

Part 3

SUPREME COURT OF THE UNITED STATES.

MONDAY, OCTOBER 2, 1922.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Sutherland.

John Thomas Taylor, of Washington, D. C.; Robert R. Bennett, of Washington, D. C.; Thomas F. Barrett, of Clarksburg, W. Va.; Frederick E. Weeks, of White Plains, N. Y.; Alvin Richards, of Tulsa, Okla.; J. J. Laton, of Denver, Colo.; W. S. O'B. Robinson, jr., of Charlotte, N. C.; W. B. Harrell, of Dallas, Tex.; James J. Mayfield, of Montgomery, Ala.; Ira Julian Underwood, of Tulsa, Okla.; William F. Mulvihill, of Chicago, Ill.; Clyde L. Day, of Chicago, Ill.; E. W. MacPherran, of Duluth, Minn.; Harry Otis Poole, of Rochester, N. Y.; Donald R. Richberg, of Chicago, Ill.; Thomas Stevenson, of Cleveland, Ohio; Edward J. Thobaben, of Cleveland, Ohio; H. W. B. Taylor, of San Anselmo, Calif.; Harry Long, of Muncie, Ind.; William W. Worthington, of New York City; Horace Holley Smith, of Salt Lake City, Utah; Alvin F. Molony, of Tulsa, Okla.; Charles J. Holland, of New York City; Gibson A. Marr, of Salt Lake City, Utah; Amos Thomas, of Omaha, Nebr.; J. Westmore Willcox, of Norfolk, Va.; Leonard S. Lyon, of Los Angeles, Calif.; Carey Van Fleet, of San Francisco, Calif.; Charles P. R. Macaulay, of Chicago, Ill.; Allan S. Locke, of New York City; Alfred G. Reeves, of New York City; Warner E. Whipple, of Duluth, Minn.; Bruce W. Sanborn, of St. Paul, Minn.; and Sidney Thorne Able, of St. Louis, Mo., were admitted to practice.

The Chief Justice said:

"Since the court adjourned, Mr. Justice Clarke has resigned as a member of this court and the President has accepted his resignation. The President has nominated and the Senate has confirmed Mr. George Sutherland to the vacancy thus created. The clerk will read the commission."

The clerk then read the commission, and immediately thereafter the oath of office was administered by Mr. Chief Justice Taft, and

Mr. Justice Sutherland was conducted to his seat on the bench by the marshal.

The Chief Justice announced that after entertaining motions for admission to the bar, the court would adjourn in order that the members of the court might pay their respects to the President of the United States; and that all motions noticed for to-day will be taken to-morrow, and the court will then commence the call of the docket pursuant to the twenty-sixth rule.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, October 3, will be as follows: Nos. **167, 279** (and **280, 281, 282, and 283**), **1, 177, 2, 3, 4, 5, 6, 7, and 8.**

SUPREME COURT OF THE UNITED STATES.

TUESDAY, OCTOBER 3, 1922.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Sutherland.

Edward D. Lyman, of Los Angeles, Calif.; William H. Seibert, of New York City; William L. Pace, of Pittston, Pa.; Harold J. Mahon, of Pittston, Pa.; Emanuel Celler, of Brooklyn, N. Y.; Kenneth I. McKay, of Tampa, Fla.; Clarence Lippel, of Cumberland, Md.; Lawrence H. Cake, of Washington, D. C.; Riley H. Heath, of Ithaca, N. Y.; Carl G. Mullin, of Cumberland, Md.; Arch. A. Young, of Cumberland, Md.; Charles H. Lawson, of New York City; Arthur A. Moreno, of New Orleans, La.; George V. McIntyre, of Chicago, Ill.; Robert M. Rainey, of Oklahoma City, Okla.; and Streeter B. Flynn, of Oklahoma City, Okla.; were admitted to practice.

No. 457. The United States of America, petitioner, *v.* Frederick L. Merriam. Petition for a writ of certiorari to the United States Circuit Court of Appeals of the Second Circuit submitted by Mr. Solicitor General Beck for the petitioner, and by Mr. Roy C. Gasser for the respondent.

No. 458. The United States of America, petitioner, *v.* Henry B. Anderson. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Solicitor General Beck for the petitioner, and by Mr. Roy C. Gasser for the respondent.

No. 465. Mobile Shipbuilding Company, petitioner, *v.* Federal Bridge & Structural Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Solicitor General Beck for the petitioner, and by Mr. Amos C. Miller and Mr. William E. Black for the respondent.

No. 535. Federal Trade Commission, petitioner, *v.* Raymond Bros-Clark Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Solicitor General Beck for the petitioner.

No. 578. The United States, petitioner, *v.* Lippmann, Spier & Hahn. Petition for a writ of certiorari to the United States Court of Customs Appeals submitted by Mr. Solicitor General Beck and Mr. William C. Herron for the petitioner and by Mr. George J. Puckhafer for the respondent.

No. 407. Seaboard Air Line Railway Company, plaintiff in error, *v.* The United States of America. Motion to advance submitted by Mr. Solicitor General Beck for the defendant in error.

No. 43. Capitol Life Insurance Company, plaintiff in error, *v.* Mary C. Ross. Motion for leave to file affidavit of counsel and certificates of clerk of the Supreme Court of the State of Missouri as to petitions to said court for writs of mandamus and certiorari to review the judgment of the Kansas City Court of Appeals herein submitted by Mr. James M. Beck in behalf of counsel.

No. 540. R. C. Wood et al., petitioners, *v.* F. G. Noyes, as receiver etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. W. H. Metson, Mr. Robert W. Jennings, and Mr. Louis P. Shackelford for the petitioners and by Mr. John E. Alexander for the respondent.

No. —, original. The Commonwealth of Massachusetts, complainant, *v.* Andrew W. Mellon, Secretary of the Treasury, et al. Motion for leave to file a bill of complaint herein submitted by Mr. Edwin H. Abbott, jr., for the complainant.

No. 428. Federal Land Bank of New Orleans, plaintiff in error, *v.* D. W. Crossland, judge of probate. Petition for a writ of certiorari herein submitted by Mr. William M. Williams for the plaintiff in error in support of the petition.

No. 386. Mildred McIntosh, plaintiff in error, *v.* W. H. Dill and M. E. Dill. Petition for a writ of certiorari herein submitted by Mr. Thomas H. Owen and Mr. George C. Crump for the plaintiff in error in support of the petition and by Mr. Nathan A. Gibson for the defendants in error in opposition thereto.

No. 119, October term, 1921. United Shoe Machinery Corporation et al., appellants, *v.* The United States of America. Motion to interpret the court's opinion submitted by Mr. J. A. Kratz in behalf of counsel.

No. 527. Whiting Manufacturing Company, petitioner, *v.* Alvin Silver Company, Inc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. William W. Bride in behalf of Mr. Livingston Gifford, Mr. Robert C. Beatty, and Mr. Hugo Mock for the petitioner, and by Mr. Charles Neave for the respondent.

No. 527. Whiting Manufacturing Company, petitioner, *v.* Alvin Silver Company, Inc. Leave granted to file brief herein of Mr. Harry D. Nims and Mr. Robert Ramsey, in behalf of Cheney Brothers and others, as *amici curiae*, on motion of Mr. Robert Ramsey in that behalf.

No. 527. Whiting Manufacturing Company, petitioner, *v.* Alvin Silver Company, Inc. Leave granted to file brief herein of Mr. William J. Hughes and Mr. Otto Schlobohm in behalf of Keystone Watchcase Co. et al., as *amici curiae*, on motion of Mr. Otto Schlobohm in that behalf.

No. 183. Seth Gettys et al., etc., plaintiffs in error, *v.* Silvan Newburger et al. Motion to dismiss or affirm submitted by Mr. Bernard Titche, Mr. Henry E. Asp, and Mr. Henry G. Snyder for the defendants in error in support of the motion, and by Mr. W. A. Ledbetter, Mr. H. L. Stuart, and Mr. R. R. Bell for the plaintiffs in error in opposition thereto.

No. 466. Ranger Refining & Pipe Line Company et al., petitioners, *v.* J. E. Dryden et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Bernard Titche and Mr. Francis C. Downey for the petitioners, and by Mr. Joseph Manson McCormick for the respondents.

No. —, original. Ex parte In the matter of Huey P. Long et al., petitioners. Motion for leave to file petition for a writ of mandamus herein submitted by Mr. W. M. Barrow and Mr. Huey P. Long for the petitioners.

No. 467. Department of Trade and Commerce of the State of Nebraska et al., etc., petitioners, *v.* A. J. Hertz et al., etc., receivers, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Amos Thomas in behalf of Mr. Halleck F. Rose and Mr. Arthur R. Wells for the petitioners.

No. 574. Lion Bonding & Surety Company, petitioner, *v.* A. H. Karatz. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Amos Thomas in behalf of Mr. Halleck F. Rose and Mr. Arthur R. Wells for the petitioner, and by Mr. Bruce W. Sanborn for the respondent.

No. 557. Department of Trade and Commerce of the State of Nebraska et al., appellants, *v.* A. J. Hertz et al., Receivers, etc., et al. Motion to dismiss or affirm submitted by Mr. Bruce W. Sanborn for the appellees in support of the motion, and by Mr. John F. Stout, Mr. Halleck F. Rose, and Mr. Arthur R. Wells in opposition thereto.

No. 549. Pennsylvania Coal Company, plaintiff in error, *v* H. J. Mahon et al. Motion to advance submitted by Mr. A. G. Dickson in that behalf.

No. 499. Automatic Pencil Sharpener Company, petitioner, *v*. Boston Pencil Pointer Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit submitted by Mr. Morven Thompson in behalf of George L. Wilkinson and Mr. Edward O. Proctor for the petitioner, and by Mr. Asa P. French for the respondent. Motion as to printing record as exhibit to petition submitted by Mr. Morven Thompson in behalf of counsel for petitioner.

No. 424. American Railway Express Company, petitioner, *v*. Lucius P. Levee. Petition for a writ of certiorari to the Court of Appeal, First Circuit, of the State of Louisiana, submitted by Mr. Arthur A. Moreno, Mr. Hunter C. Leake, and Mr. A. M. Hartung for the petitioner, and by Mr. Charles T. Wortham for the respondent.

No. 448. James C. Davis, Agent, etc., petitioner, *v*. Harold Preston. Petition for a writ of certiorari to the Circuit Court of Jackson County, State of Missouri, submitted by Mr. Arthur A. Moreno and Mr. A. A. McLaughlin for the petitioner, and by Mr. Oscar S. Hill for the respondent.

No. 455. Guiseppe Moretti, petitioner, *v*. John Wiley, Marble City Quarry Company, et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Malcolm S. McN. Watts for the petitioner, with leave to counsel for the respondent to file brief within two weeks, on motion of Mr. Neyle Colquitt in that behalf.

No. 501. Harry Goldberg et al., petitioners, *v*. The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Neyle Colquitt for the petitioner, and by Mr. Solicitor General Beck, Assistant Attorney General Willebrandt, and Mr. George E. Bowen for the respondent.

No. 290. United States Grain Corporation *v*. Wallace B. Phillips. Motion to advance submitted by Mr. Neyle Colquitt in that behalf.

No. 586. The Bacon Brothers Company, petitioner, *v*. E. Frank Grable, Individually, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. George D. Welles for the petitioner, and by Mr. George E. Brand, Mr. Harold W. Fraser, and Mr. U. S. Bratton for the respondent.

No. —, original. Ex parte In the matter of The Bacon Brothers Company, petitioner. Motion for leave to file petition for a writ of mandamus and a writ of prohibition herein submitted by Mr. George D. Welles for the petitioner.

No. **339**. Toledo Scale Company, petitioner, *v.* The Computing Scale Company. Motion for leave to take testimony, etc., submitted by Mr. George D. Welles for the petitioner.

No. **3**, original, October term, 1921. The State of Wyoming, complainant, *v.* The State of Colorado. Leave granted to file brief in opposition to petition for rehearing, on motion of Mr. William L. Walls in that behalf.

No. **3**, original, October term, 1921. The State of Wyoming, complainant, *v.* The State of Colorado. Leave granted to file brief in support of petition for rehearing, on motion of Mr. Samuel Russell in that behalf.

No. **553**. B. F. Trappey & Sons, petitioner, *v.* McIlhenny Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. William L. Symons for the petitioner, and by Mr. Joseph S. Clark and Mr. Edward S. Rogers for the respondent.

No. **560**. Oliver Iron Mining Company, appellant, *v.* Samuel Lord et al.;

No. **561**. Cleveland-Cliffs Iron Company, appellant, *v.* Samuel Lord et al.;

No. **562**. Mesaba-Cliffs Iron Mining Company, appellant, *v.* Samuel Lord et al.;

No. **563**. Bennett Mining Company et al., appellants, *v.* Samuel Lord et al.;

No. **564**. Republic Iron & Steel Company et al., appellants, *v.* Samuel Lord et al.;

No. **565**. The Biwabik Mining Company et al., appellants, *v.* Samuel Lord et al.;

No. **566**. Inter-State Iron Company, appellant, *v.* Samuel Lord et al. Motion to advance submitted by Mr. Egbert S. Oakley in that behalf.

No. **481**. Union Electric Welding Company, petitioner, *v.* John P. Curry et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Thomas H. Tracy, Mr. George D. Welles, and Mr. Charles E. Brock for the petitioner, and by Mr. Samuel Owen Edmonds and Mr. Wilbur Owen for the respondents.

No. 260. Charles Keller et al., constituting the Board of Public Utility Commissioners of the District of Columbia, appellants, *v.* Potomac Electric Power Company. Motion to advance submitted by Mr. Conrad H. Syme for the appellants.

No. 410. Mary Partridge, plaintiff in error, *v.* J. E. Crosbie et al. Petition for a writ of certiorari herein submitted by Mr. Burt E. Barlow for the plaintiff in error in support of the petition, and by Mr. A. A. Davidson and Mr. Preston C. West for the respondents. Leave granted counsel for the petitioner to file record when printed.

No. 312. The Altitude Oil Company, plaintiff in error, *v.* The People of the State of Colorado. Motion to dismiss or affirm submitted by Mr. Victor E. Keyes for the defendant in error in support of the motion, and by Mr. Norton Montgomery for the plaintiff in error in opposition thereto.

No. 183. Seth Gettys et al., etc., plaintiffs in error, *v.* Silvan Newburger et al. Leave granted to file a supplemental brief in answer to motion to dismiss, on motion of Mr. R. R. Bell for the plaintiffs in error.

No. 573. James C. Davis, as Agent, etc., petitioner, *v.* The Portland Seed Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Arthur C. Spencer, Mr. Charles E. Cochran, and Mr. John F. Finerty for the petitioner.

No. 304. The Peoples Development Company, appellant, *v.* Southern Pacific Company et al., etc. Motion to affirm submitted by Mr. C. F. R. Ogilby for the appellees in support of the motion, and by Mr. T. C. West for the appellant in opposition thereto.

No. 409. Union Stock Yards Company of Omaha, plaintiff in error *v.* Mayhall & Neible, a copartnership, et al., etc. Petition for a writ of certiorari herein submitted by Mr. E. F. Colladay in behalf of Mr. Norris Brown and Mr. Irving F. Baxter for the plaintiff in error in support of the petition, and by Mr. Francis A. Brogan, Mr. Alfred G. Ellick, and Mr. Anon Raymond for the defendants in error in opposition thereto.

No. 449. Charles G. Binderup, petitioner, *v.* Pathe Exchange, Inc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Irving F. Baxter and Mr. Norris Brown for the petitioner, and by Mr. William M. Seabury and Mr. Saul E. Rogers for the respondent.

No. 488. Charles L. Craig, petitioner, *v.* William C. Hecht, U. S. Marshal, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. John P. O'Brien and Mr. Edmund L. Mooney for the petitioner.

No. 23, Original. The State of Wisconsin, complainant, *v.* The State of Illinois et al. Leave granted to file joint and several answer, on motion of Mr. William F. Mulvihill in that behalf.

No. 551. Henry E. DeKay, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit submitted by Mr. Jesse C. Adkins in behalf of Mr. William L. Wemple for the petitioner; with leave to counsel for the petitioner to file record when printed.

No. 419. Oklahoma Gas & Electric Company et al., appellants, *v.* Corporation Commission of the State of Oklahoma et al. Motion to advance submitted by Mr. S. B. Flynn for the appellants.

No. 406. Oklahoma Natural Gas Company, appellant, *v.* Campbell Russell et al., constituting the Corporation Commission of Oklahoma et al. Motion to advance submitted by Mr. S. B. Flynn for the appellant.

No. 500. Arkansas Natural Gas Company, appellant, *v.* Arkansas Railroad Commission et al. Motion to advance submitted by Mr. S. B. Flynn for the appellant.

No. 406. Oklahoma Natural Gas Company, appellant, *v.* Campbell Russell et al., constituting the Corporation Commission of Oklahoma et al. Motion to advance submitted by Mr. J. J. Underwood for the appellees.

No. 302. Frank Terrace et al., appellants, *v.* Lindsay L. Thompson, Attorney General of the State of Washington. Motion to advance submitted by Mr. Lindsay L. Thompson for the appellee.

No. 386. Mildred McIntosh, plaintiff in error, *v.* W. H. Dill et al. Motion to dismiss and brief in opposition to petition for a writ of certiorari herein submitted by Mr. Alexander Britton for the defendants in error in support of the motion.

Nos. 12, 13, 14, and 15. Exchange Oil Company, appellant, *v.* F. C. Carter, as State Auditor, etc., et al. Passed, pursuant to the 26th rule, on motion of Mr. Levi Cooke in behalf of counsel.

No. 541. Roland C. Heisler, plaintiff in error, *v.* Thomas Colliery Company et al. Motion to advance submitted by Mr. George E. Alter in that behalf.

No. 433. The New York Central Railroad Company, petitioner, *v.* Middleport Gas & Electric Light Company. Petition for a writ of certiorari to the Supreme Court of the State of New York submitted by Mr. Henry R. Gower in behalf of Mr. Maurice C. Spratt for the petitioner, and by Mr. Edward H. Letchworth for the respondent.

No. 554. Southern Power Company, petitioner, *v.* North Carolina Public Service Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. William P. Bynum, Mr. R. V. Lindabury, and Mr. R. C. Strudwick for the petitioner, and by Mr. John W. Davis and Mr. Aubrey L. Brooks for the respondents.

No. 542. William A. Prendergast et al., etc., appellants, *v.* New York Telephone Company. Motion to advance submitted by Mr. Wilber W. Chambers, Ledyard P. Hale, and Simon Fleischmann for the appellants.

No. 419. Oklahoma Gas & Electric Company et al., appellants, *v.* Corporation Commission of the State of Oklahoma et al. Motion to advance submitted by Mr. Henry E. Asp in behalf of counsel.

No. 323. Trustees of the United States-Mexico Oil Company, plaintiffs in error, *v.* T. W. Harris. Petition for a writ of certiorari herein submitted by Mr. William W. Fry for the plaintiff in error in support of the petition.

No. 337. Mrs. Eugenia Brooks, Administratrix, etc., petitioner, *v.* Seaboard Air Line Company. Petition for a writ of certiorari to the Court of Appeals of the State of Georgia submitted by Mr. George Westmoreland for the petitioner, and by Mr. Hollins N. Randolph and Mr. Robert S. Parker for the respondent.

No. 397. Ludwig Wolfgram, petitioner, *v.* Ritchie T. Marsh, Trustee, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Lowrie C. Barton for the petitioner.

No. 398. Albert Rowan et al., petitioners, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Jed C. Adams for the petitioners, and by Mr. Solicitor General Beck, Mr. Assistant Attorney General Crim, and Mr. Harry S. Ridgely for the respondent.

No. 399. James C. Davis, Director General of Railroads, petitioner, *v.* William R. Coyle, Trustee, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. John F. Finerty for the petitioner, and by Mr. Emory R. Buckner for the respondent.

No. 401. William S. Livezey, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Jed C. Adams for the petitioner, and by Mr. Solicitor General Beck, Mr. Assistant Attorney General Crim, and Mr. Harry S. Ridgely for the respondent.

No. 405. Morris Reinstein et al., petitioners, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Elijah N. Zoline for the petitioner, and by Mr. Solicitor General Beck and Mr. William C. Herron for the respondent.

No. 411. American Can Company, petitioner, *v.* Frank Funkhouser. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Horace Kent Tenney, Mr. Andrew D. Collins, Mr. Allen L. Chickering, and Mr. Warren Gregory for the petitioner.

No. 412. American Can Company, petitioner, *v.* M. T. McGoldrick. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Horace Kent Tenney, Mr. Andrew D. Collins, Mr. Allen L. Chickering, and Mr. Warren Gregory for the petitioner.

No. 413. American Can Company, petitioner, *v.* Samuel J. Wilson. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Horace Kent Tenney, Mr. Andrew D. Collins, Mr. Allen L. Chickering, and Mr. Warren Gregory for the petitioner.

No. 414. American Can Company, petitioner, *v.* R. B. Rice and W. C. Wharf. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Horace Kent Tenney, Mr. Andrew D. Collins, Mr. Allen L. Chickering, and Mr. Warren Gregory for the petitioner.

No. 415. American Can Company, petitioner, *v.* P. J. Garnett. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Horace Kent Tenney, Mr. Andrew D. Collins, Mr. Allen L. Chickering, and Mr. Warren Gregory for the petitioner, and by Mr. William G. Graves for the respondent.

