* The Coca-Cola Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 621. The United States of America, petitioner, *v.* Frank Rizzo, Claimant of 146,157 Gallons of Alcohol. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 565. Michael J. Cusick, *alias* Harry Jennings, petitioner, *v.* Colonel Frank D. Whipp, Warden, etc. Petition for rehearing denied.

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No. 534. Clarence Norris, petitioner, *v.* The State of Alabama. Motion to substitute attorneys submitted by Mr. L. Molendez King in support of the motion and by Mr. Walter H. Pollak in opposition thereto.

No. 16, original. The State of Nebraska, complainant, *v.* The State of Wyoming. Motion to dismiss submitted by Mr. Joseph C. O'Mahoney in behalf of counsel for the defendant.

No. —, original. *Ex Parte*: Land Owners Association, petitioner. Motion for leave to file petition for writ of mandamus and/or prohibition submitted by Mr. Dean Acheson in behalf of counsel for the petitioner.

No. —, original. *Ex parte*: Charles S. Abbott, petitioner. Motion for leave to file petition for writ of mandamus and/or prohibition submitted by Mr. Dean Acheson in behalf of counsel for the petitioner.

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No. 557. Vulcan Manufacturing Company, petitioner, *v.* The Maytag Company. On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Dismissed with costs, per stipulation of counsel, on motion of counsel for the petitioner.

No. 598. Jones & Laughlin Steel Corporation, petitioner, *v.* George Vang and V. L. P. Shriver, Receivers of Iron City Sand & Gravel Company, et al. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Dismissed on motion of counsel for the petitioner.

Adjourned until Monday, February 4, at 12 o'clock.

The day call for Monday, February 4, will be as follows: Nos. 254, 255 (and 256), 342, 379, 383, 412, 423, 424 (and 425), 454 (455, 456, and 457), and 465.

## 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, Mr. Justice Roberts, and Mr. Justice Cardozo.

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Joseph C. Sharp, of San Francisco, Calif.; M. J. Hennessey, of Augusta, Ky.; Milton Robinson, of Boston, Mass.; Saul C. Oppenheim, of Battle Creek, Mich.; George A. Meyer, of Arlington, Va.; Melvin C. Smith, of Fredericksburg, Va.; Byron W. Hunter, of Omaha, Nebr.; Harold H. Straus, of New York City; David Blitzer, of New York City; Stanley Osserman, of New York City; Wm. Dale Dunifon, of Columbus, Ohio; J. Roth Crabbe, of Columbus, Ohio; Earl S. Patterson, of Los Angeles, Calif.; Michael Bretkopf, of Newark, N. J.; Harold Simandl, of Newark, N. J.; William A. Schilling, of Newark, N. J.; James W. Chapman, Jr., of Baltimore, Md.; Burket D. Murphy, of Fayetteville, Ga.; James A. Lowrey, Jr., of Macon, Ga.; Eimon L. Wienir, of Seattle, Wash.; Arthur A. Cocks, of Dallas, Tex.; William M. Giller, of Omaha, Nebr.; A. Sidney Camp, of Newnan, Ga.; John McC. Hudson, of Newport News, Va.; J. P. Jackson, of Norfolk, Va.; Samuel Max Kier, of Lincoln, Nebr.; Manning J. Yeomans, of Atlanta, Ga.; and James A. Montgomery, Jr., of Philadelphia, Pa., were admitted to practice.

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**No. 361.** E. W. Clark, Commissioner of Insurance of the State of Iowa, as Receiver of Federal Surety Company, petitioner, *v.* Harry O. Williard, W. W. Wheaton, and C. W. Hay, as Trustees of Gordon Campbell-Kevin Syndicate et al. On writ of certiorari to the Supreme Court of the State of Montana. Judgment affirmed with costs. Opinion by Mr. Justice Cardozo.

**No. 338.** David H. Jennings, Receiver of the National Bank of America, and National Bank of America, petitioners, *v.* United States Fidelity and Guaranty Company. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Judgment reversed with costs and cause remanded to the District Court of the United States for the Northern District of Indiana for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Cardozo.

**No. 340.** Old Company's Lehigh, Inc., petitioner, *v.* Henry E. Meeker, as Receiver for the First National Bank in Mamaroneck, et al. 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. Justice Cardozo.

No. **374**. Ross C. Adams, Receiver of the Farmers National Bank of Pekin, Illinois, petitioner, *v.* Edwin V. Champion, Trustee in Bankruptcy of John Fitzgerald, Bankrupt. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Judgment reversed with costs and cause remanded to the District Court of the United States for the Southern District of Illinois. Opinion by Mr. Justice Cardozo.

No. **386**. Manuel V. Domenech, Treasurer of Puerto Rico, petitioner, *v.* The National City Bank of New York. On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit. Judgment affirmed with costs, and cause remanded to the District Court of the United States for the District of Puerto Rico. Opinion by Mr. Justice Roberts.

No. **519**. William A. S. Douglas and The American Mercury, Inc., petitioners, *v.* Elijah William Cunningham and Post Publishing Company. On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit. Decree 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 Roberts.

No. **394**. Commonwealth of Pennsylvania, petitioner, *v.* John G. Williams, Joseph B. Simon, and Charles Denby, Jr., Receivers of Mortgage Building and Loan Association. 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 Eastern District of Pennsylvania for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Stone.

No. **395**. William D. Gordon, Secretary of Banking of Pennsylvania, etc., petitioner, *v.* Joseph Ominsky and Robert B. Ely, 3rd, Federal Receivers of Christian A. Fisher Building and Loan Association et al. 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 Eastern District of Pennsylvania for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Stone.

No. **431**. Penn General Casualty Company, petitioner, *v.* Commonwealth of Pennsylvania, *ex rel.* Wm. A. Schnader, Attorney General. On writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania. Decree reversed with costs and cause

remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court, but without prejudice to an application by the Insurance Commissioner to the District Court for an order relinquishing its jurisdiction over the property of the company and vacating its injunction against surrender of it to the Commissioner for liquidation under the Insurance Department Law of the state. Opinion by Mr. Justice Stone.

No. 214. Ernest R. Forrest, petitioner, *v.* Arch R. Jack, as Receiver of the Nephi National Bank, of Nephi, Utah. On writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit. Judgment of the Circuit Court of Appeals reversed with costs, and the judgment of the District Court affirmed, and cause remanded to the District Court of the United States for the District of Utah for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Butler.

No. 434. J. Congdon Seabury, as Receiver of the City National Bank of Sumter, S. C., petitioner, *v.* Beatrice C. Green, Administratrix D. B. N., C. T. A., of the Estate of Moses Green, deceased, et al. On writ of certiorari to the Court of Common Pleas for Sumter County, State of South Carolina. Decree reversed with costs, and cause remanded to the said Court of Common Pleas for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Butler.

No. 439. Wiloil Corporation, appellant, *v.* Commonwealth of Pennsylvania. Appeal from the Supreme Court of the Commonwealth of Pennsylvania. Judgment affirmed with costs. Opinion by Mr. Justice Butler.

No. 268. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* E. Morgan Grinnell, as Executor of the Estate of Annie Stone. 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 Sutherland.

No. 339. Chesley W. Journey, petitioner, *v.* William P. MacCracken, Jr. On writ of certiorari to the United States Court of Appeals for the District of Columbia. Judgment of the Court of Appeals reversed, and the judgment of the Supreme Court of the District of Columbia affirmed and cause remanded to the said Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Brandeis. Mr. Justice Reynolds took no part in the consideration or decision of this case.

No. 292. Minnie Lerner, petitioner, *v.* First Wisconsin National Bank of Milwaukee, Wisconsin, Jake Rakita, Harry Blumenfeld, et al. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit; and

No. 496. Lawyers County Trust Company, petitioner, *v.* William Reichert and Paul Kollmar, Individually and as Copartners trading under the name of W. Reichert & Co. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment in No. 496 affirmed with costs and cause remanded to the District Court of the United States for the Southern District of New York; judgment in No. 292 reversed with costs, and cause remanded to the District Court of the United States for the Eastern District of Wisconsin for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice McReynolds.

No. 210. The Wilber National Bank of Oneonta, N. Y., as Administrator of the Estate of James Patrick Mahar, deceased, 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 Northern District of New York. Opinion by Mr. Justice McReynolds.

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The Chief Justice said:

“The orders of the Court appear upon the list certified to by the Chief Justice and filed with the Clerk and will not be announced orally.”

No. —, original. *Ex parte*: Sophy Callahan, petitioner. Motion for leave to file petition for writ of habeas corpus denied.

No. —, original. *Ex parte*: Land Owners Association, petitioner; and

No. —, original. *Ex parte*: Charles S. Abbott, petitioner. Motions for leave to file petitions for writs of mandamus and/or prohibition denied.

No. 344. Atlantic Coast Line Railroad Company, appellant, *v.* State of Florida, et al.; and

No. 345. State of Florida et al., appellants, *v.* United States of America, et al. These cases are restored to the docket and assigned for reargument on Monday, March 4, next; and the attention of counsel is directed to the following points upon which the Court desires to hear argument: (1) Whether the District Court had jurisdiction to award restitution or should exercise such jurisdiction in a case of this character relating to intrastate rates; (2) If the District Court had such jurisdiction and should exercise it in a case of this character relating to the revenue needs of the carrier, what should be the measure of an award of restitution; and (3) In such an inquiry, what effect, evidentiary or otherwise, should be attributed to the proceedings before, and findings of, the Interstate Commerce Commission.

Counsel are also requested to point out what differences, if any, there are between the evidence before the District Court and that before the Interstate Commerce Commission.

No. 643. Jesse C. Duke, petitioner, *v.* The Committee on Grievances of the Supreme Court of the District of Columbia, et al. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia;

No. 644. James Steele, petitioner, *v.* The People of the State of New York. On petition for writ of certiorari to the Supreme Court of the State of New York; and

No. 655. Reba Ray Knight, petitioner, *v.* A. C. Aderhold, Warden, United States Penitentiary, Atlanta, Georgia. On petition for writ certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. The motions for leave to proceed further herein *in forma pauperis* are denied for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which writs of certiorari should be issued. The petitions for writs of certiorari are therefore also denied.

No. 648. Harold E. West, J. Frank Harper, et al., etc., appellants, *v.* Chesapeake and Potomac Telephone Company of Baltimore City; and

No. 658. Max Senior, appellant, *v.* George C. Braden et al., etc. In these cases probable jurisdiction are noted.

No. 582. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* James L. Rankin, Executor, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit granted.

No. 594. The Federal Land Bank of St. Louis, a corporation, petitioner, *v.* A. B. Priddy, Circuit Judge. Petition for writ of certiorari to the Supreme Court of the State of Arkansas granted.

No. 601. Peters Patent Corporation, petitioner, *v.* Bates & Klinke, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit granted.

No. 611. The Ivanhoe Building and Loan Association of Newark, N. J., petitioner, *v.* Thomas A. Orr, Trustee, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit granted.

No. 602. Cavour Hartley, Executor, 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.

No. 612. The California Oregon Power Company, petitioner, *v.* Beaver Portland Cement Company et al. Petition for writ of cer-

tiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted.

No. **625.** Realty Associates Securities Corporation et al., petitioners, *v.* Eugene F. O'Connor, Jr., Fred L. Gross et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. **663.** John A. Snyder, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit granted and the case assigned for argument immediately following No. **582.**

No. **562.** Anders Jordahl and Mary D. Jordahl, petitioners, *v.* Irving Trust Company, Trustee in Bankruptcy of International Match Corporation et al., etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. **593.** Norman S. Bowles, 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. **595.** Charlotte F. Jones, petitioner, *v.* The National Bank of Chester County et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. **597.** Charles Burnham Squier, petitioner, *v.* Augustus S. Houghton et al. Petition for writ of certiorari to the Supreme Court of the State of New York denied.

No. **614.** The United States of America, to the use of Colonial Brick Corporation, petitioner, *v.* Federal Surety Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. **615.** The United States of America, to the use of Colonial Brick Corporation et al., petitioners, *v.* Federal Surety Company, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. **599.** Minnesota Mining & Manufacturing Company, petitioner, *v.* Durward Ogden Guth. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. **613.** Norwich Union Indemnity Company, petitioner, *v.* H. O. Simonds, as Father of John Simonds, a minor. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. **617.** David Lipman, petitioner, *v.* Arthur V. Goebel and Edward Schatz. Petition for writ of certiorari to the Supreme Court of the State of Illinois denied.

No. **618.** The Ohio Locomotive Crane Company, petitioner, *v.* U. G. Denman, Administrator, etc.; and



No. 619. The Ohio Locomotive Crane Company, petitioner, *v.* The United States of America. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 622. The United States of America, *ex rel.* Kroger Grocery & Baking Company, petitioner, *v.* The Interstate Commerce Commission. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 623. Wesley Robinson, Southern Fertilizer, et al., petitioners, *v.* The Home Insurance Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 626. William G. Roelker, Receiver of the Middlesex National Bank, Lowell, Massachusetts, petitioner, *v.* Bromley-Shepard Co., Inc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 627. The People of the State of New York, petitioner, *v.* Louis W. Arnold, Jr., Trustee in Bankruptcy of Flatbush Gum Co., Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 629. E. M. Loew's, Inc., et al., petitioners, *v.* New England Theatres, Inc., et al. Petition for writ of certiorari to the Superior Court for Suffolk County, Commonwealth of Massachusetts, denied.

No. 630. Arthur J. Kasimov and Joseph Kasimov, Partners, Trading as Kasimov Bros., petitioners, *v.* Alfred I. Soltz, Trustee in Bankruptcy of the Estate of Arthur J. Kasimov, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 161. The United States of America, petitioner, *v.* Irah D. Spaulding;

No. 234. The United States of America, *ex rel.* Chicago Great Western Railroad Co. et al., petitioners, *v.* Interstate Commerce Commission, et al.;

No. 545. Highway Trailer Company, petitioner, *v.* Commissioner of Internal Revenue;

No. 581. W. Verdner Carson et al., petitioners, *v.* The Long-Bell Lumber Corporation et al.;

No. 608. Georgia M. Spruill, petitioner, *v.* William T. Ballard et al.;

No. 609. Georgia M. Spruill, petitioner, *v.* Supreme Court of the District of Columbia; and

No. 637. Georgia M. Spruill, petitioner, *v.* Mary O'Toole and Edgar C. Snyder. Petitions for rehearing denied.

No. 233. John H. Frederick *v.* The United States of America. Mr. Solicitor General Biggs brought to the attention of the Court Public Resolution No. 1, 74th Congress, and moved the Court to consider its application to this case.

No. 18, original. The United States of America, complainant, *v.* The State of Arizona. Leave granted complainant to file brief by Friday next on motion of Mr. Solicitor General Biggs for the complainant.

No. 208. Herbert H. Waxham, doing business as Waxham Hatcheries, petitioner, *v.* Samuel B. Smith and The Buckeye Incubator Company. Motion that mandate issue forthwith submitted by Mr. Albert L. Ely for the respondent in support of the motion and by Mr. Drury W. Cooper and Mr. Allan C. Bakewell for the petitioner in opposition thereto, and motion granted.

No. 16, original. The State of Nebraska, complainant, *v.* The State of Wyoming. Motion to set cause for hearing on motion to dismiss submitted by Mr. Edward R. Burke for the complainant.

No. 534. Clarence Norris, petitioner, *v.* The State of Alabama. Leave granted to withdraw motion to substitute counsel and to withdraw appearances of Mr. Walter H. Pollak and Mr. Osmond K. Fraenkel as counsel for petitioner, on motion of Mr. Charles Houston on behalf of counsel for petitioner.

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No. —. In re Thomas Marshall. Return to rule to show cause presented.

No. 18, original. The United States of America, complainant, *v.* The State of Arizona. Return to rule to show cause presented.

No. 634. Zenith-Detroit Corporation, petitioner, *v.* Bendix Stromberg Carburetor Company. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Dismissed per stipulation, on motion of counsel for petitioner.

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No. 254. Paramount Publix Corporation, petitioner, *v.* American Tri-Ergon Corporation. Argument commenced by Mr. William D. Mitchell for the petitioner; continued by Mr. Theodore S. Kenyon for the respondent; and by Mr. George Wharton Pepper for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, February 5, will be as follows: Nos. 254, 255 (and 256), 342, 379, 383, 412, 423, 424 (and 425), 454 (455, 456, and 457), and 465.

## 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, Mr. Justice Roberts, and Mr. Justice Cardozo.

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Wint Smith, of Topeka, Kans.; Nathan A. Dobbins, of Washington, D. C.; Charles Barton Gray, of Washington, D. C.; Frank L. Kloeb, of Celina, Ohio; Charles O. Arthur, of Washington, D. C.; Walter H. Borcharding, of Washington, D. C.; Adolph A. Berle, Jr., of New York City; Raymond Fassett Brown, of Syracuse, N. Y.; E. Kendall Bragg, of Cambridge, Mass.; Francis Gill, of San Francisco, Calif.; Lyman S. Hulbert, of Atlanta, Ga.; Edward F. Arn, of Topeka, Kans.; Arnold Margolin, of Boston, Mass.; B. D. Sartin, of Wichita Falls, Texas; Robert Whitehead, of Lovingsston, Va.; Otho W. Lomax, of Topeka, Kans.; Seth C. Reynolds, of Ashdown, Ark.; James Louis Robertson, of Washington, D. C.; George Walter Scofield, of Inverness, Fla.; Everett A. Corten, of San Francisco, Calif.; William S. Shenker, of Portland, Oreg.; Fred E. Ptak, of Oklahoma City, Okla.; and Walter Patrick Reese, of Dayton, Ohio, were admitted to practice.

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No. 254. Paramount Publix Corporation, petitioner, *v.* American Tri-Ergon Corporation. Argument continued by Mr. George Wharton Pepper for the respondent and concluded by Mr. William D. Mitchell for the petitioner.

No. 255. Altoona Publix Theatres, Inc., petitioner, *v.* American Tri-Ergon Corporation and Tri-Ergon Holding, A. G.; and

No. 256. Wilmer & Vincent Corporation and Locust Street Real Estate Co., petitioners, *v.* American Tri-Ergon Corporation and Tri-Ergon Holding, A. G. Argued by Mr. Merrell E. Clark and by Mr. Thomas G. Haight for the petitioners, and by Mr. Thomas D. Thacher for the respondents.

No. 342. Madison L. Miller, Jr., petitioner, *v.* The United States of America. Argument commenced by Mr. James A. Lowrey, Jr., for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, February 6, will be as follows: Nos. 342, 379, 383, 412, 423, 424 (and 425), 454 (455, 456, and 457), 465, 469, and 478.

## 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, Mr. Justice Roberts, and Mr. Justice Cardozo.

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Robert H. Shields, of New York City; Robert B. Tyler, of New York City; Celia M. Howard, of Chicago, Ill.; Samuel MacKeehan Dague, of Chicago, Ill.; J. Daniel Dougherty, of New York City; Benjamin Horn, of Dayton, Ohio; Charles W. Waring, of Charleston, S. C.; Isaac Blair Evans, of Pasadena, Calif.; Enor K. Matson, of Helena, Mont.; E. J. McCabe, of Great Falls, Mont.; and A. Donham Owen, of San Francisco, Calif., were admitted to practice.

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No. 342. Madison L. Miller, Jr., petitioner, *v.* The United States of America. Argument continued by Mr. Will G. Beardslee for the respondent, and concluded by Mr. James A. Lowrey, Jr., for the petitioner.

No. 379. The United States of America et al., appellants, *v.* Chicago, Milwaukee, St. Paul & Pacific Railroad et al. Argument commenced by Mr. Assistant Attorney General Stephens for the appellants, The United States and Interstate Commerce Commission; continued by Mr. John T. Quisenberry for the appellants, Illinois Central Railroad Company et al.; by Mr. C. L. Taylor for the appellee, Chicago, Milwaukee, St. Paul and Pacific R. R. Co.; and concluded by Mr. Earl B. Wilkinson for the appellees, Binkley Coal Mining Company et al.

No. 383. G. D. Swinson, petitioner, *v.* Chicago, St. Paul, Minneapolis and Omaha Railway Company. Argument commenced by Mr. Ernest A. Michel for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, February 7, will be as follows: Nos. 383, 412, 423, 424 (and 425), 454 (455, 456, and 457), 465, 469, 478, 499, and 479 (480, 481, 482, 483, 484, 485, 486, 487, and 488).

## SUPREME COURT OF THE UNITED STATES

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

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Francisco A. Delgado, of Manila, P. I.; Henry E. Ketner, of Richmond, Va.; Sadie A. Bevilacqua, of Galveston, Tex.; Thomas C. Cochran, of Mercer, Pa.; and John L. Brin, of Stewartville, Minn., were admitted to practice.

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No. 562. Anders Jordahl and Mary D. Jordahl, petitioners, *v.* Irving Trust Company, Trustee, etc. Order denying petition for writ of certiorari withheld on motion of Mr. William C. Rigby for the petitioners.

No. 383. G. D. Swinson, petitioner, *v.* Chicago, St. Paul, Minneapolis and Omaha Railway Company. Argument continued by Mr. Ernest A. Michel for the petitioner; and concluded by Mr. Warren Newcome for the respondent.

No. 412. Panhandle Eastern Pipe Line Company, appellant, *v.* State Highway Commission of Kansas. Argued by Mr. G. J. Neuner for the appellant and by Mr. Wint Smith for the appellee.

No. 423. Frank H. Cooney, as Governor of the State of Montana, et al., etc., appellants, *v.* The Mountain States Telephone and Telegraph Company. Argument commenced by Mr. Enor K. Matson for the appellants.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, February 8, will be as follows: Nos. 423, 424 (and 425), 454 (455, 456, and 457), 465, 469, 478, 499, 479 (480, 481, 482, 483, 484, 485, 486, 487, and 488), 489 (and 490), and 521.

## SUPREME COURT OF THE UNITED STATES

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

Rodney P. Woods, Jr., of New Orleans, La.; William W. Ogden, of New Orleans, La.; O. H. Chmillon, of Washington, D. C.; Abraham Alboum, of Newark, N. J.; Julius C. Smith, of Greensboro, N. C.; and Hyman Shanok, of Chicago, Ill., were admitted to practice.

No. **423**. Frank H. Cooney, as Governor of the State of Montana et al., etc., appellants, *v.* The Mountain States Telephone and Telegraph Company. Argument continued by Mr. Elmer L. Brock for the appellee, and concluded by Mr. M. S. Gunn for the appellee.

No. **424**. Hildegard Schoenamsgruber etc, petitioner, *v.* The Hamburg American Line, Claimant, etc.; and

No. **425**. Gustave Schoenamsgruber, petitioner, *v.* The Hamburg American Line, Claimant. Argued by Mr. Joseph C. Sharp for the respondent, and cases submitted by Mr. Harry H. Semmes for the petitioners.

No. **454**. The Stewart Dry Goods Company, appellant, *v.* John B. Lewis et al., Individually etc., et al.;

No. **455**. Fred Levy et al., appellants, *v.* John B. Lewis et al., Individually etc., et al.;

No. **456**. J. C. Penney Company, appellant, *v.* John B. Lewis et al., etc.; and

No. **457**. The Kroger Grocery & Baking Company, appellant, *v.* John B. Lewis et al., etc. Argued by Mr. Robert S. Marx for the appellant, and by Mr. S. H. Brown and Mr. Francis M. Burke for the appellees.

No. **465**. Alaska Packers Association, appellant, *v.* The Industrial Accident Commission of the State of California et al. Argument commenced by Mr. Francis Gill for the appellant.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, February 11, will be as follows: Nos. **465, 469, 478, 15, original, 604 (and 605), 479 (480, 481, 482, 483, 484, 485, 486, 487, and 488), 489 (and 490), 499, 521, and 522.**

## 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, Mr. Justice Roberts, and Mr. Justice Cardozo.

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Thos. H. Hodgson, of Minneapolis, Minn.; Theophilus M. Mann, of Chicago, Ill.; Louis M. Fischer, of Amarillo, Tex.; M. Morton Garbus, of Los Angeles, Calif.; Vincent W. Farley, of New York City; George C. Eliades, of Lowell, Mass.; Elliott E. Stearns, of Cleveland, Ohio; and Robert S. Gast, of Pueblo, Colo., were admitted to practice.

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The Chief Justice said:

“The orders of the Court appear upon the list certified to by the Chief Justice and filed with the Clerk and will not be announced orally.”

No. 233. John H. Frederick *v.* The United States of America. On certificate from the United States Circuit Court of Appeals for the Eighth Circuit. *Per curiam*: In view of the provisions of Public Resolution No. 1, 74th Congress, approved January 28, 1935, the certificate herein is dismissed to the end that further proceedings may be had in accordance with the Resolution.