No. 416. American Can Company, petitioner, *v.* Ralph Robinson. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Horace Kent Tenney, Mr. Andrew D. Collins, Mr. Allen L. Chickering, and Mr. Warren Gregory for the petitioner.

No. 417. American Can Company, petitioner, *v.* J. W. Burgan. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Horace Kent Tenney, Mr. Andrew D. Collins, Mr. Allen L. Chickering, and Mr. Warren Gregory for the petitioner.

No. 420. R. D. James, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. A. S. Baskett for the petitioner.

No. 423. W. Trinidad, as Insular Collector etc., petitioner, *v.* Sagrada Orden de Predicadores de la Provincia del Santissimo Rosario de Filipinas. Petition for a writ of certiorari to the Supreme Court of the Philippine Islands submitted by Mr. Grant T. Trent, Mr. Logan N. Rock, and Mr. Carl A. Mapes for the petitioner.

No. 424. American Railway Express Company, petitioner, *v.* Lucius P. Levee. Petition for a writ of certiorari to the Court of Appeal, First Circuit, of the State of Louisiana, submitted by Mr. Hunter C. Leake and Mr. A. M. Hartung for the petitioner.

No. 425. James C. Davis, Director General of Railroads etc., petitioner, *v.* Ellis R. Hyde. Petition for a writ of certiorari to the Supreme Court of the State of Oklahoma submitted by Mr. Thomas P. Littlepage, Mr. Sidney F. Taliaferro, Mr. C. O. Blake, and Mr. W. R. Bleakmore for the petitioner.

No. 427. Western Machinery Company et al., petitioners, *v.* Richfield Oil Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Nathan Newby for the petitioners, and by Mr. Troy Pace for the respondent.

No. 431. The Pusey & Jones Company, petitioner, *v.* Hans Karluf Hanssen. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Lindley M. Garrison for the petitioner, and by Mr. William H. Button, John P. Nields, and Mr. William G. Mahaffy for the respondent.

No. 434. King Lumber Company, petitioner, *v.* P. H. Faulconer. Petition for a writ of certiorari to the Supreme Court of Appeals of the State of Virginia submitted by Mr. George E. Walker for the petitioner, and by Mr. R. T. W. Duke, jr., Mr. G. W. McNutt, and Mr. H. W. Walsh for the respondent.

No. 437. Philadelphia & Reading Railway Company, petitioner, *v.* Samuel D. Eisenhart. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. William Clarke Mason for the petitioner, and by Mr. Frank F. Davis for the respondent.

No. 438. Albert Hirshheimer, petitioner, *v.* Ralph B. Hartsough et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Charles H. Aldrich and Mr. Frank M. Hoyt for the petitioner.

No. **439**. Benjamin F. Hamey, petitioner, *v.* Ralph B. Hartsough. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Charles H. Aldrich and Mr. Frank M. Hoyt for the petitioner.

No. **441**. H. P. Converse et al., petitioners, *v.* Portsmouth Cotton Oil Refining Corporation. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. Edward R. Baird, jr., and Mr. George M. Lanning for the petitioners, and by Mr. Thomas H. Willcox for the respondent.

No. **443**. C. B. Giles et al., petitioners, *v.* Henry Vette et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. William Burry and Mr. Lewis F. Jacobson for the petitioners, and by Mr. Horace Kent Tenney, Mr. Harry A. Parkin, Mr. Carl Meyer, and Mr. Henry R. Platt for the respondents.

No. **445**. The Champion Fibre Company, petitioner, *v.* The Pigeon River Railway Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. Julius C. Martin, Mr. Thomas S. Rollins, and Mr. George H. Wright for the petitioner, and by Mr. William P. Bynum for the respondent.

No. **446**. J. L. Albright, petitioner, *v.* James C. Davis, Director General, etc. Petition for a writ of certiorari to the Court of Civil Appeals for the Sixth Supreme Judicial District of the State of Texas submitted by Mr. S. P. Jones for the petitioner, and by Mr. Ras Young for the respondent.

No. **448**. James C. Davis, Agent, etc., petitioner, *v.* Harold Preston. Petition for a writ of certiorari to the Circuit Court of Jackson County, State of Missouri, submitted by Mr. A. A. McLaughlin for the petitioner, and by Mr. Oscar S. Hill for the respondent.

No. **454**. Mutual Life Insurance Company of New York, petitioner, *v.* Hurni Packing Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Frederick L. Allen for the petitioner.

No. **460**. The Shenango Furnace Company et al., petitioners, *v.* The Village of Buhl et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. William D. Bailey and Mr. Alfred Jaques for the petitioner, and by Mr. William E. Culkin for the respondents.

No. **461**. Central Power & Light Company, petitioner, *v.* Town of Pocahontas et al. Petition for a writ of certiorari to the Supreme

Court of the State of Arkansas submitted by Mr. Joe T. Robinson, Mr. Joseph W. House, jr., Mr. Charles T. Coleman, and Mr. H. L. Ponder for the petitioner.

No. 462. James C. Davis, Director General etc., petitioner, *v.* George Wechsler. Petition for a writ of certiorari to the Kansas City Court of Appeals of the State of Missouri submitted by Mr. H. M. Langworthy, Mr. O. H. Dean, and Mr. Roy B. Thomson for the petitioner, and by Mr. William S. Hogsett and Mr. Mont T. Prewitt for the respondent.

No. 466. Ranger Refining & Pipe Line Company et al., petitioners, *v.* J. E. Dryden et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Bernard Titche and Mr. Francis C. Downey for the petitioners, and by Mr. Francis M. Etheridge and Mr. Joseph Manson McCormick for the respondents.

No. 467. Department of Trade & Commerce of the State of Nebraska et al. etc., petitioners, *v.* A. J. Hertz et al., etc., Receivers, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Halleck F. Rose and Mr. Arthur R. Wells for the petitioners, and by Mr. Bruce W. Sanborn for the respondents.

No. 468. James C. Davis, as Agent, etc., petitioner, *v.* Lee A. Wolfe. Petition for a writ of certiorari to the Supreme Court of the State of Missouri submitted by Mr. Thomas P. Littlepage, Mr. James C. Jones, Mr. Lon O. Hocker, and Mr. Frank H. Sullivan for the petitioner.

No. 470. Jess Shipley & Humpy Bob Vaughn, petitioners, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Waters Davis for the petitioners, and by Mr. Solicitor General Beck, Assistant Attorney General Willebrandt, and Mr. George E. Boren for the respondent.

No. 471. Canute Steamship Company, Ltd., et al., petitioners, *v.* Pittsburgh & West Virginia Coal Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Charles R. Hickox and Mr. Delbert M. Tibbetts for the petitioners, and by Mr. John W. Davis, Mr. Theodore Kiendl, Mr. Tracy L. Jeffords, Mr. R. R. Bennett, and Mr. Thomas F. Barrett for the respondents.

No. 474. The Salem Trust Company, petitioner, *v.* Manufacturers' Finance Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit submitted by Mr. Alexander Whiteside for the petitioner.

No. **475.** Victor Talking Machine Company, petitioner, *v.* The Starr Piano Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. William Houston Kenyon and Mr. John D. Myers for the petitioner, and by Mr. Parker W. Page and Mr. Drury W. Cooper for the respondent.

No. **476.** Theodore A. Heyer, etc., petitioner, *v.* Duplicator Manufacturing Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Samuel Walker Banning and Mr. Thomas A. Banning for the petitioner.

No. **479.** Alabama & Vicksburg Railway Company et al., plaintiffs in error, *v.* Louis F. Dennis. Petition for a writ of certiorari herein submitted by Mr. J. Blanc Monroe, Mr. Monte M. Lemann, Mr. R. H. Thompson, Mr. S. L. McLaurin, and Mr. Walter J. Suthon, jr., for the plaintiffs in error in support of the petition.

No. **486.** Focsaneanu Alexander & Alpha Laboratories (Inc.), petitioner, *v.* General Electric Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Patrick P. Curran for the petitioner, and by Mr. Frederick P. Fish and Mr. Hubert Howson for the respondent.

No. **489.** Producers Warehouse Association, petitioner, *v.* Philippine National Bank. Petition for a writ of certiorari to the Supreme Court of the Philippine Islands submitted by Mr. Henry Breckinridge, Mr. Clement L. Bouve, and Mr. A. Warner Parker for the petitioner.

No. **490.** J. H. Riley, petitioner, *v.* O. C. McRaney. Petition for a writ of certiorari to the Supreme Court of the State of Mississippi submitted by Mr. W. H. Watkins for the petitioner, and by Mr. Robert H. Thompson for the respondent.

No. **493.** Beer, Sondheimer & Company, Inc., petitioner, *v.* American & Cuban Steamship Line, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. D. Roger Englar for the petitioner, and by Mr. Frank V. Barns for the respondent.

No. **494.** The Matthew Addy Company, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Nelson B. Cramer for the petitioner.

No. **495.** Benjamin N. Ford, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Nelson B. Cramer for the petitioner.

No. 496. George M. Embiricos, petitioner, *v.* Stuyvesant Insurance Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Robert S. Erskine and Mr. D. M. Tibbetts for the petitioner, and by Mr. Ezra P. Prentice for the respondent.

No. 502. The Andrew Jergens Company, petitioner, *v.* William A. Woodbury Distributors, Inc., et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Walter A. de Camp, Mr. Keyes Winter and Mr. Edward D. Rogers for the petitioner.

No. 503. Mrs. Essie Lee Jones, Administratrix of Robert C. Jones, etc., petitioner, *v.* Central of Georgia Railway Company. Petition for a writ of certiorari to the Court of Appeals of the State of Georgia submitted by Mr. Emmett Houser and Mr. Thomas Swift Felder for the petitioner, and by Mr. T. M. Cunningham, jr., and Mr. Richard C. Jordan for the respondent.

No. 504. James C. Davis, Federal Agent of Railways, et al., etc., petitioners, *v.* Mrs. Walter Morgan, Administratrix, etc. Petition for a writ of certiorari to the Supreme Court of the State of Texas submitted by Mr. Frank C. Dillard and Mr. George Thompson for the petitioners, and by Mr. S. P. Jones in opposition thereto.

No. 505. Iponmatsu Ukichi et al., petitioners, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. E. A. Douthitt and Mr. Charles S. Davis for the petitioners, and by Mr. Solicitor General Beck and Mr. William C. Herron for the respondent.

No. 506. William T. Price et al., petitioners, *v.* Magnolia Petroleum Company et al. Petition for a writ of certiorari to the Supreme Court of the State of Oklahoma submitted by Mr. E. E. Blake, Mr. A. T. Boys, Mr. C. B. Stuart, Mr. J. F. Sharpe, and Mr. M. K. Cruce for the petitioners.

No. 507. Morgenstern & Company, Inc., petitioner, *v.* The Hoffman-La Roche Chemical Works, Inc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. C. A. L. Massie for the petitioner, and by Mr. Hans v. Briesen for the respondent.

No. 508. Ernest W. Kokemor, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. C. S. Herbert for the petitioner.

No. 512. Samuel A. Myers et al., petitioners, *v.* International Trust Company. Petition for a writ of certiorari to the Supreme Judicial

Court of the State of Massachusetts submitted by Mr. Edward F. McCledden for the petitioners.

No. **513**. Board of Trade of the City of Chicago, petitioner, *v.* E. H. Johnson, Trustee, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Henry S. Robbins for the petitioners.

No. **514**. The Farish Company, petitioner, *v.* South Side Trust Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Henson M. Stephens for the petitioner.

No. **516**. Ella Howey, petitioner, *v.* William J. Howey. Petition for a writ of certiorari to the Supreme Court of the State of Missouri submitted by Mr. C. W. Prince for the petitioner, and by Mr. Henry S. Conrad for the respondent.

No. **517**. Sylvester Carollo, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. E. Howard McCaleb for the petitioner, and by Mr. Solicitor General Beck, Mr. Assistant Attorney General Crim, and Mr. Harry S. Ridgely for the respondent.

No. **519**. Clair D. Jones, petitioner, *v.* Inter-Mountain Life Insurance Company et al. Petition for a writ of certiorari to the Supreme Court of the State of Utah submitted by Mr. Frank K. Nebeker for the petitioner.

No. **520**. Webster Electric Company, petitioner, *v.* Splitdorf Electrical Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Herbert B. Moses for the petitioner.

No. **521**. Woolwine Metal Products Company, petitioner, *v.* Willis J. Boyle, sr. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Frederick S. Lyon for the petitioner, and by Mr. John H. Miller for the respondent.

No. **523**. Manuel Biskind, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Ben B. Wickham for the petitioner, and by Mr. Solicitor General Beck, Mr. Assistant Attorney General Crim, and Mr. Harry S. Ridgely for the respondent.

No. **524**. Samuel Rembrandt, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Ben B. Wickham for the petitioner.

No. 531. Harry O. Phillips, petitioner, *v.* Pennsylvania Railroad Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. John H. Kay and Mr. Charles W. Miller for the petitioner, with leave to counsel for the respondent to file brief within one week.

No. 532. Simon Hecht et al., petitioners, *v.* John F. Malley, former collector of internal revenue. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit submitted by Mr. Edward F. McClennen, Mr. William H. Dunbar, and Mr. Allison L. Newton for the petitioners, with leave to counsel for the respondent to file brief within one week.

No. 533. Arthur L. Howard et al., petitioners, *v.* John F. Malley, former collector of internal revenue. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit submitted by Mr. Edward F. McClennen, Mr. William H. Dunbar, and Mr. Allison L. Newton for the petitioners, with leave to counsel for the respondent to file brief within one week.

No. 534. Arthur L. Howard et al., petitioners, *v.* Andrew J. Casey, former acting collector of internal revenue. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit submitted by Mr. Edward F. McClennen, Mr. William H. Dunbar, and Mr. Allison L. Newton for the petitioners.

No. 538. Frank P. Helm, petitioner *v.* American Hawaiian Steamship Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Nathan H. Frank and Mr. Irving H. Frank for the petitioner, and by Mr. Stanley Moore for the respondent.

No. 539. John G. Crosland, petitioner, *v.* Benjamin E. Dyson, U. S. marshal, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Bart A. Riley for the petitioner.

No. 544. Standard Oil Company (Indiana), petitioner, *v.* James R. Henry. Petition for a writ of certiorari to the Supreme Court of the State of Indiana submitted by Mr. Samuel D. Miller, Mr. Frank C. Dailey, Mr. William H. Thompson, and Mr. C. C. LeForgee for the petitioner, and by Mr. Edward M. White for the respondent.

No. 547. Cudahy Packing Company of Nebraska, plaintiff in error and petitioner, *v.* Mary Ann Parramore, as Widow etc., et al. Petition for a writ of certiorari to the Supreme Court of the State of Utah submitted by Mr. George T. Buckingham for the plaintiff in error and petitioner, and by Mr. William A. Hilton for the defendant in error and respondent.

No. 548. Standard Oil Company of Louisiana, petitioner, *v.* Roy P. Parham. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Hunter C. Leake, Mr. Marcellus Green, Mr. Garner W. Green, and Mr. C. O. Swain for the petitioner.

No. 558. Farm Mortgage & Loan Company, petitioner, *v.* John R. Hazel, Judge, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Frank Gibbons for the petitioner.

No. 559. Samuel M. Grossman, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Benjamin C. Bachrach and Mr. David D. Stansbury for the petitioner, and by Mr. Solicitor General Beck, Mr. Robert P. Reeder, and Mr. W. Marvin Smith for the respondent.

No. 567. W. H. Goff Company, petitioner, *v.* Lamborn & Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Frederick T. Saussy and Mr. Edgar Watkins for the petitioner, and by Mr. Robert M. Hitch and Mr. A. B. Lovett for the respondent.

No. 568. Red Cross Line, petitioner, *v.* Atlantic Fruit Company. Petition for a writ of certiorari to the Supreme Court of the State of New York submitted by Mr. Homer L. Loomis for the petitioner, and by Mr. John W. Crandall for the respondent.

No. 569. Walter S. Hallanan, State Tax Commissioner, etc., et al., petitioners, *v.* The Eureka Pipe Line Company. Petition for a writ of certiorari to the Supreme Court of Appeals of the State of West Virginia submitted by Mr. E. T. England, Mr. S. B. Avis, Mr. William G. Matthews, and Mr. Fred O. Blue for the petitioners.

No. 570. Walter S. Hallanan, State Tax Commissioner, etc., et al., petitioners, *v.* United Fuel & Gas Company. Petition for a writ of certiorari to the Supreme Court of Appeals of the State of West Virginia submitted by Mr. E. T. England, Mr. S. V. Avis, Mr. William G. Matthews, and Mr. Fred O. Blue for the petitioners.

No. 571. Harry Michelsohn, petitioner, *v.* Charles F. Dittmar, as Trustee, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. David H. Bilder for the petitioner.

No. 574. Lion Bonding & Surety Company, petitioner, *v.* A. H. Karatz. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Halleck F. Rose and Mr. Arthur R. Wells for the petitioner, and by Mr. Bruce W. Sanborn for the respondent.

No. 577. The Baltimore & Ohio Southwestern Railroad Company, petitioner, *v.* Guerney O. Burtch. Petition for a writ of certiorari to the Supreme Court of the State of Indiana submitted by Mr. Morison R. Waite for the petitioner.

No. 579. The Queen Insurance Company of America, petitioner, *v.* Globe & Rutgers Fire Insurance Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. D. Roger Englar and Mr. Oscar R. Houston for the petitioner, and by Mr. Charles C. Burlingham and Mr. Van Vechton Veeder for the respondent.

No. 580. Axel Matson, petitioner, *v.* Walker D. Hines, Director General, etc. Petition for a writ of certiorari to the Supreme Court of the State of Montana submitted by Mr. H. Loundes Maury for the petitioner.

No. 582. Mary Jeannette McNamara et al., petitioners, *v.* John Hamilton McNamara, a minor, etc., et al. Petition for a writ of certiorari to the Supreme Court of the State of Illinois submitted by Mary J. McNamara and Margaret J. Thomas, p. p., and by Mr. Robert P. Eckert for the respondent.

No. 583. James C. Davis, as Agent, etc., petitioner, *v.* E. M. Matthews, Administrator, etc. Petition for a writ of certiorari to the Supreme Court of the State of South Carolina submitted by Mr. Henry E. Davis for the petitioner, and by Mr. Felix E. Alley for the respondent.

No. 584. Ben Rudner et al., petitioners, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Edmond H. Moore for the petitioners.

No. 587. Alvah Crocker et al., Trustees, etc., petitioners, *v.* John F. Malley, Collector. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit submitted by Mr. Felix Rackemann for the petitioners, and by Mr. Solicitor General Beck, Mr. Assistant Attorney General Ottinger, and Mr. Charles H. Weston for the respondent.

No. 589. Thomson Spot Welder Company, petitioner, *v.* Ford Motor Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Frederick P. Fish for the petitioner.

No. 592. Sulzberger & Sons Company, petitioner, *v.* Steamship Hellig Olav et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Charles R. Hickox for the petitioner, and by Mr. Van Vechten Veeder and Mr. Roscoe H. Hupper for the respondents.

No. 598. The Texas Company et al., petitioners, *v.* Steamship "Santa Rita," etc., et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. John D. Grace for the petitioners, and by Mr. John C. Prizer for the respondent.

No. 600. The Pyle-National Company, petitioner, *v.* Oliver Electric Manufacturing Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. John J. Healy and Mr. Francis W. Parker, jr., for the petitioner, and by Mr. Edwin E. Huffman for the respondent.

No. 605. Mary Banks, petitioner, *v.* The State of Alabama. Petition for a writ of certiorari to the Supreme Court of the State of Alabama submitted by Mr. H. H. Swift for the petitioner, and by Mr. Hartwell G. Davis for the respondent.

No. 609. American Merchant Marine Insurance Company of New York, petitioner, *v.* Liberty Sand & Gravel Company, Inc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. T. Catesby Jones, Mr. D. Roger Englar, and Mr. James D. Carpenter for the petitioner, and by Mr. Robert S. Erskine for the respondent.

No. 611. Simmons Hardware Company, petitioner, *v.* Southern Railway Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. L. L. Leonard and Mr. Shepard Barclay for the petitioner, and by Mr. Edward C. Kramer, Mr. Bruce A. Campbell, Mr. Alex. P. Humphrey, and Mr. Edward P. Humphrey for the respondent.

No. 90. Edward J. Brundage, Attorney General of Illinois, appellant, *v.* The United States of America et al. Appeal from the District Court of the United States for the Northern District of Illinois. Dismissed, per stipulation.

No. 91. Edward J. Brundage, Attorney General of Illinois, appellant, *v.* The United States of America et al. Appeal from the District Court of the United States for the Northern District of Illinois. Dismissed, per stipulation.

No. 211. E. C. Eddy, as Treasurer, etc., et al., appellant, *v.* The First National Bank of Fargo. Appeal from the United States Circuit Court of Appeals for the Eighth Circuit. Dismissed with costs, per stipulation.

No. 254. World Publishing Company, appellant, *v.* The United States. Appeal from the Court of Claims. Dismissed, per stipulation.

No. 376. Henry F. Mueller et al., etc., appellant, *v.* Samuel W. Adler et al. Motion to dismiss submitted by Mr. Edward W. Foristel

for the appellees in support of the motion, and by Mr. William J. Hughes and Mr. Ephrim Caplin for the appellants in opposition thereto.

No. **390**. New Orleans & Northeastern Railroad Company et al., petitioners, *v.* Thomas E. Beard. On petition for writ of certiorari to the Supreme Court of the State of Mississippi. Dismissed, on motion of counsel for the petitioner.

No. **525**. William S. Fleming, petitioner, *v.* The United States of America. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Dismissed, on motion of counsel for the petitioner.

No. **2**. Luella Swartwood, as Sole Administratrix, etc., plaintiff in error, *v.* Lehigh Valley Railroad Company. Passed pursuant to the 26th rule.

No. **5**. William R. Begg et al., Receivers, etc., appellants, *v.* The City of New York et al. Passed pursuant to the 26th rule, per stipulation of counsel.

No. **6**. John Connors, plaintiff in error, *v.* The People of the State of Illinois. Motion to dismiss submitted by Mr. Edward J. Brundage for the defendant in error, and by Mr. Charles P. R. Macaulay for the plaintiff in error in opposition thereto.

No. **7**. Edward O'Donnell, plaintiff in error, *v.* The People of the State of Illinois;

No. **8**. Leonard Banks et al., plaintiffs in error, *v.* The People of the State of Illinois;

No. **9**. Frank Bender, plaintiff in error, *v.* The People of the State of Illinois;

No. **10**. John Boone, plaintiff in error, *v.* The People of the State of Illinois;

No. **11**. William Taglia, plaintiff in error, *v.* The People of the State of Illinois;

No. **23**. Abe Schaffner, plaintiff in error, *v.* The People of the State of Illinois; and

No. **57**. George Moran, plaintiff in error, *v.* The People of the State of Illinois. To abide the decision in case No. 6 submitted on motion to dismiss.

No. **167**. William W. Knights, plaintiff in error, *v.* James Jackson, Treasurer and Receiver General of the Commonwealth of Massachusetts. Argued by Mr. Philip Nichols for the plaintiff in error, and by Mr. Edwin H. Abbot, jr., for the defendant in error.

No. **279**. Transporte Maritimos do Estado, Claimant, etc., petitioner, *v.* Tietjen & Lang Dry Dock Company;

No. **280**. Transporte Maritimos do Estado, Claimant, etc., petitioner, *v.* Maxwell Rose, etc.;

No. **281**. Transporte Maritimos do Estado, Claimant, etc., (in personam), petitioner, *v.* Maxwell Rose, etc.;

No. **282**. Transporte Maritimos do Estado, Claimant, etc., petitioner, *v.* Thomas de Simone; and

No. **283**. Transporte Maritimos do Estado (in personam), petitioner, *v.* Thomas de Simone. Leave granted three counsel to argue for the respondents, on motion of Mr. John M. Woolsey in that behalf. Argued by Mr. F. Dudley Kohler for the petitioner, and by Mr. John M. Woolsey, Mr. Robert S. Erskine, and Mr. Meyer Kraushaar for the respondent.

No. **1**. Takao Ozawa, *v.* The United States; and

No. **177**. Takuji Yamashita et al., petitioners, *v.* J. Grant Hinkle, as Secretary of State of the State of Washington. Three hours allowed for the argument of these cases, on motion of Mr. George W. Wickersham in that behalf. Argument commenced by Mr. George W. Wickersham for Ozawa in No. **1**, and for the petitioners in No. **177**.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, October 4, will be as follows: Nos. **1** (and **177**), **3, 4, 16, 17, 18, 19, 20, 21, and 22**.

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, OCTOBER 4, 1922.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Sutherland.

Henry M. Hurd, of Los Angeles, Calif.; Albert Kellogg Stebbins, of Milwaukee, Wis.; and M. B. Saul, of Philadelphia, Pa., were admitted to practice.

No. 19, original. The United States, Complainant, *v.* The State of Washington. Leave granted to file answer of the defendant on motion of Mr. L. L. Thompson of counsel for the defendant.

No. 19. Galveston Wharf Company, et al., appellants, *v.* City of Galveston et al. Passed, pursuant to twenty-sixth rule, per stipulation of counsel.

No. 21. Hillsboro Coal Company et al., appellant, *v.* Edward C. Knotts, United States District Attorney, etc., et al. Passed pursuant to twenty-sixth rule per stipulation of counsel on motion of Mr. Solicitor General Beck for the appellee.

No. 22. Herman C. Perry et al., appellants, *v.* Edward C. Knotts, United States District Attorney, etc., et al. Passed, pursuant to twenty-sixth rule, per stipulation of counsel, on motion of Mr. Solicitor General Beck for the appellee.

No. 1. Takao Ozawa *v.* The United States; and

No. 177. Takuji Yamashita et al., petitioners, *v.* J. Grant Hinkle, as secretary of state of the State of Washington. Argument continued by Mr. George W. Wickersham for Ozawa in No. 1, and for petitioners in No. 177, by Mr. Solicitor General Beck for the United States in No. 1, and concluded by Mr. L. L. Thompson for respondent in No. 177. Leave granted to file brief of attorney general of California as amicus curiae in this cause on motion of Mr. L. L. Thompson in that behalf with leave to counsel for Ozawa and petitioners to file answer within one week.

No. 3. Edward F. Jackman, plaintiff in error, *v.* The Rosenbaum Company. Argued by Mr. H. F. Stambaugh for the plaintiff in error, and by Mr. A. Leo Weil for the defendant in error.

No. 4. Charlotte Harbor & Northern Railway Company, plaintiff in error, *v.* W. G. Welles et al., etc. Argued by Mr. Kenneth I. McKay for the plaintiff in error. No brief filed for defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, October 5, will be as follows: Nos. **16, 17, 18, 20, 25, 28, 29, 30, 31, and 32.**

SUPREME COURT OF THE UNITED STATES.

THURSDAY, OCTOBER 5, 1922.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Sutherland.

D. L. Thornbury, of San Francisco, Calif., was admitted to practice.

No. **328**. Eli Bunch, plaintiff in error, *v. J. B. Cole et al.* Petition for a writ of certiorari herein submitted by Mr. Streeter B. Flynn and Mr. Dennis T. Flynn for the plaintiff in error in support of the petition.

No. **25**. Albert B. Fall, Secretary of the Interior, plaintiff in error, *v. The United States of America on the relation of W. T. Mosier et al.* Passed, to be restored to the call pursuant to section 9, rule 26, on motion of Mr. Lawrence H. Cake for the defendants in error.

No. **26**. The United States of America, plaintiff in error, *v. Chris Elioff Stafoff, alias Chris Elioff.* Passed, to be restored to the call pursuant to section 9, rule 26, on motion of Mr. Assistant Attorney General Ottinger for the plaintiff in error.

No. **28**. Royal Baking Powder Company, appellant, *v. George W. Emerson, Prosecuting Attorney, etc.* Passed for settlement.

No. **30**. People's National Bank, of Kingfisher, Oklahoma, et al., plaintiffs in error, *v. Board of Equalization of Kingfisher County, Oklahoma.* Passed for submission.

No. **31**. Greenport Basin & Construction Company, plaintiff in error and appellant, *v. The United States.* Passed, to be restored to the call pursuant to section 9, rule 26, on motion of Mr. Assistant Attorney General Ottinger for the plaintiff in error and appellee.

No. **16**. Ephraim Lederer, Collector, etc., petitioner, *v. Alexander J. Stockton, Sole Surviving Trustee, etc.* Argued by Mr. Assistant Attorney General Ottinger for the petitioner, and by Mr. Maurice Bower Saul for the respondent.

No. 17. Kentucky Finance Corporation, plaintiff in error, *v.* Paramount Auto Exchange Corporation. Argued by Mr. Albert K. Stebbins for the plaintiff in error, and by Mr. Walter H. Bender for the defendant in error.

No. 18. Corona Coal Company, appellant, *v.* Southern Railway Company. Submitted by Mr. Forney Johnston for the appellant, and by Mr. S. R. Prince and Mr. L. E. Jeffries for the appellee.

No. 20. Sonneborn Brothers, etc., appellant, *v.* Walter A. Keeling, Attorney General, etc. Reargued by Mr. J. M. McCormick for the appellant, and by Mr. E. F. Smith for the appellee.

No. 29. Eugene A. Freund et al., appellants, *v.* The United States; and

No. 37. The United States, appellant, *v.* Eugene A. Freund et al. Argument commenced by Mr. William R. Harr for Freund et al.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, October 6, will be as follows: Nos. 29 (and 37), 32, 33, 34, 35, 36, 38, 39, 40, and 41.

SUPREME COURT OF THE UNITED STATES.

FRIDAY, OCTOBER 6, 1922.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Sutherland.

Ansley W. Sawyer, of Buffalo, N. Y., was admitted to practice.

No. 588. The City of New York, appellant, *v.* New York Telephone Company. Motion to advance submitted by Mr. Harry Hert-zoff in that behalf.

No. 32. National Union Fire Insurance Company, plaintiff in error, *v.* Robert Wanberg. Submitted by Mr. Nathan H. Chase and Mr. William H. Barnett for the plaintiff in error, and by Mr. W. B. Overson and Mr. William G. Owens for the defendant in error.

No. 38. Auditore Contracting Company, Inc., et al., petitioners, *v.* Foreign Trade Banking Corporation. Passed for settlement, on motion of Mr. Solicitor General Beck in that behalf.

No. 39. The United States, plaintiff in error, *v.* Vito Lanza et al. Passed, to be restored to the call pursuant to section 9, rule 26, on motion of Mr. Solicitor General Beck for the plaintiff in error.

No. 28. Royal Baking Powder Company, appellant, *v.* George W. Emerson, Prosecuting Attorney, etc. Appeal from the United States Circuit Court of Appeals for the Eighth Circuit. Dismissed with costs, on motion of counsel for the appellant.

No. 29. Eugene A. Freund et al., appellants, *v.* The United States; and

No. 37. The United States, appellant, *v.* Eugene A. Freund et al. Argument concluded by Mr. A. A. Wheat for The United States.

No. 33. North Carolina Railroad Company, petitioner, *v.* Evelyn K. Lee, Administratrix, etc. Argued by Mr. S. R. Prince for the petitioner, and by Mr. R. C. Strudwick for the respondent.

No. 34. General Investment Company, appellant, *v.* Lake Shore & Michigan Southern Railway Company et al. Argued by Mr. F. A. Henry for the appellant, and by Mr. Walter C. Noyes for the appellee.

No. **35**. New York, New Haven & Hartford Railroad Company, petitioner, *v.* David Fruchter, an infant, etc.; and

No. **36**. New York, New Haven & Hartford Railroad Company, petitioner, *v.* Sam Fruchter. Argument commenced by Mr. James W. Carpenter for the petitioner.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, October 9, will be as follows: Nos. **35** (and **36**), **40, 41, 245, 239, 181** (and **182**), **76, 42, 43**, and **44**.

SUPREME COURT OF THE UNITED STATES.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Sutherland.

Roy T. Osborn, of Independence, Kans.; James Bancroft Scott, of Boston, Mass.; Roger Marchetti, of Los Angeles, Calif.; William Newcorn, of Plainfield, N. J.; Leonard M. Levy, of Fort Worth, Tex.; John McPhaul, of Bastrop, Tex.; William Thomas Hammack, of Washington, D. C.; Needham A. Graham, jr., of Birmingham, Ala.; Thomas Fitzhugh Dawson, of Washington, D. C.; and Thomas Ennalls Waggaman, of Washington, D. C., were admitted to practice.

No. 3, original, October term, 1921. The State of Wyoming, complainant, *v.* The State of Colorado et al. The petition for rehearing is denied, with certain minor modifications in the decree. Modified decree announced by Mr. Chief Justice Taft.

No. 133. Bill Moore, plaintiff in error, *v.* The State of Georgia. Reassigned for argument on Monday, November 13 next.

No. 118. American Mills Company, petitioner, *v.* American Surety Company of New York. Reassigned for argument on Monday, November 20 next.

No. 368. Southern Railway Company, appellant, *v.* A. D. Watts, etc., Commissioner of Revenue, et al. Reassigned for argument on Monday, November 20 next.

No. 369. Atlantic & Yadkin Railway Company, appellant, *v.* A. D. Watts, etc., Commissioner of Revenue, et al. Reassigned for argument on Monday, November 20 next.

No. 381. Seaboard Air Line Railway Company, appellant, *v.* A. D. Watts, etc., Commissioner of Revenue, et al. Reassigned for argument on Monday, November 20 next.

No. 382. Atlantic Coast Line Railroad Company, appellant, *v.* A. D. Watts, etc., Commissioner of Revenue, etc. Reassigned for argument on Monday, November 20 next.

No. **383**. Norfolk Southern Railroad Company, appellant, *v.* A. D. Watts, etc., Commissioner of Revenue, et al. Reassigned for argument on Monday, November 20, next.

No. **298**. Georgia Railway & Power Company et al., appellants, *v.* Railroad Commission of the State of Georgia et al. Reassigned for argument on Monday, November 27, next.

No. **299**. W. I. Porterfield et al., appellants, *v.* U. S. Webb, Attorney General of the State of California, et al.; and

No. **267**. U. S. Webb, as Attorney General of the State of California, et al., appellants, *v.* J. J. O'Brien et al. Reassigned for argument on Monday, November 27, next.

No. **197**. James L. Brooks *v.* The United States of America. Reassigned for argument on Monday, November 27, next.

No. **403**. The United States of America, plaintiff in error, *v.* George Remus et al., etc. Reassigned for argument on Monday, November 27, next.

No. **165**. Blamberg Brothers, appellant, *v.* The United States of America. Reassigned for argument on Monday, December 4, next.

No. **407**. Seaboard Air Line Railway Company et al., plaintiffs in error, *v.* The United States of America. Motion to advance granted, and cause assigned for argument on Monday, January 22, next.

No. **394**. The United States of America et al., plaintiffs in error, *v.* George F. Benedict, Trustee, etc. Motion to advance granted, and cause assigned for argument on Monday, January 22, next, after the case heretofore assigned for that day.

No. **290**. United States Grain Corporation, plaintiff in error, *v.* Wallace B. Phillips. Motion to advance granted, and cause assigned for argument on Monday, January 22, next, after the cases heretofore assigned for that day.

No. **549**. Pennsylvania Coal Company, plaintiff in error, *v.* H. J. Mahon et al. Motion to advance granted, and cause assigned for argument on Monday, November 13, next, after the case heretofore assigned for that day.

No. **560**. Oliver Iron Mining Company, appellant, *v.* Samuel Lord et al.;

No. **561**. Cleveland-Cliffs Iron Company, appellant, *v.* Samuel Lord et al.;

No. **562**. Mesaba-Cliffs Iron Mining Company, appellant, *v.* Samuel Lord et al.;

No. **563**. Bennett Mining Company et al., appellants, *v.* Samuel Lord et al.;

No. **564.** Republic Iron & Steel Company et al., appellants, *v.* Samuel Lord et al.;

No. **565.** The Biwabik Mining Company et al., appellants, *v.* Samuel Lord et al.; and

No. **566.** Inter-State Iron Company, appellant, *v.* Samuel Lord et al. Motion to advance granted, and cases assigned for argument on Monday, November 13, next, after the cases heretofore assigned for that day.

No. **541.** Roland C. Heisler, plaintiff in error, *v.* Thomas Colliery Company et al. Motion to advance granted, and cause assigned for argument on Monday, November 13, next, after the cases heretofore assigned for that day.

No. **419.** Oklahoma Gas & Electric Company et al., appellants, *v.* Corporation Commission of the State of Oklahoma et al. Motion to advance granted, and cause assigned for argument on Monday, February 19, next.

No. **406.** Oklahoma Natural Gas Company, appellant, *v.* Campbell Russell et al., constituting the Corporation Commission of Oklahoma et al. Motion to advance granted, and cause assigned for argument on Monday, February 19, next, after the case heretofore assigned for that day.

No. **500.** Arkansas Natural Gas Company, appellant, *v.* Arkansas Railroad Commission et al. Motion to advance granted, and cause assigned for argument on Monday, February 19, next, after the cases heretofore assigned for that day.

No. **542.** William A. Prendergast et al., constituting the Public Service Commission of the State of New York et al., appellants, *v.* New York Telephone Company. Motion to advance granted, and cause assigned for argument on Monday, February 19, next, after the cases heretofore assigned for that day.

No. **588.** The City of New York, appellant, *v.* New York Telephone Company. Motion to advance granted, and cause assigned for argument on Monday, February 19, next, after the cases heretofore assigned for that day.

No. **302.** Frank Terrace and Elizabeth Terrace, his wife, et al., appellants, *v.* Lindsay L. Thompson, Attorney General of the State of Washington. Motion to advance granted, and cause assigned for argument with Nos. **299** and **267**, heretofore assigned for Monday, November 27 next.

No. **260.** Charles Keller et al., constituting the Board of Public Utility Commissioners of the District of Columbia, appellants, *v.* Potomac Electric Power Company. Motion to advance denied.

No. 43. Capitol Life Insurance Company, plaintiff in error, *v.* Mary C. Ross. Motion for leave to file affidavit and certificates herein granted.

No. —, original. The Commonwealth of Massachusetts, complainant, *v.* Andrew W. Mellon, Secretary of the Treasury. Motion for leave to file bill of complaint herein granted, and process ordered to issue returnable on Monday, January 2, 1923.

No. 183. Seth Gettys et al., etc., plaintiffs in error. *v.* Silvan Newburger. Joseph Newburger, et al. In error to the United States Circuit Court of Appeals for the Eighth Circuit. Per curiam: Dismissed for want of jurisdiction upon the authority of *Spencer v. Duplan Silk Co.*, 191 U. S. 526, 530; *Shulthis v. McDougal*, 225 U. S. 561, 569; *Hull v. Burr*, 234 U. S. 712, 720; *Norton v. Whiteside*, 239 U. S. 144, 147.

No. 312. The Altitude Oil Company, plaintiff in error, *v.* The People of the State of Colorado. In error to the Supreme Court of the State of Colorado. Dismissed for want of jurisdiction upon the authority of (1) *Equitable Life Assurance Co. v. Brown*, 187 U. S. 308, 304; *Consolidated Turnpike Co. v. Norfolk, etc., Ry. Co.*, 228 U. S. 596, 600; *Contributors to Pennsylvania Hospital v. City of Philadelphia*, 245 U. S. 20, 24; (2) *Southwest Oil Co. v. Texas*, 217 U. S. 114; *Singer Sewing Machine Co. v. Brickell*, 233 U. S. 304, 315; *Lake Shore & Michigan Southern Ry. Co. v. Clough*, 242 U. S. 375, 385.

No. 323. Trustees of the United States-Mexico Oil Company, plaintiffs in error, *v.* T. W. Harris. In error to the Supreme Court of the State of Kansas. Per curiam: Dismissed for want of jurisdiction upon the authority of *Cuyahoga River Power Co. v. Northern Realty Co.*, 244 U. S. 300, 303; *Municipal Securities Corporation v. Kansas City*, 246 U. S. 63, 69; *Bilby v. Stewart*, 246 U. S. 255, 257; *Farson, Son & Co. v. Bird*, 248 U. S. 268, 271.

No. 386. Mildred McIntosh, plaintiff in error, *v.* W. H. Dill et al. In error to the Supreme Court of the State of Oklahoma. Per curiam: Dismissed for want of jurisdiction upon the authority of section 237 of the Judicial Code, as amended by the act of September 6, 1916, c. 448, sec. 2, 39 Stat. 726; *Jett Bros. Distilling Company v. City of Carrollton*, 252 U. S. 1, 5-6.

No. 376. Henry F. Mueller et al., etc., appellants, *v.* Samuel W. Adler et al. Appeal from the District Court of the United States for the Eastern District of Missouri. Per curiam: Dismissed for want of jurisdiction upon the authority of (1) *Bogart v. Southern Pacific R. R. Co.*, 228 U. S. 137, 144; *Apapas v. United States*, 233 U. S. 587, 589; (2) *Louisville & Nashville R. R. Co. v. Western*

Union Tel. Co., 234 U. S. 369, 372; Public Service Co. *v.* Corboy, 250 U. S. 153, 162; De Rees *v.* Costaguta, 254 U. S. 166, 173.

No. **304.** The Peoples Development Company, appellant, *v.* Southern Pacific Company et al., etc. Appeal from the United States Circuit Court of Appeals for the Ninth Circuit. *Per curiam:* Affirmed upon the authority of *Burke v. Southern Pacific R. R. Co.*, 234 U. S. 669.

No. **6.** John Connors, plaintiff in error, *v.* The People of the State of Illinois;

No. **7.** Edward O'Donnell, plaintiff in error, *v.* The People of the State of Illinois;

No. **8.** Leonard Banks et al., plaintiff in error, *v.* The People of the State of Illinois;

No. **9.** Frank Bender, plaintiff in error, *v.* The People of the State of Illinois;

No. **10.** John Boone, plaintiff in error, *v.* The People of the State of Illinois;

No. **11.** William Taglia, plaintiff in error. *v.* The People of the State of Illinois;

No. **23.** Abe Schaffner, plaintiff in error, *v.* The People of the State of Illinois; and

No. **57.** George Moran, plaintiff in error, *v.* The People of the State of Illinois. In error to the Supreme Court of the State of Illinois. *Per curiam:* Affirmed upon the authority of *Dreyer v. Illinois*, 187 U. S. 71; *Ughbanks v. Armstrong*, 208 U. S. 481, 485.

No. —, original. *Ex parte* In the matter of Bacon Bros. Company, petitioner. Motion for leave to file petition for writ of mandamus or writ of prohibition herein denied.