No. 347. Louise Earwood, as Guardian of Thomas Caleb Earwood, *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 petition for certiorari in this case is granted. In view of the provisions of Public Resolution No. 1, 74th Congress, approved January 28, 1935, the judgment of the Circuit Court of Appeals is vacated and the cause is remanded to that Court with instructions to determine whether the District Court should have directed a verdict on the merits, and to enter judgment accordingly.

No. 16, original. The State of Nebraska, complainant, *v.* The State of Wyoming. The motion to set this case for hearing on the motion to dismiss is granted and the case is assigned for argument on Monday, March 11, next after the case heretofore assigned for that day.

No. 18, original. The United States of America, complainant, *v.* The State of Arizona. It is ordered that this cause be assigned for

hearing on the application for an interlocutory injunction on Monday, March 4, next, at the head of the call for that day, and that the defendant, its officers, agents, and employees, be, and they hereby are, restrained from interfering with the construction of Parker Dam pending the hearing and determination of said application.

No. 668. J. S. Belt and A. J. Kelly, petitioners, *v.* The United States of America. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit; and

No. 669. Georgia M. Spruill, petitioner, *v.* Howard E. Crawford. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia. The motions for leave to proceed further herein in forma pauperis are denied for the reason that the Court, upon examination of the papers herein submitted finds no ground upon which writs of certiorari should be issued. The petitions for writs of certiorari are therefore also denied.

No. 665. Angelo Herndon, appellant, *v.* The State of Georgia. Further consideration of the question of the jurisdiction of this Court in this case is postponed to the hearing of the case on the merits.

No. 670. Texas and New Orleans Railroad Company et al., appellants, *v.* The United States of America et al. In this case probable jurisdiction is noted.

No. 640. Stott Realty Company, petitioner, *v.* Roy A. Heymann et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 616. Washington Railway & Electric Company, petitioner, *v.* Melvin C. Hazen, George E. Allen et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 620. Spencer G. Young, 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. 624. Henry Woo, 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. 631. Yonejiro Nakasuji, petitioner, *v.* Howard Seager, United States Collector of Customs, etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 639. Mrs. C. A. Hamann, petitioner, *v.* Ralph Stickle, Ancillary Receiver of Prince & Whitely. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.



No. 641. Louis D. Beaumont, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 647. The New York, New Haven & Hartford Railroad Company, petitioner, *v.* Emil Hoffman. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. —, original. *Ex parte*: Thomas J. Mooney, petitioner;

No. 69. Fred L. Fox, in his individual right, etc., appellant, *v.* Standard Oil Company of New Jersey; and

No. 573. Mrs. Grace Mae Davis, petitioner, *v.* Jefferson Standard Life Insurance Company. Petitions for rehearing denied.

#### ORDER

The Court will take a recess from Monday, February 18, to Monday, March 4, next.

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No. 465. Alaska Packers Association, appellant, *v.* The Industrial Accident Commission of the State of California. Argument continued by Mr. Francis Gill for the appellant, and concluded by Mr. Everett A. Corten for the appellee.

No. 469. Henry L. Doherty & Company, appellant, *v.* Frank Goodman. Argued by Mr. Fred W. Lehmann, Jr., for the appellant, and by Mr. Joseph I. Brody for the appellee.

No. 478. Fox Film Corporation, petitioner, *v.* A. B. Muller. Argument commenced by Mr. James D. Shearer for the petitioner. The Court declined to hear further argument.

No. 15, original. The State of Wisconsin, complainant, *v.* The State of Michigan. Argument on the exceptions to the report of the Special Master commenced by Mr. Adolph J. Bieberstein for the complainant. Argument suspended and case continued.

No. 604. Charles H. Baldwin, as commissioner of Agriculture and Markets, etc., et al., appellants, *v.* G. A. F. Seelig, Inc.; and

No. 605. G. A. F. Seelig, Inc., appellant, *v.* Charles H. Baldwin, as Commissioner of Agriculture and Markets, etc., et al. Argument commenced by Mr. J. Daniel Dougherty for G. A. F. Seelig, Inc., and continued by Mr. Henry S. Manley for Charles H. Baldwin, as Commissioner, etc., et al.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, February 12, will be as follows: Nos. 604 (and 605), 479 (480, 481, 482, 483, 484, 485, 486, 487, and 488), 489 (and 490), 521, 522, 524, 499, 528, 534, and 554.

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, Mr. Justice Roberts, and Mr. Justice Cardozo.

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Wilbur W. Piper, of Knoxville, Tenn.; Edwin Brobston, of Tampa, Fla.; George L. Hart, Jr., of Washington, D. C.; Hiram K. Green, of Salem, Ohio; Ralph G. Nilson, of Alexandria, Va.; Samuel M. Casey, of Batesville, Ark.; Clarence R. Gorman, of Washington, D. C.; James P. Carey, Jr., of Chicago, Ill.; W. D. Pruden, of Edenton, N. C.; Wilkie Brushby, of New York City; Joseph Schreiber, of New York City; and Thomas E. Huser, of New York City, were admitted to practice.

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No. 604. Charles H. Baldwin, as Commissioner of Agriculture, etc., et al., appellants, *v.* G. A. F. Seelig, Inc.; and

No. 605. G. A. F. Seelig, Inc., appellant, *v.* Charles H. Baldwin, as Commissioner of Agriculture, etc., et al. Argument continued by Mr. Henry S. Manley for Charles H. Baldwin, as Commissioner, etc., et al.; and concluded by Mr. J. Daniel Dougherty for G. A. F. Seelig, Inc.

No. 479. Continental Illinois National Bank and Trust Company of Chicago, petitioner, *v.* The Chicago, Rock Island & Pacific Railway Company et al.;

No. 480. Continental Illinois National Bank and Trust Company of Chicago, petitioner, *v.* The Chicago, Rock Island & Pacific Railway Company et al.;

No. 481. The Chase National Bank of the City of New York, petitioner, *v.* The Chicago, Rock Island & Pacific Railway Company et al.;

No. 482. The Chase National Bank of the City of New York, petitioner, *v.* The Chicago, Rock Island & Pacific Railway Company et al.;

No. 483. Mississippi Valley Trust Company, petitioner, *v.* The Chicago, Rock Island & Pacific Railway Company et al.;

No. 484. Mississippi Valley Trust Company, petitioner, *v.* The Chicago, Rock Island & Pacific Railway Company et al.;

No. 485. Harris Trust and Savings Bank, petitioner, *v.* The Chicago, Rock Island & Pacific Railway Company et al.;

No. 486. Harris Trust and Savings Bank, petitioner, *v.* The Chicago, Rock Island & Pacific Railway Company et al.;

No. 487. The New York Trust Company, petitioner, *v.* The Chicago, Rock Island & Pacific Railway Company et al.; and

No. 488. The New York Trust Company, petitioner, *v.* The Chicago, Rock Island & Pacific Railway Company et al. Argument commenced by Mr. Herbert A. Friedlich for the petitioners; continued by Mr. Paul D. Miller for the petitioners and by Mr. Elihu Root, Jr., for the respondents, Bondholders Protective Committees.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, February 13, will be as follows: Nos. 479 (480, 481, 482, 483, 484, 485, 486, 487, and 488), 489 (and 490), 521, 522, 524, 499, 528, 534, 554, and 537.

## 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, Mr. Justice Roberts, and Mr. Justice Cardozo.

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Isidor Ostroff, of Philadelphia, Pa.; Paul B. Sargent, of Boston, Mass.; Harold N. Cohen, of New York City; Philip M. Aitken, of Lincoln, Nebr.; William I. Aitken, of Lincoln, Nebr.; Walter Schaefer, of Chicago, Ill.; and Donald B. MacGuineas, of Chicago, Ill., were admitted to practice.

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No. 479. Continental Illinois National Bank and Trust Company of Chicago, petitioner, *v.* The Chicago, Rock Island & Pacific Railway Company, et al.;

No. 480. Continental Illinois National Bank and Trust Company of Chicago, petitioner, *v.* The Chicago, Rock Island & Pacific Railway Company, et al.;

No. 481. The Chase National Bank of the City of New York, petitioner, *v.* The Chicago, Rock Island & Pacific Railway Company, et al.;

No. 482. The Chase National Bank of the City of New York, petitioner, *v.* The Chicago, Rock Island & Pacific Railway Company, et al.;

No. 483. Mississippi Valley Trust Company, petitioner, *v.* The Chicago, Rock Island & Pacific Railway, et al.;

No. 484. Mississippi Valley Trust Company, petitioner, *v.* The Chicago, Rock Island & Pacific Railway Company, et al.;

No. 485. Harris Trust and Savings Bank, petitioner, *v.* The Chicago, Rock Island & Pacific Railway Company, et al.;

No. 486. Harris Trust and Savings Bank, petitioner, *v.* The Chicago, Rock Island & Pacific Railway Company, et al.;

No. 487. The New York Trust Company, petitioner, *v.* The Chicago, Rock Island & Pacific Railway Company, et al.; and

No. 488. The New York Trust Company, petitioner, *v.* The Chicago, Rock Island & Pacific Railway Company, et al. Argument continued by Mr. Edward W. Bourne for the respondent Protective Committee for the Chicago, Rock Island & Pacific Railway Company General Mortgage Bonds; by Mr. Marcus L. Bell for respondents, Trustees in Bankruptcy; and concluded by Mr. Paul D. Miller for the petitioners.

No. 489. Reconstruction Finance Corporation, petitioner, *v.* The Chicago, Rock Island & Pacific Railway Company, et al.; and

No. 490. Reconstruction Finance Corporation, petitioner, *v.* The Chicago, Rock Island & Pacific Railway Company, et al. Argument commenced by Mr. A. A. Berle, Jr., for the petitioner; continued by Mr. Cassius M. Clay for the petitioner; by Mr. A. A. Berle, Jr., for the petitioner; by Mr. Elihu Root, Jr., for the respondents, Bondholders Protective Committees; by Mr. Marcus L. Bell for the respondents, Trustees in Bankruptcy; and concluded by Mr. A. A. Berle, Jr., for the petitioner; and cases submitted by Mr. James H. McIntosh, Mr. Clifton P. Williamson, and Mr. Edward W. Bourne for respondent, Protective Committee for the Chicago, Rock Island & Pacific Railway Company general mortgage bonds.

No. 521. Steamship "Ansaldo San Giorgio I", Societa Nazionale Di Navigazione, Claimant, petitioner, *v.* The Rheinstrom Brothers Company. Argued by Mr. Homer L. Loomis for the petitioner, and by Mr. D. Roger Englar for the respondent.

No. 522. Manufacturers' Finance Company, petitioner, *v.* Frank M. McKey, as Trustee in Bankruptcy, etc. Argument commenced by Mr. Edward I. Rothbart for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, February 14, will be as follows: Nos. 522, 524, 499, 528, 534, 554, and 537.

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## 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, Mr. Justice Roberts, and Mr. Justice Cardozo.

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Benjamin Gross, of Jersey City, N. J.; David Friedenbergh, of Hoboken, N. J.; Louis Adler, of Bayonne, N. J.; Howard Ewart, of Toms River, N. J.; Walter J. Bilder, of Newark, N. J.; Henry L. Brooks, of Louisville, Ky.; John Noble, of Boston, Mass.; and S. P. Gaillard, Jr., of Mobile, Ala., were admitted to practice.

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No. 522. Manufacturers' Finance Company, petitioner, *v.* Frank M. McKey, as Trustee in Bankruptcy etc. Argument continued by Mr. Edward T. Rothbart for the petitioner; by Mr. Thomas L. Marshall for the respondent; and concluded by Mr. Edward I. Rothbart for the petitioner.

No. 524. Aktieselskabet "Cuzco" as Owner of the Norwegian Steamship "Toluma", petitioner, *v.* Steamship "Sucarseco", her engines, etc., et al. Argued by Mr. William H. McGrann for the petitioner, and by Mr. D. Roger Englar for the respondents.

No. 499. Great Northern Railway Company, petitioner, *v.* P. B. Sullivan, Doing Business as Alberta Coal Sales Company. Argument commenced by Mr. J. P. Plunkett for the petitioner, and continued by Mr. Stanley B. Houck for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, February 15, will be as follows: Nos. 499, 528, 534 (and 554), and 537.

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, Mr. Justice Roberts, and Mr. Justice Cardozo.

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Franklin S. Pollak, of New York City; John T. Beasley, of Terre Haute, Ind.; and Frederick E. Merrills, of Belleville, Ill., were admitted to practice.

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No. 499. Great Northern Railway Company, petitioner, *v.* P. B. Sullivan, Doing Business as Albertal Coal Sales Company. Argument continued by Mr. Stanely B. Houck for the respondent; and concluded by Mr. J. P. Plunkett for the petitioners.

No. 528. Joseph A. Broderick, Superintendent of Banks of the State of New York, appellant, *v.* Mary Rosner et al. Argument commenced by Mr. Carl J. Austrian for the appellant; continued by Mr. James D. Carpenter, Jr., for the appellant; by Mr. Walter J. Bilder for the appellees, Mary Rosner et al.; by Mr. David Friedenberg for the appellees, Charles P. Anderson et al.; and case submitted by Mr. J. H. Harrison for the appellees, The Bobdon Co. et al.

No. 534. Clarence Norris, petitioner, *v.* The State of Alabama; and

No. 554. Haywood Patterson, petitioner, *v.* State of Alabama. Argument commenced by Mr. Samuel S. Leibowitz for the petitioner in No. 534, and continued by Mr. Walter H. Pollak for the petitioner in No. 554.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, February 18, will be as follows: Nos. 534 (and 554).

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, Mr. Justice Roberts, and Mr. Justice Cardozo.

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Robert G. Dreffein, of Chicago, Ill.; George M. Sundheim, of Chicago, Ill.; Robert B. Watts, of New York City; Lloyd E. Elliott, of Dallas, Tex.; and Neal A. Sullivan, of Newkirk, Okla., were admitted to practice.

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No. 270. Norman C. Norman, petitioner, *v.* The Baltimore and Ohio Railroad Company. On writ of certiorari to the Supreme Court of the State of New York;

No. 471. The United States of America, Reconstruction Finance Corporation et al., petitioners, *v.* Bankers Trust Company and William H. Bixby, Trustees; and

No. 472. The United States of America, Reconstruction Finance Corporation et al., petitioners, *v.* Bankers Trust Company and William H. Bixby, Trustees. On writs of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. In No. 270 judgment affirmed with costs; in Nos. 471 and 472 decrees of the District Court of the United States for the Eastern District of Missouri affirmed. Opinion by Mr. Chief Justice Hughes. Dissenting opinion by Mr. Justice McReynolds in which Mr. Justice Van Devanter, Mr. Justice Sutherland and Mr. Justice Butler join.

No. 531. F. Eugene Nortz *v.* The United States. On certificate from the Court of Claims. Question No. 1 answered "No." Opinion by Mr. Chief Justice Hughes. Dissenting opinion by Mr. Justice McReynolds in which Mr. Justice Van Devanter, Mr. Justice Sutherland and Mr. Justice Butler join.

No. 532. John H. Perry *v.* The United States. On certificate from the Court of Claims. Question No. 1 answered "No." Opinion by Mr. Chief Justice Hughes. Concurring opinion by Mr. Justice Stone. Dissenting opinion by Mr. Justice McReynolds in which



Mr. Justice Van Devanter, Mr. Justice Sutherland, and Mr. Justice Butler join.

The Chief Justice said:

"The other orders of the Court appear upon the list certified to by the Chief Justice and filed with the Clerk and will not be announced orally."

No. 478. Fox Film Corporation, petitioner, *v.* A. B. Muller. On writ of certiorari to the Supreme Court of the State of Minnesota. *Per curiam*: As it appears that no final judgment has been entered, the writ of certiorari is dismissed as improvidently granted. *Beaupre v. Noyes*, 138 U. S. 402; *National Life Ins. Co. v. Scheffer*, 131 U. S. (Appx.) cciii.

No. 675. Sherrell E. Chandler, appellant, *v.* Wm. H. Marlatt, Executor of the Estate of George A. Coulton, deceased. Appeal from the Supreme Court of the State of Ohio. *Per curiam*: The motion of appellee to dismiss the appeal herein is granted, and the appeal is dismissed upon the ground that it does not appear that the decision of a Federal question was necessary to the determination of the cause or was actually determined. *Lynch v. New York ex rel. Pierson*, 293 U. S. 52; *Wetzel v. Fulton*, 293 U. S. —, decided November 19, 1934; *Kagarise v. Railroad Commission*, 293 U. S. —, decided November 5, 1934.

No. 412. Panhandle Eastern Pipe Line Company, appellant, *v.* State Highway Commission of Kansas. This case is restored to the docket and assigned for reargument on Monday, March 11 next. The Court especially desires to hear argument with respect to the rights and privileges of the appellant as a pipe-line company, and the obligations and burdens imposed upon the appellant, under the statutes of the State of Kansas.

No. 688. Carl Green, petitioner, *v.* The Cleveland, Cincinnati, Chicago, and St. Louis Railway Company. On petition for writ of certiorari to the Supreme Court of the State of Ohio. The motion for leave to proceed further herein in forma pauperis is denied for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which a writ of certiorari should be issued. The petition for writ of certiorari is therefore also denied.

No. —. In the Matter of Thomas Marshall. Thomas Marshall, of 105 West Adams Street, Chicago, Illinois, an attorney of the bar of this Court, having been cited to show cause why he should not be adjudged in contempt of this Court because of the character of the statements contained in his briefs presented to this Court on the application for certiorari in *Marshall Electric Co. v. Pullman, Inc.*

et al., No. 536 on the present docket, as set forth in the order to show cause;

And it now appearing that the said Thomas Marshall makes the following answer:

"I am humiliated at the realization that certain remarks in my reply brief have transgressed the bonds of propriety and offended the Court. I am very sorry and apologize.

"The reply brief was written under pressure of time, and believe me when I say that my failure to realize the impropriety of the remarks in question was due solely to the heat of the controversy. I own control by a substantial majority of the stock in the petitioner and have personally had the active management of this litigation on behalf of petitioner for a period of six years, through many courts";

The Court, upon consideration of his answer, finds and adjudges that the offending statements contained in his briefs constitute contempt of this Court, and now reprimands Thomas Marshall for the use of the said statements, and as punishment therefor suspends him from his rights and privileges as a member of the bar of this Court for six months from this day and orders that he pay a fine of \$250.

No. 588. The Stelos Company, Inc., petitioner, *v.* Hosiery Motor-Mend Corporation et al.; and

No. 653. Hosiery Motor-Mend Corporation et al., petitioners, *v.* The Stelos Company, Inc. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 635. Hamburg-American Line, petitioner, *v.* Philip Elting, Collector of Customs, Port of New York. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 460. Eric Lyders, petitioner, *v.* Inger Marie Petersen, Maren Jensen, Johannes Nielsen, et al. Petition for writ of certiorari to the District Court of Appeals, 1st Appellate District, Division 1, State of California, denied.

No. 633. Consolidated Title Securities Company, petitioner, *v.* Ed W. Hopkins, County Assessor, etc. Petition for writ of certiorari to the Supreme Court of the State of California denied.

No. 636. James C. Jones, Sr., petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 638. Kendrick Coal and Dock Company, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 651. Joseph Ziccardi, petitioner, *v.* Travelers Insurance Company and Lenox Operating Company. Petition for writ of certiorari to the Superior Court of Suffolk County, Commonwealth of Massachusetts denied.

No. 652. T. W. Warner Company, petitioner, *v.* Archie M. Andrews and American Surety Company of New York. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 654. Ralph A. Freundlich, Inc., Ralph Freundlich and Sol J. Freundlich, petitioners, *v.* Fleischer Studios, Inc., et al., etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 249. Livingston H. McCrea, petitioner, *v.* The United States of America as Owner etc. Petition for rehearing denied. Opinion by Mr. Justice Stone.

No.—, original. Ex parte: Sophy Callahan;

No. 102. Samuel B. Smith, petitioner, *v.* E. H. Snow, et al., etc.;

No. 208. Herbert H. Waxham, doing business as Maxham Hatcheries, petitioner, *v.* Samuel B. Smith et al.; and

No. 589. Anthony J. Drexel Biddle, Jr., petitioner, *v.* Irving Trust Company, as Trustee, etc. Petitions for rehearing denied.

No. 534. Clarence Norris, petitioner, *v.* The State of Alabama; and

No. 554. Haywood Patterson, petitioner, *v.* State of Alabama. Argument continued by Mr. Walter H. Pollak for the petitioner in No. 554; and concluded by Mr. Thomas E. Knight, Jr., for the respondent.

Adjourned until Monday, March 4 next at 12 o'clock.

The day call for Monday, March 4, will be as follows: Nos. 18, original, 344 (and 345), 537, 538, 544, 549 (and 550), 551, 556, 563, and 566.

SUPREME COURT OF THE UNITED STATES

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Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Cardozo.

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C. Roy Smith, of Long Beach, Calif.; Borden H. Burr, of Birmingham, Ala.; Harry A. Johnston, of West Palm Beach, Fla.; Maurice Bass Gladstone, of Brooklyn, N. Y.; Guy K. Bard, of Lancaster, Penna.; L. E. Heath, of Douglas, Ga.; James R. Moore, of Phoenix, Ariz.; John L. Sullivan, of Phoenix, Ariz.; and Alfred McCormack, of New York City, were admitted to practice.

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No. 379. The United States of America, The Interstate Commerce Commission, The Illinois Central Railroad Company, et al., appellants, *v.* Chicago, Milwaukee, St. Paul & Pacific Railroad, Brinkley Coal Company et al. Appeal from the District Court of the United States for the Northern District of Illinois. Decree affirmed. Opinion by Mr. Justice Cardozo.

No. 604. Charles H. Baldwin, as Commissioner of Agriculture and Markets of the State of New York, et al., etc., appellants, *v.* G. A. F. Seelig, Inc.; and

No. 605. G. A. F. Seelig, Inc., appellant, *v.* Charles H. Baldwin, as Commissioner of Agriculture and Markets of the State of New York, et al., etc. Appeals from the District Court of the United States for the Southern District of New York. Decree in No. 604 affirmed with costs and decree in No. 605 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 Cardozo.

No. 521. Steamship "Ansaldo San Giorgio I" Societa Nazionale di Navigazione, Claimant, petitioner, *v.* The Rheinstrom Brothers Company. 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 Roberts.

No. 254. Paramount Publix Corporation, petitioner, *v.* American Tri-Ergon Corporation. 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 Stone. Mr. Justice Brandeis took no part in the consideration or decision of this case.

No. 255. Altoona Publix Theatres, Inc., petitioners, *v.* American Tri-Ergon Corporation and Tri-Ergon Holding, A. G.; and

No. 256. Wilmer & Vincent Corporation and Locust Street Real Estate Company, petitioners, *v.* American Tri-Ergon Corporation and Tri-Ergon Holding, A. G. On writs of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Decrees reversed with costs, and cases remanded to the District Court of the United States for the Middle District of Pennsylvania for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Stone. Mr. Justice Brandeis took no part in the consideration or decision of these cases.

No. 424. Hildegard Schoenamsgruber, by Gustav Schoenamsgruber, her guardian, petitioners, *v.* The Hamburg American Line, Claimant, etc.; and

No. 425. Gustav Schoenamsgruber, petitioner, *v.* The Hamburg American Line, Claimant, etc. On writs of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Decrees affirmed with costs and cases remanded to the District Court of the United States for the Northern District of California. Opinion by Mr. Justice Butler.

No. 499. Great Northern Railway Company, petitioner, *v.* P. B. Sullivan, Doing Business as Alberta Coal Sales Company. On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Judgment reversed 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 Butler.

No. 342. Madison L. Miller, Jr., petitioner, *v.* The United States of America. 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 Middle District of Georgia. Opinion by Mr. Justice Sutherland.

No. 522. Manufacturers' Finance Company, petitioner, *v.* Frank M. McKey, as Trustee in Bankruptcy of the Estate of Grigsby-Grunow Company. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Judgment reversed with costs, and cause remanded to the District Court of the United

States for the Northern District of Illinois for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Sutherland.

No. 183. The Nashville, Chattanooga & St. Louis Railway, appellant, *v.* Herbert S. Walters, Commissioner of Highways, et al. 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. Dissenting: Mr. Justice Stone and Mr. Justice Cardozo. Mr. Justice McReynolds took no part in the consideration or decision of this case.

No. 423. Frank H. Cooney, as Governor of the State of Montana, et al., etc., appellants, *v.* The Mountain States Telephone and Telegraph Company. Appeal from the District Court of the United States for the District of Montana. Decree affirmed with costs. Opinion by Mr. Chief Justice Hughes.

No. 524. Aktieselskabet "Cuzco", as Owner of the Northern Steamship "Toluma", *v.* Steamship "Sucarseco," Her engines, boilers, etc., et al. 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. Chief Justice Hughes.