No. **339.** Toledo Scale Company, petitioner, *v.* The Computing Scale Company. Motion for leave to take testimony, etc., herein, denied, without prejudice to the making of such an application to the United States Circuit Court of Appeals for the Sixth Circuit.

No. **423.** W. Trinidad, as Insular Collector of Internal Revenue of the Philippine Islands, petitioner, *v.* Sagrada Orden de Predicadores de la Provincia del Santissimo Rosario de Filipinas. Petition for a writ of certiorari to the Supreme Court of the Philippine Islands granted.

No. **424.** American Railway Express Company, petitioner, *v.* Lucius P. Levee. Petition for a writ of certiorari to the Court of Appeal, First Circuit, of the State of Louisiana, granted.

No. **431**. The Pusey & Jones Company, petitioner, *v.* Hans Karluf Hanssen. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit granted.

No. **443**. C. B. Giles et al., petitioners. *v.* Henry Vette et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted.

No. **323**. Trustees of the United States-Mexico Oil Company, plaintiff in error. *v.* T. W. Harris. Petition for a writ of certiorari to the Supreme Court of the State of Kansas denied.

No. **386**. Mildred McIntosh, plaintiff in error. *v.* W. H. Dill et al. Petition for a writ of certiorari to the Supreme Court of the State of Oklahoma denied.

No. **397**. Ludwig Wolfgram, petitioner, *v.* Ritchie T. Marsh. Trustee, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. **398**. Albert Rowan et al., petitioners, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. **399**. James C. Davis, Director General of Railroads, petitioner, *v.* William R. Coyle, Trustee, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. **401**. William S. Livezey, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. **405**. Morris Reinstein et al., petitioners, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. **411**. American Can Company, petitioner. *v.* Frank Funkhouser;

No. **412**. American Can Company, petitioner. *v.* M. T. McGoldrick;

No. **413**. American Can Company, petitioner, *v.* Samuel J. Wilson;

No. **414**. American Can Company, petitioner. *v.* R. B. Rice et al.;

No. **415**. American Can Company, petitioner. *v.* P. J. Garnett;

No. **416**. American Can Company, petitioner. *v.* Ralph Robinson; and

No. **417**. American Can Company, petitioner. *v.* J. W. Burgan. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 420. R. D. James, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 425. James C. Davis, Director General of Railroads, etc., petitioner, *v.* Ellis R. Hyde. Petition for a writ of certiorari to the Supreme Court of the State of Oklahoma denied.

No. 427. Western Machinery Company et al., petitioners, *v.* Richfield Oil Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 434. King Lumber Company, petitioner, *v.* P. H. Faulconer. Petition for a writ of certiorari to the Supreme Court of Appeals of the State of Virginia denied.

No. 437. Philadelphia & Reading Railway Company, petitioner, *v.* Samuel D. Eisenhart. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 438. Albert Hirshheimer, petitioner, *v.* Ralph B. Hartsough et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 439. Benjamin F. Hamey, petitioner, *v.* Ralph B. Hartsough et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 441. H. P. Converse et al., petitioners, *v.* Portsmouth Cotton Oil Refining Corporation. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 445. The Champion Fibre Company, petitioner, *v.* The Pigeon River Railway Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 446. J. L. Albright, petitioner, *v.* James C. Davis, Director General and Agent, etc. Petition for a writ of certiorari to the Court of Civil Appeals for the Sixth Supreme Judicial District of the State of Texas denied.

No. 337. Mrs. Eugenia Brooks, Administratrix, etc., petitioner, *v.* Seaboard Air Line Company. Petition for a writ of certiorari to the Court of Appeals of the State of Georgia denied because of failure to submit the petition within the time prescribed by the rule.

No. 433. The New York Central Railroad Company, petitioner, *v.* Middleport Gas & Electric Light Company. Petition for a writ of certiorari to the Supreme Court of the State of New York denied.

because of failure to file the petition within the time prescribed by the statute.

No. 428. Federal Land Bank of New Orleans, plaintiff in error, *v.* D. W. Crossland, Judge of Probate. Further consideration of the petition for a writ of certiorari in this cause postponed until the hearing on the writ of error.

No. 485. Russell Motor Car Company, appellant, *v.* The United States. Motion to advance submitted by Mr. Solicitor General Beck for the appellee.

No. 278. Layne & Bowler Corporation, petitioner, *v.* Western Well Works (Inc.) et al. Motion for leave to file brief herein as amicus curiæ, and for leave to take part in the oral argument, submitted by Mr. D. P. Wolhaupter in that behalf.

No. 430. The City of Trenton, plaintiff in error, *v.* The State of New Jersey. Motion to advance submitted by Mr. William Newcorn in that behalf.

No. 469. The City of Newark, plaintiff in error, *v.* The State of New Jersey. Motion to advance submitted by Mr. William Newcorn in that behalf.

No. 473. Isadore Glans et al., petitioners, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit submitted by Mr. Jerry C. South in behalf of Mr. Edmund K. Trent, Mr. Joseph P. Tumulty, and Mr. Charles H. Baker for the petitioners.

No. 596. Benjamin B. Kaufmann et al., petitioners, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Elijah N. Zoline for the petitioners, and by Mr. Solicitor General Beck, Mr. Assistant Attorney General Crim, and Mr. Harry S. Ridgely for the respondent.

No. 641. Louis Weiss, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Solomon P. Roderick for the petitioner.

No. 42. George F. Ponder, plaintiff in error, *v.* The State of Georgia. In error to the Court of Appeals of the State of Georgia. Dismissed with costs, on motion of counsel for the plaintiff in error.

No. 43. Capitol Life Insurance Company, plaintiff in error, *v.* Mary C. Ross. Submitted by Mr. Jules C. Rosenberger, Mr. James C. Jones, Mr. Frank H. Sullivan, and Mr. James C. Jones, jr., for the plaintiff in error, and by Mr. James M. Johnson for the defendant in error.

No. **35**. The New York, New Haven & Hartford Railroad Company, petitioner, *v.* David Fruchter, an infant, etc.; and

No. **36**. The New York, New Haven & Hartford Railroad Company, petitioner, *v.* Sam Fruchter. Argument continued by Mr. James W. Carpenter for the petitioner, by Mr. Harold R. Medina for the respondents, and concluded by Mr. James W. Carpenter for the petitioner.

No. **40**. The United States of America *v.* Oregon Lumber Company et al. Argued by Mr. Assistant Attorney General Riter for the United States, and by Mr. W. Lair Thompson for the Oregon Lumber Company et al.

No. **41**. The People of the State of New York ex rel. the Pierce-Arrow Motor Car Company, plaintiff in error, *v.* Walter H. Knapp et al., as Members of the State Tax Commission et al. Two counsel allowed to be heard for the plaintiff in error, on motion of Mr. Charles P. Spooner in that behalf. Argued by Mr. Charles P. Spooner and Mr. Ansley W. Sawyer for the plaintiff in error, and submitted by Mr. C. T. Dawes for the defendants in error.

No. **245**. Interstate Commerce Commission, plaintiff in error, *v.* The United States of America ex rel. Members of the Waste Merchants Association of New York, etc. Argument commenced by Mr. P. J. Farrell for the plaintiff in error.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, October 10, will be as follows: Nos. **245**, **239**, **181** (and **182**), **76**, **44**, **45** (and **46**), **48**, **49**, **50**, and **51**.

SUPREME COURT OF THE UNITED STATES.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Sutherland.

Stephen Ralph Tiffany, of New York City, was admitted to practice.

No. 48. Ira B. Mills. et al., appellants, *v.* Northern Pacific Railway Company et al. Death of Ira B. Mills suggested, and Ivan Bowen, his successor as a member of the board of railroad and warehouse commissioners, substituted as a party appellant herein, on motion of Mr. P. J. Farrell in behalf of counsel.

No. 448. James C. Davis, Agent and Director General, etc., petitioner, *v.* Harold Preston. On petition for a writ of certiorari to the Circuit Court of Jackson County, State of Missouri. Petition dismissed with costs, on motion of Mr. John C. Brooks in behalf of counsel for the petitioner.

No. 48. Ivan Bowen et al., appellants, *v.* Northern Pacific Railway Company et al. Submitted by Mr. Clifford L. Hilton and Mr. Henry C. Flannery for the appellants, and by Mr. Charles W. Bunn, Mr. Dennis F. Lyons, and Mr. Benjamin W. Scandrett for the appellees.

No. 49. Railroad and Warehouse Commission of Minnesota et al., appellants, *v.* Chicago, St. Paul, Minneapolis & Omaha Railway Company. Submitted by Mr. Clifford L. Hilton and Mr. Henry C. Flannery for the appellants, and by Mr. Richard L. Kennedy, Mr. R. N. Van Doren, Mr. James B. Sheean, and Mr. F. W. Sargent for the appellee.

No. 50. Railroad and Warehouse Commission of Minnesota et al., appellants, *v.* Chicago & Northwestern Railway Company. Submitted by Mr. Clifford L. Hilton and Mr. Henry C. Flannery for the appellants, and by Mr. Richard L. Kennedy, Mr. R. N. Van Doren, Mr. James B. Sheean, and Mr. F. W. Sargent for the appellee.

No. 245. Interstate Commerce Commission, plaintiff in error, *v.* The United States of America ex rel. Members of the Waste Mer

chants Association of New York, etc. Argument continued by Mr. P. H. Marshall for the defendant in error, and concluded by Mr. P. J. Farrell for the plaintiff in error.

No. 239. R. W. Bratton et al., appellants, *v.* William C. Chandler et al., etc., et al. Argument commenced by Mr. M. M. Neill for the appellants, continued by Mr. Elias Gates for the appellees, and concluded by Mr. N. W. McChesney for the appellants.

No. 181. H. H. Bohning, plaintiff in error, *v.* The State of Ohio; and

No. 182. Emil Pohl, plaintiff in error, *v.* The State of Ohio. Argument commenced by Mr. Timothy S. Hogan for the plaintiffs in error, continued by Mr. E. J. Thobaden for the defendant in error, and concluded by Mr. Frank Davis, jr., for the plaintiff in error.

No. 76. The United States, petitioner, *v.* Wesley L. Sischo. Argument commenced by Mr. A. A. Wheat for the petitioner.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, October 11, will be as follows: Nos. 76, 44, 45 (and 46), 51, 52, 53, 54, 55 (and 56), 58, and 59.

SUPREME COURT OF THE UNITED STATES.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Sutherland.

James Foster Henry, of Clinton, Ind.; Joseph Real Brown, of Fort Smith, Ark.; William Henry Folland, of Salt Lake City, Utah; Clyde H. Jones, of La Fayette, Ind.; Harry William Hart, of Wichita, Kans.; and Custer E. Ross, of Silverton, Oreg., were admitted to practice.

No. 55. Sarah F. Donley, plaintiff in error, *v.* Erwin Ray Van Horn. Submitted by Mr. A. Haines for the plaintiff in error, and by Mr. Charles R. Pierce for the defendant in error.

No. 56. Sarah F. Donley, plaintiff in error, *v.* Prescott West. Submitted by Mr. A. Haines for the plaintiff in error, and by Mr. Charles R. Pierce for the defendant in error.

No. 76. The United States, petitioner, *v.* Wesley L. Sischo. Argument continued by Mr. A. A. Wheat for the petitioner, and submitted by Cletus Keating, as *amicus curiae*.

No. 44. The United States of America, plaintiff in error, *v.* Wong Sing. Argued by Mr. A. A. Wheat for the plaintiff in error. No appearance for the defendant in error.

No. 45. The United States of America, appellant, *v.* Minnie Atkins et al.; and

No. 46. Nancy Atkins et al., appellants, *v.* The United States of America et al. Four and one-half hours allowed for the argument of these cases, on motion of Mr. J. M. Hill, Mr. H. L. Underwood, and Mr. C. B. Stuart in that behalf. Argument commenced by Mr. H. L. Underwood for the United States, continued by Mr. J. M. Hill for Nancy Atkins et al.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, October 12; will be as follows: Nos. 45 (and 46), 51, 52, 53, 54, 58, 59, 60, 61, and 62.

SUPREME COURT OF THE UNITED STATES.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Sutherland.

James S. Beacom, of Greensburg, Pa.; Allen J. Seney, of Toledo, Ohio; and Roy R. Stuart, of Toledo, Ohio, were admitted to practice.

No. 54. West Side Irrigating Company, appellant, *v.* The United States. Passed for settlement, on motion of Mr. Assistant Attorney General Riter for the appellee.

No. 20, original. The Commonwealth of Massachusetts, complainant, *v.* The State of New York. Leave granted to file answer of nine defendants herein, on motion of Mr. Frederick S. Tyler in that behalf.

No. 62. First National Bank of Council Bluffs, Iowa, etc., appellant, *v.* J. D. Hannan, County Auditor, etc., et al. Continued, per stipulation.

No. 45. The United States, appellant, *v.* Minnie Atkins et al.: and

No. 46. Nancy Atkins et al., appellants. *v.* The United States et al. Argument continued by Mr. C. B. Stuart for Minnie Atkins et al. and concluded by Mr. H. L. Underwood for The United States.

No. 51. John W. Keogh, plaintiff in error. *v.* Chicago & North Western Railway Company et al. Argued by Mr. H. P. Young for the plaintiff in error, and by Mr. Bruce Scott for the defendants in error.

No. 53. Commisioners of the Land Office of the State of Oklahoma et al., appellants, *v.* The United States. Appeal from the United States Circuit Court of Appeals for the Eighth Circuit. Dismissed, with costs, for want of prosecution.

No. 52. Brewer-Elliott Oil & Gas Company et al., appellants, *v.* The United States et al. Argument commenced by Mr. W. A. Ledbetter for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, October 13, will be as follows: Nos. 52, 58, 59, 60, 61, 63, 64, 65, 66, and 67.

SUPREME COURT OF THE UNITED STATES.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Sutherland.

Charles C. Sullivan, of San Francisco, Calif., and Walter K. Sharpe, of Chambersburg, Pa., were admitted to practice.

No. 63. School District of the Borough of Greensburg, plaintiff in error, *v. S. T. Lopes et al.* Continued, per stipulation.

No. 52. Brewer-Elliott Oil & Gas Company et al., appellants, *v. The United States et al.* Argument continued by Mr. W. A. Ledbetter for the appellants, and concluded by Mr. Assistant Attorney General Riter for the appellees.

No. 58. Keokuk & Hamilton Bridge Company, appellant, *v. The United States.* Argued by Mr. Solicitor General Beck for the appellee, and submitted by Mr. Felix T. Hughes for the appellant.

No. 59. Gaston, Williams & Wigmore of Canada (Ltd.), petitioner, *v. Philip A. Warner.* Argued by Mr. Cletus Keating for the petitioner, and by Mr. J. P. Nolan for the respondent.

No. 60. Southern Lighterage & Wrecking Company, appellant, *v. The United States.* Argued by Mr. Joseph M. Rault for the appellee, and submitted by Mr. E. Howard McCaleb for the appellant.

No. 61. James S. McKee et al., petitioners, *v. Benjamin Gratz.* Argument commenced by Mr. S. M. Wallace for Benjamin Gratz.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, October 16, will be as follows: Nos. 61, 64, 65, 66, 67, 68, 69, 70, 71, and 72.

SUPREME COURT OF THE UNITED STATES.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Sutherland.

William M. Goldweber, of Bayonne, N. J.; R. E. Wellford, of Washington, D. C.; George H. P. Shaw, of Los Angeles, Calif.; Tench T. Marye, of Washington, D. C.; Thomas McCall, of Chicago, Ill., Morris M. Wilder, of Meriden, Conn.; Thomas A. Lane, of Washington, D. C.; Joseph F. Eshelman, of Inglewood, Calif.; Don R. Hutchison, of Des Moines, Iowa; William T. Stockton, of Jacksonville, Fla.; Herman Ulmer, of Jacksonville, Fla.; John S. Benz, of Miami, Fla.; William E. Egan, of Hartford, Conn.; John J. McDonald, of Manchester, N. H.; and Albert B. Maris, of Philadelphia, Pa., were admitted to practice.

No. 33. North Carolina Railroad Company, petitioner, *v.* Evelyn K. Lee, Administratrix, etc. On writ of certiorari to the Supreme Court of the State of North Carolina. Judgment reversed with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Brandeis.

No. 167. William W. Knights, plaintiff in error, *v.* James Jackson, Treasurer and Receiver General. In error to the Supreme Judicial Court of the State of Massachusetts. Judgment affirmed with costs. Opinion by Mr. Justice Holmes.

No. 4. Charlotte Harbor & Northern Railway Company, plaintiff in error, *v.* W. G. Welles et al., etc. In error to the Supreme Court of the State of Florida. Judgment affirmed with costs. Opinion by Mr. Justice McKenna.

No. 16. Ephraim Lederer, Collector etc., petitioner, *v.* Alexander J. Stockton, Sole Surviving Trustee, etc. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Judgment affirmed with costs, and cause remanded to the District Court of the United States for the Eastern District of Pennsylvania. Opinion by Mr. Chief Justice Taft.

The Chief Justice also announced the following orders of the Court:

No. 430. The City of Trenton, plaintiff in error, *v.* The State of New Jersey. Motion to advance granted, and cause assigned for argument on Monday, March 26 next.

No. 469. The City of Newark, plaintiff in error, *v.* The State of New Jersey. Motion to advance granted, and cause assigned for argument on Monday, March 26 next, after the case heretofore assigned for that day.

No. 485. Russell Motor Car Company, appellant, *v.* The United States. Motion to advance granted, and cause assigned for argument on Monday, March 26 next, after the cases heretofore assigned for that day.

No. 560. Oliver Iron Mining Company, appellant, *v.* Samuel Lord et al.;

No. 561. Cleveland-Cliffs Iron Company, appellant, *v.* Samuel Lord et al.;

No. 562. Mesaba-Cliffs Iron Mining Company, appellant, *v.* Samuel Lord et al.;

No. 563. Bennett Mining Company et al., appellants, *v.* Samuel Lord et al.;

No. 564. Republic Iron & Steel Company et al., appellants, *v.* Samuel Lord et al.;

No. 565. The Biwabik Mining Company et al., appellants, *v.* Samuel Lord, et al.; and

No. 566. Inter-State Iron Company, appellant, *v.* Samuel Lord et al. Reassigned for argument on Monday, December 4 next.

No. 557. Department of Trade & Commerce of the State of Nebraska et al., appellants, *v.* A. J. Hertz et al., receivers, etc., et al. Appeal from the District Court of the United States for the District of Nebraska. Per curiam: Dismissed for want of jurisdiction, upon the authority of (1) Louisville Trust Company *v.* Knott, 191 U. S. 225; Bogart *v.* Southern Pacific Co., 228 U. S. 137, 144; De Rees *v.* Costaguta, 254 U. S. 166, 173; (2) Aspen Mining & Smelting Co. *v.* Billings, 150 U. S. 31, 37; Brown *v.* Alton Water Co., 222 U. S. 325, 332-334; Metropolitan Water Co. *v.* Kaw Valley District, 223 U. S. 519, 521-522; Shapiro *v.* United States, 235 U. S. 412, 415-416.

No. 41. The People of the State of New York ex rel. the Pierce-Arrow Motor Car Company, plaintiff in error, *v.* Walter H. Knapp et al., etc. In error to the Supreme Court of the State of New York. Per curiam: Affirmed upon the authority of Kansas City, etc., R. R. Co. *v.* Stiles, 242 U. S. 11, 118; Cheney Bros. Co. *v.* Massachusetts, 246 U. S. 147, 157; Northwestern Life Ins. Co. *v.* Wisconsin, 247 U. S. 132, 139.

No. 48. Ira B. Mills et al., appellants, *v.* Northern Pacific Railway Company et al.;

No. 49. Railroad & Warehouse Commission of Minnesota et al., appellants, *v.* Chicago, St. Paul, Minneapolis & Omaha Railway Company; and

No. 50. Railroad & Warehouse Commission of Minnesota et al., appellants, *v.* Chicago & Northwestern Railway Company. Appeals from the District Court of the United States for the District of Minnesota. *Per curiam*: Affirmed upon the authority of Railroad Commission of Wisconsin *v.* Chicago, Burlington & Quincy Railroad Company, decided February 27, 1922.

No. 55. Sarah F. Donley, plaintiff in error, *v.* Erwin Ray Van Horn; and

No. 56. Sarah F. Donley, plaintiff in error, *v.* Prescott West. In error to the District Court of Appeals, Second Appellate District, of the State of California. *Per curiam*: Dismissed for want of jurisdiction upon the authority of Schlosser *v.* Hemphill, 198 U. S. 173, 175; Louisiana Navigation Co. *v.* Oyster Commission of Louisiana, 226 U. S. 99, 101; Coe *v.* Armour Fertilizer Works, 237 U. S. 413, 418; Bruce *v.* Tobin, 245 U. S. 18, 19.

No. 76. The United States of America, petitioner, *v.* Wesley L. Sischo. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgment affirmed with costs by an equally divided court.

No. 278. Layne and Bowler Corporation, petitioner, *v.* Western Well Works (Inc.), et al. Motion of Mr. D. P. Wolhaupter for leave to file a brief as *amicus curiae* herein granted; leave to make oral argument herein denied.

No. 454. Mutual Life Insurance Company of New York, petitioner, *v.* Hurni Packing Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit granted.

No. 457. The United States of America, petitioner, *v.* Frederick L. Merriam. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 458. The United States of America, petitioner, *v.* Henry B. Anderson. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 462. James C. Davis, Director General of Railroads, etc., petitioner, *v.* George Wechsler. Petition for a writ of certiorari to the Kansas City Court of Appeals of the State of Missouri granted.

No. 467. Department of Trade and Commerce of the State of Nebraska et al., petitioners, *v.* A. J. Hertz et al., Receivers, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit granted.

No. 574. Lion Bonding & Surety Company, petitioner, *v.* A. H. Karatz. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit granted.

No. 468. James C. Davis, as Agent, etc., petitioner, *v.* Lee A. Wolfe. Petition for a writ of certiorari to the Supreme Court of the State of Missouri granted.

No. 471. Canute Steamship Company (Limited) et al., petitioners, *v.* Pittsburgh & West Virginia Coal Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 474. The Salem Trust Company, petitioner, *v.* Manufacturers' Finance Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit granted.

No. 476. Theodore A. Heyer, doing business as T. A. Heyer Duplicator Company, petitioner, *v.* Duplicator Manufacturing Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted.

No. 488. Charles L. Craig, petitioner, *v.* William C. Hecht, U. S. Marshal. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 494. The Matthew Addy Company, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit granted.

No. 495. Benjamin N. Ford, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit granted.

No. 319. Henry P. Reed et al., plaintiffs in error, *v.* Village of Hibbing et al. Petition for a writ of certiorari herein denied.

No. 449. Charles G. Binderup, petitioner, *v.* Pathe Exchange (Inc.), et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 455. Guiseppe Moretti, petitioner, *v.* John Wiley, Marble City Quarry Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 460. The Shenango Furnace Company et al., petitioners, *v.* The Village of Buhl, et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 465. Mobile Shipbuilding Company, petitioner, *v.* Federal Bridge & Structural Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 466. Ranger Refining & Pipe Line Company et al., petitioners, *v.* J. E. Dryden et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 470. Jess Shipley et al., petitioners, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 475. Victor Talking Machine Company, petitioner, *v.* The Starr Piano Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 479. Alabama & Vicksburg Railway Company et al., plaintiffs in error, *v.* Louis F. Dennis. Petition for a writ of certiorari herein denied.

No. 481. Union Electric Welding Company, petitioner, *v.* John P. Curry et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 486. Focsaneanu Alexander et al., petitioners, *v.* General Electric Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 489. Producers Warehouse Association, petitioner, *v.* Philippine National Bank. Petition for a writ of certiorari to the Supreme Court of the Philippine Islands denied.

No. 490. J. H. Riley, petitioner, *v.* O. C. McRaney. Petition for a writ of certiorari to the Supreme Court of the State of Mississippi denied.

No. 493. Beer, Sondheimer & Company, Inc., petitioner, *v.* American & Cuban Steamship Line, Inc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 496. George M. Embiricos, petitioner, *v.* Stuyvesant Insurance Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

The Chief Justice also announced that the court will take a recess from Monday, October 23, to Monday, November 13 next.

ORDER OF ALLOTMENT OF JUSTICES.

There having been an Associate Justice of this court appointed since the adjournment of the last term, it is ordered that the following allotment be made of the Chief Justice and Associate Justices of this court among the circuits, agreeably to the act of Congress in such case made and provided, and that such allotment be entered of record, viz:

For the First Circuit, Oliver Wendell Holmes, Associate Justice.

For the Second Circuit, Louis D. Brandeis, Associate Justice.

For the Third Circuit, Mahlon Pitney, Associate Justice.

For the Fourth Circuit, William H. Taft, Chief Justice.

For the Fifth Circuit, James C. McReynolds, Associate Justice.
For the Sixth Circuit, William R. Day, Associate Justice.
For the Seventh Circuit, George Sutherland, Associate Justice.
For the Eighth Circuit, Willis Van Devanter, Associate Justice.
For the Ninth Circuit, Joseph McKenna, Associate Justice.

No. 18, Original. The State of Oklahoma, complainant, *v.* The State of Texas, defendant; the United States of America, intervener. Leave granted to file suggestions of the United States as to changes in Red River occurring since the taking of proofs, on motion of Mr. Assistant Attorney General Riter for the United States, with leave to the State of Texas to file objections on or before Friday next, on motion of Mr. R. H. Ward in that behalf.

No. 72. I. W. Geer et al. *v.* The United States of America. Passed, to be restored to the call pursuant to section 9, rule 26, on motion of Mr. Assistant Attorney General Riter for the United States.

No. 180. West Side Irrigating Company, plaintiff in error, *v.* Marvin Chase, as Hydraulic Engineer of the State of Washington et al. Motion to dismiss submitted by Mr. Conrad H. Syme in behalf of Mr. L. L. Thompson for the defendants in error in support of the motion, and by Mr. John P. Hartman for the plaintiff in error in opposition thereto.

No. 269. L. Vogelstein & Company (Inc.), appellant, *v.* The United States. Motion to remand to the Court of Claims for further findings submitted by Mr. John S. Flannery for the appellant, with leave to the appellee to file objections thereto on or before Friday next, on motion of Mr. Assistant Attorney General Riter in that behalf.

No. 320. R. H. Arnold, doing business as R. H. Arnold Company, et al., plaintiffs in error, *v.* The United States of America for the use of W. B. Guimarin & Company. Motion to dismiss or affirm submitted by Mr. H. O'B. Cooper in behalf of Mr. Frank G. Tompkins and Mr. M. G. McDonald for the defendant in error in support of the motion, and by Mr. Elwood P. Morey, Mr. William Henry White, and Mr. John I. Cosgrove for the plaintiff in error in opposition thereto.

No. 298. Georgia Railway & Power Company et al., appellants, *v.* Railroad Commission of the State of Georgia et al. Leave granted to file brief herein as amicus curiae, on motion of Mr. Abram F. Myers in that behalf.

No. 71. Joseph W. Cox, appellant, *v.* Ethel Hart. Passed, to be restored to the call pursuant to section 9, rule 26, on motion of Mr. Eugene W. Britt in that behalf.

No. 286. State of Louisiana et al., appellants, *v.* J. D. O'Keefe, Receiver of the New Orleans Railway & Light Company et al. Appeal from the District Court of the United States for the Eastern District of Louisiana. Dismissed with costs, on motion of counsel for the appellants.

No. 590. Onepiece Bifocal Lens Company, petitioner, *v.* Harold J. Stead, doing business as H. J. Stead Optical Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. V. H. Lockwood for the petitioner, and by Mr. Harold P. Denison for the respondent.

No. 597. Graciano L. Cabrera et al., petitioners, *v.* The People of the Philippine Islands. Petition for a writ of certiorari to the Supreme Court of the Philippine Islands submitted by Mr. Adam C. Carson for the petitioners, and by Mr. Grant T. Trent and Mr. Logan N. Rock for the respondent.

No. 599. Fred M. Harden, petitioner, *v.* Manuel Arias Rodriguez et al. Petition for a writ of certiorari to the Supreme Court of the Philippine Islands submitted by Mr. Clement L. Bouve for the petitioner, and by Mr. Alexander Britton and Mr. Lawrence H. Cake in opposition thereto.

No. 608. Pennsylvania Railroad Company, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. Shirley Carter for the petitioner, and by Mr. Solicitor General Beck and Assistant Attorney General Willebrandt in opposition thereto.

No. 613. Aktieselskabet Fido, petitioner, *v.* The Lloyd Brasileiro et al.;

No. 614. Aktieselskabet Fido, petitioner, *v.* Gano, Moore & Company, Inc.;

No. 615. Aktieselskabet Christianssand, petitioner, *v.* Cia Comercio e Navegacao Company et al.;

No. 616. Aktieselskabet Christianssand, petitioner, *v.* Gano, Moore & Company, Inc.;

No. 617. Skibsakties Glommen, petitioner, *v.* The Chesapeake & Ohio Coal & Coke Company et al.;

No. 618. Skibsakties Glommen, petitioner, *v.* The Chesapeake & Ohio Coal & Coke Company et al.;

No. 619. Skibsakties Clyde, petitioner, *v.* John S. Sorenson et al.;

No. 620. Skibsakties Clyde, petitioner, *v.* John S. Sorenson et al.;

No. 621. Bechs Rederi Akties, petitioner, *v.* The American Coal Exporting Company et al.;

No. 622. Bechs Rederi Akties. petitioner, *v.* The American Coal Exporting Company;

No. 623. Christianssand Shipping Company, Limited, petitioner, *v.* The American Coal Exporting Company et al.;

No. 624. Christianssand Shipping Company, Limited, petitioner, *v.* The American Coal Exporting Company;

No. 625. Aktieselskabet Christianssand, petitioner, *v.* Berwind-White Coal Mining Company; and

No. 626. Aktieselskabet Christianssand, petitioner, *v.* Berwind-White Coal Mining Company. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Charles S. Haight, Mr. John W. Griffin, and Mr. Wharton Poor for the petitioners, and by Mr. John M. Woolsey, Mr. Delbert M. Tibbetts, Mr. Charles C. Burlingham and Mr. Roscoe H. Hupper for the respondents.

No. 631. The Trusts and Guarantee Company (Limited), Executor, etc., petitioner, *v.* The Hoosier Veneer Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. George T. Buckingham and Mr. Marquis Eaton for the petitioners, and by Mr. H. P. Young in opposition thereto.

No. 61. James S. McKee et al., petitioners, *v.* Benjamin Gratz. Argument continued by Mr. S. Mayner Wallace for Gratz, by Mr. Lon O. Hocker for McKee et al., and concluded by Mr. S. Mayner Wallace for Gratz.

No. 64. Thomas F. E. Ryan, appellant, *v.* The United States. Argued by Mr. William E. Russell for the appellant, and by Mr. Assistant Attorney General Lovett for the appellee.

No. 65. Robert J. Gaffney et al., appellants, *v.* James M. Hoyt et al. Appeal from the District Court of the United States for the Northern District of Illinois. Dismissed with costs, pursuant to the sixteenth rule.

No. 66. James C. Davis, Director General of Railroads, etc., plaintiff in error, *v.* Cena I. Baechtel et al. Submitted by Mr. Henry H. Keedy, jr., Mr. Frederic D. McKenney, and Mr. John S. Flannery for the plaintiff in error, and by Mr. Elias B. Hartle for the defendant in error.

No. 67. The State of Ohio ex rel. Allen J. Seney, Prosecuting Attorney, etc., appellant, *v.* Swift & Company et al. Argued by Mr. Allen J. Seney for the appellant, and by Mr. H. W. Fraser for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, October 17, will be as follows: Nos. 68, 69, 70, 71, 73, 74, 75, 77, 78, 79, and 80.

SUPREME COURT OF THE UNITED STATES.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Sutherland.

Amasa M. Holcombe, of Washington, D. C.; Florentino Pamin-tuan, of Chevy Chase, Md.; Frank O. Parker, of Washington, D. C.; Clarence A. O'Brien, of Washington, D. C.; William L. Clay, of Rochester, N. Y.; and Ivy G. Kittredge, of New Orleans, La., were admitted to practice.

No. 18, original. The State of Oklahoma, complainant, *v.* The State of Texas, defendant; The United States, intervener. Stipulation of the United States and other interveners as to changes in the bed of Red River since the taking of proofs herein, submitted by Mr. Solicitor General Beck for the United States.

No. 22, original. The State of New York, complainant, *v.* Harry M. Daugherty, Attorney General, et al. Motion to dismiss bill of complaint herein submitted by Mr. Solicitor General Beck for the defendants in support of the motion.

No. 47. The United States, appellant, *v.* Western Union Telegraph Company. Stipulation and suggestion as to decree submitted by Mr. Solicitor General Beck for the appellant.

No. 74. Thomas J. Stockley et al., appellants, *v.* The United States. Passed, to be restored to the call pursuant to section 9, rule 26.

No. 77. Dharandas Tulsidas et al., petitioners, *v.* Insular Collector of Customs. Passed, to be restored to the call pursuant to section 9, rule 26, on motion of Mr. Logan N. Rock for the respondent.

No. 68. Snake Creek Mining & Tunnel Company, petitioner, *v.* Midway Irrigation Company et al. Argument commenced by Mr. H. R. McMillan for the petitioner, continued by Mr. A. B. Irvine, and concluded by Mr. William H. Folland for the respondent.

No. 69. The United States, plaintiff in error, *v.* Raymond H. Bowman. Argued by Mr. Solicitor General Beck for the plaintiff in error. No appearance for the defendant in error.

No. 70. Porto Rico Railway, Light & Power Company, appellant, *v.* Manuel Camunas et al., etc. Argument commenced by Mr. Carroll G. Walter for the appellant and continued by Mr. Grant T. Trent and Mr. Logan N. Rock for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, October 18, will be as follows: Nos. 70, 73, 75, 78, 79, 80, 81, 82, 83, and 84.

SUPREME COURT OF THE UNITED STATES.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Sutherland.

McKenzie Moss, of Bowling Green, Ky., and Clarence Ogden Amonette, of Lynchburg, Va., were admitted to practice.

No. 82. The American Railway Express Company, plaintiff in error, *v.* The Commonwealth of Kentucky. Passed, to be restored to the call pursuant to section 9, rule 26.

No. 70. Porto Rico Railway, Light & Power Company, appellant, *v.* Manuel Camunas et al., etc., et al. Argument continued by Mr. Logan N. Rock for the appellees, and concluded by Mr. Carroll G. Walter for the appellant.

No. 73. Carleton Hunt et al., plaintiffs in error, *v.* The City of New Orleans et al. Death of Carleton Hunt suggested, and Thomas Hunt, Robert Hunt, and Edward Livingston Hunt, heirs at law of Carleton Hunt, deceased, substituted as parties plaintiffs in error herein, on motion of Mr. Charles Louque for the plaintiffs in error.

No. 73. Thomas Hunt et al., plaintiffs in error, *v.* The City of New Orleans et al. Three counsel allowed to argue for the defendants in error, on motion of Mr. Henry H. Chaffe for the defendants in error. Argument commenced by Mr. Charles Louque for the plaintiffs in error, continued by Mr. Gustave Lemle for the Illinois Central Railroad Co., by Mr. Ivy G. Kittredge for the city of New Orleans, and by Mr. Henry H. Chaffe for the Louisville & Nashville Railroad Co. et al., and concluded by Mr. Charles Louque for the plaintiffs in error. Leave granted plaintiffs in error to file additional brief in one week.

No. 75. Ortega Company, appellant, *v.* E. J. Triay, as Receiver, etc. Argument commenced by Mr. Herman Ulmer for the appellant, and continued by Mr. Peter O. Knight for the appellee, and continued by Mr. W. T. Stockton for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, October 19, will be as follows: Nos. 75, 78, 79, 80, 81, 83, 84, 85, 86, and 87.

SUPREME COURT OF THE UNITED STATES.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Sutherland.

Fred L. Carhart, of Marion, Ohio; Ralph H. Cake, of Portland, Oreg.; Thomas Renaud Rutter, of Springfield, Ill.; Louis Lefko, of Minneapolis, Minn.; John A. Selby, of Snow Hill, Md.; and Marcellus D. R. Ramsey, of Indianapolis, Ind., were admitted to practice.

No. 85. James C. Davis, Director General, etc., plaintiff in error, *v.* J. J. Smith, jr., Administrator, etc. Passed, to be restored to the call pursuant to section 9, rule 26.

No. 86. Federal Trade Commission, petitioner, *v.* Curtis Publishing Company. Passed, to be restored to the call pursuant to section 9, rule 26, on motion of Mr. A. A. Wheat for the petitioner.

No. 87. McLane Tilton, appellant, *v.* Felix M. Drenner, as Receiver, etc. Passed, to be restored to the call pursuant to section 9, rule 26.

No. 75. Ortega Company, appellant, *v.* E. J. Triay, as Receiver, etc. Argument concluded by Mr. W. T. Stockton for the appellant.

No. 78. Southern Pacific Company et al., petitioners, *v.* Olympian Dredging Company. Argued by Mr. William R. Harr for the petitioners, and by Mr. Thomas E. Haven for the respondent.

No. 79. Frank Bruno, appellant, *v.* George E. Williams, Criminal Sheriff, etc. Appeal from the District Court of the United States for the Eastern District of Louisiana. Dismissed with costs, pursuant to the 18th rule.

No. 80. Duesenberg Motors Corporation, appellant, *v.* The United States. Argued by Mr. George A. King for the appellant, and by Mr. Alfred A. Wheat for the appellee.

No. 81. John P. Kline et al., etc., petitioners, *v.* Burke Construction Company. Argument commenced by Mr. William H. Arnold for the petitioners.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, October 20, will be as follows: Nos. 81, 83, 84, 88, 92, 93 (and 124), 94, 95, 96, and 97.

SUPREME COURT OF THE UNITED STATES.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Sutherland.

Samuel J. Barco, of Miami, Fla.; Leo V. Youngworth, of Los Angeles, Calif.; L. Clyde Going, of Memphis, Tenn.; and Ira D. Oglesby, of Fort Smith, Ark., were admitted to practice.

No. 92. John Ewen, petitioner, *v.* American Fidelity Company. Passed, to be restored to the call pursuant to the provisions of section 9, rule 26, on motion of Mr. Henry E. Davis for the petitioner.

No. 18, original. The State of Oklahoma, complainant, *v.* The State of Texas, defendant; the United States, intervener. Objections of the State of Texas to the granting of permits to owners and lessees of certain lands filed, on motion of Mr. R. H. Ward for the defendant.

No. 124. United States Shipping Board Emergency Fleet Corporation, plaintiff in error, *v.* John E. Sullivan; and

No. 93. United States Shipping Board Emergency Fleet Corporation, petitioner, *v.* John E. Sullivan. Passed, to be restored to the call pursuant to section 9, rule 26, on motion of Mr. Alfred A. Wheat for the plaintiff in error and petitioner.

No. 94. John Simon, appellant, *v.* American Exchange National Bank et al. Passed, to be restored to the call pursuant to section 9, rule 26, on motion of Mr. Alfred A. Wheat in that behalf.

No. 95. Louis Brownlow et al., Commissioners of the District of Columbia, et al., plaintiffs in error, *v.* Mollie Schwartz. Passed, to be restored to the call pursuant to section 9, rule 26.

No. 81. John P. Kline et al., etc., petitioners, *v.* Burke Construction Company. Argument continued by Mr. William H. Arnold for the petitioners, by Mr. J. B. McDonough for the respondent, and concluded by Mr. F. S. Quinn for the petitioners.

No. 83. Baltimore & Ohio Southwestern Railroad Company, plaintiff in error, *v.* W. H. Settle et al., etc. Argued by Mr. George Hoadly for the plaintiff in error, and submitted by Mr. Harry C. Barnes for the defendants in error.

No. 84. Rosalyn Zucht, by her next friend, A. D. Zucht, plaintiff in error, *v.* W. A. King et al. Argued by Mr. Don A. Bliss for the plaintiff in error, and submitted by Mr. R. L. Ball and Mr. A. W. Seeligson for the defendants in error.

No. 88. Fred Browne, plaintiff in error, *v.* Charles B. Thorn et al., etc. Argued by Mr. James B. McDonough for the plaintiff in error, and by Mr. Ira D. Oglesby and Mr. L. C. Going for the defendants in error.

Adjourned until Monday next at 12 o'clock.

SUPREME COURT OF THE UNITED STATES.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Van Devanter, Mr. Justice Brandeis, and Mr. Justice Sutherland.

J. Paul Kelley, of Washington, D. C.; M. Manning Marcus, of Washington, D. C.; H. E. Hackney, of Uniontown, Pa.; Dilworth M. Silver, of Buffalo, N. Y.; Philip V. Mattes, of Scranton, Pa.; Walter J. Guthrie, of Pittsburgh, Pa.; Oscar A. Adel, of Detroit, Mich.; and Edgar R. Harlan, of Des Moines, Iowa, were admitted to practice.

No. 245. Interstate Commerce Commission, plaintiff in error, *v.* The United States of America ex rel. Members of the Waste Merchants Association of New York, etc. In error to the Court of Appeals of the District of Columbia. Judgment reversed, and cause remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Brandeis.

No. 3. Edward F. Jackman, plaintiff in error, *v.* The Rosenbaum Company. In error to the Supreme Court of the State of Pennsylvania. Judgment affirmed with costs. Opinion by Mr. Justice Holmes.

No. 44. The United States of America, plaintiff in error, *v.* Wong Sing. In error to the District Court of the United States for the District of Utah. Judgment reversed, and cause remanded for further proceedings in accordance with the opinion of this court. Opinion by Mr. Justice McKenna.

The Chief Justice announced the following orders of the court:

No. —, original. Ex parte In the matter of Huey P. Long et al., etc., petitioners; and

No. 650. Cumberland Telephone & Telegraph Company, appellant, *v.* Louisiana Public Service Commission et al., etc. The mandamus asked in this motion relates to the granting of a supersedeas by the judge of the District Court of the United States for the Eastern District of Louisiana in case No. 650 on the docket of this court. The court considers the application for mandamus as a motion to set aside the supersedeas and injunction granted by the district judge in this case, and a rule will issue to the appellants in case No. 650 to show cause on Monday, November 13 next, why the supersedeas and injunction should not be set aside and the injunction dissolved.

No. —, original. The United States, complainant, *v.* The State of Oklahoma. Motion for leave to file bill of complaint herein granted, and process ordered to issue returnable on Tuesday, January 2 next.