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The Chief Justice announced the following order of the Court:

No. 702. B. E. Carter, Doing Business as Carter's Service Station, and Jack Sheppard, appellants *v.* J. M. Burnett, as Tax Collector in and for Hillsborough County, Florida. Appeal from the Supreme Court of the State of Florida. *Per curiam*: The appeal herein is dismissed for the want of a substantial federal question. *Toyota v. Hawaii*, 226 U. S. 184, 191-192; *Tax Commissioners v. Jackson*, 283 U. S. 527, 537.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified to by the Chief Justice and filed with the clerk and will not be announced orally."

No. —, original. *Ex parte*: Joseph Poresky, petitioner. The motion for leave to file petition for writ of mandamus is denied.

No. —. In Re Disbarment of Norman B. Landreau. It having been shown to the Court that Norman B. Landreau, of Washington, D. C., 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 January 14, 1935, this Court suspended the said Norman B. Landreau from the practice of law in this Court and directed that a rule issue requiring this member of the Bar to show cause, under Rule 2, why he should not be disbarred from the further practice of the law in this Court,

And it appearing that said rule was duly issued and served upon said respondent; and the return day of said rule having passed and no return or answer to said rule having been filed by or in behalf of said respondent,

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

No. 671. Bayside Fish Flour Company, appellant, *v.* J. Dale Gentry et al. In this case probable jurisdiction is noted.

No. 721. Charles Minchella, petitioner, *v.* William R. Doell, Warden, State Branch Prison. On petition for writ of certiorari to the Supreme Court of the State of Michigan. The motion for leave to proceed further herein *in forma pauperis* is denied for the reason that the Court upon examination of the papers herein submitted finds no ground upon which a writ of certiorari should be issued. The petition for writ of certiorari is therefore also denied.

No. 696. Elta Kenward, petitioner, *v.* The "Admiral Peoples", her engines, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted. The motion for leave to proceed further *in forma pauperis* is also granted.

No. 717. Louisville Joint Stock Land Bank, petitioner, *v.* William W. Radford, Sr. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit granted and the case is assigned for argument on Monday, April 1, next.

No. 574. Charles M. Doleman, Administrator, etc., petitioner, *v.* Harry Levine. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia granted.

No. 659. Lem Motlow, petitioner, *v.* State, ex rel. Edmond Koeln; and

No. 660. Lem Motlow, petitioner, *v.* State, ex rel. Edmond Koeln. Petition for writs of certiorari to the Supreme Court of the State of Missouri granted.

No. 661. Leo Awotin, petitioner, *v.* Atlas Exchange National Bank of Chicago. Petition for writ of certiorari to the Appellate Court, First Division, State of Illinois, granted.

No. 662. Rose Kimen, petitioner, *v.* Atlas Exchange National Bank of Chicago. Petition for writ of certiorari to the Appellate Court, First Division, State of Illinois, granted.

No. 649. Ernest M. Bull, Sole Surviving Executor, etc., petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims granted.

No. 693. The United States of America, petitioner, *v.* James A. Mack et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 642. Harold F. Vieau, Roy C. Higby, et al., petitioners, *v.* Syracuse Washing Machine Corporation et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 645. First National Bank of Beaver Falls, etc., petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 646. Richmond Hosiery Mills, petitioner, *v.* J. T. Rose, Former Collector of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 656. The Philadelphia Constributionship for the Insurance of Houses from Loss by Fire, petitioner, *v.* Virginia E. MacLaughlin, Administratrix, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 664. George W. Morley, petitioner, *v.* University of Detroit. Petition for writ of certiorari to the Supreme Court of the State of Michigan denied.

No. 666. Atlantic Coast Line Railroad Company, petitioner, *v.* F. P. Gillis. Petition for writ of certiorari to the Supreme Court of the State of South Carolina denied.

No. 673. Louis Levine, petitioner, *v.* Shell Eastern Petroleum Products, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 674. Sun-Herald Corporation, petitioner, *v.* William Duggan, Collector of United States Internal Revenue, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 682. Northern Kentucky Telephone Company, petitioner, *v.* Southern Bell Telephone & Telegraph Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 683. Northern Trust Company of Chicago, Illinois, Executor, petitioner *v.* Sarah Drain Edenborn. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.



No. 684. August Mann, petitioner, *v.* Sarah Drain Edenborn. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 687. American Surety Company of New York, petitioner, *v.* John F. Moran, Receiver Park Savings Bank. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 214. Ernest R. Forrest, petitioner, *v.* Arch R. Jack, as Receiver, etc.;

No. 439. Wiloil Corporation, appellant, *v.* Commonwealth of Pennsylvania;

No. 562. Anders Jordahl and Mary D. Jordahl, petitioners, *v.* Irving Trust Company, Trustee; and

No. 644. James Steele, petitioner, *v.* The People of the State of New York. Petitions for rehearing denied.

No. 13, original. The United States of America, complainant, *v.* The State of Oregon. Motion for order appointing a Receiver and motion for leave to file supplemental answer submitted by Mr. L. A. Liljeqvist for the defendant with leave to the complainant to reply thereto by Friday next on motion of Mr. Solicitor General Biggs.

No. 567. Spielman Motor Sales Co., Inc., appellant, *v.* William C. Dodge, as District Attorney of New York County, etc. Motion to pass submitted by Mr. Eugene F. Roth for the State of New York and the motion denied.

No. 8, original. Commonwealth of Kentucky, complainant, *v.* State of Indiana, et al. Report No. 10 of defendant State of Indiana presented.

No. 18, original. The United States of America, complainant, *v.* The State of Arizona. Argued on the application for an interlocutory injunction by Mr. Assistant Attorney General Blair for the complainant, and by Mr. James R. Moore for the defendant.

No. 344. Atlantic Coast Line Railroad Company, appellant, *v.* State of Florida et al., etc.; and

No. 345. State of Florida et al., etc., appellants, *v.* The United States of America. Three hours allowed for the reargument of this case. Reargument commenced by Mr. Henry P. Adair for Brooks-Scanlon Corporation et al.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, March 5, will be as follows: Nos. 344 (and 345), 537, 538, 544, 549 (and 550), 556, 563, 567, 570, and 580.

## SUPREME COURT OF THE UNITED STATES

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Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Cardozo.

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P. James Osterhoudt, of Washington, D. C.; Joseph K. Willing, of Philadelphia, Penna.; Joseph P. Monaghan, of Butte, Mont.; Newman F. Presson, of New York City; Claude W. Wilson, of Havre, Mont.; Albert Henry Oldham, of Washington, D. C.; Walter Dewey David, of Cleveland, Ohio; David Gerald Bress, of Washington, D. C.; Alexander Lee Craighill, of Washington, D. C.; Edward L. Metzler, of Milwaukee, Wis.; Lawrence T. Harris, of Eugene, Ore.; Wilbur C. Pickett, of Washington, D. C.; Luther Thompson Hartsell, Jr., of Concord, N. C.; George H. Rosen, of New York City; Harry M. Kenin, of Portland, Ore.; Frank S. Senn, of Portland, Ore.; Ben Ely, of Hannibal, Mo.; and Moody R. Tidwell, Jr., of Miami, Okla., were admitted to practice.

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No. **344**. Atlantic Coast Line Railroad Company, appellant, *v.* State of Florida et al., etc.; and

No. **345**. State of Florida et al., etc., appellants, *v.* The United States of America. Reargument continued by Mr. Henry P. Adair for the Brooks-Scanlon Corporation et al.; by Mr. J. V. Norman for Wilson Lumber Co.; by Mr. Carl H. Davis and Mr. Robert C. Alston for Atlantic Coast Line Railroad Company; and concluded by Mr. Henry P. Adair for Brooks-Scanlon Corporation et al., and cases submitted by Mr. Cary D. Landis for the State of Florida and by Mr. Theo. T. Turnbull for Florida Railroad Commission.

No. **537**. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Inter-Mountain Life Insurance Company. Argument commenced by Mr. Assistant Attorney General Wideman for the petitioner, and continued by Mr. A. R. Serven for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, March 6, will be as follows: Nos. **537**, **538**, **544**, **549** (and **550**), **556**, **563**, **567**, **570**, **580**, and **585**.

## SUPREME COURT OF THE UNITED STATES

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Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Cardozo.

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The Chief Justice said:

“It is my sad duty to announce that our former colleague, Mr. Justice Holmes, passed away this morning. Peacefully, painlessly, and in the fullness of time, came the inevitable end, the close of a career of unique distinction, as patriot, scholar, judge. We have lost a great jurist and a noble friend.

“As a mark of respect to his memory, the Court will now adjourn until tomorrow noon. We shall then resume the hearing of cases and at the close of the session tomorrow the Court will adjourn until Monday, next, at noon, in order that the members of the Court may attend the funeral services to be held on Friday.”

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, March 7, will be as follows: Nos. 537, 538, 544, 549 (and 550), 556, 563, 567, 580, 585, and 566.

## SUPREME COURT OF THE UNITED STATES

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Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Cardozo.

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Isadore Paul, of New York City; Clarence Richard Bolton, of Tupelo, Miss.; Clyde Lanier Hester, of Jackson, Miss.; Carl Wendell Carlsmith, of Hilo, T. H.; William Schoen, of New York City; Emery J. Woodall, of New York City; Herbert W. Baird, of Lincoln, Nebr.; and Henry Lindsay Reynolds, of Jerome, Idaho, were admitted to practice.

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No. 537. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Inter-Mountain Life Insurance Company. Argument continued by Mr. A. R. Serven for the respondent, and concluded by Mr. Assistant Attorney General Wideman for the petitioner.

No. 538. Harry Semler, appellant, *v.* Oregon State Board of Dental Examiners et al. Argument commenced by Mr. F. S. Senn for the appellant. The Court declined to hear further argument.

No. 544. Harry Berger, petitioner, *v.* The United States of America. Argued by Mr. Justin Miller for the respondent and case submitted by Mr. Nathan D. Perlman for the petitioner.

No. 549. William D. Gordon, Secretary of Banking et al., etc., petitioners, *v.* Laura A. Washington et al., etc.; and

No. 550. William D. Gordon, Secretary of Banking et al.; etc., petitioners, *v.* Mary A. O'Brien et al., etc. Argued by Mr. Joseph K. Willing for the petitioners and by Mr. David Bortin for the respondents.

No. 556. W. B. Worthen Company, Bankers, as Trustee, etc., et al., appellants, *v.* Coburn C. Kavanaugh, Trustee. Argued by Mr. A. W. Dobyms for the appellants. No brief filed for the appellee.

Adjourned until Monday at 12 o'clock.

The day call for Monday, March 11, will be as follows: Nos. 563, 567, 580, 585, 13 original, 16 original, 412, 566, 582, and 663.

## 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, Mr. Justice Roberts, and Mr. Justice Cardozo.

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Theodore William Richie, of New York City; Mary Esther Croggon, of Washington, D. C.; George A. McNulty, of St. Louis, Mo.; Russell F. Locke, of Chicago, Ill.; John T. Chadwell, of Chicago, Ill.; Charlott A. Hankin, of Washington, D. C.; Thomas J. Clary, of Philadelphia, Penna.; Martin M. Davidson, of Chicago, Ill.; Chas. S. Mitchell, of Tupelo, Miss.; Dewey Knight, of Miami, Fla.; Milton F. Napier, of St. Louis, Mo.; Terence M. O'Brien, of Kansas City, Mo.; Louis P. Rabinovitz, of Boston, Mass.; and Louis J. Blender, of Boston, Mass., were admitted to practice.

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No. 454. The Stewart Dry Goods Company, appellant, *v.* John B. Lewis, W. P. Sullivan and Emerson Beauchamp, Individually and as members of the State Tax Commission of the Commonwealth of Kentucky, et al.;

No. 455. Fred Levy et al., appellants, *v.* John B. Lewis, W. P. Sullivan and Emerson Beauchamp, Individually and as members of the State Tax Commission of the Commonwealth of Kentucky et al.;

No. 456. J. C. Penney Company, appellant, *v.* John B. Lewis, W. P. Sullivan and Emerson Beauchamp, Individually and as members of the State Tax Commission of the Commonwealth of Kentucky et al. Appeals from the District Court of the United States for the Western District of Kentucky, and

No. 457. The Kroger Grocery & Baking Company, appellant, *v.* John B. Lewis, W. P. Sullivan and Emerson Beauchamp, Individually and as members of the State Tax Commission of the Commonwealth of Kentucky et al. Appeal from the District Court of the United States for the Eastern District of Kentucky. Decrees reversed with costs, and cases remanded to the said District Courts for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Roberts. Dissenting opinion by Mr. Justice Cardozo in which Mr. Justice Brandeis and Mr. Justice Stone join.

No. 465. Alaska Packers Association, appellant, *v.* The Industrial Accident Commission of the State of California and Juan Palma.

Appeal from the Supreme Court of the State of California. Judgment affirmed with costs. Opinion by Mr. Justice Stone.

No. 383. G. D. Swinson, petitioner, *v.* Chicago, St. Paul, Minneapolis and Omaha Railway 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.

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The Chief Justice said:

"The orders of the Court appear upon the list certified to by the Chief Justice and filed with the Clerk and will not be announced orally."

No. —, original. *Ex parte*: Hiddleston Kenner, petitioner. The motion for leave to file petition for writ of mandamus is denied.

No. 8, original. Commonwealth of Kentucky, complainant, *v.* The State of Indiana et al. Report No. 10 of the defendant State of Indiana is received and ordered to be filed.

No. 733. Walter D. Price, 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. The motion for leave to proceed further herein in forma pauperis is denied for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which a writ of certiorari should be granted. The petition for writ of certiorari is therefore also denied.

No. 704. Henry Clay Allison, appellant, *v.* The State of Texas; and

No. 708. Schuylkill Trust Company, appellant, *v.* The Commonwealth of Pennsylvania. 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. 713. Oglethorpe University, appellant, *v.* City of Atlanta. In this case probable jurisdiction is noted.

No. 678. Emerson F. Minnie, petitioner, *v.* Port Huron Terminal Company and Fidelity and Casualty Company of New York. Petition for writ of certiorari to the Supreme Court of the State of Michigan granted and the case assigned for argument immediately following the hearing of No. 696.

No. 681. Henry Morgenthau, Jr., Substituted for James C. Davis, Agent for the Government of the United States, etc., petitioner, *v.* Carl Stephens and Paul MacCaskill, Copartners, etc. On petition for writ of certiorari to the Supreme Court of the State of Kansas.

The petition for writ of certiorari in this cause is denied upon the ground that the judgment sought herein to be reviewed is joint and the record fails to disclose summons and severance. *Hartford Accident & Indemnity Co. v. Bunn*, 285 U. S. 169; *Capital National Bank v. Board of Supervisors*, 286 U. S. 550; *Fidelity Union Casualty Co. v. Hanson*, 287 U. S. 599; *Louisville & Nashville Railroad Company v. Parker*, 287 U. S. 569; *Wagner Tug Boat Co. v. Meagher*, 287 U. S. 657; *Missouri State Life Ins. Co. v. Johnson*, 288 U. S. 609.

No. 672. *Carl Schmid, Inc., petitioner, v. Perry H. Stevens*. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied. .

No. 685. *Twin Coach Corporation, petitioner, v. W. W. Blount, City of Coral Gables and University of Miami*. Petition for writ of certiorari to the Supreme Court of the State of Florida denied.

No. 690. *John F. Hilliard, petitioner, v. The Pennsylvania Railroad Company*. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 692. *J. B. Schermerhorn, Inc., petitioner, v. Roy Holloman, County Treasurer of Carter County, Oklahoma, et al.* Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 700. *Ford, Bacon & Davis, Inc., petitioner, v. International Combustion Engineering Corporation et al.* Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 701. *City of Thomasville, petitioner, v. American Surety Company of New York*. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 703. *Joseph H. Gleisch, petitioner, v. David C. Bennett, Trustee in Bankruptcy*. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 707. *James Stewart & Co., Inc., petitioner, v. The National Shawmut Bank of Boston*. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 643. *Jesse C. Duke, petitioner, v. The Committee on Grievances of the Supreme Court of the District of Columbia et al.; and*

No. 669. *Georgia M. Spruill, petitioner, v. Howard E. Crawford*. Petitions for rehearing denied.

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ORDER

The Court will take a recess from Monday, March 18, to Monday, April 1, next. .

No. 694. The United States of America, petitioner, *v.* Certain Lands in the City of Louisville, Jefferson County, Kentucky, et al. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. Dismissed on motion of Mr. Solicitor General Biggs for the petitioner.

No. 15, original. The State of Wisconsin, complainant, *v.* The State of Michigan. Assigned for argument on exceptions to the Report of Special Master on Monday, April 8, on motion of Mr. Ralph H. Case in behalf of counsel.

No. 12, original. The State of Wyoming, complainant, *v.* The State of Colorado. Assigned for argument on Monday, October 7, next on motion of Mr. Ray E. Lee for the complainant.

No. 754. Board of County Commissioners of Sweetwater County, Wyoming, et al., petitioners, *v.* J. M. Bernardin, as Receiver, etc., et al. Motion of the State of Wyoming for leave to intervene as a party petitioner submitted by Mr. Ray E. Lee.

No. 187. Carl I. Dingfelder and Benjamin Balish, Copartners, etc., petitioners, *v.* Steamship "Brenta II", her engines, etc., et al.; and

No. 188. Ramon J. Boera and Alvaro Boera, copartners, etc., petitioners, *v.* Steamship "Brenta II", her engines, etc. Motion for leave to file petition for rehearing submitted by Mr. Frank I. Finkler and the motion denied.

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No. 640. Stott Realty Company, petitioner, *v.* Roy A. Heymann, Chandler Hovy, and Thomas H. McInnerney, as Trustees, etc. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Dismissed per stipulation on motion of counsel for the petitioner.

No. 767. The United States of America, appellant, *v.* Harry Satura Kuramoto. Appeal from the District Court of the United States for the Western District of Washington. Dismissed on motion of counsel for appellant.

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No. 563. R. R. Grovey, petitioner, *v.* Albert Townsend. Argued by Mr. J. Alston Atkins for the petitioner. No appearance for the respondent.

No. 567. Spielman Motor Sales Co., Inc., appellant, *v.* William C. Dodge, as District Attorney of New York County, State of New York. Four hours allowed for the oral argument of this case. Argument commenced by Mr. Isadore Paul for the appellant; continued by Mr. Karl D. Loos for the appellee, and by Mr. Henry Epstein for the State of New York. Argument suspended. Ordered that counsel file briefs on or before April 8, next, on the questions



of the jurisdiction of the Three-Judge Court under Section 380 of Title 28 of the United States Code, and of the direct appeal from the decree of the District Court under that section, and with respect to the jurisdiction of the Federal Court as a court of equity upon the allegations presented by the record. Case continued until further order of this Court.

No. 580. State Automobile Insurance Association, petitioner, *v.* Bessie Glick, Administratrix, etc. Argued by Mr. Guy C. Chambers for the petitioner, and by Mr. Herbert W. Baird for the respondent.

No. 585. Mrs. Oscar C. Doty et al., appellants, *v.* J. S. Love, Superintendent of Banks of the State of Mississippi. Argument commenced by Mr. Charles S. Mitchell for the appellants and continued by Mr. H. H. Creekmore for the appellee.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, March 12, will be as follows: Nos. 585, 13 original, 16 original, 412, 566, 582, 663, 606 (and 607), 569, and 570.

## 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, Mr. Justice Roberts, and Mr. Justice Cardozo.

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Reuben G. Hunt, of Los Angeles, Calif.; Paul R. Greever, of Cody, Wyo.; J. Ambler Newton, of Seattle, Wash.; Wm. H. Talbot, of New Orleans, La.; John W. Harrell, of New Orleans, La.; John E. Miller, of Searcy, Ark.; and Robert W. Chamberlin, of Cleveland, Ohio, were admitted to practice.

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No. 585. Mrs. Oscar C. Doty et al., appellants, *v.* J. S. Love, Superintendent of Banks of The State of Mississippi. Argument continued by Mr. H. H. Creekmore and by Mr. C. R. Bolton for the appellee and concluded by Mr. Elmer C. Sharp for the appellants.

No. 13, original. The United States of America, complainant *v.* State of Oregon. Three hours allowed for oral argument. Argued on Exceptions to the Report of the Special Master by Mr. L. A. Liljeqvist for the defendant, and by Mr. Solicitor General Biggs for the complainant.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, March 13, will be as follows: Nos. 16 original, 412, 566, 582, 663, 606 (and 607), 569, 594, 601, and 635.

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, Mr. Justice Roberts, and Mr. Justice Cardozo.

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Albert F. Beasley, of Birmingham, Ala.; Wilson L. Townsend, of Washington, D. C.; W. Gordon McKelvey, of Nashville, Tenn.; C. Austin White, of Yonkers, N. Y.; Kenneth O. Mott-Smith, of New York City; Henry W. Edgerton, of Washington, D. C.; John Ford Baeher, of Norfolk, Va.; Guilford Stanley Jameson, of Washington, D. C.; and Richard C. Heaton, of Dickinson, N. D., were admitted to practice.

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No. 16, original. The State of Nebraska, complainant, *v.* The State of Wyoming. Argued on the motion to dismiss by Mr. Ray E. Lee for the defendant in support of the motion, and by Mr. Paul F. Good, for the complainant in opposition thereto.

No. 412. Panhandle Eastern Pipe Line Company, appellant, *v.* State Highway Commission of Kansas. Reargued by Mr. G. J. Neuner for the appellant and by Mr. Otho W. Lomax for the appellee.

No. 566. Railroad Retirement Board et al., petitioners, *v.* The Alton Railroad Company et al. Five hours allowed for oral argument. Argument commenced by Mr. Assistant Attorney General Stephens for the petitioners, and continued by Mr. Harry Shulman for the petitioners.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, March 14, will be as follows: Nos. 566, 582, 663, 606 (and 607), 569, 594, and 601.

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, Mr. Justice Roberts, and Mr. Justice Cardozo.

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Cornelius E. Lombardi, of Kansas City, Mo.; Paul Mendenhall, of Newcastle, Ind.; Scott Gaines, of Austin, Tex.; and James O. Watts, of Providence, R. I., were admitted to practice.

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No. 566. Railroad Retirement Board et al., petitioners, *v.* The Alton Railroad Company et al. Argument continued by Mr. Harry Shulman for the petitioners; by Mr. Emmett E. McInnis and Mr. Jacob Aronson for the respondents; and concluded by Mr. Assistant Attorney General Stephens for the petitioners.

No. 582. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* James L. Rankin, Executor of the Estate of Richard B. Turner, deceased. Argument commenced by Mr. Assistant Attorney General Wideman for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, March 15, will be as follows: Nos. 582, 663, 606 (and 607), and 594.

## 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, Mr. Justice Roberts, and Mr. Justice Cardozo.

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Thomas J. Minnick, Jr., of Philadelphia, Pa.; Leonard L. Kalish, of Philadelphia, Pa.; Kenneth P. Mahony, of Washington, D. C.; William G. Butts, of Washington, D. C.; Coleman F. Cook, of Washington, D. C.; William S. Cantalupo, of Newark, N. J.; and Samuel J. Roberts, of Erie, Pa., were admitted to practice.

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No. 582. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* James L. Rankin, Executor of the Estate of Richard B. Turner, deceased. Argument continued by Mr. Assistant Attorney General Wideman for the petitioner, and concluded by Mr. John W. Townsend for the respondent.

No. 663. John A. Snyder, petitioner, *v.* Commissioner of Internal Revenue. Argued by Mr. Henry M. Ward for the petitioner, and by Mr. Assistant Attorney General Wideman for the respondent.

No. 606. The Atchison, Topeka and Santa Fe Railway Company et al., appellants, *v.* The United States of America et al.; and

No. 607. The Union Stock Yard and Transit Company of Chicago, appellant, *v.* The United States of America et al. Argued by Mr. Frank H. Towner for the appellants in No. 606; by Mr. Charles E. Cotterill for the appellants in No. 607; by Mr. J. Stanley Payne for the appellees, The United States and the Interstate Commerce Commission; and by Mr. Carl M. Owen for the appellee Hygrade Food Products Corporation.

Adjourned until Monday, March 18, at 12 o'clock.

## 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, Mr. Justice Roberts, and Mr. Justice Cardozo.

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Lawrence B. Biebel, of Dayton, Ohio; James L. Magrish, of Cincinnati, Ohio; Arthur Levitt, of New York City; Roy Penix, of Jonesboro, Ark.; Warren P. Knowles, of River Falls, Wis.; and Frederick Williams Brown, of Tampa, Fla., were admitted to practice.

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No. 20. The Metropolitan Casualty Insurance Company of New York, petitioner, *v.* Kenneth V. Brownell, as Receiver of the Peoples National Bank and Trust Company. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Judgment affirmed with costs and cause remanded to the District Court of the United States for the Southern District of Indiana. Opinion by Mr. Justice Stone. Dissenting: Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Sutherland, and Mr. Justice Butler.

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The Chief Justice said:

“The orders of the Court appear upon the list certified to by the Chief Justice and filed with the Clerk and will not be announced orally.”