No. 18. Corona Coal Company, appellant, *v.* Southern Railway Company. Appeal from the District Court of the United States for the Northern District of Alabama. Per curiam: Affirmed on authority of *B. & O. R. R. v. Lambert Run Coal Co.*, decided April 10, 1922.

No. 60. Southern Lighterage & Wrecking Company, appellant, *v.* The United States of America. Appeal from the District Court of the United States for the Eastern District of Louisiana. Affirmed, by an equally divided court.

No. 180. West Side Irrigating Company, plaintiff in error, *v.* Marvin Chase, as Hydraulic Engineer of the State of Washington, et al. In error to the Supreme Court of the State of Washington. Per curiam: Dismissed for want of jurisdiction upon the authority of *Farrell v. O'Brien*, 199 U. S. 89, 100; *Toop v. Ulysses Land Co.*, 237 U. S. 580, 583; *Piedmont Power & Light Co. v. Town of Graham*, 253 U. S. 193, 195.

No. 43. Capitol Life Insurance Company, plaintiff in error, *v.* Mary C. Ross. In error to the Kansas City Court of Appeals of the State of Missouri. Per curiam: Affirmed upon the authority of *Mutual Life Ins. Co. v. Liebing*, decided May 29, 1922.

No. 66. James C. Davis, Director General of Railroads, etc., plaintiff in error, *v.* Cena I. Baechtel et al. In error to the Court of Appeals of the State of Maryland. Per curiam: Dismissed for want of jurisdiction upon the authority of *Johnson v. New York Life Ins. Co.*, 187 U. S. 491, 496; *Ireland v. Woods*, 246 U. S. 323, 330; *Erie R. R. Co. v. Hamilton*, 248 U. S. 369, 371-372.

No. 70. Porto Rico Railway, Light & Power Company, appellant, *v.* Manuel Camunas et al., etc., et al. Appeal from the United States Circuit Court of Appeals for the First Circuit. Per curiam: Dismissed for want of jurisdiction. *El Banco Popular v. Wilcox*, 255 U. S. 72; *Inter Island Steam Navigation Co. v. Ward*, 242 U. S. 1.

No. 73. Thomas Hunt et al., etc., plaintiffs in error, *v.* The City of New Orleans et al. In error to the Supreme Court of the State of Louisiana. Per curiam: Dismissed for want of jurisdiction upon the authority of *Lehigh Water Co. v. Easton*, 121 U. S. 388, 392; *New Orleans Water Works Co. v. Louisiana*, 185 U. S. 336, 350-351; *Hubert v. New Orleans*, 215 U. S. 170, 175; *Cross Lake Shooting & Fishing Club v. Louisiana*, 224 U. S. 632, 639.

No. 269. L. Vogelstein & Company (Inc.), appellant, *v.* The United States. Further consideration of the motion to remand postponed to the hearing of the cause on the merits.

No. 320. R. H. Arnold, doing business as R. H. Arnold Company et al., plaintiffs in error, *v.* The United States of America for the use of W. B. Guimarin & Company. Motion to dismiss or affirm postponed to the hearing of the cause on the merits; and case transferred to the summary docket.

No. 22, original. The State of New York, complainant, *v.* Harry M. Dougherty, Attorney General of the United States, et al. Motion to dismiss bill of complaint herein assigned for hearing on Tuesday, January 2d next.

No. 47. The United States of America, appellant, *v.* The Western Union Telegraph Company. Appeal from the United States Circuit Court of Appeals for the Second Circuit. Decree of Circuit Court of Appeals reversed in accordance with the stipulation filed herein; and cause remanded to the District Court of the United States for the Southern District of New York with directions to enter a decree dismissing the bill without prejudice and without costs to either party.

No. 512. Samuel A. Myers et al., petitioners, *v.* International Trust Company. Petition for a writ of certiorari to the Supreme Judicial Court of the State of Massachusetts granted.

No. 513. Board of Trade of the City of Chicago, et al., petitioners, *v.* E. H. Johnson, Trustee, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted.

No. 520. Webster Electric Company, petitioner, *v.* Splitdorf Electrical Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted.

No. 532. Simon Hecht et al., Trustees, petitioners, *v.* John F. Malley, Former Collector of Internal Revenue;

No. 533. Arthur L. Howard et al., Trustees, petitioners, *v.* John F. Malley, Former Collector of Internal Revenue; and

No. 534. Arthur L. Howard et al., Trustees, petitioners, *v.* Andrew J. Casey, Former Acting Collector of Internal Revenue. Petition for writs of certiorari to the United States Circuit Court of Appeals for the First Circuit granted.

No. 535. Federal Trade Commission, petitioner, *v.* Raymond Bros.-Clark Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit granted.

No. 499. Automatic Pencil Sharpener Company, petitioner, *v.* Boston Pencil Pointer Company. Petition for a writ of certiorari

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

No. 501. Harry Goldberg et al., petitioners, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 502. The Andrew Jergens Company, petitioner, *v.* William A. Woodbury Distributors (Inc.), et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 503. Mrs. Essie Lee Jones, Administratrix, etc., petitioner, *v.* Central of Georgia Railway Company. Petition for a writ of certiorari to the Court of Appeals of the State of Georgia denied.

No. 504. James C. Davis, Federal Agent of Railways, et al., etc., petitioners, *v.* Mrs. Walter Morgan, Administratrix, etc. Petition for a writ of certiorari to the Supreme Court of the State of Texas denied.

No. 505. Iponmatsu Ukichi et al., petitioners, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 506. William T. Price et al., petitioners, *v.* Magnolia Petroleum Company et al. Petition for a writ of certiorari to the Supreme Court of the State of Oklahoma denied.

No. 507. Morgenstern & Company (Inc.), petitioner, *v.* The Hoffman-La Roche Chemical Works (Inc.). Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 508. Ernest W. Kokemor, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 514. The Farish Company, petitioner, *v.* South Side Trust Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 516. Ella Howey, petitioner, *v.* William J. Howey. Petition for a writ of certiorari to the Supreme Court of the State of Missouri denied.

No. 517. Sylvester Carollo, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 519. Clair D. Jones, petitioner, *v.* Inter-Mountain Life Insurance Company et al. Petition for a writ of certiorari to the Supreme Court of the State of Utah denied.

No. 521. Woolwine Metal Products Company, petitioner, *v.* Willis J. Boyle, Sr. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 523. Manuel Biskind, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 524. Samuel Rembrandt, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 527. Whiting Manufacturing Company, petitioner, *v.* Alvin Silver Company (Inc.). Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 531. Harry O. Phillips, petitioner, *v.* Pennsylvania Railroad Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 538. Frank P. Helm, petitioner, *v.* American Hawaiian Steamship Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 539. John G. Crosland, petitioner, *v.* Benjamin E. Dyson, U. S. Marshal, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 510. The United States, appellant, *v.* Nelson W. Rider. Motion to advance submitted by Mr. Assistant Solicitor General Esterline for the appellant.

No. 646. The Akron, Canton & Youngstown Railway Company et al., appellants, *v.* The United States of America et al. Motion to advance submitted by Mr. Assistant Solicitor General Esterline for the appellees.

No. 637. Federal Trade Commission, petitioner, *v.* Standard Oil Company (New Jersey);

No. 638. Federal Trade Commission, petitioner, *v.* Gulf Refining Company; and

No. 639. Federal Trade Commission, petitioner, *v.* Maloney Oil Manufacturing Company. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Assistant Solicitor General Esterline, Mr. Solicitor General Beck, Mr. W. H. Fuller, Mr. Adrien F. Busick, and Mr. Eugene W. Burr for the petitioner, and by Mr. C. D. Chamberlin, Mr. Hubert B. Fuller, Mr. Chester O. Swain, and Mr. James H. Hayes for the respondents.

No. 406. Oklahoma Natural Gas Company, appellant, *v.* Campbell Russell et al., etc. Motion to reassign submitted by Mr. A. Mitchell Palmer in that behalf.

No. 18, original. The State of Oklahoma, complainant, *v.* The State of Texas. Ninth report of receiver filed, on motion of Mr. John S. Flannery in that behalf.

No. 603. Board of Levee Commissioners of the Orleans Levee District, petitioner, *v.* William H. Ward. Petition for a writ of certiorari to the Supreme Court of the State of Louisiana submitted by Mr. Julius Henry Cohen and Mr. Arthur McGuirk for the petitioner, and by Mr. Benjamin T. Waldo and Mr. Walter L. Gleason for the respondent, with leave to counsel for the petitioner to file record when printed.

No. 11, original. The State of North Dakota, complainant, *v.* The State of Minnesota. Motion for leave to open, file, and print record of additional testimony and assign cause for argument submitted by Mr. Charles R. Pierce for the defendant.

No. 601. Border National Bank of Eagle Pass, Texas, plaintiff in error, *v.* American National Bank of San Francisco, California. Petition for a writ of certiorari herein submitted by Mr. William M. Pardue for the plaintiff in error in support of the petition, and by Mr. S. J. Brooks and Mr. Walter P. Napier for the defendant in error in opposition thereto.

No. 604. St. Louis Electrical Works et al., petitioners, *v.* Fore Electrical Manufacturing Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. John H. Bruninga for the petitioners.

No. 647. Hannah Canard Barnett et al., appellants, *v.* W. A. Kunkel et al. Petition for a writ of certiorari herein submitted by Mr. Lewis C. Lawson, Mr. Francis Stewart, Mr. Malcolm E. Rosser, Mr. Joseph C. Stone, and Mr. Charles A. Moon for the appellants in support of the petition.

No. 601. Border National Bank of Eagle Pass, Texas, plaintiff in error, *v.* American National Bank of San Francisco, California. Motion to dismiss submitted by Mr. S. J. Brooks and Mr. Walter P. Napier for the defendant in error in support of the motion, and by Mr. William M. Pardue, Mr. H. Ralph Burton, and Mr. Tench T. Marye for the plaintiff in error in opposition thereto.

Adjourned until Monday, November 13, next.

The day call for Monday, November 13, will be as follows: Nos. 133, 549, 541, 96, 97, 98, 99, 100, 101, 102, 71.

SUPREME COURT OF THE UNITED STATES.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Sutherland.

J. Julius Levy, of Scranton, Pa.; F. Delano Putnam, of Boston, Mass.; John A. Helldorfer, of Baltimore, Md.; Louie W. Strum, of Jacksonville, Fla.; Rose Weiss, of New York City; David V. Cahill, of New York City; Joseph E. Fleitz, of Wilkes-Barre, Pa.; Clarence Balentine, of Scranton, Pa.; John Murphy, of Washington, D. C.; Emerson Collins, of Williamsport, Pa.; Adelbert F. Jenks, of Albany, N. Y.; Edward M. Burke, of Chicago, Ill.; Frank M. Walsh, of Scranton, Pa.; Howard A. Lehman, of Bethlehem, Pa.; Edwin S. S. Sunderland, of New York City; Walter L. Hill, of Scranton, Pa.; Reese H. Harris, of Scranton, Pa.; Charles P. Stewart, of New York City; John Vance Hewitt, of New York City; Richard E. Preece, of Baltimore, Md.; T. W. Davis, of Memphis, Tenn.; and Huey P. Long, of Shreveport, La., were admitted to practice.

No. 1. *Takao Ozawa v. The United States*. On a certificate from the United States Circuit Court of Appeals for the Ninth Circuit. Questions certified answered in the negative. Opinion by Mr. Justice Sutherland.

No. 177. *Takuji Yamashita and Charles Hio Kono, petitioners, v. J. Grant Hinkle, as Secretary of State of the State of Washington*. On writ of certiorari to the Supreme Court of the State of Washington. Judgment affirmed with costs. Opinion by Mr. Justice Sutherland.

No. 59. *Gaston, Williams & Wigmore of Canada, Limited, petitioner, v. Philip A. Warner*. 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 Sutherland.

No. 78. *Southern Pacific Company et al., petitioners, v. Olympian Dredging Company*. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Decree of the Circuit Court of Appeals reversed with costs and decree of the District Court of the United States for the Northern District of California affirmed and cause remanded to the said District Court. Opinion by Mr. Justice Sutherland.

No. 51. John W. Keogh, plaintiff in error, *v.* Chicago & Northwestern Railway Company et al. In error 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 Northern District of Illinois. Opinion by Mr. Justice Brandeis.

No. 83. The Baltimore & Ohio Southwestern Railroad Company, plaintiff in error, *v.* W. H. Settle et al. In error to the United States Circuit Court of Appeals for the Sixth Circuit. Judgment reversed with costs and cause remanded to the District Court of the United States for the Southern District of Ohio for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Brandeis.

No. 84. Rosalyn Zucht, by her next friend, A. D. Zucht, plaintiff in error, *v.* W. A. King et al. In error to the Court of Civil Appeals, Fourth Supreme Judicial District of the State of Texas. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Brandeis.

No. 35. The New York, New Haven & Hartford Railroad Company petitioner, *v.* David Fruchter, an infant, etc.; and

No. 36. The New York, New Haven & Hartford Railroad Company, petitioner, *v.* Sam Fruchter. On writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgments 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 McReynolds.

No. 67. The State of Ohio ex rel. Allen J. Seney, Prosecuting Attorney of Lucas County, Ohio, appellant, *v.* Swift & Company et al. Appeal from the United States Circuit Court of Appeals for the Sixth Circuit. Dismissed for the want of jurisdiction. Opinion by Mr. Justice McReynolds.

No. 279. Transportes Maritimos do Estado, claimant, etc., petitioner, *v.* Tietjen and Lang Drydock Company;

No. 280. Transportes Maritimos do Estado, claimant, etc., petitioner, *v.* Maxwell Rose, doing business, etc.;

No. 281. Transportes Maritimos do Estado (in personam), petitioner, *v.* Maxwell Rose, doing business, etc.;

No. 282. Transportes Maritimos do Estado, as claimant, etc., petitioner, *v.* Thomas de Simone; and

No. 283. Transportes Maritimos do Estado (in personam), petitioner, *v.* Thomas de Simone. On writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Dismissed with costs. Opinion by Mr. Justice McReynolds.

No. 58. Keokuk & Hamilton Bridge Company, appellant, *v.* The United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Holmes.

No. 61. James S. McKee et al., petitioners, *v.* Benjamin Gratz. On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Judgment affirmed with costs; and cause remanded to the District Court of the United States for the Eastern District of Missouri. Opinion by Mr. Justice Holmes

No. 88. Fred Browne, plaintiff in error, *v.* Charles B. Thorn et al. In error and on writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Judgment affirmed with costs; and cause remanded to the District Court of the United States for the Western District of Arkansas. Opinion by Mr. Justice Holmes.

No. 75. Ortega Company, appellant, *v.* E. J. Triay, as Receiver, etc. Appeal from the District Court of the United States for the Southern District of Florida. Judgment affirmed with costs. Opinion by Mr. Justice McKenna.

No. 239. R. W. Bratton et al., appellants, *v.* William C. Chandler et al. Appeal from the District Court of the United States for the Western District of Tennessee. Decree reversed with costs; and cause remanded for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice McKenna.

No. 80. Duesenberg Motors Corporation, appellant, *v.* The United States. Appeal from the Court of Claims. Decree affirmed. Opinion by Mr. Justice McKenna.

No. 24. Chicago & Northwestern Railway Company, plaintiff in error, *v.* Nye Schneider Fowler Company. In error to the Supreme Court of the State of Nebraska. Judgment reversed in part and affirmed in part, with costs in this court to be taxed one-third to the defendant in error and two-thirds to the plaintiff in error. Opinion by Mr. Chief Justice Taft.

No. 27. The Wichita Railroad and Light Company, appellant, *v.* The Public Utilities Commission of the State of Kansas et al. Appeal from the United States Circuit Court of Appeals for the Eighth Circuit. Decree of the Circuit Court of Appeals reversed with costs, and decree of the District Court of the United States for the District of Kansas affirmed; and cause remanded to the said District Court. Opinion by Mr. Chief Justice Taft.

No. 29. Eugene A. Freund et al., appellants, *v.* The United States; and

No. 37. The United States, appellant, *v.* Eugene A. Freund et al. Appeals from the Court of Claims. Judgment reversed; and cause remanded to the Court of Claims with directions to find the value of

the services rendered by the appellants on the substituted or restated route, including a fair profit, and to enter judgment for the balance found due. Cross-appeal of the United States dismissed. Opinion by Mr. Chief Justice Taft.

No. 32. National Union Fire Insurance Company, plaintiff in error, *v.* Robert Wanberg. In error to the Supreme Court of the State of North Dakota. Judgment affirmed with costs. Opinion by Mr. Chief Justice Taft.

No. 52. Brewer-Elliott Oil & Gas Company et al., appellants, *v.* The United States of America et al. On appeal from the United States Circuit Court of Appeals for the Eighth Circuit. Decree affirmed; and cause remanded to the District Court of the United States for the Western District of Oklahoma. Opinion by Mr. Chief Justice Taft.

No. 64. Thomas F. E. Ryan, appellant, *v.* The United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Chief Justice Taft.

No. 69. The United States of America, plaintiff in error, *v.* Raymond H. Bowman. In error to the District Court of the United States for the Southern District of New York. Judgment reversed; and cause remanded with directions to overrule the demurrer and for further proceedings. Opinion by Mr. Chief Justice Taft.

The Chief Justice also announced the following orders of the court:

No. 76. The United States of America, petitioner, *v.* Wesley L. Sisco. Petition for rehearing in this cause granted, and cause restored to the docket for hearing before a full bench.

No. 510. The United States, appellant, *v.* Nelson W. Rider. Motion to advance granted, and cause assigned for argument on Monday, February 19 next, after the cases heretofore assigned for that day.

No. 646. The Akron, Canton & Youngstown Railway Company et al., appellants, *v.* The United States of America et al. Motion to advance granted, and cause assigned for argument on Monday, January 8 next.

No. 406. Oklahoma Natural Gas Company, appellant, *v.* Campbell Russell et al. Motion to reassign case denied.

No. 11, original. The State of North Dakota, complainant, *v.* The State of Minnesota. Motion for leave to open, file, and print additional testimony and to assign for argument herein granted, and cause assigned for argument on Monday, February 26 next.

No. 601. Border National Bank of Eagle Pass, Texas, plaintiff in error, *v.* American National Bank of San Francisco, California. In error to the United States Circuit Court of Appeals for the Fifth Circuit. Per curiam: Dismissed for want of jurisdiction upon the authority of *Spencer v. Duplan Silk Co.*, 191 U. S. 526, 530; *Shulthis v. McDougal*, 225 U. S. 561, 569; *Hull v. Burr*, 234 U. S. 712, 720; *St. Anthony's Church v. Pennsylvania R. R. Co.*, 237 U. S. 575, 577. The petition for a writ of certiorari herein is denied.

No. 15, original. The Commonwealth of Pennsylvania, complainant, *v.* The State of West Virginia; and

No. 16, original. The State of Ohio, complainant, *v.* The State of West Virginia. Ordered that these cases be restored to the docket for reargument before a full bench.

No. 328. Eli Bunch, plaintiff in error, *v.* J. B. Cole et al. Petition for a writ of certiorari herein granted.

No. 554. Southern Power Company, petitioner, *v.* North Carolina Public Service Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit granted.

No. 568. Red Cross Line, petitioner, *v.* Atlantic Fruit Company. Petition for a writ of certiorari to the Supreme Court of the State of New York granted.

No. 573. James C. Davis, as Agent, etc., petitioner, *v.* The Portland Seed Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted.

No. 577. The Baltimore & Ohio Southwestern Railroad Company, petitioner, *v.* Guerny O. Burtch. Petition for a writ of certiorari to the Supreme Court of the State of Indiana granted.

No. 579. The Queen Insurance Company of America, petitioner, *v.* Globe & Rutgers Fire Insurance Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 583. James C. Davis, as Agent, etc., petitioner, *v.* E. M. Matthews, Administrator, etc. Petition for a writ of certiorari to the Supreme Court of the State of South Carolina granted.

No. 587. Alvah Crocker et al., Trustees, petitioners, *v.* John F. Malley, Collector, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit granted.

No. 589. Thomson Spot Welder Company, petitioner, *v.* Ford Motor Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit granted.

No. 637. Federal Trade Commission, petitioner, *v.* Standard Oil Company (New Jersey);

No. 638. Federal Trade Commission, petitioner, *v.* Gulf Refining Company; and

No. 639. Federal Trade Commission, petitioner, *v.* Maloney Oil Manufacturing Company. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Third Circuit granted.

No. 473. Isadore Glans et al., petitioners, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 540. R. C. Wood et al., petitioners, *v.* F. G. Noyes, as Receiver, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 544. Standard Oil Company (Indiana), petitioner, *v.* James R. Henry. Petition for a writ of certiorari to the Supreme Court of the State of Indiana denied.

No. 547. Cudahy Packing Company of Nebraska, plaintiff in error, *v.* Mary Ann Parramore, as widow and guardian, etc., et al. Petition for a writ of certiorari herein denied.

No. 548. Standard Oil Company of Louisiana, petitioner, *v.* Ray P. Parham. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 553. B. F. Trappey & Sons, petitioners, *v.* McIlhenny Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 558. Farm Mortgage & Loan Company, petitioner, *v.* John R. Hazel, Judge, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 559. Samuel M. Grossman, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 567. W. H. Goff Company, petitioner, *v.* Lamborn & Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 580. Axel Matson, petitioner, *v.* Walker D. Hines, Director General of Railroads. Petition for a writ of certiorari to the Supreme Court of the State of Montana denied.

No. 582. Mary Jeannette McNamara et al., petitioners, *v.* John Hamilton McNamara, a minor, etc. Petition for a writ of certiorari to the Supreme Court of the State of Illinois denied.

No. 584. Ben Rudner et al., petitioners, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 586. The Bacon Brothers Company, petitioner, *v.* E. Frank Grable, Individually, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 592. Sulzberger & Sons Company, petitioner. *v.* Steamship *Hellig Olav* et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 596. Benjamin B. Kaufmann et al., petitioners, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 597. Graciano L. Cabrera et al., petitioners, *v.* The People of the Philippine Islands. Petition for a writ of certiorari to the Supreme Court of the Philippine Islands denied.

No. 598. The Texas Company et al., petitioners, *v.* Steamship *Santa Rita*, etc., et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 599. Fred M. Harden, petitioner, *v.* Manuel Arias Rodriguez et al. Petition for a writ of certiorari to the Supreme Court of the Philippine Islands denied.

No. 600. The Pyle-National Company, petitioner, *v.* Oliver Electric Manufacturing Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 604. St. Louis Electrical Works et al., petitioners, *v.* Fore Electrical Manufacturing Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 605. Mary Banks, petitioner, *v.* The State of Alabama. Petition for a writ of certiorari to the Supreme Court of the State of Alabama denied.

No. 608. Pennsylvania Railroad Company, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 609. American Merchant Marine Insurance Company of New York, petitioner, *v.* Liberty Sand & Gravel Company (Inc.). Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 613. Aktieselskabet Fido, petitioner, *v.* The Lloyd Brasileiro et al.;

No. 614. Aktieselskabet Fido, petitioner, *v.* Gano, Moore & Company (Inc.);

No. 615. Aktieselskabet Christianssand, petitioner, *v.* Cia Comercio e Navegacao Company et al.;

No. 616. Aktieselskabet Christianssand, petitioner, *v.* Gano, Moore & Company (Inc.);

No. 617. Skibsakties Glommen, petitioner, *v.* The Chesapeake & Ohio Coal & Coke Company et al.;

No. 618. Skibsakties Glommen, petitioner, *v.* The Chesapeake & Ohio Coal & Coke Company;

No. 619. Skibsakties Clyde, petitioner, *v.* John S. Sorenson et al.;

No. 620. Skibsakties Clyde, petitioner, *v.* John S. Sorenson et al.;

No. 621. Bechs Rederi Akties, petitioner, *v.* The American Coal Exporting Company et al.;

No. 622. Bechs Rederi Akties, petitioner, *v.* The American Coal Exporting Company;

No. 623. Christianssand Shipping Company, Limited, petitioner, *v.* The American Coal Exporting Company et al.;

No. 624. Christianssand Shipping Company, Limited, petitioner, *v.* The American Coal Exporting Company;

No. 625. Aktieselskabet Christianssand, petitioner, *v.* Berwind-White Coal Mining Company; and

No. 626. Aktieselskabet Christianssand, petitioner, *v.* Berwind-White Coal Mining Company. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 631. The Trusts and Guarantee Company, Limited, Executor, etc., petitioner, *v.* The Hoosier Veneer Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 647. Hannah Canard Barnett et al., appellants, *v.* W. A. Kunkel et al. Petition for a writ of certiorari herein denied.

No. 551. Henry E. DeKay, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied because of failure to file the petition within the time prescribed by the statute.

No. 571. Harry Michelsohn, petitioner, *v.* Charles F. Dittmar, as Trustee, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied because of failure to file the petition within the time prescribed by the statute.

No. 578. The United States, petitioner, *v.* Lippmann, Spier & Hahn. Petition for a writ of certiorari to the United States Court of Customs Appeals denied because of failure to file the petition within the time prescribed by the statute.

No. 611. Simmons Hardware Company, petitioner, *v.* Southern Railway Company. Petition for a writ of certiorari to the United

States Circuit Court of Appeals for the Eighth Circuit denied because of failure to file the petition within the time prescribed by the statute.

No. 641. Louis Weiss, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied because of failure to file the petition within the time prescribed by the statute.

No. 569. Walter S. Hallanan, State Tax Commissioner, et al., petitioners, *v.* The Eureka Pipe Line Company; and

No. 570. Walter S. Hallanan, State Tax Commissioner, etc., petitioner, *v.* United Fuel Gas Company. Further consideration of the petitions for writs of certiorari herein postponed until the hearing of the cases on the writs of error.

No. 127. The United States of America, plaintiff in error, *v.* Samuel Krohnberg et al. In error to the District Court of the United States for the Southern District of New York. Dismissed, on motion of Mr. Solicitor General Beck for the plaintiff in error.

No. 140. The United States of America, plaintiff in error, *v.* Charles Milanese. In error to the District Court of the United States for the Southern District of New York. Dismissed, on motion of Mr. Solicitor General Beck for the plaintiff in error.

No. 428. Federal Land Bank of New Orleans, plaintiff in error, *v.* D. W. Crossland, Judge of Probate. Motion to advance submitted by Mr. Solicitor General Beck for the plaintiff in error.

No. 655. Margaret C. Lynch, Executrix of E. J. Lynch, Collector, etc., petitioner, *v.* Tilden Produce Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Solicitor General Beck, Assistant Attorney General Wickersham, and Mr. G. Noble Jones for the petitioner.

No. 659. The Cunard Steam Ship Company, Limited, et al., appellants, *v.* Andrew W. Mellon, Secretary of the Treasury, et al.;

No. 660. The Oceanic Steam Navigation Company, Limited, appellant, *v.* Andrew W. Mellon, Secretary of the Treasury, et al.;

No. 661. International Navigation Company, Limited, appellant, *v.* Andrew W. Mellon, Secretary of the Treasury, et al.;

No. 662. Compagnie Generale Transatlantique, appellant, *v.* Andrew W. Mellon, Secretary of the Treasury, et al.;

No. 666. The Netherlands-American Steam Navigation Company (Holland-American Line), appellant, *v.* Andrew W. Mellon, Secretary of the Treasury, et al.;

No. 667. Liverpool, Brazil and River Plate Steam Navigation Company, appellant, *v.* Andrew W. Mellon, Secretary of the Treasury, et al.;

No. 668. The Royal Mail Steam Packet Company, appellant, *v.* Andrew W. Mellon, Secretary of the Treasury, et al.;

No. 669. United Steamship Company of Copenhagen (Scandinavian-American Line), appellant, *v.* Andrew W. Mellon, Secretary of the Treasury, et al.;

No. 670. The Pacific Steam Navigation Company, appellant, *v.* Andrew W. Mellon, Secretary of the Treasury, et al.; and

No. 678. Navigazione Generale Italiana, appellant, *v.* Andrew W. Mellon, Secretary of the Treasury, et al. Motion to advance submitted by Mr. George W. Wickersham for the appellants.

No. 693. International Mercantile Marine Company, appellant, *v.* H. C. Stuart, Acting Collector of Customs for the Port of New York, et al. Motion to advance submitted by Mr. Cletus Keating for the appellant.

No. 694. United American Lines (Inc.), et al., appellants, *v.* Henry C. Stuart, Acting Collector of Customs for the Port of New York, et al. Motion to advance submitted by Mr. Cletus Keating for the appellants.

No. 555. Raymond L. Frick et al., appellants, *v.* U. S. Webb, as Attorney General, etc., et al. Motion to advance submitted by Mr. Louis Marshall for the appellants.

No. 541. Roland C. Heisler, plaintiff in error, *v.* Thomas Colliery Company et al. Leave granted to file brief herein as amici curiae, and one-half hour allowed within which to make oral argument, on motion of Mr. J. W. Allen in behalf of nine States.

No. 141. The City of Boston, plaintiff in error, *v.* James Jackson, Treasurer and Receiver General of Massachusetts, et al. Motion to dismiss or affirm submitted by Mr. E. H. Abbot, Mr. J. Weston Allen, and Mr. Alexander Lincoln for the defendants in error in support of the motion, and by Mr. Nathan Matthews and Mr. Joseph P. Lyons for the plaintiff in error in opposition thereto.

No. 549. Pennsylvania Coal Company, plaintiff in error, *v.* H. J. Mahon et al. Leave granted to file brief herein as amicus curiae, and 15 minutes allowed within which to make oral argument, on motion of Mr. George E. Alter in behalf of the State of Pennsylvania.

No. 402. The United States of America, Owner of the Steamships *Clio* and *Moosebea*, et al., *v.* Amos D. Carver et al., etc. Motion to advance to be heard with case No. 109, or, in the alternative, to be advanced and heard with case No. 165, submitted by Mr. E. Curtis

Rouse for Carver et al. Suggestion that cases Nos. 109 and 402 be postponed for argument with No. 165, heretofore assigned for argument on Monday, December 4 next, submitted by Mr. Solicitor General Beck in behalf of the United States.

No. 549. Pennsylvania Coal Company, plaintiff in error, *v.* H. J. Mahon et al. Leave to file brief herein as amicus curiae, on motion of Mr. Philip V. Mattes in that behalf.

No. 585. The Pennsylvania Railroad Company, appellant, *v.* United States Railroad Labor Board et al. Motion requesting that court treat petition for writ of certiorari herein as having been filed October 18, 1922, or, in lieu thereof, that petitioner be permitted to attach the written signature of its counsel to the printed copies of the petition herein, and that thereafter the court treat said petition as having been filed October 18, 1922, submitted by Mr. Timothy J. Scofield, Mr. Frank J. Loesch, Mr. Charles F. Loesch, and Mr. Robert W. Richards for the appellant in support of the motion, with leave to the appellees to file brief in opposition within five days.

No. 171. The United States of America ex rel. the Workingmen's Cooperative Publishing Association, plaintiff in error, *v.* Albert S. Burleson, Postmaster General of the United States. Resignation of Albert S. Burleson as Postmaster General suggested, and Hubert Works, present Postmaster General, substituted as the party defendant in error herein, on motion of Mr. Horace S. Whitman in that behalf.

No. —, original. Ex parte in the matter of Rose Weiss, as next friend of Antoni Karachun, petitioner. Motion for leave to file a petition for a writ of habeas corpus herein submitted by Miss Rose Weiss for the petitioner.

No. 238. Concrete Steel Company, petitioner, *v.* George E. Vandenburg; and

No. 273. George E. Vandenburg, petitioner, *v.* Truscon Steel Company. Motion to advance and consolidate submitted by Mr. Eugene C. Brown in that behalf.

No. 593. Charles L. Harris, as Trustee, etc., plaintiff in error, *v.* Moreland Truck Company et al. Leave granted to file brief herein in opposition to the motion to dismiss, within two weeks, on motion of Mr. John C. Brooks in behalf of counsel for the plaintiff in error.

No. 593. Charles L. Harris, as Trustee, etc., plaintiff in error, *v.* Moreland Truck Company et al. Motion to dismiss submitted by Mr. E. P. Morey, Mr. Bert Schlesinger, and Mr. S. C. Wright for the defendants in error in support of the motion.

No. 316. The United States of America, plaintiff in error, *v.* New River Collieries Company. Motion to advance submitted by Mr. William K. Quinter in that behalf.

No. 29. Eugene A. Freund et al., appellants, *v.* The United States; and

No. 37. United States *v.* Eugene A. Freund, et al. Mandate granted, on motion of Mr. William R. Harr for the appellants.

No. 311. Fox Film Corporation, petitioner, *v.* Frederick M. Knowles et al., etc. Motion for leave to file brief herein as amicus curiae submitted by Mr. J. Joseph Lilly in that behalf.

No. 644. Oliver J. Olsen et al., petitioners, *v.* Frank Campbell et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Morven Thompson in behalf of Mr. William F. Sullivan for the petitioners, and by Mr. H. W. Hutton for the respondents.

No. 585. The Pennsylvania Railroad Company, appellant, *v.* United States Railroad Labor Board et al. Petition for a writ of certiorari herein submitted by Mr. S. J. Scofield, Mr. Frank J. Loesch, Mr. Charles F. Loesch, and Mr. Robert W. Richards for the appellant in support of the petition.

No. 630. Robert Abeles et al., petitioners, *v.* St. Louis, Iron Mountain & Southern Railway Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Clifford B. Allen for the petitioners, and by Mr. Paul D. Cravath and Mr. Perry D. Trafford for the respondent.

No. 632. The P. R. Walsh Tie and Timber Company et al., petitioners, *v.* The Missouri Pacific Railway Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Clifford B. Allen for the petitioners, and by Mr. Allen C. Orrick, Mr. Paul D. Cravath, and Mr. Robert H. Neilson for the respondents.

No. 636. Theodore Arenz, Bankrupt, petitioner, *v.* Astoria Savings Bank. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Alfred A. Hampson for the petitioner.

No. 643. J. H. Reeves, Trustee, etc., petitioner, *v.* The McWilliams Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. F. E. Mullinix for the petitioner, and by Mr. L. C. Going for the respondents.

No. 645. Sue M. Jernigan, Administratrix, etc., petitioner, *v.* James C. Davis, Federal Agent. Petition for a writ of certiorari to the Supreme Court of the State of Tennessee submitted by Mr. Arthur Crownover and Mr. Floyd Estill for the petitioner, and by Mr. Fitzgerald Hall for the respondent.

No. 649. Joseph Feigin, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Charles T. Hughes for the petitioner.

No. 654. Adams-Flanigan Company, petitioner, *v.* Charles Kling et al. Petition for a writ of certiorari to the Municipal Court, City of New York, Borough of Bronx, Second District, of the State of New York, submitted by Mr. Henry E. Davis for the petitioner, and by Mr. William A. Barber for the respondents.

No. 671. Don J. Casey, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Allyn Smith for the petitioner.

No. 681. Honorable George P. Harvey, as Judge, etc., et al., petitioners, *v.* S. Shioji. Petition for a writ of certiorari to the Supreme Court of the Philippine Islands submitted by Mr. L. Russell Alden for the petitioners.

No. 689. John Hall Jones et al., petitioners, *v.* Ellen H. Phinney Taylor. Petition for a writ of certiorari to the Probate Court for Plymouth County, State of Massachusetts, submitted by Mr. Robert G. Dodge and Mr. Harold S. Davis for the petitioners, and by Mr. Roland Gray for the respondent.

No. 170. Salmon River Canal Company, Limited, plaintiff in error, *v.* Thomas Sanderson. In error to the Supreme Court of the State of Idaho. Dismissed with costs, on motion of counsel for the plaintiff in error.

No. 150. St. Cloud Public Service Company, appellant, *v.* City of St. Cloud. Passed, per stipulation.

No. 675. Clarence E. Reed et al., petitioners, *v.* Hughes Tool Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Edward Rector for the petitioners, and by Mr. Melville Church for the respondent.

No. 461. Central Power & Light Company, petitioner, *v.* Town of Pocahontas et al. On petition for a writ of certiorari to the Supreme Court of the State of Arkansas. Dismissed with costs, on motion of counsel for the petitioner.

No. 479. Alabama & Vicksburg Railway Company et al., plaintiffs in error, *v.* Louis F. Dennis. In error to the Supreme Court of the State of Mississippi. Dismissed, per stipulation.

No. 96. Taggarts Paper Company, plaintiff in error, *v.* The State of New York. Passed, to be restored to the call pursuant to section 9 of rule 26.

No. 650. Cumberland Telephone & Telegraph Company, appellant, *v.* Louisiana Public Service Commission et al., etc. Argued on return to rule to show cause by Mr. Huey P. Long for the appellees, and by Mr. J. Blanc Monroe for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, November 14, will be as follows: Nos. 133, 549, 541, 97, 98, 99, 100, 101, 102, and 71.

SUPREME COURT OF THE UNITED STATES.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Sutherland.

Homer B. Carter, of Sioux City, Iowa; Thomas G. Haight, of Jersey City, N. J.; Thomas E. Scofield, of Chicago, Ill.; Henry M. Huxley, of Chicago, Ill.; Ross O. Hinkle, of Chicago, Ill.; Roy C. Hecox, of Denver, Colo.; Thomas Jefferson Holbrook, of Galveston, Tex.; Leslie Samuel Parker, of Portland, Oreg.; Leslie Jefferson Aker, of Boise, Idaho; and Solon B. Clark, of Mackay, Idaho, were admitted to practice.

No. 402. The United States of America, Owner of the Steamships *Clio*, *Mooseabee*, *Fort Logan*, and *Morganza*, et al., v. Amos D. Carver and Joseph B. Morrell, copartners doing business under the firm name and style of Baker, Carver and Morrell. Motion to advance for hearing with case of Colonial Beach Company, Owner, etc., v. Quemahoning Coal Company et al., No. 109, October Term, 1922, granted; and both cases assigned for hearing with case of Blamberg Brothers v. The United States, No. 165, October Term, 1922, already assigned for Monday, December 4 next.

No. 98. Liberty Oil Company, petitioner, v. The Condon National Bank et al. Death of C. M. Ball, one of the interveners herein, suggested, and Cora G. Ball, executrix of C. M. Ball, deceased, substituted as the said intervener herein, on motion of Mr. J. J. Jones in that behalf.

No. 133. Bill Moore, plaintiff in error, v. The State of Georgia. Argued by Mr. Max Isaac for the plaintiff in error, and submitted by Mr. George M. Napier for the defendant in error.

No. 549. Pennsylvania Coal Company, plaintiff in error, v. H. J. Mahon et al. Argument commenced by Mr. John W. Davis for the plaintiff in error, continued by Mr. W. L. Pace for the defendants in error; by Mr. George Ross Hull for the State of Pennsylvania, as

amicus curiae by special leave of court; and concluded by Mr. John W. Davis for the plaintiff in error.

No. 541. Roland C. Heisler, plaintiff in error, *v.* Thomas Colliery Company et al. Argument commenced by Mr. Louis Marshall for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, November 15, will be as follows: Nos. 541, 97, 98, 99, 100 (and 101), 102, 71, 86, 31, and 103.

SUPREME COURT OF THE UNITED STATES.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Sutherland.

William F. Denny, of Richmond, Va., Abraham S. Albrecht, of Atlanta, Ga., John J. O'Brien, of Washington, D. C., R. A. Van Orsdel, of Omaha, Nebr., and Elias Goldstein, of Shreveport, La., were admitted to practice.

ORDER OF ALLOTMENT OF JUSTICES.

Mr. Justice Day having resigned, it is ordered that the following allotment be made of the Chief Justice and Associate Justices of this court among the circuits, agreeably to the act of Congress in such case made and provided, and that such allotment be entered of record, viz:

For the first circuit, Oliver Wendell Holmes, Associate Justice.

For the second circuit, Louis D. Brandeis, Associate Justice.

For the third circuit, Mahlon Pitney, Associate Justice.

For the fourth circuit, William H. Taft, Chief Justice.

For the fifth circuit, James C. McReynolds, Associate Justice.

For the sixth circuit, James C. McReynolds, Associate Justice.

For the seventh circuit, George Sutherland, Associate Justice.

For the eighth circuit, Willis Van Devanter, Associate Justice.

For the ninth circuit, Joseph McKenna, Associate Justice.

No. 100. Charles A. Ramsey Company, plaintiff in error, *v.* Associated Billposters of the United States and Canada et al. Submitted by Mr. John A. Hartpence and Mr. Thomas G. Haight for the plaintiff in error, and by Mr. Richard T. Greene for the defendant in error. Writ of error dismissed as to defendants Kings County Trust Company, Annie Link, and Kerwin H. Fulton, executors of the estate of Barney Link, deceased, without costs to either party, on motion of Mr. Thomas G. Haight for the plaintiff in error.

No. 101. William H. Rankin Company, plaintiff in error, *v.* Associated Billposters of the United States and Canada et al. Submitted by Mr. John A. Hartpence and Mr. Thomas G. Haight for the plaintiff in error, and by Mr. Richard T. Greene for the defendant in

error. Writ of error dismissed as to defendants Kings County Trust Company, Annie Link, and Kerwin H. Fulton, executors of the estate of Barney Link, deceased, without costs to either party, on motion of Mr. Thomas G. Haight for the plaintiff in error.

No. 103. Minnesota Commercial Men's Association, petitioner, *v.* Minnie Mae Benn, as executrix, etc. Passed, to be restored to the call pursuant to section 9, rule 26.

No. 541. Roland C. Heisler, plaintiff in error, *v.* Thomas Colliery Company et al. Argument continued by Mr. J. Weston Allen on behalf of Nine States as amici curiae, by special leave of court; by Mr. George E. Alter for the defendants in error, and concluded by Mr. Louis Marshall for the plaintiff in error.

No. 97. Portsmouth Harbor Land & Hotel Company et al., appellants, *v.* The United States. Argued by Mr. Chauncey Hackett for the appellant, and by Mr. Solicitor General Beck for the appellee. Leave granted appellant to file an additional brief on or before Friday next.

No. 98. Liberty Oil Company, petitioner, *v.* The Condon National Bank et al. Argument commenced by Mr. Frederick W. Lehmann for the petitioner, and continued by Mr. John J. Jones for the respondents.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, November 16, will be as follows: Nos. 98, 99, 102, 71, 86, 31, 103, 104 (and 111, 112, 113, 114, 115, 116, and 117), 74, and 105.

SUPREME COURT OF THE UNITED STATES.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Sutherland.