No. 580. State Automobile Insurance Association, petitioner, *v.* Bessie Glick, Administratrix of the Estate of Clarence T. Glick, deceased. On writ of certiorari to the Supreme Court of the State of Nebraska. *Per curiam*: As it appears that the judgment of the State Court rested upon a non-federal ground adequate to support it, the writ of certiorari is dismissed as improvidently granted.

No. 691. Bowman Biltmore Hotels Corporation et al., petitioners, *v.* William Roberts, as Receiver of the Manhattan Railway Company et al. Petition for writ of certiorari to the Supreme Court of the State of New York denied. The Chief Justice took no part in the consideration or decision of this application.

No. 676. James A. Hearn & Son, Inc., petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 677. Rose Hudson Barnes, petitioner, *v.* Frances D. Boyd, Annie L. Brown et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 679. Anselan Buchanan, Thompson Buchanan, et al., petitioners, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 680. Edwin J. Creel, petitioner, *v.* Robert T. Creel. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 689. Oregon-Washington Railroad and Navigation Company, petitioner, *v.* Strauss & Company, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 695. Liberty Bank of Buffalo, petitioner, *v.* City of Buffalo. Petition for writ of certiorari to the Supreme Court of the State of New York denied.

No. 697. The City Loan and Guaranty Company, petitioner, *v.* Harry Kaplan, Trustee of the Estate of William G. Kingore, Bankrupt. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 699. Rosa Mashunkashey and Lucille Stafford, petitioners, *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. 706. Estella M. Dean, Delmore Bowser, et al., petitioners, *v.* Tokheim Oil Tank and Pump Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 712. The Wadsworth Electric Manufacturing Company, petitioner, *v.* Joseph Sachs and Colt Patent Fire Arms Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 651. Joseph Ziccardi, petitioner, *v.* Travelers Insurance Company and Lenox Operating Company; and

No. 688. Carl Green, petitioner, *v.* The Cleveland, Cincinnati, Chicago and St. Louis Railway Company. Petitions for rehearing denied.

Adjourned until Monday, April 1, next at 12 o'clock.

The day call for Monday, April 1, will be as follows: Nos. 717, 70, 546, 551, 569, 570, 574, 586, 588 (and 653), and 594.

SUPREME COURT OF THE UNITED STATES

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Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Cardozo.

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Harold E. Rorschach, of Tulsa, Okla.; Ralstone R. Irvine, of Washington, D. C.; Thomas J. McFadden, of New York City; Herbert C. Lust, of Fowler, Ind.; Eugene Vincent Clarke, of Chicago, Ill.; Francis S. Clamitz, of Chicago Heights, Ill.; Frank Rives, of Hopkinsville, Ky.; Lee B. Harris, of Elk City, Okla.; W. O. Skeels, of Bismarck, N. D.; Alfred G. Masters, of Detroit, Mich.; Henry O. Nickel, of Chicago, Ill.; J. Campbell Brandon, of Butler, Pa.; Floyd S. Willett of Detroit, Mich.; W. Walter Braham, of Newcastle, Pa.; James E. Marshall of Butler, Pa.; Lee C. McCandless, of Butler, Pa.; Zeno F. Henninger, of Butler, Pa.; Benjamin Gregory Smith, of New York City; J. L. Roberson, of Clarksdale, Miss.; and George A. Brownell, of New York City, were admitted to practice.

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The Honorable Stanley Reed, of Kentucky, Solicitor General of the United States, was presented by Mr. Assistant Attorney General Stephens, and it was ordered that his commission be recorded.

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No. 556. W. B. Worthen Company, Bankers, as Trustee, *ex rel.* The Board of Commissioners of Street Improvement District No. 513, of The City of Little Rock, Arkansas, et al., appellants, *v.* Curn C. Kavanaugh, Trustee. Appeal from the Supreme Court of the State of Arkansas. 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 Cardozo.

No. 585. Mrs. Oscar C. Doty et al., appellants, *v.* J. S. Love, Superintendent of Banks of the State of Mississippi. Appeal from the Supreme Court of the State of Mississippi. Decree affirmed with costs. Opinion by Mr. Justice Cardozo.

No. 16, original. State of Nebraska, complainant, *v.* State of Wyoming. Motion to dismiss denied and defendant given sixty days within which to answer the bill. Opinion by Mr. Justice Roberts.



No. 563. R. R. Grovey, petitioner, *v.* Albert Townsend. On writ of certiorari to the Justice Court, Precinct No. 1, Harris County, Texas. Judgment affirmed with costs. Opinion by Mr. Justice Roberts.

No. 13, original. The United States of America, complainant, *v.* The State of Oregon. Opinion announced by Mr. Justice Stone.

No. 549. William D. Gordon, Secretary of Banking et al., etc., petitioners, *v.* Laura A. Washington et al., etc.; and

No. 550. William D. Gordon, Secretary of Banking et al., etc., petitioners, *v.* Mary A. O'Brien et al., etc. On writs of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Decrees reversed with costs and cases remanded to the District Court of the United States for the Eastern District of Pennsylvania with directions to dismiss the bills and discharge the receivers. Opinion by Mr. Justice Stone.

No. 537. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Inter-Mountain Life Insurance 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 Butler.

No. 479. Continental Illinois National Bank and Trust Co. of Chicago, petitioners *v.* The Chicago, Rock Island & Pacific Railway Co. et al.;

No. 480. Continental Illinois National Bank and Trust Co. of Chicago, petitioner *v.* The Chicago, Rock Island & Pacific Railway Co. et al.;

No. 481. The Chase National Bank of the City of New York, petitioner *v.* The Chicago, Rock Island & Pacific Railway Company et al.;

No. 482. The Chase National Bank of the City of New York, petitioner *v.* The Chicago, Rock Island & Pacific Railway Company et al.;

No. 483. Mississippi Valley Trust Company, petitioner, *v.* The Chicago, Rock Island & Pacific Railway Company et al.;

No. 484. Mississippi Valley Trust Company, petitioner, *v.* The Chicago, Rock Island & Pacific Railway Co. et al.;

No. 485. Harris Trust and Savings Bank, petitioner, *v.* The Chicago, Rock Island & Pacific Railway Co. et al.;

No. 486. Harris Trust and Savings Bank, petitioner, *v.* The Chicago, Rock Island & Pacific Railway Co. et al.;

No. 487. The New York Trust Company, petitioner, *v.* The Chicago, Rock Island & Pacific Railway Co. et al.;

No. 488. The New York Trust Company, petitioner, *v.* The Chicago, Rock Island & Pacific Railway Co. et al.;

No. 489. Reconstruction Finance Corporation, petitioner, *v.* The Chicago, Rock Island and Pacific Railway Co.; and

No. 490. Reconstruction Finance Corporation, petitioner, *v.* The Chicago, Rock Island and Pacific Railway Co. On writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Decrees affirmed with costs and cases remanded to the District Court of the United States for the Northern District of Illinois. Opinion by Mr. Justice Sutherland. Mr. Justice Brandeis took no part in the consideration or decision of these cases.

No. 528. Joseph A. Broderick, Superintendent of Banks of the State of New York, appellant, *v.* Mary Rosner, Essie R. Stone, Camilla Lawy, et al. Appeal from the Court of Errors and Appeals of the State of New Jersey. Judgment reversed with costs and cause remanded to the said Court of Errors and Appeals for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Brandeis. Dissenting: Mr. Justice Cardozo.

No. 412. Panhandle Eastern Pipe Line Company, appellant, *v.* State Highway Commission of Kansas. Appeal from the Supreme Court of the State of Kansas. Judgment reversed with costs and cause remanded to the Supreme Court of the State of Kansas for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice McReynolds. Mr. Justice Stone and Mr. Justice Cardozo concur in the result.

No. 469. Henry L. Doherty & Company, appellant, *v.* Frank Goodman. Appeal from the Supreme Court of the State of Iowa. Judgment affirmed with costs. Opinion by Mr. Justice McReynolds.

No. 534. Clarence Norris, petitioner, *v.* The State of Alabama. On writ of certiorari to the Supreme Court of the State of Alabama. 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. Mr. Justice McReynolds did not hear the argument and took no part in the consideration and decision of this case.

No. 554. Haywood Patterson, petitioner, *v.* State of Alabama. On writ of certiorari to the Supreme Court of the State of Alabama. Judgment vacated 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. Mr. Justice McReynolds did not hear the argument and took no part in the consideration and decision of this case.

No. 538. Harry Semler, appellant, *v.* Oregon State Board of Dental Examiners, L. A. Rosenthal, Leonard R. Andrews, et al., etc. Appeal from the Supreme Court of the State of Oregon. Judgment affirmed with costs. Opinion by Mr. Chief Justice Hughes.

The Chief Justice said:

"The orders of the Court appear upon the list certified to by the Chief Justice and filed with the Clerk and will not be announced orally."

No. —. Natural Gas Company of West Virginia, appellant, *v.* Public Service Commission of West Virginia and City of Wheeling. Upon consideration of the petition of the appellant, Natural Gas Company of West Virginia,

It is ordered that the appellees herein, the Public Service Commission of West Virginia and the City of Wheeling, and each of them, their agents, servants, attorneys and representatives, be, and they are hereby, enjoined from in any manner enforcing or attempting to enforce the order of the Public Service Commission of the State of West Virginia, dated December 15, 1934, as amended December 18, 1934, requiring the Natural Gas Company of West Virginia to put into effect a rate of forty-four cents per thousand cubic feet, subject to a prompt payment discount of two cents per thousand cubic feet, for natural gas for domestic, commercial, and municipal use in West Virginia, pending the final determination of the above-entitled cause by this Court, or until further order by this Court;

Provided that the appellant shall perfect the appeal herein and prepare the case so that the case may be advanced and heard on Monday, April 29, next;

And provided further that the appellant shall issue to each of its consumers printed receipts for all charges collected in excess of the rate prescribed by the Public Service Commission of West Virginia, which receipts shall recite that the sum designated shall be refunded if upon the final hearing and determination by this Court such refunding shall be required;

And provided further that the appellant shall file with the Clerk of this Court, within three days of the date hereof, a good and sufficient bond in the sum of \$100,000, approved by the Clerk of this Court, conditioned that the appellant shall refund to its consumers respectively all sums paid by them in excess of the rate fixed by the order of the Public Service Commission of West Virginia, if so directed by this Court.

No. —, original. *Ex parte*: James Walter. The motion for leave to file petition for writ of habeas corpus is denied.

No. 720. Peter Van Der Weyde, petitioner, *v.* Ocean Transport Company, Ltd., a Corporation, Claimant, etc. The Clerk is directed to print the record and petition for writ of certiorari in this case.

No. 773. Jack Escoe, petitioner, *v.* Fred G. Zerbst, Warden, etc. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit. The motion for leave to proceed *in forma pauperis* in this case is granted. The petition for writ

of certiorari is granted and the case is advanced and assigned for argument on Monday, April 29 next. The Clerk is directed to procure a certified copy of the record and to forthwith print the record, petition and brief.

No. 686. Jess Hollins, petitioner, *v.* The State of Oklahoma. On petition for writ of certiorari to the Criminal Court of Appeals of the State of Oklahoma. The motion for leave to proceed in forma pauperis in this case is granted. The petition for writ of certiorari is granted and the case is assigned for argument on Monday, April 29 next.

No. 777. Netta L. Worsley, petitioner, *v.* Harry F. Worsley. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia;

No. 781. Michael J. Flannigan, petitioner, *v.* The State of Nebraska. On petition for writ of certiorari to the Supreme Court of the State of Nebraska; and

No. 789. Edison J. Edwards, petitioner, *v.* A. C. Aderhold, Warden, etc. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. The motions for leave to proceed further herein in forma pauperis are denied for the reason that the Court, upon examination of the papers herein submitted finds no ground upon which writs of certiorari should be granted. The petitions for writs of certiorari are therefore also denied.

No. 790. James C. Colgate, appellant, *v.* Erwin M. Harvey, Tax Commissioner of the State of Vermont. In this case probable jurisdiction is noted.

No. 751. Roy T. Mobley, petitioner, *v.* The New York Life Insurance Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit granted.

No. 719. Lee J. Wolfe, William M. Corcoran, et al., petitioners, *v.* International Re-Insurance Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied, for the reason that application therefor was not made within the time provided by law. Act of February 13, 1925, Sec. 8 (a), (43 Stat. 936, 940; U. S. Code, Title 28, Sec. 350).

No. 735. Henry B. Troutman and William Matthews, as Receivers, etc., petitioners, *v.* George B. Compton, Trustee, etc. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. The motion to strike the name of Henry B. Troutman from the title of this case is granted. The petition for writ of certiorari herein is denied. Mr. Justice Stone took no part in the consideration or decision of this application.

No. 698. Forest Products Chemical 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. 705. Gerald Montaigne, Assistant Tax Commissioner of the State of Delaware, petitioner, *v.* Rossville Alcohol and Chemical Corporation et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 709. W. Bissell Thomas, Alfred C. Torgeson, et al., petitioners, *v.* Central Hanover Bank & Trust Co. and Frank Wolfe, Trustees, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 710. John E. Locatelli, petitioner, *v.* City of Medford. Petition for writ of certiorari to the Massachusetts Superior Court in and for the County of Middlesex denied.

No. 711. Fidelity Phenix Fire Insurance Company of New York, petitioner, *v.* V. Vallone et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 714. John Portner, Trustee, petitioner, *v.* State of Texas and R. E. Grantham; and

No. 715. John Portner, Trustee in Bankruptcy, et al., petitioners, *v.* State of Texas et al. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 716. General Rubber Company, petitioner, *v.* The United States. Petition for writ of certiorari to the United States Court of Customs and Patent Appeals denied.

No. 718. Virginia Beach Bus Line, petitioner, *v.* Louise W. Campbell. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 723. Pacific Air Transport, petitioner, *v.* James A. Farley, an Individual. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 724. Missouri Pacific Railroad Company, petitioner, *v.* O. Pipkin. Petition for writ of certiorari to the Supreme Court of the State of Arkansas denied.

No. 725. Elizabeth Sweeney, Administratrix of the Estate of Daniel Sweeney, petitioner, *v.* Boston & Maine Railroad. Petition for writ of certiorari to the Supreme Court of the State of New Hampshire denied.

No. 727. Morgan Grossman, Blanche W. Handyside, Helen K. Campbell, et al., petitioners, *v.* Hudspeth County Conservation & Reclamation District No. 1, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 729. O. Currin, Receiver for the Automobile Underwriters Insurance Company, et al., petitioners, *v.* James B. Nourse, Trustee, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 734. William H. Mellin, as Trustee, etc., et al., petitioners, *v.* Tillie Mosen, Nellie Larson, et al., etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 728. Walter Winchester Cox, Helen Cox, et al., petitioners, *v.* New York Central Railroad Company and City of New York. Petition for writ of certiorari to the Supreme Court of the State of New York denied.

No. 730. Missouri Pacific Railroad Company, petitioner, *v.* Franklin Jones, Administrator, etc. Petition for writ of certiorari to the Supreme Court of the State of Texas denied.

No. 731. Louisiana Highway Commission, petitioner, *v.* H. Pratt Farnsworth. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 732. John W. Rosser, 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. 736. Arioeh W. Erickson et al., etc., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 737. Mollie Cappetta, petitioner, *v.* The Atlantic Refining Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 738. Thomas J. McAuliffe, Minnie Rosenfield, et al., petitioners, *v.* Henry L. Doherty. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 739. D. J. Harrison et al., petitioners, *v.* Mason Barngrover et al. Petition for writ of certiorari to the Texas Court of Civil Appeals denied.

No. 742. Flat-Marks Realty Corporation, petitioner, *v.* Silver Lunch Stores, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 460. Eric Lyders, petitioner, *v.* Inger Marie Petersen, Maren Jensen, et al. The petition for rehearing in this case is denied. The Court finds that respondents caused unnecessary parts of the record to be printed, amounting, in all, to 125 pages. The cost of such printing, assessed by the Clerk at \$256.40, will be charged to respondent. Rule 13, par. 9.

No. 255. Altoona Publix Theatres, Inc., petitioner, *v.* American Tri-Ergon Corporation et al.;

No. 256. Wilmer & Vincent Corporation et al., petitioners, *v.* American Tri-Ergon Corporation et al.;

No. 342. Madison L. Miller, Jr., petitioner, *v.* The United States of America; and

No. 424. Hildegard Schoenamsgruber, by Gustav Schoenamsgruber, her Guardian, petitioner, *v.* The Hamburg American Line, Claimant, etc.; and

No. 425. Gustav Schoenamsgruber, petitioner, *v.* The Hamburg American Line, Claimant, etc. Petitions for rehearing denied.

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No. 681. Henry Morgenthau, Jr., Substituted for James C. Davis, etc., petitioners, *v.* Carl Stephens et al. Motion to extend time for filing petition for rehearing submitted by Mr. Alexander M. Bull for the petitioner.

No. 17, original. The United States of America, complainant, *v.* The State of West Virginia et al. Motion for leave to file motion to dismiss and that case be set for hearing submitted by Mr. Homer A. Holt for the defendant State of West Virginia.

No. 17, original. The United States of America, complainant, *v.* The State of West Virginia et al. Motion for leave to file motion to dismiss and that case be set for hearing submitted by Mr. Robert S. Spilman for the defendants Electro Metallurgical Company et al.

No. 628. The United States of America, appellant, *v.* William Elbert Belcher. Appeal from the District Court of the United State for the Northern District of Alabama. Motion of appellant to dismiss the appeal and that mandate issue forthwith submitted by Mr. Solicitor General Reed for the appellant and by Mr. Borden H. Burr for the appellee in opposition thereto, and the motion granted.

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No. 717. Louisville Joint Stock Land Bank, petitioner, *v.* William W. Radford, Sr. Three hours allowed for oral argument. Leave granted respondent to file an additional brief within five days. Argument commenced by Mr. John W. Davis for the petitioner; and continued by Mr. William Lemke and Mr. Harry H. Peterson for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, April 2, will be as follows: Nos. 717, 70, 569, 546, 551, 570, 574, 586, 588 (and 653), and 594.

## 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, Mr. Justice Roberts, and Mr. Justice Cardozo.

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Ernest Franklin Smith, of Morristown, Tenn.; Clarence W. Blenman, of Birmingham, Mich.; Charles H. O'Donnell, of Boston, Mass.; John G. Dalton, of New York City; Harry Walton Jones, of Detroit, Mich.; William A. Gilmore, of Seattle, Wash.; Robert T. Kennerly, of Knoxville, Tenn.; Al Martin Curtis, of Chicago, Ill.; Quintin Paredes, Jr., of Manila, P. I.; and J. Osgood Nichols, of Short Hills, N. Y., were admitted to practice.

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No. 681. Henry Morgenthau, Jr., Substituted for James C. Davis, Agent, etc., petitioner, *v.* Carl Stephens et al., etc. Time within which to file petition for rehearing extended twenty-five days.

No. 717. Louisville Joint Stock Land Bank, petitioner, *v.* William W. Radford, Sr. Argument continued by Mr. Harry H. Peterson and Mr. Edwin A. Krauthoff for the respondent and concluded by Mr. Wm. Marshall Bullitt for the petitioner.

No. 70. Fred L. Fox, in his individual right and in his official capacity as Tax Commissioner of the State of West Virginia, appellant, *v.* Gulf Refining Company. Argued by Mr. Homer A. Holt for the appellant, and by Mr. Arthur S. Dayton for the appellee.

No. 569. United States of America, on relation of Arthur Kassin, petitioner, *v.* Hon. Raymond J. Mulligan, United States Marshal, etc., et al. Argued by Mr. David P. Siegel for the petitioner, and by Mr. Assistant Solicitor General MacLean for the respondents.

No. 546. William Roberts, as Receiver of the Manhattan Railway Company et al., petitioners, *v.* The City of New York et al. Three hours allowed for oral argument. Appearances of Mr. Wm. H. Page and Mr. Richard M. Page as counsel for respondent Corn Exchange Bank withdrawn on motion of Mr. Wm. H. Page. Argument commenced by Mr. Charles E. Hughes, Jr., for the petitioner, and continued by Mr. Paxton Blair for respondent, the City of New York.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, April 3, will be as follows: Nos. 546, 551, 570, 574, 586, 588 (and 653), 594, 600, 611, and 612.



## 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, Mr. Justice Roberts, and Mr. Justice Cardozo.

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E. Myron Bull, of New York City; Sol C. Berenholtz, of Baltimore, Md.; Alfred W. Bosworth, of Chicago, Ill.; Samuel A. Glick, of New York City; John F. Pierce, of Denver, Colo.; Scott Candler, of Decatur, Ga.; John H. Cassidy, of St. Louis, Mo.; Clarence Leroy Shuping, of Greensboro, N. C.; and John Thorpe, of St. Paul, Minn., were admitted to practice.

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No. 541. Edward B. Douglas, petitioner, *v.* Levi M. Willcuts, as Collector of Internal Revenue for the District of Minnesota. Leave granted to file petition for rehearing on motion of Mr. John Enrietto in behalf of counsel for the petitioner.

No. 546. William Roberts, as Receiver of the Manhattan Railway Company et al., petitioners, *v.* The City of New York et al. Argument continued by Mr. Paxton Blair for the respondent, City of New York; by Mr. William D. Mitchell for respondents, Robert Walton Goelet et al.; by Mr. Wm. H. Page for respondents, Bowman Biltmore Hotels Corporation et al.; and concluded by Mr. Charles E. Hughes, Jr., for petitioners; and case submitted by Mr. Frank C. Laughlin and Mr. Spotswood D. Bowers, for respondent Corn Exchange Bank.

No. 551. John M. Stanley, appellant, *v.* The Public Utilities Commission of Maine. Argued by Mr. Charles F. King for the appellant, and by Mr. Clyde R. Chapman for the appellee.

No. 570. The Georgia Railway & Electric Company et al., appellants, *v.* City of Decatur. Argued by Mr. Walter T. Colquitt for the appellants, and by Mr. James A. Branch for the appellee.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, April 4, will be as follows: Nos. 574, 586, 588 (and 653), 594, 600, 611, 612, 625, 635, and 649.

## SUPREME COURT OF THE UNITED STATES

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Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Cardozo.

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Almon S. Nelson, of Washington, D. C.; Loring M. Black, of New York City; James Harold Martin, of Bluefield, W. Va.; Harlan Lester Heward, of Reno, Nev.; John R. Conely, of Jacksonville, Fla.; Wm. F. Riley, of Des Moines, Iowa; William A. Rogan, of Chicago, Ill.; and Nicholas J. Hoban, Jr., of Cincinnati, Ohio, were admitted to practice.

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No. 773. Jack Escoe, petitioner, *v.* Fred G. Zerbst, Warden of the United States Penitentiary, Leavenworth, Kansas. Ordered that Seth W. Richardson, Esquire, of Washington, D. C., a member of the Bar of this Court be appointed to serve as counsel for the petitioner in this case.

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No. 586. Aero Mayflower Transit Company, appellant, *v.* Georgia Public Service Commission et al. Argument commenced by Mr. Edgar Watkins, Jr., for the appellant, continued by Mr. B. D. Murphy for the appellees, and concluded by Mr. Edgar Watkins for the appellant.

No. 574. Charles M. Doleman, Administrator, etc., petitioner, *v.* Harry Levine. Argued by Mr. Nathan A. Dobbins for the petitioner and by Mr. Wilson L. Townsend for the respondent.

No. 588. The Stelos Company, Inc., petitioner, *v.* Hosiery Motor-Mend Corporation et al.; and

No. 653. Hosiery Motor-Mend Corporation et al., petitioners, *v.* The Stelos Company, Inc. Argument commenced by Mr. Henry Gilligan for the petitioner in No. 588 and respondent in No. 653; continued by Mr. Vernon E. Hodges for the petitioner in No. 588 and respondent in No. 653; and by Mr. Hugh M. Morris for the respondents in No. 588 and petitioners in No. 653.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, April 5, will be as follows: Nos. 588 (and 653), 594, 600, 611, 612, 625, 649, 658, 659 (and 660), and 661.

SUPREME COURT OF THE UNITED STATES

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Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Cardozo.

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Edward H. Saunders, of Bessemer, Ala.; Hollis Otto Black, of Birmingham, Ala.; Hugo A. Kemman, of Washington, D. C.; Einer Hoidale, of Minneapolis, Minn.; W. C. Ropiequet, of East St. Louis, Ill.; Saul Richard Gamer, of New Haven, Conn.; Arthur B. Bensing, of Louisville, Ky.; Harold F. Birnbaum, of New York City; Bertram F. Willcox, of New York City; Edward J. McCullen, of New York City; Edward M. Heffernan, of New York City; George H. Engelhard, of New York City; Cyril D. McGuire, of New York City; Harold Johnson Warner, of Portland, Oreg.; Donald C. Martindell, of Hutchinson, Kans.; T. Justin Moore, of Richmond, Va.; John J. Moschetta, of Washington, Pa.; James Clinton Bane, of Washington, Pa.; and Carl O. Schmidt, of Wheeling, W. Va., were admitted to practice.

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No. 844. Natural Gas Company of West Virginia, appellant, *v.* The Public Service Commission of West Virginia et al. Motion to advance submitted by Mr. H. D. Rummel for the appellant in support thereof, and by Mr. Frank A. O'Brien for the appellee, City of Wheeling, in opposition thereto.

No. 588. The Stelos Company, Inc., petitioner, *v.* Hosiery Motor-Mend Corporation et al.; and

No. 653. Hosiery Motor-Mend Corporation et al., petitioners, *v.* The Stelos Company, Inc. Argument continued by Mr. N. A. Stancliffe for the respondents in No. 588 and petitioners in No. 653; and concluded by Mr. Vernon E. Hodges for the petitioner in No. 588 and respondent in No. 653.

No. 594. The Federal Land Bank of St. Louis, a corporation, petitioner, *v.* A. B. Priddy, Circuit Judge. Argued by Mr. Peyton R. Evans for the petitioner. No appearance for the respondent.

No. 600. Harry E. Hallenbeck, Receiver, etc., petitioner, *v.* W. F. Leimert, Receiver, etc. Argument commenced by Mr. Russell F. Locke for the petitioner; continued by Mr. Daniel M. Healy for the respondent; and concluded by Mr. George P. Barse for the petitioner.

No. **611**. The Ivanhoe Building and Loan Association of Newark, N. J., petitioner, *v.* Thomas A. Orr, Trustee, etc. Argued by Mr. Abraham Alboum for the petitioner, and by Mr. Saul Nemser for the respondent. Leave granted respondent to file an additional brief within three days.

No. **612**. The California Oregon Power Company, petitioner, *v.* Beaver Portland Cement Company et al. Argument commenced by Mr. A. E. Reames for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Monday, April 8, will be as follows: Nos. **612**, **15** original, **625**, **649**, **658**, **659** (and **660**), **661**, **662**, **648**, and **602**.

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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, Mr. Justice Roberts, and Mr. Justice Cardozo.

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Herbert A. Salzman, of Chicago, Ill.; Frank H. Haskins, of St. Louis, Mo.; Clyde W. Key, of Knoxville, Tenn.; Geo. L. Gordon, Jr., of Kansas City, Mo.; Thomas H. Sutherland, of Marion, Ohio; Walter M. Locke, of Cincinnati, Ohio; Thomas C. Lavery, of Cincinnati, Ohio; Wilbur L. Shull, of Columbus, Ohio; Max Swiren, of Chicago, Ill.; E. G. Schuessler, of Cincinnati, Ohio; Clem F. Storckman, of St. Louis, Mo.; Win G. Knoch, of Naperville, Ill.; and Paul D. Smith, of Marion, Ohio, were admitted to practice.

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The Chief Justice announced the following orders of the Court: No. 70. Fred L. Fox, in his individual right and in his official capacity as Tax Commissioner of the State of West Virginia, appellant, *v.* Gulf Refining Company. Appeal from the District Court of the United States for the Southern District of West Virginia. *Per curiam*: Respondent brought this suit to restrain the enforcement of the West Virginia Chain Store Act (Chapter 36, West Virginia Acts, 1933), upon the grounds (1) that gasoline filling stations were not "stores" within the meaning of the Act; (2) that, if the Act were interpreted to include such filling stations, it violated the due process and equal protection clauses of the Fourteenth Amendment of the Constitution of the United States; and (3) that if the foregoing questions were resolved against respondent, there were certain filling stations, particularly described, which were not stores "belonging to, operated or controlled" by respondent.

The District Court of three judges (28 U. S. C. 380) entered a final decree permanently enjoining the enforcement of the Act, and the case comes here on appeal. In so deciding, the District Court sustained the first of the above-mentioned contentions of respondent, and also the second contention with respect to the denial of the equal protection of the laws, following its decision to the same effect in *Standard Oil Company v. Fox*, 6 F. Supp. 494. That decision was reversed by this Court. *Fox v. Standard Oil Company*, decided

January 14, 1935. The District Court did not determine the third contention of respondent, as to its relation to certain gasoline stations, and that is the only question now sought to be presented to this Court. The judgment is reversed and the cause is remanded to the District Court, composed as above stated, in order that it may consider and decide that issue.

No. 788. General Construction Company, appellant, *v.* Earl L. Fisher, Charles V. Galloway and John B. Carkin, Tax Commissioners of the State of Oregon et al. 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. *Trinityfarm Co. v. Grosjean*, 291 U. S. 466, 472; *Metcalf & Eddy v. Mitchell*, 269 U. S. 514; *Lucas v. Howard*, 280 U. S. 526; *Lucas v. Reed*, 281 U. S. 699; *Alward v. Johnson*, 282 U. S. 509, 514; *Willcuts v. Bunn*, 282 U. S. 224, *et seq.*; *Baltimore Shipbuilding Co. v. Baltimore*, 195 U. S. 375, 382.

The Chief Justice said:

"The other orders of the Court appear upon the list certified to by the Chief Justice and filed with the Clerk and will not be announced orally."

No. —, original. *Ex parte*: G. H. Gibson, petitioner. The motion for leave to file petition for writ of habeas corpus is denied.

No. —, original. *Ex parte*: Charles Morris Veach. The motion for leave to file petition for writ of mandamus is denied.

No. 17, original. The United States of America, complainant, *v.* The State of West Virginia et al. The motions for leave to file motions to dismiss are granted and the case is assigned for hearing on the motions to dismiss on Thursday, May 2, next.

No. 844. Natural Gas Company of West Virginia, appellant, *v.* The Public Service Commission of West Virginia et al. In view of the grounds stated on behalf of the appellee, The City of Wheeling, in opposition to the appellant's motion to advance this cause, that motion is denied. The provision of the order herein of April 1, 1935, relating to the preparation of the case so that it may be advanced and heard, at the date mentioned, is rescinded; otherwise the said order shall remain in full force and effect.

No. 812. James B. O'Neal, petitioner, *v.* The State of California. On petition for writ of certiorari to the District Court of Appeal, 3rd Appellate District, State of California; and

No. 816. E. J. Wilson, petitioner, *v.* G. C. Haynes. On petition for writ of certiorari to the Supreme Court of the State of Iowa. The motions for leave to proceed further herein *in forma pauperis* are denied, for the reason that the Court, upon examination of

the papers herein submitted, finds no ground upon which writs of certiorari should be granted. The petitions for writs of certiorari are therefore also denied.

No. 797. Atlanta, Birmingham and Coast Railroad Company, appellant, *v.* The United States of America et al. In this case probable jurisdiction is noted.

No. 726. William D. Payne, 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. 754. Board of County Commissioners of Sweetwater County, Wyoming et al., petitioners, *v.* J. M. Bernardin as Receiver, etc. The motion of the State of Wyoming for leave to intervene in this case is granted. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 741. Barbour Coal Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 743. Farmers Peanut Company, petitioner, *v.* Monarch Refrigerating Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 744. Herbert J. Blum, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue;

No. 745. Frank E. Alstrin, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue;

No. 746. Benjamin F. Stein, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue; and

No. 747. L. Montefiore Stein, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Petition for writs of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 748. Thomas M. Wampler, petitioner, *v.* Henry C. Hill, Warden, United States Penitentiary, Lewisburg, Pennsylvania. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 749. Dwight Bros. Paper Company et al., petitioners, *v.* Grigsby-Grunow Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 750. N. S. Locke, 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. 752. The United States of America, *ex rel.* Bertoul Cheramie, petitioner, *v.* Sidney A. Freudenstein, U. S. Marshal, etc. Petition

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

No. 753. Elijah L. Tanner, Hiram Tanner, et al., petitioners, *v.* John Hancock Mutual Life Insurance Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 755. Commercial Casualty Insurance Company et al., petitioners, *v.* Robert J. Hoage, Deputy Commissioner, United States Employees' Compensation Commission et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 762. Israel Caigan et al., petitioners, *v.* Plibrico Jointless Firebrick Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 763. Israel Caigan et al., petitioners, *v.* Plibrico Jointless Firebrick Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 769. Fenske Bros. (Inc.) Garland Upholstering Company et al., petitioners, *v.* Upholsterers International Union of North America, Local No. 18. Petition for writ of certiorari to the Supreme Court of the State of Illinois denied.

No. 779. Ohio Casualty Insurance Company, petitioner, *v.* Welfare Finance Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 840. The Washington Times Company, petitioner, *v.* Eugene Meyer. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 541. Edward B. Douglas, petitioner, *v.* Levi M. Willcuts, as Collector, etc. It appearing that a conflict of decisions has arisen since the order denying the petition for writ of certiorari herein was entered, it is ordered that the petition for rehearing herein be, and the same is hereby, granted. The order heretofore entered on January 7, 1935, denying the petition for writ of certiorari is vacated, and it is ordered that the petition for writ of certiorari in this case be, and the same is hereby, granted.

No. —, original. Ex parte: Joseph Poresky, petitioner;

No. 383. G. D. Swinson, petitioner, *v.* Chicago, St. Paul, Minneapolis and Omaha Railway Company; and

No. 733. Walter D. Price, petitioner, *v.* The United States of America. Petitions for rehearing denied.

#### ORDER

The Court will take a recess from Monday, April 15, to Monday, April 29 next.



No. 713. Oglethorpe University, appellant, *v.* City of Atlanta. Appeal from the Supreme Court of the State of Georgia. Dismissed on motion of counsel for the appellant.

No. 635. Hamburg-American Line, petitioner, *v.* Philip Elting, Collector of Customs, Port of New York. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Dismissed, per stipulation, on motion of counsel for the petitioner.

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No. 612. The California Oregon Power Company, petitioner, *v.* Beaver Portland Cement Company et al. Argument continued by Mr. A. E. Reames for the petitioner; by Mr. W. Lair Thompson for the respondent; and concluded by Mr. A. E. Reames for the petitioner.

No. 15, original. The State of Wisconsin, complainant, *v.* The State of Michigan. Argued on the exceptions to the Report of the Special Master by Mr. A. J. Bieberstein for the complainant and by Mr. Meredith P. Sawyer for the defendant.

No. 625. Realty Associates Securities Corporation et al., petitioners, *v.* Eugene F. O'Connor, Jr., et al. Argument commenced by Mr. Alfred T. Davison for the petitioner, Realty Associates Securities Corporation; and continued by Mr. James N. Rosenberg for the petitioner, Realty Associates, Inc.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, April 9, will be as follows: Nos. 625, 649, 658, 659 (and 660), 661, 662, 648, 602, 601, and 696.

## 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, Mr. Justice Roberts, and Mr. Justice Cardozo.

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John H. Casey, of Milwaukee, Wis.; Victor D. Dorst, of New York City; Frank W. Senneff, of Britt, Iowa; and John W. Lapsley, of Selma, Ala., were admitted to practice.

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**No. 858.** Wilshire Oil Company, Inc., a corporation, et al., *v.* United States of America et al. The Court desires counsel for the respective parties to file briefs on or before April 25, 1935, upon the question whether the appeal described in the certificate presents any question other than whether the District Court committed an abuse of discretion in granting an interlocutory injunction. See *Alabama v. The United States*, 279 U. S. 229; *United Drug Co. v. Washburn*, 284 U. S. 593; *Binford v. J. H. McLeaish & Co.*, 284 U. S. 598; *South Carolina Power Co. v. South Carolina Tax Commission*, 286 U. S. 525; *Ogden & Mofett Co. v. Michigan Public Utilities Commission*, 286 U. S. 525; *Langer, Governor v. Grandin Farmers Cooperative Elevator Co.*, 292 U. S. 605; *Baldwin, Commissioner v. G. A. F. Seelig, Inc.*, 293 U. S. 522.

**No. 625.** Realty Associates Securities Corporation et al., petitioners, *v.* Eugene F. O'Connor, Jr., et al. Argument continued by Mr. Archibald Palmer for Eliza B. Carman et al.; by Mr. George C. Levin for respondent, Eugene F. O'Connor, Jr.; and concluded by Mr. Alfred T. Davison for the petitioner, Realty Associates Securities Corporation.

**No. 649.** Ernest M. Bull, Sole Surviving Executor, etc., petitioner, *v.* The United States. Argued by Mr. Loring M. Black for the petitioner, and by Mr. James W. Morris for the respondent.

**No. 658.** Max Senior, appellant, *v.* George C. Braden et al. Argument commenced by Mr. Murray Seasongood for the appellant, and continued by Mr. John W. Bricker for the appellee.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, April 10, will be as follows: Nos. 658, 659 (and 660), 661, 662, 648, 602, 601, 696, 678, and 665.

## 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, Mr. Justice Roberts, and Mr. Justice Cardozo.

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Elizabeth C. Smith, of Okmulgee, Okla.; Harold E. Cole, of Taunton, Mass.; Herman M. Moser, of Balimore, Md.; George W. Jansen, of St. Paul, Minn.; Eugene B. Ethridge, of Houston, Miss.; Eugene F. Black, of Port Huron, Mich.; and Frederick C. Tanner, of New York City, were admitted to practice.

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No. 658. Max Senior, appellant, *v.* George C. Braden et al. Argument continued by Mr. John W. Bricker and by Mr. E. G. Schuessler for the appellees, and concluded by Mr. Murray Seasongood for the appellant.

No. 659. Lem Motlow, petitioner, *v.* State, *ex rel.* Edmond Koeln; and

No. 660. Lem Motlow, petitioner, *v.* State, *ex rel.* Edmond Koeln. Argued by Mr. Clem F. Storckman for the petitioner and by Mr. Frank H. Haskins for the respondent.

No. 661. Leo Awotin, petitioner, *v.* Atlas Exchange National Bank of Chicago. Argument commenced by Mr. Edward C. Higgins for the petitioner. The Court declined to hear further argument.

No. 662. Rose Kimen, petitioner, *v.* Atlas Exchange National Bank. Argument commenced by Mr. Edward C. Higgins for the petitioner. The Court declined to hear further argument.

No. 648. Harold E. West et al., appellants, *v.* Chesapeake and Potomac Telephone Company of Baltimore City. Four hours allowed for oral argument. Argument commenced by Mr. Richard F. Cleveland for the appellants.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, April 11, will be as follows: Nos. 648, 602, 601, 696, 678, 665, 693, and 667.

## 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, Mr. Justice Roberts, and Mr. Justice Cardozo.

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Thomas F. Stephens, of St. Louis, Mo.; J. Walter LeCraw, of Atlanta, Ga.; Paul E. Jorgensen, of Racine, Wis.; Carleton S. Hadley, of St. Louis, Mo.; and Thomas C. King, of Fort Worth, Tex., were admitted to practice.

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No. 648. Harold E. West et al., appellants, *v.* Chesapeake and Potomac Telephone Company of Baltimore City. Argument continued by Mr. Richard F. Cleveland for the appellants; by Mr. Charles McHenry Howard for the appellee; and concluded by Mr. John Henry Lewin for the appellants.

No. 602. Cavour Hartley, Executor, etc., petitioner, *v.* Commissioner of Internal Revenue. Argument commenced by Mr. H. C. Fulton for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, April 12, will be as follows: Nos. 602, 601, 696, 678, and 665.

## 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, Mr. Justice Roberts, and Mr. Justice Cardozo.

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Joseph R. Brodsky, of New York City; Frederick R. Lehlbach, of Newark, N. J.; J. Nelson Anderson, of Clarendon, Va.; Arthur W. Dickey, of Detroit, Mich.; Irving B. Diven, of Elmira, N. Y.; William H. Neblett, of Los Angeles, Calif.; R. Dean Warner, of Los Angeles, Calif.; and Alexander B. Baker, of Phoenix, Ariz., were admitted to practice.

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No. 602. Cavour Hartley, Executor, etc., petitioner, *v.* Commissioner of Internal Revenue. Argument continued by Mr. H. C. Fulton for the petitioner and concluded by Mr. David E. Hudson for the respondent.

No. 601. Peters Patent Corporation, petitioner, *v.* Bates & Klinke, Inc. Argument commenced by Mr. Harold E. Cole for the petitioners. Argument suspended and case continued until April 29th with leave to counsel for the respective parties to file briefs on or before that date with respect to any changes of conditions which have taken place since the decision of the Circuit Court of Appeals.

No. 696. Elta Kenward, petitioner, *v.* The "Admiral Peoples", her engines, etc., et al. Submitted by Mr. Andrew G. Haley, Mr. John P. Hannon, and Mr. Wm. P. Lord for the petitioner, and by Mr. W. Lair Thompson and Mr. Wallace McCamant for the respondents.

No. 678. Emerson F. Minnie, petitioner, *v.* Port Huron Terminal Company, et al. Argument commenced by Mr. Eugene F. Black for the petitioner. The Court declined to hear further argument.

No. 665. Angelo Herndon, appellant, *v.* The State of Georgia. Argued by Mr. Whitney North Seymour for the appellant, and by Mr. J. Walter LeCraw for the appellee.

Adjourned until Monday, April 15, next, at 12 o'clock.

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, Mr. Justice Roberts, and Mr. Justice Cardozo.

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James W. H. Roberts, of Snow Hill, N. C.; Michael Saytanides, of New York City; Harold F. Reed, of Beaver, Pa.; Thomas Brown Rudd, of Utica, N. Y.; James E. McCabe, of Washington, D. C.; Robert B. Buzbee, of Washington, D. C.; William F. Gleeson, of New York City; Annie Perry Neal, of Louisburg, N. C.; Joshua Q. Buzbee, of Washington, D. C.; George Abel Dreyfous, of New Orleans, La.; Arthur C. Bernard, of Winston-Salem, N. C.; Julian L. Latimer, Jr., of Washington, D. C.; Robert C. Thaxton, of San Diego, Calif.; John Bernard Beach, of West Palm Beach, Fla.; Oliver G. Browne, of New York City; Willis H. Failing, of Philadelphia, Pa.; and Joseph K. Coxe, of Philadelphia, Pa., were admitted to practice.

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No. 544. Harry Berger, petitioner, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment reversed 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 Sutherland.

No. 551. John M. Stanley, appellant, *v.* The Public Utilities Commission of Maine. Appeal from the Supreme Judicial Court of the State of Maine. Judgment affirmed with costs. Opinion, *per curiam*, announced by Mr. Chief Justice Hughes.

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The Chief Justice said:

“The other orders of the Court appear upon the list certified to by the Chief Justice and filed with the Clerk and will not be announced orally.”

No. 839. Cramer McMillan Grant et ux., petitioners, *v.* The United States of America. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit; and

No. 849. Mack Saxon, Ancillary Administrator, etc., petitioner, *v.* Atchison, Topeka and Santa Fe Railway Company. On petition for writ of certiorari to the Court of Civil Appeals, 8th Supreme Judicial District, State of Texas. The motions for leave to proceed further herein in forma pauperis are denied for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which writs of certiorari should be granted. The petitions for writs of certiorari are therefore also denied.

No. 854. Joseph Schechter et al., petitioners, *v.* The United States of America; and

No. 864. The United States of America, petitioner, *v.* A. L. A. Schechter Poultry Corporation. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted and the cases advanced and assigned for argument on Thursday, May 2, next.

No. 817. Superintendent Five Civilized Tribes, for Sandy Fox, etc., petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit granted.

No. 722. Nancy Smith Simpson et al., petitioners, *v.* The Fauquier National Bank et al. Petition for writ of certiorari to the Circuit Court of Fauquier County, State of Virginia, denied.

No. 756. Rudolph Ackermann, Receiver, etc., petitioner, *v.* The Gary State Bank. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 757. Z. D. Bonner, petitioner, *v.* The United States of America;

No. 758. John H. Cunningham, petitioner, *v.* The United States of America; and

No. 759. June B. Morrow, petitioner, *v.* The United States of America. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 760. Yokohama Specie Bank et al., petitioners, *v.* Mitsui & Co., Ltd. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 761. British Empire Steam Navigation Co., Ltd., petitioner, *v.* Philip Elting, as Collector of Customs. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 764. Mariann K. Sevald, Administratrix, 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. 765. Martin Roth, petitioner, *v.* Robert C. Baldwin, Receiver, etc. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 768. J. T. Kessler, petitioner, *v.* Joseph A. Beck and R. H. McClester, Receivers, etc. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 771. Albert H. Chandler, Special Administrator, etc., petitioner; *v.* Robert W. McCuen; and

No. 772. Albert H. Chandler, Special Administrator, etc., petitioner, *v.* J. E. Kennedy. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 775. Mary Anderson Curtis, Administratrix, etc., petitioner, *v.* H. D. Campbell, Administrator, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 776. Benito Tan Chat et al., petitioners, *v.* The Municipality of Iloilo. Petition for writ of certiorari to the Supreme Court of the Philippine Islands denied.

No. 780. Chicago and North Western Railway Company, petitioner, *v.* The Stephens National Bank of Fremont. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 782. Nancy H. Robbins, petitioner, *v.* University of Southern California. Petition for writ of certiorari to the District Court of Appeal, 2nd Appellate District, State of California, denied.

No. 792. Irving Millen, petitioner, *v.* Samuel H. Capen, Sheriff; and

No. 793. Murton Millen, petitioner, *v.* Samuel H. Capen, Sheriff. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 808. Charles V. Babb, Treasurer, etc., petitioner, *v.* City of Louisville and Louisville Bridge Commission. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 774. E. G. Dodge, Special Administrator of the Estate of Byron Hilton Canfield, deceased, et al., petitioners, *v.* E. W. Scripps, Trustee, et al. Petition for writ of certiorari to the Supreme Court of the State of Washington, denied. The Chief Justice took no part in the consideration or decision of this application.

No. 20. The Metropolitan Casualty Insurance Company of New York, petitioner, *v.* Kenneth V. Brownell, as Receiver;



No. 677. Rose Hudson Barnes, petitioner, *v.* Frances D. Boyd et al.; and

No. 679. Anselan Buchanan et al., petitioners, *v.* The United States. Petitions for rehearing denied.

Adjourned until Monday, April 29, next, at 12 o'clock.

The day call for Monday, April 29, will be as follows: Nos. 686, 552, 773, 601, 667, 670, 671, 693, 704, and 751.

## 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, Mr. Justice Roberts, and Mr. Justice Cardozo.

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T. Girard Wharton, of Somerville, N. J.; Edward Michael Keating, of Chicago, Ill.; Phineas M. Henry, of Des Moines, Iowa; Herbert A. Hoffman, of Chicago, Ill.; Clarkson A. Cranmer, of Somerville, N. J.; Edward P. Johnson, Jr., of Somerville, N. J.; Vernon D. Hill, of Mission, Tex.; Maxwell H. Goldstein, of New York City; Samuel Block, of New York City; Solomon Hirschhorn, of New York City; John W. Culbertson, of Madison, Wis.; David Saperstein, of Washington, D. C.; William C. Goodwyn, of Washington, D. C.; Myron Scott, of New York City; Harold J. Stafford, of Houston, Tex.; Harold C. Morton, of Los Angeles, Calif.; Edward J. Warren, of Chicago, Ill.; Joseph John Grish, of Chicago, Ill.; F. L. Hagaman, of Kansas City, Mo.; Hubert W. Smith, of Dallas, Tex.; Orvis H. Saxby, of Stoneham, Mass.; and Thomas W. Neal, of Lovington, N. M., were admitted to practice.

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No. 546. William Roberts, as Receiver of the Manhattan Railway Company, Manhattan Railway Company, Interborough Rapid Transit Company et al., petitioners, *v.* The City of New York et al. On writ of certiorari to the Supreme Court of the State of New York. Judgment affirmed with costs. Opinion by Mr. Justice Cardozo. The Chief Justice took no part in the consideration or decision of this case.

No. 586. Aero Mayflower Transit Company, appellant, *v.* Georgia Public Service Commission et al. Appeal from the Supreme Court of the State of Georgia. Judgment affirmed with costs. Opinion by Mr. Justice Cardozo.

No. 625. Realty Associates Securities Corporation and Realty Associates, Inc., petitioners, *v.* Eugene F. O'Connor, Jr., et al. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment of the Circuit Court of Appeals reversed with costs and the judgment of the District Court affirmed and the 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 Cardozo.

No. 344. Atlantic Coast Line Railroad Company, appellant, *v.* State of Florida and E. S. Matthews, Mamie Eaton-Greene, and W. B. Douglass, etc., et al.; and

No. 345. State of Florida and E. S. Matthews, Mamie Eaton-Greene, and W. B. Douglass, etc., et al., appellants, *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. Decree reversed with costs and cases remanded to the said District Court with instructions to dismiss the claims. Opinion by Mr. Justice Cardozo. Dissenting opinion by Mr. Justice Roberts in which the Chief Justice, Mr. Justice Brandeis, and Mr. Justice Stone concur.

No. 588. The Stelos Company, Inc., petitioner, *v.* Hosiery Motor-Mend Corporation, Kayser Hosiery Motor-Mend Corporation, Julius Kayser & Company; and

No. 653. Hosiery Motor-Mend Corporation, Kayser Hosiery Motor-Mend Corporation, Julius Kayser & Company, petitioners, *v.* The Stelos Company, Inc. On writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Decree affirmed with costs, and cases remanded to the District Court of the United States for the Southern District of New York. Opinion by Mr. Justice Roberts.

No. 611. The Ivanhoe Building and Loan Association of Newark, N. J., petitioner, *v.* Thomas A. Orr, Trustee of Eastern Sash & Door Company, Bankrupt. 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 New Jersey for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Roberts.

No. 649. Ernest M. Bull, Sole Surviving Executor and Trustee of the Estate of Archibald H. Bull, deceased, petitioner, *v.* The United States. On writ of certiorari to the Court of Claims. Judgment reversed, and cause remanded to the said Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Roberts.

No. 661. Leo Awotin, petitioner, *v.* Atlas Exchange National Bank of Chicago. On writ of certiorari to the Appellate Court, First District, State of Illinois. Judgment affirmed with costs. Opinion by Mr. Justice Stone.

No. 662. Rose Kimen, petitioner, *v.* Atlas Exchange National Bank of Chicago. On writ of certiorari to the Appellate Court, First District, State of Illinois. Judgment affirmed with costs. Opinion by Mr. Justice Stone.

No. 602. Cavour Hartley, Executor of the Estate of G. G. Hartley, petitioner, *v.* 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 Stone.

No. 574. Charles M. Doleman, Administrator of the Estate of Robert H. Doleman, deceased, petitioner, *v.* Harry Levine. On writ of certiorari to the United States Court of Appeals for the District of Columbia. Judgment reversed with costs, and cause remanded to the said Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Stone.

No. 594. The Federal Land Bank of St. Louis, a corporation, petitioner, *v.* A. B. Priddy, Circuit Judge. On writ of certiorari to the Supreme Court of the State of Arkansas. Judgment affirmed with costs. Opinion by Mr. Justice Stone.

No. 18, original. The United States of America, complainant, *v.* The State of Arizona. Injunction denied and bill dismissed. Opinion by Mr. Justice Butler.

No. 606. The Atchison, Topeka and Santa Fe Railway Company et al., appellants, *v.* The United States of America, Interstate Commerce Commission and Hygrade Food Products Corporation; and

No. 607. The Union Stock Yard and Transit Company of Chicago, appellant, *v.* The United States of America, Interstate Commerce Commission, and Hygrade Food Products Corporation. Appeals from the District Court of the United States for the Southern District of New York. Decrees reversed, and cases remanded to the said District Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Butler. Dissenting opinion by Mr. Justice Stone in which Mr. Justice Brandeis and Mr. Justice Cardozo join.

No. 612. The California Oregon Power Company, petitioner, *v.* Beaver Portland Cement Company and City of Gold Hill, Oregon. 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 District of Oregon. Opinion by Mr. Justice Sutherland.

No. 570. The Georgia Railway & Electric Company, Georgia Railway & Power Company, and Georgia Power Company, appellants, *v.* City of Decatur. Appeal from the Supreme Court of the

State of Georgia. 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 Sutherland. Dissenting opinion by Mr. Justice Stone in which Mr. Justice Brandeis and Mr. Justice Cardozo join.

No. 582. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* James L. Rankin, Executor of the Estate of Richard B. Turner, 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 Brandeis. Mr. Justice Stone concurs in the result.

No. 663. John A. Snyder, petitioner, *v.* Commissioner of Internal Revenue. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Judgment affirmed, and cause remanded to the said Circuit Court of Appeals. Opinion by Mr. Justice Brandeis. Mr. Justice Stone concurs in the result.

No. 95. Catherine Llewellyn Van Wart, by Roy M. Van Wart, Natural Tutor, petitioner, *v.* Commissioner of Internal Revenue. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Judgment affirmed, and cause remanded to the said Circuit Court of Appeals. Opinion by Mr. Justice McReynolds.

No. 600. Harry E. Hallenbeck, Receiver of South Ashland National Bank, petitioner, *v.* W. F. Leimert, Receiver of Central Manufacturing District Bank. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Judgment reversed with costs, and cause remanded to the District Court of the United States for the Northern District of Illinois for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice McReynolds.

No. 2. The United States, petitioner, *v.* The Creek Nation. On writ of certiorari to the Court of Claims. Judgment reversed and cause remanded with directions for such further proceedings as may be necessary to bring the award of compensation into conformity with the opinion of this Court. Opinion by Mr. Justice Van Devanter.

No. 567. Spielman Motor Sales Co., Inc., appellants, *v.* William C. Dodge, as District Attorney of New York County, State of New York. Appeal from the District Court of the United States for the Southern District of New York. Decree modified and affirmed with costs. Opinion by Mr. Chief Justice Hughes.

No. 659. Lem Motlow, petitioner, *v.* State, ex rel., Edmond Koeln; and

No. 660. Lem Motlow, petitioner, *v.* State, ex rel., Edmond Koeln. On writs of certiorari to the Supreme Court of the State of Missouri. Judgments affirmed with costs. Opinion, *per curiam*, announced by Mr. Chief Justice Hughes.

No. 858. Wilshire Oil Company et al. *v.* The United States of America et al. On certificate from the United States Circuit Court of Appeals for the Ninth Circuit. Certificate Dismissed. Opinion, *per curiam*, announced by Mr. Chief Justice Hughes.

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The Chief Justice announced the following orders of the Court:

No. 833. Texas Land & Cattle Company and Tina Brooker, Temporary Administratrix of the Estate of J. N. Brooker, deceased, appellants, *v.* The City of Fort Worth. Appeal from the Court of Civil Appeals, 2nd Supreme Judicial District, State of Texas. *Per curiam*: The appeal herein is dismissed upon the ground that the judgment sought to be reviewed is joint and the record fails to disclose summons and severance. Hartford Accident & Indemnity Co. *v.* Bunn, 285 U. S. 169; Capital National Bank *v.* Board of Supervisors, 286 U. S. 550; Fidelity Union Casualty Co. *v.* Hanson, 287 U. S. 599; Louisville & Nashville R. Co. *v.* Parker, 287 U. S. 569; Wagner Tug Boat Co. *v.* Meagher, 287 U. S. 657; Missouri State Life Ins. Co. *v.* Johnson, 288 U. S. 609; Morgenthau *v.* Stephens, — U. S. —, (March 11, 1935).

No. 857. The Home Cab Company, appellant, *v.* The City of Wichita, Kansas, et al. Appeal from the Supreme Court of the State of Kansas. *Per curiam*: The appeal herein is dismissed (1) for the want of a properly presented federal question, Dewey *v.* Des Moines, 173 U. S. 193, 197-198; Keokuk & Hamilton Bridge Co. *v.* Illinois, 175 U. S. 626, 633-635; New York *v.* Kleinert, 268 U. S. 646, 650; Whitney *v.* California, 274 U. S. 357, 362-363; and (2) for the want of a substantial federal question, Sunday Lake Iron Co. *v.* Wakefield, 247 U. S. 350, 353; Chicago Great Western Ry. *v.* Kendall, 266 U. S. 94, 99; Southern Ry. Co. *v.* Watts, 260 U. S. 519, 526-527.

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The Chief Justice said:

“The other orders of the Court appear upon the list certified to be the Chief Justice and filed with the Clerk and will not be announced orally.”

No. 844. Natural Gas Company of West Virginia, appellant, *v.* The Public Service Commission of West Virginia and City of Wheeling; and

No. 870. The United States of America, appellant, *v.* Fred Hastings. In these cases probable jurisdiction is noted.

No. 805. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* City Bank Farmers Trust Company, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 819. American Surety Company of New York, petitioner, *v.* Westinghouse Electric Manufacturing Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit granted.

No. 783. Compagnie Generale Transatlantique, petitioner, *v.* Philip Elting, Collector of Customs, Port of New York; and

No. 784. Hamburg-American Line, petitioner, *v.* Philip Elting, Collector of Customs, Port of New York. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 809. The Chandler & Price Company, petitioner, *v.* Brandtjen & Kluge, Inc., and Joseph Freeman, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 820. Becker Steel Company of America, petitioner, *v.* Homer S. Cummings, Attorney General of the United States, etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 827. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Waldemar R. Helmholtz, as sole Devisee, etc. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia granted and the case is assigned for argument immediately following the hearing of No. 805.

No. 766. Reuben Hirsch, Jules M. Gorlitz 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. 770. Yglesias & Co., Inc., petitioner, *v.* Eneglotaria Medicine Co., Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 778. Adah C. Sanders and Cheyenne Arms Apartment, Inc., petitioners, *v.* Standish Hall, Guarantee Title & Trust Co. et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 785. Exzetta Gorman and S. J. Jones, Executors, etc., et al., petitioners, *v.* Shaffer Oil & Refining Company et al. Petition for

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

No. 786. Elie Sheetz Candies Company, Assignee, etc., petitioner, *v.* William L. O'Connell, Receiver, etc., et al. Petition for writ of certiorari to the Supreme Court of the State of Illinois denied.

No. 794. Mrs. Andrew Jackson Elliott, 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. 798. Jack Howard and Charles Porter Mitchell, 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. 800. Burke-Divide Oil Company Consolidated, petitioner, *v.* Everett E. Neal, Individually, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 801. American Surety Company of New York, petitioner, *v.* Standard Asphalt Company of Florida, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 803. Federal Crude Oil Company, petitioner, *v.* Yount-Lee Oil Company et al. Petition for writ of certiorari to the Court of Civil Appeals, 9th Supreme Judicial District, State of Texas. denied.

No. 814. Illinois Stoker Company, petitioner, *v.* K-B Pulverizer Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 657. Silverio Daos et al., petitioners, *v.* The People of the Philippine Islands. Petition for writ of certiorari to the Supreme Court of the Philippine Islands denied.

No. 740. Oneida Community, Limited, petitioner, *v.* International Silver Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 818. International Silver Company, petitioner, *v.* Oneida Community, Limited. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 791. Richard C. Guest, 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. 795. Utah Copper Company, petitioner, *v.* Stephen Hays Estate, Inc., et al. Petition for writ of certiorari to the Supreme Court of the State of Utah denied.



No. 796. James Cornell et al., petitioners, *v.* Mrs. Viola Seeley et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 799. The Cleveland and Pittsburgh Railroad Company et al., petitioners, *v.* The Pittsburgh Coal Company. Petition for writ of certiorari to the Supreme Court of the State of Pennsylvania denied.

No. 804. Merton Morse, petitioner, *v.* Pennsylvania Railroad Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 806. Santee River Cypress Lumber Company, petitioner, *v.* Forshur Timber Company. Petition for writ of certiorari to the Supreme Court of the State of South Carolina denied.

No. 807. S. H. Squire, Superintendent of Banks of Ohio, etc., petitioner, *v.* Lloyds Casualty Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 810. Wolverine Petroleum Corporation, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 811. Edward R. Davis, Sr., petitioner, *v.* John L. Schlener, as Receiver, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 813. The Second Judicial Court of the State of Montana, etc., et al., petitioners, *v.* State of Montana, Supreme Court of the State of Montana, et al. Petition for writ of certiorari to the Supreme Court of the State of Montana denied.

No. 815. The City of Tulsa, petitioner, *v.* Southwestern Bell Telephone Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 821. W. Ames & Co., petitioner, *v.* Henry A. Wallace, Secretary of Agriculture, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 825. E. E. Wiley, 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. 828. Norfolk and Washington, D. C., Steamboat Company et al., petitioners, *v.* The United States of America, as Owner, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 829. David McCannell, 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. 830. H. H. Tucker, Jr., 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. 835. Fidelity Storage Company et al., petitioners, *v.* Mary A. Jaques. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 843. May Howard Bloedorn, petitioner, *v.* Walter A. Bloedorn. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 863. Sidney B. Pollak, petitioner, *v.* Charles A. McCulloch, as Receiver, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 688. Carl Green, petitioner, *v.* The Cleveland, Cincinnati, Chicago and St. Louis Railway Company. Motion for leave to file second petition for rehearing denied.

No. 412. Panhandle Eastern Pipe Line Company, appellant, *v.* State Highway Commission of Kansas. Petition for rehearing denied.

No. 454. The Stewart Dry Goods Company, appellant, *v.* John B. Lewis et al.;

No. 455. Fred Levy et al., appellants, *v.* John B. Lewis et al.;

No. 456. J. C. Penney Company, appellant, *v.* John B. Lewis et al.; and

No. 457. The Kroger Grocery & Baking Company, appellant, *v.* John B. Lewis et al. Petition for rehearing denied.

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ORDER

It is ordered that the call of the docket be suspended for the term upon the conclusion of the arguments in the cases on call for today and those assigned for May 2d and that the Court will then take a recess as may be ordered.

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No. —, original. Ex Parte: Rico Manufacturing Co., Inc. et al., petitioners. Motion for leave to file petition for writ of mandamus submitted by Mr. Walter W. Burns in behalf of counsel for the petitioners.

No. 681. Henry Morgenthau, Jr., Substituted for James C. Davis, Agent, etc., petitioner, *v.* Carl Stephens et al., etc. Time within which to file petition for rehearing extended for twenty-five days on motion of Mr. Alexander M. Bull for the petitioner.

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No. 686. Jess Hollins, petitioner, *v.* The State of Oklahoma. Argument commenced by Mr. Charles H. Houston for the petitioner, and continued by Mr. Mac Q. Williamson for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, April 30, will be as follows: Nos. 686, 552, 601, 667, 670, 693, 773, 704, 751, and 817.

## 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, Mr. Justice Roberts, and Mr. Justice Cardozo.

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Clarence W. Diver, of Waukegan, Ill.; Philip A. Populorum, of Waukegan, Ill.; Morris I. Conner, of Chicago, Ill.; Jennings Bailey, Jr., of Washington, D. C.; Roberts Browning Larson, of Washington, D. C.; Raymond E. A. Loughlin, of Glens Falls, N. Y.; Frederic B. Schramm, of Schenectady, N. Y.; Harold M. Beamish, of Aurora, Ill.; Thomas Joseph Elliott, of Tucson, Ariz.; Charles C. Thompson, of Colorado, Tex.; Richard F. Burges, of El Paso, Tex.; J. O. Goff, of Newport, Ark.; George H. Mahon, of Colorado, Tex.; Aaron L. Ford, of Ackerman, Miss.; A. M. Wolford, of McKinney, Tex.; Phillip E. Buck, of DeLand, Fla.; Ford P. Brooks, of Plymouth, Mich.; Lucille L. Brooks, of Plymouth, Mich.; Geo. Gunby, of Monroe, La.; Frank A. Rasch, of Detroit, Mich.; John L. McClellan, of Malvern, Ark.; Samuel J. Moran, of Chicago, Ill.; William F. Kirsch, of Paragould, Ark.; Chas. E. Yingling, of Searcy, Ark.; and Lloyd W. Davidson, of Austin, Tex., were admitted to practice.

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No. —, original. *Ex parte*: Minnie Lerner, petitioner. Motion for leave to file petition for writ of mandamus submitted by Mr. Selig C. Brez in behalf of counsel for the petitioner.

No. 686. Jess Hollins, petitioner, *v.* The State of Oklahoma. Argument continued by Mr. Mac Q. Williamson for the respondent and concluded by Mr. Charles H. Houston for the petitioner.

No. 552. The Youngstown Sheet and Tube Company et al., appellants, *v.* The United States of America et al. Three hours allowed for oral argument. Argument commenced by Mr. Frederick H. Wood for the appellants; continued by Mr. Daniel W. Knowlton for the appellees, The United States and Interstate Commerce Commission; by Mr. John J. Fitzpatrick for the appellees, Railroad Interveners; by Mr. Alex. M. Bull for the appellees, Trustees of the

Consolidation Coal Co., Debtor, and concluded by Mr. Frederick H. Wood for the appellants.

No. **601**. Peters Patent Corporation, petitioner, *v.* Bates & Klinke. Motion of Harriet E. Cole for leave to intervene as a party petitioner denied. The Court declined to hear oral argument.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, May 1, will be as follows: Nos. **667, 670, 693, 773, 704, 751, and 817.**

## 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, Mr. Justice Roberts, and Mr. Justice Cardozo.

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Albert W. Kaiser, of Washington, D. C.; George P. Sakis, of Washington, D. C.; Robert A. O'Leary, of Washington, D. C.; Burnham Yung-Kwai, of Washington, D. C.; Harris H. Ball, of Grand Rapids, Mich.; Earl E. Moore, of Washington, D. C.; Ollie L. Lewis, of Washington, D. C.; Walter S. Pawl, of Lee Heights, Va.; J. Kennard Cheadle, of Springfield, Ill.; Elmer E. Holley, of Aberdeen, Miss.; Frederic L. Kirgis, of Chicago Heights, Ill.; Paul Williams, of New York City.; Leo F. Tierney, of Dubuque, Iowa; Edward W. Patterson, of Pittsburg, Kans.; Anson R. Tracy, of Washington, D. C.; Allen W. Post, of Atlanta, Ga.; Jud P. Wilhoit, of Atlanta, Ga.; John T. Goree, of Atlanta, Ga.; Walter I. McKenzie, of Detroit, Mich.; John W. Black, Jr., of Gloucester, Mass.; Roland J. Foulis, of St. Louis, Mo.; Thurmond Clarke, of Los Angeles, Calif.; and Murray L. Rabbit, of Los Angeles, Calif., were admitted to practice.

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No. **667**. Samuel F. Rathbun, as Executor of the Estate of William E. Humphrey, deceased, *v.* The United States. Argued by Mr. William J. Donovan for Rathbun and by Mr. Solicitor General Reed for The United States.

No. **670**. Texas and New Orleans Railroad Company et al., appellants, *v.* The United States of America and Interstate Commerce Commission. Argued by Mr. Robert W. Thompson for the appellants, and by Mr. Nelson Thomas for the appellees.

No. **693**. The United States of America, petitioner, *v.* James A. Mack et al. Argument commenced by Mr. Assistant to the Attorney General Stanley for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, May 2, will be as follows: Nos. **693**, **17**, original, **854** (and **864**), **773**, **704**, **751**, and **817**.

## 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, Mr. Justice Roberts, and Mr. Justice Cardozo.

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Armand W. DeBirny, of Harrisonburg, Va.; Waldo F. Postel, of San Francisco, Calif.; W. L. Lee, of Fayetteville, W. Va.; Lucy Somerville Howorth, of Jackson, Miss.; Jacob E. Heller, of New York City; Abe L. Stein, of Chicago, Ill.; J. Knox Huff, of Forrest, Miss.; Morris M. Wexler, of Philadelphia, Pa.; Russel E. Watson, of New Brunswick, N. J.; John K. Watson, of New York City; Clarence E. Farmer, of Fort Worth, Tex.; and Thomas T. Cooke, of New York City, were admitted to practice.

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No. 693. *The United States of America, petitioner, v. James A. Mack et al.* Argument continued by Mr. Assistant to the Attorney General Stanley for the petitioner, by Mr. Louis Halle for the respondent, and concluded by Mr. Assistant to the Attorney General Stanley for the petitioner.

No. 17, original. *The United States of America, complainant, v. The State of West Virginia et al.* Argument on the motions to dismiss the bill of complaint commenced by Mr. Homer A. Holt for defendant, State of West Virginia in support of its motion; continued by Mr. Edward W. Knight for defendants, Electro Metallurgical Co. et al. in support of their motion; by Mr. Huston Thompson for the complainant in opposition to the motions; and concluded by Mr. Robert S. Spilman for defendants, Electro Metallurgical Co. et al. in support of their motions. Leave granted State of West Virginia to file a reply brief within five days.

No. 854. *Joseph Schechter et al., petitioners, v. The United States of America; and*

No. 864. *The United States of America, petitioners, v. A. L. A. Schechter Poultry Corporation et al.* Argument commenced by Mr. Solicitor General Reed for the United States.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday May 3, will be as follows: Nos. 854 (and 864), 773, 704, 751, and 817.

## 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, Mr. Justice Roberts, and Mr. Justice Cardozo.

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George Frank Langford, of Washington, D. C.; Laurence B. Dodds, of New York City; Kathryn Frank Eldridge, of Chattanooga, Tenn.; N. L. Bachman, of Chattanooga, Tenn.; Samuel J. Krinn, of New York City; William Klevs, of Chicago, Ill.; Raymond J. Heilman, of Oconomowoc, Wis.; Knight G. Aulsbrook, of New York City; John Randall Thomas, of Pittsburgh, Pa.; Leo J. Hassenauer, of Chicago, Ill.; Leo T. Schwartz, of Kansas City, Mo.; Woodville J. Rogers, of San Antonio, Tex.; Lawrence M. C. Smith, of Philadelphia, Pa.; Otto Lowe, of Cape Charles, Va.; Ralph H. Demmler, of Pittsburgh, Pa.; William E. Heidinger, of Tacoma, Wash.; Albert C. Hirsch, of Pittsburgh, Pa.; Francis H. Lindley, of Los Angeles, Calif.; William P. Bowers, of Hampton, S. C.; and Charles H. Paul, of Longview, Wash., were admitted to practice.

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No. 854. Joseph Schechter et al., petitioners, *v.* The United States of America; and

No. 864. The United States of America, petitioner, *v.* A. L. A. Schechter Poultry Corporation et al. Argument continued by Mr. Donald R. Richberg for the United States; by Mr. Joseph Heller and Mr. Frederick H. Wood for Schechter et al.; and concluded by Mr. Solicitor General Reed for the United States.

No. 704. Henry Clay Allison, appellant, *v.* The State of Texas. Argument commenced by Mr. Clarence E. Farmer for the appellant.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, May 6, will be as follows: Nos. 704, 751, 773, and 817.



## 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, Mr. Justice Roberts, and Mr. Justice Cardozo.

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Jules E. Tepper, of Newark, N. J.; Ganson J. Baldwin, of New York City; Harry L. Tepper, of Newark, N. J.; Joseph C. Braelow, of Newark, N. J.; Frank A. Boettner, of Newark, N. J.; Thomas M. Kane, of Newark, N. J.; Charles E. Beardsley, of Los Angeles, Calif.; Sterry E. Waterman, of St. Johnsbury, Vt.; Alf C. Kremer, of Butte, Mont.; Wilbur H. Friedman, of New York City; Leo E. Bearman, of Memphis, Tenn.; Arthur Rosenblum, of Los Angeles, Calif.; James E. Coleman, of Milwaukee, Wis.; Adolphus R. Jobson, of Detroit, Mich.; Samuel H. Liberman, of St. Louis, Mo.; Simon Joseph Heller, of Denver, Colo.; J. C. Veazie, of Portland, Oreg.; Edwin D. Dickinson, of Berkeley, Calif.; John W. Anderson, of Sioux City, Iowa; Isidore Feibleman, of Indianapolis, Ind.; and Thomas C. Hannah, of Hattiesburg, Miss.; were admitted to practice.

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No. 566. Railroad Retirement Board et al., petitioners, *v.* The Alton Railroad Company et al. On writ of certiorari to the United States Court of Appeals for the District of Columbia. Decree of the Supreme Court of the District of Columbia affirmed and cause remanded to the said Court of Appeals. Opinion by Mr. Justice Roberts. Dissenting opinion by Mr. Chief Justice Hughes in which Mr. Justice Brandeis, Mr. Justice Stone, and Mr. Justice Cardozo join.

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The Chief Justice said:

“The orders of the Court appear upon the list certified to by the Chief Justice and filed with the Clerk and will not be announced orally.”

No. —, original. *Ex Parte*: Minnie Lerner, petitioner. A rule is ordered to issue requiring the respondent to show cause on or before Friday, May 17, why leave to file the petition for writ of mandamus herein should not be granted.

No. —, original. *Ex Parte*: Rico Manufacturing Co., Inc., et al., petitioners. The motion for leave to file petition for writ of mandamus is denied.

No. 882. Bessie Villa and Max Peterson, appellants, *v.* George S. Van Schaick, Superintendent of Insurance of the State of New York. Further consideration of the question of the jurisdiction of this Court in this case is postponed to the hearing of the case on the merits.

No. 847. Urban Properties Co., a Nevada Corporation, 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 granted.

No. 831. A. S. Alexander et al., petitioners, *v.* J. H. Hillman, Jr., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit granted.

No. 832. A. S. Alexander et al., petitioners, *v.* J. H. Hillman, Jr., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit granted.

No. 802. John Ujich, petitioner, *v.* Commissioner of Immigration, Ellis Island, New York Harbor. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 823. Guarantee Trust Company, a Banking Corporation, etc., petitioner, *v.* Clifford C. Collings et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 824. Robert C. Cooley, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 826. Frank B. Tipton, Jr., et al., petitioners, *v.* Irving Trust Company, as Trustee, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 856. John Day Jackson, petitioner, *v.* Irving Trust Company, as Trustee. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 868. William Minot, et al., petitioners, *v.* Irving Trust Company, as Trustee. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 836. Flint Hosiery Mills, Inc., petitioner, *v.* Fireman's Fund Insurance Company; and

No. 837. Flint Hosiery Mills, Inc., petitioner, *v.* Homeland Insurance Company. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 838. G. E. Prentice Manufacturing Company, petitioner, *v.* Hookless Fastener Company. Petition for writ of certiorari to the

United States Circuit Court of Appeals for the Second Circuit denied.

No. 845. Vesta Welch et al., petitioners, *v.* Curtis F. Bryan, Receiver, etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 851. Patrick McGuirl, Inc., petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 867. Mrs. J. C. Sudduth, Administratrix, petitioner, *v.* Yazoo & Mississippi Valley Railway Company. Petition for writ of certiorari to the Supreme Court of the State of Mississippi denied.

No. 875. John Hogan, petitioner, *v.* Hamburg-American Line. Petition for writ of certiorari to the City Court of the City of New York, State of New York denied.

No. 878. Southwestern Gas & Electric Company, petitioner, *v.* W. M. Williams. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 766. Reuben Hirsch et al., petitioners, *v.* The United States of America. Petition for rehearing denied.

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No. —, original. Ex parte: United States ex rel. Jesse C. Duke, petitioner. Motion for leave to file petition for writ of prohibition and/or mandamus submitted by Mr. Jesse C. Duke for the petitioner.

No. 13, original. The United States of America, complainant, *v.* The State of Oregon. Complainant's proposed form of decree presented.

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No. 704. Henry Clay Allison, appellant, *v.* The State of Texas. Argument continued by Mr. Clarence E. Farmer for the appellant. The Court declined to hear further argument.

No. 751. Roy T. Mobley, petitioner, *v.* The New York Life Insurance Company. Argued by Mr. Sidney C. Mize for the petitioner, and by Mr. William H. Watkins for the respondent.

No. 773. Jack Escoe, petitioner, *v.* Fred G. Zerbst, Warden, etc. Argued by Mr. Sanford Bates for the respondent, and case submitted by Mr. Seth W. Richardson for the petitioner.

No. 817. Superintendent Five Civilized Tribes, for Sandy Fox, etc., petitioner, *v.* Commissioner of Internal Revenue. Argument commenced by Mr. Thomas J. Reilly for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, May 7, will be as follows: No. 817.

## 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, Mr. Justice Roberts, and Mr. Justice Cardozo.

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Glover H. Cary, of Owensboro, Ky., and Irl R. Goshaw, of New York City, were admitted to practice.

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ORDER

The Court will take a recess from today until Monday, May 13 next, and from that day as may be ordered.

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No. 817. Superintendent Five Civilized Tribes, for Sandy Fox, etc., petitioner, *v.* Commissioner of Internal Revenue. Argument continued by Mr. Thomas J. Reilly for the petitioner, by Mr. Assistant Attorney General Wideman for the respondent, and concluded by Mr. Arthur F. Mullen, for the petitioner.

Adjourned until Monday, May 13 next, at 12 o'clock.

## 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, Mr. Justice Roberts, and Mr. Justice Cardozo.

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Harold H. Levin, of New York City; Russell D. Burchard, of New York City; Harold A. Andrews, of Providence, R. I.; Edward M. Ladden, of New York City; Dan Mitchell, of Enid, Okla.; Brooks T. Sanders, of New York City; Lawrence J. Bernard, of DeLand, Fla.; Jervis Langdon, Jr., of New York City; Walter H. Liebman, Jr., of New York City; Chas. H. Roemer, of Paterson, N. J.; Frank H. Elmore, Jr., of Jacksonville, Fla.; William J. Bowen, of Dallas, Tex.; Bert Flanders, Jr., of New Orleans, La.; E. M. O'Bryan, of Chicago, Ill.; Stewart W. Chaffee, of New York City; Robert M. Nelson, of New York City; Herbert Bremer Hunt, of Washington, D. C.; Joseph McGill, of El Paso, Tex.; Robert M. Field, of New York City; Robert H. McCreary, of Oakland, Calif.; Peyton Randolph Harris, of New York City; Frederick H. Koschwitz, of New York City; Thorp A. Andrews, of Fort Worth, Tex.; James R. Lowell, Boston, Mass.; Thomas A. Nixon, of Greeley, Colo.; Harry Marselli, of St. Louis, Mo.; Austin V. Clifford, of Indianapolis, Ind.; Joseph Melville Broughton, of Raleigh, N. C.; Walter G. Troxler, of Miami, Fla.; Martin J. Roess, Jr., of Jacksonville, Fla.; W. Paul Carpenter, of Atlanta, Ga.; Joseph Hennessy Ross, of Jacksonville, Fla.; Morris B. Mitchell, of Minneapolis, Minn.; Horace B. Garman, of Decatur, Ill.; and Olin E. Watts, Jr., of Jacksonville, Fla., were admitted to practice.

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No. 569. United States of America, on relation of Arthur Kassin, petitioner, *v.* Hon. Raymond J. Mulligan, United States Marshal, etc. et al. 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 Butler.

No. 601. Peters Patent Corporation, petitioner, *v.* Bates & Klinke, Inc. On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit. Motion of Harriet E. Cole for leave to intervene denied and writ of certiorari dismissed with costs. Opinion, *per curiam*, announced by Mr. Chief Justice Hughes.

No. 686. Jess Hollins, petitioner, *v.* The State of Oklahoma. On writ of certiorari to the Criminal Court of Appeals of the State of Oklahoma. Judgment reversed with costs and cause remanded to the said Criminal Court of Appeals for further proceedings not inconsistent with the opinion of this Court. Opinion, *per curiam*, announced by Mr. Chief Justice Hughes.

No. 670. Texas and New Orleans Railroad Company, The Texas and Pacific Railway Company, et al., appellants, *v.* The United States of America et al. Appeal from the District Court of the United States for the Western District of Missouri. Decree affirmed. Opinion, *per curiam*, announced by Mr. Chief Justice Hughes.

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The Chief Justice announced the following orders of the Court:

No. 704. Henry Clay Allison, appellant, *v.* The State of Texas. Appeal from the Court of Criminal Appeals, State of Texas. *Per curiam*: The appeal herein is dismissed (1) for the reason that the judgment of the state court sought to be reviewed is based upon a non-Federal ground adequate to support it, *Stone v. The State*, 48 Tex. Cr. 114, 86 S. W. 1029; *Farson Son & Co. v. Bird*, 248 U. S. 268, 271; *Doyle v. Atwell*, 261 U. S. 590, *McCoy v. Shaw*, 277 U. S. 302, and (2) for the want of a substantial Federal question, *Watson v. Maryland*, 218 U. S. 173, 175-180; *Crane v. Johnson*, 242 U. S. 339, 342-344; *McNaughton v. Johnson*, 242 U. S. 344, 348-349; *Graves v. Minnesota*, 272 U. S. 425; *Hurwitz v. North*, 271 U. S. 40, 43.

No. 899. Mississippi Central Railroad Company, appellant, *v.* Mrs. Mattie Rife Smith. Appeal from the Supreme Court of the State of Mississippi. *Per curiam*: The appeal herein is dismissed for the want of a final judgment. *Bruce v. Tobin*, 245 U. S. 18; *California National Bank v. Stateler*, 171 U. S. 447, 449; *Grays Harbor Co. v. Coats-Fordney Co.*, 243 U. S. 251, 255-256; *Western Public Service Co. v. City of Mitchell*, 289 U. S. 709.

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The Chief Justice said: "The other orders of the Court appear upon the list certified to by the Chief Justice and filed with the Clerk and will not be announced orally."

No. —, original. *Ex Parte*: The United States *ex rel.* Jesse C. Duke, petitioner. The motion for leave to file petition for writ of prohibition and/or mandamus is denied.

No. 927. Maurice E. Sullivan, petitioner, *v.* Chicago and North Western Railway Company. On petition for writ of certiorari to the Supreme Court of the State of Nebraska; and

No. 929. Samuel I. Solomon, Administrator de bonis non the Estate of Daniel Hosanna, deceased, petitioner, *v.* Esther J. Benjamin. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. The motions for leave to proceed further herein in forma pauperis are denied, for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which writs of certiorari should be issued. The petitions for writs of certiorari are therefore also denied.

No. 834. T. A. Morrissey and James M. O'Brien, Trustees etc., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted.

No. 880. George W. McCandless, as Receiver, etc., petitioner, *v.* Maxime H. Furlaud et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 842. Simms Oil Company, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 848. Kretni Development Company, petitioner, *v.* Consolidated Oil Corporation et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 852. Margaret McDonough, and One Hundred other preferred stockholders of the Owl Drug Company, Bankrupt, petitioners, *v.* Owl Drug Company, Bankrupt, etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 855. The United States of America, petitioner, *v.* Sara A. Ellison, Administratrix, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 861. Chemung Canal Trust Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 862. St. Louis Southwestern Railway Company, petitioner, *v.* The Boatmen's National Bank of St. Louis. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 874. Lykes Bros. Steamship Company, Inc., petitioner, *v.* Sipriano Esteves. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 888. Better Packages, Inc., petitioner, *v.* L. Link & Co., Inc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 920. Wheeler Lovell, Executor, etc., et al., petitioners, *v.* United Milk Products Corporation et al.; and

No. 921. Wheeler Lovell, Executor, etc., et al., petitioners, *v.* United Milk Products Corporation et al. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 201. October Term, 1925. John H. Morse, petitioner, *v.* The United States. Motion for leave to file petition for rehearing denied.

No. 758. John H. Cunningham, petitioner, *v.* The United States of America; and

No. 788. General Construction Company, appellant, *v.* Earl L. Fisher et al. Petitions for rehearing denied.

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### ORDER

It is ordered that Rule XXIX and Rule XLVIII, subdivision 4, of the General Orders in Bankruptcy be, and they hereby are, amended, effective immediately, to read as follows:

### XXIX

#### PAYMENT OF MONEYS DEPOSITED

No moneys deposited as required by the Act shall be drawn from the depository unless by check or warrant, signed by the clerk of the court, or by a trustee, and countersigned by the judge of the court, or by a referee designated for that purpose, or by the clerk or his assistant under an order made by the judge, stating the date, the sum, and the account for which it is drawn; and an entry of the substance of such check or warrant, with the date thereof, the sum drawn for, and the account for which it is drawn, shall be forthwith made in a book kept for that purpose by the trustee or his clerk; and all checks and drafts shall be entered in the order of time in which they are drawn, and shall be numbered in the case of each estate. A copy of this general order shall be furnished to the depository, and also the name of any referee or clerk authorized to countersign said checks. This general order shall not apply to proceedings under section 77 or section 77B of the Act.



## XLVIII

4. The commissions of the referee and of the custodian or receiver shall not exceed those payable to referees and receivers under sections 40 and 48 of the Act in the event of a composition in bankruptcy, and the amount of the debts whose maturity is to be extended shall be included for that purpose as part of "the amount to be paid creditors" within the meaning of those sections, but if the compensation so computed shall appear to be in excess of what is fair and reasonable it shall be correspondingly reduced, the intent of this provision being that the amount of such fees shall be subject at all times to the approval of the court. If the estate is liquidated under the provisions of subdivision (1) of section 74 of the Act, the referee shall return to the estate any commissions previously received and shall be entitled to commissions on all moneys disbursed to creditors by the trustee as provided in section 40 of the Act.

It is further ordered that the General Orders in Bankruptcy be, and they hereby are, amended by including therein a new Rule, numbered LII, to be immediately effective, and reading as follows:

## LII

## PROCEEDINGS UNDER SECTION 77B OF THE BANKRUPTCY ACT

The following additional rules shall apply to proceedings under section 77B of the Bankruptcy Act.

1. The clerk of the district court in which proceedings under section 77B are brought shall forthwith transmit to the Secretary of the Treasury copies of (a) the petition of the corporation, or of the creditors thereof desiring to effect a plan of reorganization; or (b) the answer, if any, of the corporation in those cases in which an involuntary proceeding is pending; (c) the order approving or dismissing the petition; (d) any order determining the time in which the claims and interests of creditors may be filed or evidenced and allowed, the division of creditors and stockholders into classes according to the nature of the respective claims and interests, and all orders extending the time in which such claims may be filed or evidenced; (e) any order for a hearing issued upon the report of the special master; (f) the plan of reorganization, amendments, or modifications; (g) any order (1) fixing the time for confirming the plan or dismissing the proceedings; (2) adjudging the corporation to be solvent or insolvent; (3) confirming the plan or directing the liquidation of the estate; (h) such other papers filed in the proceedings as the Secretary of the Treasury may request of the clerk or the court may direct him to transmit. The clerk shall also transmit to the Collector of Internal Revenue for the district in which the proceedings are pending copies of the petition or answer above described in subdivisions (a) and (b):

Provided, however, that if the Secretary of the Treasury, upon receipt of the petition or answer, shall ascertain that the United

States has no interest in the proceeding, he shall so notify the clerk, whereupon the clerk may dispense with the transmittal of further papers. All papers filed with the court shall have attached thereto such copies as the clerk may require for carrying out this general order.

2. Any order fixing the time for confirming any plan which deals with the interests or claims of the United States shall include a reasonable notice to the Secretary of the Treasury of at least thirty days.

3. The provisions of this general order shall not apply to any action heretofore taken; and failure to comply with any provision hereof, in any proceeding heretofore or hereafter instituted, shall not deprive the District Court of jurisdiction of such proceeding or invalidate any action taken by the Court, but shall be the subject of such consideration and remedial action as justice may require.

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ORDER

The Court will take a recess from today until next Monday; from that day until Monday, May 27, and from that day until Monday, June 3, upon which day it will adjourn for the term.

No motions, except motions for admission to practice, will be received after Monday, May 27.

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No. 908. Kumaki Koga and Matsuo Koga, etc., petitioners, *v.* F. W. Berkshire, District Director, United States Immigration Service, etc. Death of F. W. Berkshire suggested and Walter Emmett Carr, present District Director, substituted as party respondent on motion of Mr. Solicitor General Reed for the respondent.

Adjourned until Monday, May 20 next at 12 o'clock.

## 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, Mr. Justice Roberts, and Mr. Justice Cardozo.

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Monroe Oppenheimer, of St. Louis, Mo.; Sydney Bert Goldman, of Houston, Tex.; John L. Sullivan, of Detroit, Mich.; George A. Arkwright, of Brooklyn, N. Y.; Louis A. Brown, of Brooklyn, N. Y.; Janet Goodwin Rutter, of Washington, D. C.; Ross W. Lynn, of New York City; Frank G. Schlosser, of Hoboken, N. J.; John Preston Phillips, of New York City; Joseph E. Isaacs, of Sacramento, Calif.; G. E. Keck, of Blytheville, Ark.; John Paulding Brown, of Chicago, Ill.; Wendell Berge, of Washington, D. C.; Lawrence C. Jones, of Rutland, Vt.; L. D. Lockwood, of Manila, P. I.; Wm. C. Pierce, of Tampa, Fla.; Orr Chapman, of Twin Falls, Idaho; Howard G. Pillsbury, of Detroit, Mich.; and Albert D. D'Arpa, of Tampa, Fla., were admitted to practice.

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**No. 693.** The United States of America, petitioner, *v.* James A. Mack and Concord Casualty and Surety Company. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment reversed 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 Cardozo.

**No. 773.** Jack Escoe, petitioner, *v.* Fred G. Zerbst, Warden of the United States Penitentiary at Leavenworth, Kansas. 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 District of Kansas with instructions that the writ be sustained and the prisoner discharged. Opinion by Mr. Justice Cardozo.

**No. 552.** The Youngstown Sheet and Tube Company, Republic Steel Corporation, Sharon Steel Hoop Company et al., appellants, *v.* The United States of America, Interstate Commerce Commission, The Baltimore & Ohio Railroad Company et al. Appeal from the District Court of the United States for the Northern District of Ohio. Decree affirmed. Opinion by Mr. Justice Roberts.

No. 17, original. The United States of America, complainant, *v.* The State of West Virginia et al. Motions to dismiss granted. Opinion by Mr. Justice Stone. Mr. Justice Brandeis is of opinion that the United States should be granted leave to amend its bill.

No. 15, original. The State of Wisconsin, complainant, *v.* The State of Michigan. Case referred to the Special Master with directions to prepare and submit to the Court a form of decree which will give effect to the decision of this Court. Opinion by Mr. Justice Butler.

No. 665. Angelo Herndon, appellant, *v.* The State of Georgia. Appeal from the Supreme Court of the State of Georgia. Appeal dismissed for want of jurisdiction. Opinion by Mr. Justice Sutherland. Dissenting opinion by Mr. Justice Cardozo in which Mr. Justice Brandeis and Mr. Justice Stone join.

No. 817. Superintendent Five Civilized Tribes, for Sandy Fox, Creek No. 1263, petitioner, *v.* 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 McReynolds.

No. 658. Max Senior, appellant, *v.* George C. Braden, Quincy A. Davis, Carleton S. Dargusch et al., etc. Appeal from the Supreme Court of the State of Ohio. 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 McReynolds. Dissenting opinion by Mr. Justice Stone in which Mr. Justice Brandeis and Mr. Justice Cardozo join.

No. 142. Noah Stewart, appellant, *v.* Robert Keyes, T. B. Slick, D. Replogle et al. Appeal from the Supreme Court of the State of Oklahoma. Judgment affirmed with costs. Opinion by Mr. Justice Van Devanter.

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The Chief Justice announced the following order of the Court:

No. 923. National Accounting Company, appellant, *v.* J. R. Dorman, Banking Commissioner of the Commonwealth of Kentucky. Appeal from the District Court of the United States for the Eastern District of Kentucky. *Per curiam*: The order denying interlocutory injunction is affirmed. *Alabama v. United States*, 279 U. S. 229, 231; *South Carolina Power Co. v. South Carolina Tax Commission*, 286 U. S. 525; *Ogden & Moffett Co. v. Michigan Public Utilities Commission*, 286 U. S. 525; *Langer v. Grandin Farmers Cooperative Elevator Co.*, 292 U. S. 605; *Northwest Bancorporation v. Benson*, 292 U. S. 606; *Baldwin v. G. A. F. Seelig, Inc.*, 293 U. S. 522; *Wiltshire Oil Co., Inc. v. United States*, — U. S. — (decided April 29, 1935).

The Chief Justice said:

"The other orders of the Court appear upon the list certified to by the Chief Justice and filed with the Clerk and will not be announced orally."

No. —, original. *Ex parte*: C. M. Brummett, petitioner. The motion for leave to file petition for writ of habeas corpus is denied.

No. —, original. *Ex parte*: Minnie Lerner, petitioner. The rule to show cause is discharged and the motion for leave to file petition for a writ of mandamus is denied.

No. 602. Cavour Hartley, Executor of the Estate of G. G. Hartley, petitioner, *v.* Commissioner of Internal Revenue. Ordered that the opinion delivered in this cause on April 29, 1935, be modified as follows:

By adding at the end of line 2 on page 1 the words "and held";

By striking from lines 19 and 20 on page 1 the words "to which the Revenue Acts of 1921 and 1924 were respectively applicable";

By substituting for the words "1924 Act" wherever they occur, the words "1924 and 1926 Acts," and by making changes in punctuation and wording appropriate to the last mentioned modifications.

No. 922. R. L. Wall, W. B. Tilton, et al., appellants, *v.* Janet McNee, a feme sole. In this case probable jurisdiction is noted.

No. 872. The Bassick Manufacturing Company, petitioner, *v.* The R. M. Hollingshead Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit granted. The Chief Justice took no part in the consideration or decision of this application.

No. 906. G. S. Rogers, Doing Business and Rex Duplex Fitting Company et al., petitioners, *v.* Alemite Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit granted and the case is assigned for argument immediately following No. 872. The Chief Justice took no part in the consideration or decision of this application.

No. 926. Thomas W. White, Former Collector of Internal Revenue, petitioner, *v.* Mary Adelaide Poor et al., surviving executors. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit granted and the case assigned for argument immediately following No. 827.

No. 850. Raybestos-Manhattan, Inc., petitioner, *v.* United States. Petition for writ of certiorari to the Court of Claims granted.

No. 869. The United States, petitioner, *v.* Atlantic Mutual Insurance Company. Petition for writ of certiorari to the Court of Claims granted.

No. 876. Nancy K. McFeely, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit granted.

No. 879. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* St. Louis Union Trust Company, as Successor, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit granted.

No. 886. Pete DiGiovanni et al., petitioners, *v.* Camden Fire Insurance Association. Petition for writ of certiorari of the United States Circuit Court of Appeals for the Eighth Circuit granted.

No. 956. Lee Moor, petitioner, *v.* Texas and New Orleans Railroad Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit granted.

No. 841. Brooklyn Ash Removal Company, Inc., petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 846. Lula C. Hogan, Executrix, etc., petitioner, *v.* The United States of America et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 853. The United States of America, petitioner, *v.* Great Northern Railway Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 860. Hillside Land Company et al., petitioners, *v.* Township of North Bergen, etc. Petition for writ of certiorari to the Court of Errors and Appeals of the State of New Jersey denied.

No. 865. Hamburg-American Line, petitioner, *v.* Philip Elting, Collector of Customs, Port of New York. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 873. Purity Investment Company, petitioner, *v.* John P. McLaughlin, Collector of Internal Revenue, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 881. B. K. Isaacs, as Trustee, etc., petitioner, *v.* Hobbs Tie & Timber Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 890. Robert B. Daniel, G. F. Backman, et al., petitioners, *v.* Mary Martha Layton, Elizabeth Jane Wharf, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 893. Royal Union Life Insurance Company, petitioner, *v.* H. A. Gross, Otto Lange, et al.; and

No. 894. Great Republic Life Insurance Company, petitioner, *v.* H. A. Gross, Otto Lange, et al. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 895. Paul B. Stone, petitioner, *v.* C. H. Wright, Receiver, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 896. The Atchison, Topeka and Santa Fe Railway Company, petitioner, *v.* Patrick Wetterer. Petition for writ of certiorari to the Appellate Court, First District, State of Illinois, denied.

No. 897. City of San Antonio et al., petitioners, *v.* Southwestern Bell Telephone Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 594. The Federal Land Bank of St. Louis, petitioner, *v.* A. B. Priddy, Circuit Judge. Petition for rehearing denied.

No. 681. Henry Morgenthau, Jr., Substituted for James C. Davis, Agent, etc., petitioner, *v.* Carl Stephens et al., etc. Time within which to file petition for rehearing extended 25 days on motion of Mr. Alexander M. Bull for the petitioner.

No. —, original. *Ex parte*: The Aleograph Company, petitioner. Motion for leave to file petition for writ of mandamus submitted by Mr. William Hodges in behalf of counsel for the petitioner.

No. 1045, October Term, 1933. The Aleograph Company, petitioner, *v.* Western Electric Company, Inc. Motion for leave to file petition for reconsideration of petition for rehearing submitted by Mr. William Hodges in behalf of counsel for the petitioner.

Adjourned until Monday, May 27 next, at 12 o'clock.

## 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, Mr. Justice Roberts, and Mr. Justice Cardozo.

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Lester L. Weil, of New York City; V. Russell Donaghy, of Chicago, Ill.; Thomas S. Kennedy, of Washington, D. C.; Clare Gerald Fertility, of Philadelphia, Pa.; Gordon Meade Atherholt, of Washington, D. C.; Walter Edwin Waite, of Washington, D. C.; Louis F. Kreek, of Washington, D. C.; Thomas B. J. Quinn, of Utica, N. Y.; Raymond J. Roth, of Chicago, Ill.; Abraham C. Weinfeld, of New York City; Joseph A. Arbanas, of Detroit, Mich.; James Cameron Argetsinger, of Youngstown, Ohio; James Abram Markle, of Detroit, Mich.; William B. Jaffe, of New York City; Edward M. Shulman, of Dayton, Ohio; Robert Marcus Woodward, of Chicago, Ill.; Robert K. McConnaughey, of Dayton, Ohio; Philip Stockton May, of Jacksonville, Fla.; Louise Faber McCarthy, of Philadelphia, Pa.; Minnie B. Rosenbaum, of Denver, Colo.; Wm. K. Divers, of Cincinnati, Ohio; Kathryn Lovice Craig, of Washington, D. C.; Gilbert W. C. Cox, of Boston, Mass.; Tilman B. Cantrell, of Benton, Ill.; Bennett Sanderson, of Boston, Mass.; Arthur L. Brown, of Boston, Mass.; Edward R. Hale, of Boston, Mass.; A. R. Memhard, of New York City; John L. Sullivan, of Manchester, N. H.; A. D. G. Cohn, of Atlanta, Ga.; Tracy J. Peycke, of Omaha, Neb.; Joseph Edward Klau, of Hartford, Conn.; Albert C. Fowler, of Miami, Fla.; George W. Meuth, of Bowling Green, Ky.; John M. DiSilvestro, of Philadelphia, Pa.; Francis M. Sullivan, of Washington, D. C.; Louis J. Carusillo, of Washington, D. C.; Walter Joseph Choate, of Los Angeles, Calif.; Edmund M. Preston, of Richmond, Va.; Eppa Hunton, IV, of Richmond, Va.; Clarence L. McKaig, of Sarasota, Fla.; E. L. Richardson, of Lawton, Okla.; and C. D. Cund, of Duncan, Oklahoma, were admitted to practice.

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No. 751. Roy T. Mobley, petitioner, *v.* The New York Life Insurance Company. 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 Southern District of Mississippi. Opinion by Mr. Justice Butler.

No. 667. Samuel F. Rathbun, as Executor of the Estate of William E. Humphrey, deceased, *v.* The United States. On certificate from the Court of Claims. Both questions answered in the affirmative. Opinion by Mr. Justice Sutherland. Mr. Justice McReynolds agrees that both questions should be answered in the affirmative. A separate opinion in *Myers v. United States*, 272 U. S. 178, states his views concerning the power of the President to remove appointees.

No. 717. Louisville Joint Stock Land Bank, petitioner, *v.* William W. Radford, Sr. 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 Kentucky for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Brandeis.

No. 854. Joseph Schechter, Martin Schechter, Alex Schechter, et al., petitioners, *v.* The United States of America; and

No. 864. The United States of America, petitioner, *v.* A. L. A. Schechter Poultry Corporation, Martin Schechter, Alex Schechter, et al. On writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment in No. 854 reversed and judgment in No. 864 affirmed and cases 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. Chief Justice Hughes. Concurring opinion by Mr. Justice Cardozo in which Mr. Justice Stone joins.

The Chief Justice announced the following orders of the Court:

No. 787. The United States of America, petitioner, *v.* Fidelity and Deposit Company of Baltimore, Maryland. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. *Per curiam*: The petition for a writ of certiorari herein is granted. It is ordered that the judgment of the Circuit Court of Appeals for the Second Circuit be, and it is hereby, vacated, and the cause is remanded to that court with directions to dismiss the appeal upon the ground that the judgment sought to be reviewed is joint and the record fails to disclose summons and severance. *Hartford Accident & Indemnity Co. v. Bunn*, 285 U. S. 169; *Wagner Tug Boat Co. v. Meagher*, 287 U. S. 657; *Missouri State Life Ins. Co. v. Johnson*, 288 U. S. 609; *Texas Land & Cattle Co. v. City of Fort Worth*, — U. S. — (decided April 29 1935).

No. 974. Mrs. Kate F. Rosenthal, appellant, *v.* Mrs. Elizabeth Langley and Ella Fridenberg. Appeal from the Supreme Court of

the State of Georgia. *Per curiam*: The motion for leave to proceed further in *forma pauperis* is denied. The motion 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). Treating the papers whereon the appeal was allowed as a petition for writ of certiorari, as required by Sec. 237 (c) of the Judicial Code as amended (43 Stat. 936, 938), certiorari is denied.

The Chief Justice said:

"The other orders of the Court appear upon the list certified to by the Chief Justice and filed with the Clerk and will not be announced orally."

No. 1045. October Term 1933. The Alleograph Company, petitioner *v.* The Western Electric Co. The motion for leave to file petition for reconsideration of petition for rehearing is denied.

No. —, original. *Ex parte*: The Alleograph Company, petitioner. The motion for leave to file petition for writ of mandamus is denied.

No. —, original. *Ex parte*: Joseph Poresky, petitioner. The motion for leave to file petition for writ of mandamus is denied.

No 945. Clyde Mallory Lines, appellant, *v.* The State of Alabama, *ex rel.* State Docks Commission. Further consideration of the question of the jurisdiction of this Court in this case is postponed to the hearing of the case on the merits.

No. 966. George T. Queen, petitioner, *v.* The United States of America. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia;

No. 979. Abraham Dektor, petitioner, *v.* Overbrook National Bank of Philadelphia et al. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit; and

No. 980. The State of Tennessee, *ex rel.*, Silas Fox, petitioner, *v.* A. W. Neely, Warden of the Tennessee State Penitentiary. On petition for writ of certiorari to the Supreme Court of the State of Tennessee. The motions for leave to proceed further herein *in forma pauperis* are denied for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which writs of certiorari should be issued. The petitions for writs of certiorari are therefore also denied.

No. 965. George Everett Legg, petitioner, *v.* E. St. John, Trustee. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. The motion for leave to proceed further herein *in forma pauperis* is granted. The petition for writ of certiorari is also granted.

No. 898. Richey V. Graham, petitioner, *v.* The White-Phillips Company, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted.

No. 931. D. Del Vecchio, Trading as Peoples Hardware Stores et al., petitioners, *v.* Bonnie L. Bowers. Petition for writ of certiorari to the United States Circuit Court of Appeals for the District of Columbia granted.

No. 822. The Duwamish, Lummi, Whidby Island Skagit Tribes of Indians, et al., petitioners, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied. The motion to remand is also denied.

No. 871. B. Frank Bushman, Administrator, Estate of James H. Pound, deceased, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 885. Steamship "Manuel Arnus", her engines, 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 denied.

No. 889. Weinberger Banana Company, Inc., petitioner, *v.* Phoenix Assurance Company, Limited, of London. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 891. Continental Baking Company, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 900. Henry J. Sullivan, 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. 904. Clifford Skelly, petitioner, *v.* The United States of America; and

No. 905. Edward Berman, *alias* Barney Berman, petitioner, *v.* The United States of America. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 907. Ohio Casualty Insurance Company, petitioner, *v.* George P. Rosaia et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 908. Kumaki Koga and Matsuyo Koga, etc., petitioners, *v.* Walter Emmett Carr, District Director, United States Immigration Service, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 909. International Shoe Company, petitioner, *v.* Benjamin F. Rubins Doing Business as Rubins' Department Store, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 912. Danciger Oil & Refining Company et al., petitioners, *v.* L. R. Burroughs. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 913. Alice L. Wynekoop, petitioner, *v.* The People of the State of Illinois. Petition for writ of certiorari to the Supreme Court of the State of Illinois denied.

No. 915. Wesley Pape, petitioner, *v.* St. Lucie Inlet District and Port Authority, etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 919. The Chicago, Rock Island & Gulf Railway Company, petitioner *v.* C. B. Frederick. Petition for writ of certiorari to the Court of Civil Appeals, 7th Supreme Judicial District, State of Texas denied.

No. 932. Edward Rudo, Infant, by Sol E. Rudo, his next friend, petitioner, *v.* A. H. Bull Steamship Co. et al. Petition for writ of certiorari to the Court of Appeals of the State of Maryland denied.

No. 941. E. R. Squibb & Sons, petitioner, *v.* Mallinckrodt Chemical Works. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 830. H. H. Tucker, Jr., petitioner, *v.* The United States of America. Petition for rehearing denied. The motion for release from prison punishment pending appeal is also denied.

No. 2. The United States, petitioner, *v.* The Creek Nation;

No. 659. Lem Motlow, petitioner, *v.* State, *ex rel.* Edmond Koeln;

No. 660. Lem Motlow, petitioner, *v.* State, *ex rel.* Edmond Koeln;

No. 663. John A. Snyder, petitioner, *v.* Commissioner of Internal Revenue; and

No. 833. Texas Land & Cattle Company et al., appellants, *v.* The City of Fort Worth. Petitions for rehearing denied.

No. 17, original. The United States of America, complainant, *v.* The State of West Virginia. Motion for leave to file amended and supplemental bill of complaint submitted by Mr. Harry W. Blair for the complainant.

No. 344. Atlantic Coast Line Railroad Company, appellant, *v.* State of Florida et al.; and

No. 345. State of Florida et al., appellants, *v.* The United States of America et al. Motion for construction of opinion and conformity of mandate thereto and motion for leave to file supple-

mental bill submitted by Mr. August G. Gutheim for the appellees in No. 344 and appellants in No. 345, in support of the motions, and by Mr. Robert C. Alston, Mr. C. H. Davis, Mr. W. E. Kay, and Mr. W. H. Sibley for the Atlantic Coast Line Railroad Company.

No. —, original. Ex parte: Richard E. Marine, petitioner. Motion for leave to file petition for writ of mandamus submitted by Mr. Richard E. Marine, *pro se*.

No. 11, original. State of New Jersey, complainant, *v.* State of Delaware. Agreed proposed form of decree presented.

Adjourned until Monday, June 3, next, at 12 o'clock.

## 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, Mr. Justice Roberts, and Mr. Justice Cardozo.

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Karl J. Hardy, of Washington, D. C.; Perre Bowen, of Washington, D. C.; James M. Earnest, of Auburn, Ala.; Ward B. McCarthy, of Washington, D. C.; Lewis H. Shapiro, of Washington, D. C.; Earl C. Mills, of Des Moines, Iowa; J. Johnstone Muir, of Washington, D. C.; Harold C. Mendelson, of New York City; Abraham S. Rudnick, of New York City; Alfred L. Dorf, of Washington, D. C.; Norman O. Tietjens, of Napoleon, Ohio; Howard W. Vesey, of Washington, D. C.; Reed T. Rollo, of Washington, D. C.; Donald C. Beelar, of Washington, D. C.; John B. Murphy, of New Orleans, La.; William J. Dempsey, of New York City; Charles M. Wells, of Indianapolis, Ind.; William C. Davis, of Austin, Tex.; Lionel G. Anderson, of McLean, Va.; Charles A. Calhoun, of Birmingham, Ala.; Joseph Lanigan, of Trenton, N. J.; Herbert Loewenthal, of New York City; Walter J. Ryan, of New York City; Cecil L. Wood, of Fort Worth, Tex.; Edward P. Hodges, of Columbia, S. C.; James E. Murphy, of New Haven, Conn.; Hall Etter, of Houston, Tex.; Raymond E. Buck, of Fort Worth, Tex.; James R. Rooney, of New Rochelle, N. Y.; Francis X. Stephens, Jr., of New York City; Robert Edward Higgins, of Joliet, Ill.; J. M. Brown, of St. Louis, Mo.; A. P. Patton, of Jonesboro, Ark.; Leo W. Hoffman, of Allegan, Mich.; A. W. Brubaker, of Tampa, Fla.; W. C. Austin, of Altus, Okla.; Lawrence E. Tedrick, of Poplar Bluff, Mo.; Hyman Korn, of New York City; Crockett Owen, of St. Petersburg, Fla.; Orville H. Walburn, of Washington, D. C.; Jay Wayne Ley, of Columbus, Ohio; Victor E. Cappa, of New York City; Alexander P. Tureaud, of New Orleans, La.; Abraham S. Robinson, of New York City; Robert Williamson, of New York City; Arthur A. Low, of Rochester, Ind.; John Compton French, of DeLand, Fla.; Samuel Herman, of Chicago, Ill.; John Newton Griggs, of New York City; Russell C. MacFall, of New York City; Allen Robinson, of Washington, D. C.; Edward A. Mag, of New Britain, Conn.; Carlile Bolton-Smith, of New York City; George McEniry Harrington, of O'Neill, Nebr.; Robert P. Crawford, of Jacksonville, Fla.; John R. Nicholson, of Chicago, Ill.; John S. L. Yost, of Baltimore, Md.; Harry J. Daly, of

Washington, D. C.; Marc J. Grossman, of Cleveland, Ohio; Rees H. Barkalow, of Washington, D. C.; Thomas W. Samuels, of Decatur, Ill.; Jno. H. Freeman, of Houston, Tex.; William A. O'Connor, of Mildred, Pa.; Raphael Charles Allen, of Washington, D. C.; George N. Dale, of Washington, D. C.; George P. Cantrell, of Bartlesville, Okla.; Grace Kanode, of Washington, D. C.; Keith Gordon Misegades, of Washington, D. C.; Basil P. Cooper, of Lebanon, Ky.; Gregory U. Harmon, of Buffalo, N. Y.; Dora Berres, of Los Angeles, Calif.; Nelson A. Potter, of Washington, D. C.; and Edmund P. Cullinan, of Washington, D. C., were admitted to practice.

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No. 648. Harold E. West, J. Frank Harper, and Steuart Purcell, Constituting the Public Service Commission of Maryland, appellants, *v.* Chesapeake and Potomac Telephone Company of Baltimore City. Appeal from the District Court of the United States for the District of Maryland. Decree affirmed with costs. Opinion by Mr. Justice Roberts. Dissenting opinion by Mr. Justice Stone in which Mr. Justice Brandeis and Mr. Justice Cardozo join.

No. 178. Baltimore & Carolina Line, Inc., petitioner, *v.* Donald Redman. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment modified as indicated in the opinion of this Court, and, as so modified, affirmed and cause remanded to the District Court of the United States for the Southern District of New York, costs to petitioner. Opinion by Mr. Justice Van Devanter.

No. 23. Harold L. Ickes, as Secretary of the Interior, petitioner, *v.* Virginia-Colorado Development Corporation. On writ of certiorari to the United States Court of Appeals of the District of Columbia. Judgment affirmed and cause remanded to the said Court of Appeals. Opinion by Mr. Chief Justice Hughes.

No. 678. Emerson F. Minnie, petitioner, *v.* Port Huron Terminal Company and Fidelity and Casualty Company of New York. On writ of certiorari to the Supreme Court of the State of Michigan. Judgment affirmed with costs. Opinion by Mr. Chief Justice Hughes.

No. 696. Elta Kenward, petitioner, *v.* The "Admiral Peoples", her engines, boilers, apparel, etc., et al. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Decree reversed with costs, and cause remanded to the District Court of the United States for the District of Oregon 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. 976. E. E. Bass, William Austin, et al., appellants, *v.* The Mayor and Aldermen of the City of Milledgeville, et al. Appeal from the Supreme Court of the State of Georgia. *Per curiam*: The motion to substitute L. N. Jordan as a party appellee is granted. The motion of the appellees to dismiss the appeal herein is granted, and the appeal is dismissed for the reason that the judgment sought herein to be reviewed is based upon a nonfederal ground adequate to support it. *Utley v. St. Petersburg*, 292 U. S. 106, 111-112; *Wood v. Chesborough*, 228 U. S. 672 *et seq.*; *Preston v. Chicago*, 226 U. S. 447, 450.

No. 970. Hopkins Federal Savings and Loan Association, etc., et al., appellants, *v.* Peter A. Cleary, et al., etc.;

No. 971. Reliance Building and Loan Association, appellant, *v.* Peter A. Cleary, et al., etc.; and

No. 972. Northern Building and Loan Association, appellant, *v.* Peter A. Cleary, et al., etc. Appeals from the Supreme Court of the State of Wisconsin. *Per curiam*: The motions of the appellees to dismiss the appeals herein are granted and the appeals 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 were allowed as petitions for writs of certiorari as required by Sec. 237 (c), Judicial Code, as amended (43 Stat. 936, 938), writs of certiorari are granted.

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#### ORDER

It is ordered:

1. Pursuant to Section 2 of the Act of June 19, 1934, c. 651, 48 Stat. 1064, the Court will undertake the preparation of a unified system of general rules for cases in equity and actions at law in the District Courts of the United States and in the Supreme Court of the District of Columbia, so as to secure one form of civil action and procedure for both classes of cases, while maintaining inviolate the right of trial by jury in accordance with the Seventh Amendment of the Constitution of the United States and without altering substantive rights.

2. To assist the Court in this undertaking, the Court appoints the following Advisory Committee to serve without compensation:

William D. Mitchell, of New York City, Chairman.

Scott M. Loftin, of Jacksonville, Florida, President of the American Bar Association.

George W. Wickersham, of New York City, President of the American Law Institute.



Wilbur H. Cherry, of Minneapolis, Minnesota, Professor of Law at the University of Minnesota.

Charles E. Clark, of New Haven, Connecticut, Dean of the Law School of Yale University.

Armistead M. Dobie, of University, Virginia, Dean of the Law School of the University of Virginia.

Robert G. Dodge, of Boston, Massachusetts.

George Donworth, of Seattle, Washington.

Joseph G. Gamble, of Des Moines, Iowa.

Monte M. Lemann, of New Orleans, Louisiana.

Edmund M. Morgan, of Cambridge, Massachusetts, Professor of Law at Harvard University.

Warren Olney, Jr., of San Francisco, California.

Edson R. Sunderland, of Ann Arbor, Michigan, Professor of Law at the University of Michigan.

Edgar B. Tolman, of Chicago, Illinois.

Charles E. Clark, of New Haven, Connecticut, is appointed Reporter to the Advisory Committee.

3. It shall be the duty of the Advisory Committee, subject to the instructions of the Court, to prepare and submit to the Court a draft of a unified system of rules as above described.

4. During the recess of the Court the Chief Justice is authorized to fill any vacancy in the Advisory Committee which may occur through failure to accept appointment, resignation, or otherwise.

5. The Advisory Committee shall at all times be directly responsible to the Court. The Committee shall not incur expense or make any financial commitments except upon the approval of the Court as certified by the Chief Justice or upon his order during a recess of the Court.

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The Chief Justice said:

“The other orders of the Court appear upon the list certified to by the Chief Justice and filed with the Clerk and will not be announced orally.”

#### ORDER

It is ordered that Rule 4 of the Rules of this Court be, and it is hereby, amended to read as follows:

#### “ 4. THE LIBRARY

“1. The library for the bar shall be open to members of the bar of this court; to members of Congress, and to law officers of the executive or other departments of the Government, but books may not be removed from the building.

"2. The library shall be open during such times as the reasonable needs of the bar require and be governed by such regulations as the librarian, with the approval of the marshal, may make effective."

## ORDER

It is ordered that paragraph 5 of Rule 13 of the Rules of this Court be, and it is hereby, amended to read as follows:

"5. The clerk shall supervise the printing, and see that the printed copy is properly indexed. He shall distribute the printed copies to the justices and the reporter, from time to time, as required, and a copy to the counsel for the respective parties. He shall also deposit in the law library of Congress to be there carefully preserved, one copy of the printed record in every case submitted to the court for its consideration, and of all printed motions and briefs therein."

No. —, original. Ex parte: Richard E. Marine, petitioner. Motion for leave to file petition for writ of mandamus denied.

No. 11, original. State of New Jersey, complainant, *v.* State of Delaware. Decree entered.

No. 13, original. The United States of America, complainant, *v.* The State of Oregon. Decree and order fixing compensation and allowing expenses of the Special Master entered.

No. 16, original. State of Nebraska, complainant, *v.* State of Wyoming. Answer of defendant is received and ordered to be filed.

No. 17, original. The United States of America, complainant, *v.* The State of West Virginia et al. The motion for leave to file an amended and supplemental bill of complaint is denied.

No. 344. Atlantic Coast Line Railroad Company, appellant, *v.* State of Florida and E. S. Matthews, et al., etc.; and

No. 345. State of Florida and E. S. Matthews et al., etc., appellants *v.* The United States of America et al. Motion for construction of opinion; motion for leave to file supplemental bill; and petition for a rehearing in these cases are severally denied.

No. 931. D. Del Vecchio, Trading as Peoples Hardware Stores et al., petitioners, *v.* Bonnie L. Bowers. Motion of respondent for leave to proceed *in forma pauperis* granted.

No. 911. Richard L. Hargreaves, petitioner, *v.* The United States States of America. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit;

No. 988. Owen R. Wilson and S. M. Gurley, petitioners, *v.* The United States of America. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit; and

No. 996. Anna Liza McRae, as Administratrix, etc., 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. The motions for leave to proceed further herein *in forma pauperis* are denied for the reason that the Court, upon consideration of the papers herein submitted, finds no ground upon which writs of certiorari should be issued. The petitions for writs of certiorari are therefore also denied.

No. 955. Pacific States Box and Basket Company, appellant, *v.* Max Gehlhar, as Director of Agriculture for the State of Oregon et al.; and

No. 973. Robert H. Via, appellant, *v.* The State Commission on Conservation and Development of the State of Virginia. In these cases probable jurisdiction is noted.

No. 990. Morris Miller, 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 granted, and the case is assigned for argument immediately following No. 847.

No. 901. The Klamath and Moadoc Tribes and Yahooskin Band of Snake Indians, petitioners, *v.* The United States. Petition for writ of certiorari to the Court of Claims granted.

No. 918. Borax Consolidated, Limited, and Pacific Coast Borax Company, petitioners, *v.* The City of Los Angeles. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted.

No. 937. DeForest Hulburt, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted.

No. 938. The United States of America, petitioner, *v.* Gus L. Constantine, *alias* Dr. Gus. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit granted.

No. 939. General Utilities and Operating Company, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit granted.

No. 954. Fox Film Corporation, petitioner, *v.* A. B. Muller. Petition for writ of certiorari to the Supreme Court of the State of Minnesota granted.

No. 943. The City of New York, petitioner, *v.* Thomas E. Murray, Jr., as Receiver of Interborough Rapid Transit Company et al. Petition for writ of certiorari to the United States Circuit Court

of Appeals for the Second Circuit denied. The Chief Justice took no part in the consideration or decision of this application.

No. 859. Hedwig Braun, Individually and As Executrix, etc., et al., petitioners, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 866. Everett Mills, a Corporation, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 877. Pratt & Whitney Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 883. A. A. Madison, petitioner, *v.* The United States of America;

No. 884. Lorenzo N. Stohl, petitioner, *v.* The United States of America;

No. 892. Henry H. Faulkner and N. M. Hansen, petitioners, *v.* The United States of America;

No. 902. Nathaniel Baldwin et al., petitioners, *v.* The United States of America;

No. 903. Frank Keller, Jr., et al., petitioners, *v.* The United States of America; and

No. 1022. Joseph H. Green, 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. 887. The United States of America, *ex rel.* Marcos Tetonis, petitioner, *v.* Frances Perkins, Secretary of Labor, et al., etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

N. 914. Security National Bank, Guardian for Earl N. Betts, etc., petitioner, *v.* State of North Carolina, *ex rel.* State Hospital for the Insane at Raleigh. Petition for writ of certiorari to the Supreme Court of the State of North Carolina denied.

No. 916. The Chicago, Rock Island and Gulf Railway Company et al., petitioners, *v.* Tarrant County Water Control and Improvement District Number One. Petition for writ of certiorari to the Court of Civil Appeals, 2nd Supreme Judicial District, State of Texas, denied.

No. 924. Louise Earwood, as Guardian of Thomas Caleb Earwood, 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. 925. Margaret Collins, petitioner, *v.* Josephine Welsh. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 928. John S. Deering and Harvey M. Graybill, etc., petitioners, *v.* John Stites et al. Petition for writ of certiorari to the Court of Appeals of the Commonwealth of Kentucky denied.

No. 930. Indians of California, petitioners, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 933. Gardner-Denver Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 935. J. G. Robertson, petitioner, *v.* Commissioner of Internal Revenue; and

No. 936. Edwin W. Brouse et al., Executor, etc., petitioners, *v.* Commissioner of Internal Revenue. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 942. The United States of America, petitioner, *v.* Claud G. Sellers. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 946. J. D. Varnell, 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. 947. Jasper County Lumber Company, petitioner, *v.* W. J. McNeill. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 948. Ocean Accident and Guarantee Corporation, Limited, petitioner, *v.* J. L. Brandeis and Sons. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 949. State Planters Bank & Trust Co. et al., etc., petitioners, *v.* First National Bank of Victoria. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 957. Ralph Modjeski, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Petition for writ or certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 959. Wanless Iron Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 962. Irving Millen and Murton Millen, petitioners, *v.* Commonwealth of Massachusetts; and

No. 963. Abraham Faber, petitioner, *v.* Commonwealth of Massachusetts. Petitions for writs of certiorari to the Superior Court

in and for the County of Norfolk, Commonwealth of Massachusetts, denied.

No. 968. Atlantic Coast Line Railroad Company, petitioner, *v.* Kate Claughton, a Widow. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 969. Nicholas G. Lely, petitioner, *v.* Abraham Kalinoglu. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 1002. H. Newkirk Wheeler, 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. 940. Silas Ezra, Suing on Behalf of Himself individually, etc., petitioner, *v.* Thomas W. Lamont, George W. Davison, et al. Petition for writ of certiorari to the Supreme Court of the State of New York denied.

No. 950. Lee J. Kelly, 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. 978. Morgan Eslick, 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. 967. Century Electric 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. 975. Ralph N. Ballou et al., etc., petitioners, *v.* Abel Davis, Receiver of the Illinois Life Insurance Company, etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 987. The Texas and Pacific Railway Company et al., petitioners, *v.* Louisiana Oil Refining Corporation et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 717. Louisville Joint Stock Land Bank, petitioner, *v.* William W. Radford, Jr. Motion for stay of mandate submitted by Mr. William Lemke for the respondent and the motion denied.

No. 717. Louisville Joint Stock Land Bank, petitioner, *v.* William W. Radford, Jr. Leave granted respondent to file brief in support of petition for rehearing by August 15, next, on motion of Mr. Edwin A. Krauthoff.

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.