Thomas C. Hennings, of St. Louis, Mo.; Thomas H. Gibson, of Denver, Colo.; Lawrence G. Southard, of Spartanburg, S. C.; Lee Bond, of Leavenworth, Kans.; Arnold Lichtig, of New York City; William H. Campbell, of Baltimore, Md.; William T. Hammock, of Little Rock, Ark.; Sam T. Poe, of Little Rock, Ark.; F. G. Lindsey, of Bentonville, Ark.; Christy J. Nelson, of Washington, D. C.; Thomas Morton McDonald, of Princeton, Ind.; and Ray M. Wiley, of Miami, Fla., were admitted to practice.

No. 98. Liberty Oil Company, petitioner, *v.* The Condon National Bank et al. Argument continued by Mr. J. J. Jones for the respondent, and concluded by Mr. F. W. Lehmann for the petitioner.

No. 99. Baltimore & Ohio Railroad Company, appellant, *v.* The United States. Submitted by Mr. George E. Hamilton, John F. McCarron, and Mr. R. Marsden Smith for the appellant, and by Mr. Solicitor General Beck and Mr. Alfred A. Wheat for the appellee.

No. 102. Rosenberg Bros. & Company (Inc.), plaintiff in error, *v.* Curtis Brown Company. Argued by Mr. G. H. Harris for the plaintiff in error, and by Mr. J. H. Corn for the defendant in error.

No. 71. Joseph W. Cox, appellant, *v.* Ethel Hart. Argued by Mr. Charles R. Pierce for the appellant, and by Mr. Eugene W. Britt for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, November 17, will be as follows: Nos. 31, 86, 104 (and 111, 112, 113, 114, 115, 116, and 117), 74, 105, 106, 107, 108, 110, and 119 (and 137).

SUPREME COURT OF THE UNITED STATES.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Sutherland.

Ernest E. Noon, of Los Angeles, Calif.; John F. Dore, of Seattle, Wash.; and George W. Dix, of Oklahoma City, Okla., were admitted to practice.

No. 697. Pierce Oil Corporation, appellant, *v.* Luther Hopkins, County Clerk, etc., et al. Motion to continue injunction in force submitted by Mr. Sam T. Poe in that behalf.

No. 30. People's National Bank of Kingfisher, Oklahoma, et al., plaintiffs in error, *v.* Board of Equalization of Kingfisher County, Oklahoma. Submitted by Mr. Horace G. McKeever and Mr. J. C. Roberts for the plaintiffs in error, and by Mr. George F. Short and Mr. William H. Zwick for the defendant in error.

No. 108. Regal Drug Corporation, petitioner, *v.* Justus S. Wardell, as United States Collector, etc. Passed, to be restored to the call pursuant to section 9, rule 26, on motion of Mr. Solicitor General Beck for the respondent.

No. 31. Greenpoint Basin & Construction Company, plaintiff in error and appellant, *v.* The United States. Argued by Mr. M. Hampton Todd for the appellant, and by Mr. Assistant Attorney General Ottinger for the appellee.

No. 86. Federal Trade Commission, petitioner, *v.* Curtis Publishing Company. Argued by Mr. Solicitor General Beck for the petitioner, and by Mr. John G. Milburn for the respondent.

No. 104. Henry Hunsicker et al., appellants, *v.* The United States;

No. 111. E. G. Palmer et al., appellants, *v.* The United States;

No. 112. Arkansas Natural Gas Company et al., appellants, *v.* The United States;

No. 113. B. R. Norvell et al., appellants, *v.* The United States;

No. 114. W. H. Matthews et al., appellants, *v.* The United States;

No. 115. Dillard P. Eubank et al., appellants, *v.* The United States;

No. 116. Lydia Hanszen MacMullen et al., appellants, *v.* The United States; and

No. 117. Sam W. Mason et al., appellants, *v.* The United States. Argument commenced by Mr. R. L. Batts for the appellants, and continued by Mr. Assistant Attorney General Riter for the appellee.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, November 20, will be as follows: Nos. 104 (and 111, 112, 113, 114, 115, 116, and 117), 74, 105, 106, 107, 110, 119 (and 137), 118, 368 (and 369, 381, 382, and 383), and 39.

SUPREME COURT OF THE UNITED STATES.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Sutherland.

Fred G. Athearn, of Berkeley, Calif.; Harry Skinner, of Greenville, N. C.; Louis Seelbach, jr., of Louisville, Ky.; Arthur Hannum Deibert, of Washington, D. C.; Arthur H. Boettcher, of Chicago, Ill.; Thomas D. Warren, of Newbern, N. C.; Alfred Hurrell, of Newark, N. J.; Sidney S. Alderman, of Greensboro, N. C.; Harvey H. Cluff, of Salt Lake City, Utah; Harold P. Fabian, of Salt Lake City, Utah; Samuel A. Berger, of New York City; Benton Baker, of Bismarck, N. Dak.; and Donald W. Johnson, of Kansas City, Mo.; A. V. Coco, of New Orleans, La.; and William A. Morris, of Redfield, S. Dak., were admitted to practice.

No. 81. John P. Kline et al., as the Board of Improvement of Paving Improvement District No. 20, of the City of Texarkana, Arkansas, petitioners, *v.* Burke Construction Company. On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Decree of the Circuit Court of Appeals reversed with costs, and decree of the District Court of the United States for the Western District of Arkansas affirmed; and cause remanded to the said District Court. Opinion by Mr. Justice Sutherland.

No. 45. The United States, appellant, *v.* Minnie Atkins et al.; and

No. 46. Nancy Atkins et al., appellants, *v.* The United States et al. Appeals from the United States Circuit Court of Appeals for the Eighth Circuit. Decree affirmed and cause remanded to the District Court of the United States for the Eastern District of Oklahoma. Opinion by Mr. Justice McReynolds.

No. 650. Cumberland Telephone & Telegraph Company, appellant, *v.* Louisiana Public Service Commission et al., etc. Appeal from the District Court of the United States for the Eastern District of Louisiana.

ORDER.—First. The motion of appellees is granted and the order of injunction granted by Judge Foster when allowing the appeal is set aside as without jurisdiction. Second. The application to this court for an injunction maintaining the status quo is referred to the District Court constituted of three judges for its determination. The

costs on this motion will be taxed to the appellant. Opinion by Mr. Chief Justice Taft.

The Chief Justice also announced the following orders of the court:

It is ordered by the court that the accompanying correspondence between members of the court and Mr. Justice Clarke upon his retirement as an Associate Justice of the court be this day spread upon the record and that it also be printed in the reports of the court:

THE SUPREME COURT OF THE UNITED STATES,
Washington, D. C., October 24, 1922.

DEAR BROTHER CLARKE: Your resignation as a member of this court during the vacation has delayed a joint expression of our sincere regret at parting with you as a colleague.

Service as a Federal judge in the lower courts had fitted you quickly to put your shoulder to the wheel here. The number and excellence of your opinions, contained in the 12 volumes from 242 to 258, inclusive, of our reports, testify to the debt the country owes you for the share you have had in carrying the great burden that rested upon this court during the period of the Great War and the years immediately preceding and following it.

We shall miss much of your earnest and constant application, your kindly and loyal spirit of companionship, and your generous courtesy. We wish to assure you of our affectionate regard and respect for you as a man and a public servant.

You still have, we hope, many years of usefulness before you. Our best wishes go with you.

Sincerely yours,

WILLIAM H. TAFT.
JOSEPH MCKENNA.
OLIVER WENDELL HOLMES.
WILLIAM R. DAY.
WILLIS VAN DEVANTER.
MAHLON PITNEY.
LOUIS D. BRANDEIS.

HON. JOHN H. CLARKE,
Youngstown, Ohio.

YOUNGSTOWN, OHIO, *November 13, 1922.*

MY DEAR MR. CHIEF JUSTICE: The joint expression of friendship and regard of my former brethren of the court which you send me is very grateful, and I am sure you all know that I fully and sincerely reciprocate the feeling. The recollection of the unvarying kindness of you all to me—the one thing I miss and the loss of which I feel—will always be one of the most precious possessions of my life.

It seemed best for me to resign my office while I still had strength sufficient to take up other duties, but I shall watch the work of you all with interest and sympathy, confident from my intimate associations with you that the great tradition of the court for learning, independence, and impartial decision will be abundantly maintained.

Even here I can not withhold the expression of the hope that the bill pending in Congress to modify the imperative statutory jurisdiction of the court may soon become a law, so that you may not be so burdened with unimportant cases as you now are, and so may have more time and strength for the consideration of the many causes of great public concern constantly coming before you, the decision of which is so fateful to our country.

Wishing for each one of you the health and strength so necessary to the discharge of your high duties, I am,

Sincerely yours,

JOHN H. CLARKE.

Hon. WILLIAM H. TAFT,

*Chief Justice of the United States,
Washington, D. C.*

No. 433. The New York Central Railroad Company, petitioner, *v.* Middleport Gas & Electric Light Company. The petition for certiorari in this case was denied on the ground that it was not filed in time. Petitioner now moves for a rehearing on the ground that its petition arrived in the clerk's office on the afternoon of the day before it was filed, in seasonable time. Without considering or deciding this question the court has examined the petition on its merits and denies it.

No. 428. Federal Land Bank of New Orleans, plaintiff in error, *v.* D. W. Crossland, Judge of Probate. Motion to advance granted and cause assigned for argument on Monday, March 5 next.

No. 659. The Cunard Steam Ship Company, Limited, et al., appellants, *v.* Andrew W. Mellon, Secretary of the Treasury, et al.;

No. 660. The Oceanic Steam Navigation Company, Limited, appellant, *v.* Andrew W. Mellon, Secretary of the Treasury, et al.;

No. 661. International Navigation Company, Limited, appellant, *v.* Andrew W. Mellon, Secretary of the Treasury, et al.;

No. 662. Compagnie Generale Transatlantique, appellant, *v.* Andrew W. Mellon, Secretary of the Treasury, et al.;

No. 666. The Netherlands-American Steam Navigation Company (Holland-American Line), appellant, *v.* Andrew W. Mellon, Secretary of the Treasury, et al.;

No. 667. Liverpool, Brazil and River Plate Steam Navigation Company, appellant, *v.* Andrew W. Mellon, Secretary of the Treasury, et al.;

No. 668. The Royal Mail Steam Packet Company, appellant, *v.* Andrew W. Mellon, Secretary of the Treasury, et al.;

No. 669. United Steamship Company of Copenhagen (Scandinavian-American Line), appellant, *v.* Andrew W. Mellon, Secretary of the Treasury, et al.;

No. 670. The Pacific Steam Navigation Company, appellant, *v.* Andrew W. Mellon, Secretary of the Treasury, et al.; and

No. 678. Navigazione Generale Italiana, appellant, *v.* Andrew W. Mellon, Secretary of the Treasury, et al. Motions to advance granted and causes assigned for argument on Tuesday, January 2 next, to be heard as one case.

No. 693. International Mercantile Marine Company, appellant, *v.* H. C. Stuart, Acting Collector of Customs for the Port of New York, et al.; and

No. 694. United American Lines (Inc.) et al., appellants, *v.* Henry C. Stuart, Acting Collector of Customs for the Port of New York, et al. Motions to advance granted and causes assigned for argument on Tuesday, January 2 next, to be heard as one case.

No. 555. Raymond L. Frick et al., appellants, *v.* U. S. Webb, as Attorney General, etc., et al. Motion to advance and set for hearing with cases Nos. 267, 299, and 302, heretofore assigned for Monday, November 27, granted; but cases postponed for hearing before a full bench.

No. 238. Concrete Steel Company. petitioner. *v.* George E. Vandenburg; and

No. 273. George E. Vandenburg, petitioner. *v.* Truscon Steel Company. Motion to advance denied. Motion to consolidate granted; and case No. 273 ordered to be heard with No. 238 when reached in regular order.

No. 316. The United States of America, plaintiff in error, *v.* New River Collieries Company. Motion to advance granted, and cause assigned for argument on Monday, March 5 next, after the case heretofore assigned for that day.

No. —, original. *Ex parte* in the matter of Rose Weiss, as next friend, etc. Motion for leave to file petition for writ of habeas corpus herein denied, without prejudice to the right of the petitioner to apply for a writ of habeas corpus to the District Court of the United States for the Western District of Washington directed to the officers in charge of the McNeil Island Penitentiary.

No. 311. Fox Film Corporation, petitioner, *v.* Frederick M. Knowles et al., etc. Motion for leave to file brief of J. Joseph Lilly herein on behalf of the Sunrise Pictures Corporation, as *amicus curiae*, is granted.

No. 697. Pierce Oil Corporation, appellant, *v.* Luther Hopkins, County Clerk, etc., et al. Motion to continue in force temporary injunction herein granted, the appellees not objecting. Bond approved.

No. 585. The Pennsylvania Railroad Company, appellant, *v.* United States Railroad Labor Board et al. Petition for a writ of

certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted.

No. 655. Margaret C. Lynch, Executrix of E. J. Lynch, Collector, etc., petitioner, *v.* Tilden Produce Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit granted.

No. 636. Theodore Arenz, Bankrupt, petitioner, *v.* Astoria Savings Bank. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 643. J. H. Reeves, Trustee, etc., petitioner, *v.* The McWilliams Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 644. Oliver J. Olsen et al., petitioners, *v.* Frank Campbell et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 645. Sue M. Jernigan, Administratrix of Ike Jernigan, deceased, petitioner, *v.* James C. Davis, Federal Agent. Petition for a writ of certiorari to the Supreme Court of the State of Tennessee denied.

No. 649. Joseph Feigin, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 654. Adams-Flanigan Company, petitioner, *v.* Charles Kling et al. Petition for a writ of certiorari to the Municipal Court, City of New York, Borough of Bronx, Second District, of the State of New York, denied.

No. 671. Don J. Casey, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 675. Clarence E. Reed et al., petitioners, *v.* Hughes Tool Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 681. Hon. George P. Harvey, as Judge, etc., et al., petitioners, *v.* S. Shioji. Petition for a writ of certiorari to the Supreme Court of the Philippine Islands, denied.

No. 689. John Hall Jones et al., petitioners, *v.* Ellen H. Phinney Taylor. Petition for a writ of certiorari to the Probate Court for Plymouth County, State of Massachusetts, denied.

No. 409. Union Stock Yards Company of Omaha (Ltd.), plaintiff in error, *v.* Mayhall & Neible, a copartnership, et al., etc. Petition for a writ of certiorari to the Supreme Court of the State of Nebraska denied, because of failure to file the petition within the time prescribed by the statute.

No. 590. Onepiece Bifocal Lens Company, petitioner, *v.* Harold J. Stead, doing business as H. J. Stead Optical Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied, because of failure to file the petition within the time prescribed by the statute.

No. 133. Bill Moore, plaintiff in error, *v.* The State of Georgia. In error to the Supreme Court of the State of Georgia. Per curiam: Dismissed for want of jurisdiction upon the authority of *Hulbert v. Chicago*, 202 U. S. 275, 280; *Cleveland & Pittsburgh R. R. Co. v. Cleveland*, 235 U. S. 50, 53; *Hiawasse Power Co. v. Carolina-Tennessee Co.*, 252 U. S. 341, 344.

No. 30. People's National Bank of Kingfisher, Oklahoma, et al., plaintiffs in error, *v.* Board of Equalization of Kingfisher County, Oklahoma. In error to the Supreme Court of the State of Oklahoma. Per curiam: Affirmed upon the authority of *Van Allen v. The Assessors*, 3 Wall. 573; *National Bank v. Commonwealth*, 9 Wall. 353, 359.

No. 185. Michael Heitler, plaintiff in error, *v.* The United States;

No. 186. Nathaniel Perlman, plaintiff in error, *v.* The United States of America;

No. 187. Mandel Greenberg, plaintiff in error, *v.* The United States of America;

No. 188. Frank McCann, plaintiff in error, *v.* The United States of America; and

No. 189. George F. Quinn, plaintiff in error, *v.* The United States of America. Motion to dismiss submitted by Mr. Solicitor General Beck, Mr. Assistant Attorney General Crim, and Mr. Harry S. Ridgely for the defendant in error in support of the motion, and by Mr. Weymouth Kirkland for the plaintiffs in error in opposition thereto.

No. 171. The United States of America, ex rel. the Workingmen's Cooperative Publishing Association, plaintiff in error, *v.* Hubert Work, Postmaster General of the United States. Motion to dismiss on the ground that the case is moot submitted by Mr. Solicitor General Beck for the defendant in error in support of the motion.

No. 695. Armour & Company, petitioner, *v.* Louisville Provision Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Conrad H. Syme in behalf of Mr. George P. Fisher and Mr. Helm Bruce for the petitioner, and by Mr. Edward P. Humphrey, Mr. Alexander P. Humphrey, and Mr. William W. Crawford in opposition thereto.

No. —. Benjamin Gitlow, plaintiff in error, *v.* The People of the State of New York. Petition for a writ of error to the Supreme Court of the State of New York submitted by Mr. Joseph R. Brodsky for the plaintiff in error.

No. 453. Paul V. Lacoste et al., plaintiffs in error, *v.* Department of Conservation of the State of Louisiana. Motion to dismiss submitted by Mr. Paul Sompayrac for the defendant in error in support of the motion, and by Mr. Edwin T. Merrick and Mr. Ralph J. Schwarz for the plaintiffs in error in opposition thereto.

No. 104. Henry Hunsicker et al., appellants, *v.* The United States of America;

No. 111. E. G. Palmer et al., appellants, *v.* The United States of America;

No. 112. Arkansas Natural Gas Company et al., appellants, *v.* The United States of America;

No. 113. B. R. Norvell et al., appellants, *v.* The United States of America;

No. 114. W. H. Matthews et al., appellants, *v.* The United States of America;

No. 115. Dillard P. Eubank et al., appellants, *v.* The United States of America;

No. 116. Lydia Hanszen MacMullen et al., appellants, *v.* The United States of America; and

No. 117. Sam W. Mason et al., appellants, *v.* The United States of America. Leave granted to file a supplemental brief herein, on motion of Mr. S. L. Herold for the appellants.

No. 467. Department of Trade and Commerce of the State of Nebraska et al., etc., petitioners, *v.* A. J. Hertz et al., Receivers, etc. Motion to advance submitted by Mr. Bruce W. Sanborn and Mr. William G. Graves for the respondents.

No. 574. Lion Bonding and Surety Company, petitioner, *v.* A. H. Karatz. Motion to advance submitted by Mr. Bruce W. Sanborn and Mr. William G. Graves for the respondent.

No. 658. Fred Wolf et al., petitioners, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Don M. Johnson in behalf of Mr. James M. Johnson for the petitioners, and by Mr. Solicitor General Beck, Mr. Assistant Attorney General Crim, and Mr. Franklin G. Wixson for the respondent, with leave to counsel for the petitioner to file a reply brief within three days.

No. 585. The Pennsylvania Railroad Company, appellant, *v.* United States Railroad Labor Board et al. Motion to advance submitted by Mr. Solicitor General Beck for the appellees.

No. 585. The Pennsylvania Railroad Company, appellant, *v.* United States Railroad Labor Board et al. Leave granted to file opposition to the motion to advance, on motion of Mr. John S. Flannery for the appellant.

No. —. Benjamin Gitlow, plaintiff in error, *v.* The People of the State of New York. Leave granted to file opposition to petition for a writ of error, on motion of Mr. Samuel A. Berger for the defendant in error.

No. 692. James C. Davis, Director General of Railroads, etc., petitioner, *v.* Samuel Wechsler. Petition for a writ of certiorari to the Kansas City Court of Appeals of the State of Missouri submitted by Mr. O. H. Dean, Mr. H. M. Langworthy, and Mr. Roy B. Thomson for the petitioner.

No. 104. Henry Hunsicker et al., appellants, *v.* The United States of America;

No. 111. E. G. Palmer et al., appellants, *v.* The United States;

No. 112. Arkansas Natural Gas Company et al., appellants, *v.* The United States of America;

No. 113. B. R. Norvell et al., appellants, *v.* The United States of America;

No. 114. W. H. Matthews et al., appellants, *v.* The United States of America;

No. 115. Dillard P. Eubank et al., appellants, *v.* The United States of America;

No. 116. Lydia Hanszen MacMullen et al., appellants, *v.* The United States of America; and

No. 117. Sam W. Mason et al., appellants, *v.* The United States of America. Argument continued by Mr. Assistant Attorney General Riter for the appellee, and concluded by Mr. S. L. Herold for the appellant.

No. 74. Thomas J. Stockley et al., appellants, *v.* The United States of America. Argued by Mr. S. L. Herold for the appellants, and by Mr. Assistant Attorney General Riter for the appellee.

No. 105. Sioux City Bridge Company, petitioner, *v.* Dakota County, Nebraska. Argued by Mr. F. W. Sargent for the petitioner, and by Mr. R. A. Van Orsdel for the respondent.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, November 21, will be as follows: Nos. 106, 107, 110, 119 (and 137), 368 (and 369, 381, 382, and 383), 118, 39, 120, 121 (and 122), and 123.

SUPREME COURT OF THE UNITED STATES.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Sutherland.

William A. Garlick, of San Francisco, Calif.; Ford W. Harris, of Los Angeles, Calif.; and Russell S. Ritz, of Bluefield, W. Va., were admitted to practice.

No. 106. Charles McKelvey et al., petitioners, *v.* The United States. Argued by Mr. Solon B. Clark for the petitioners, and by Mr. H. L. Underwood for the respondent.

No. 107. Southern Railway Company, plaintiff in error, *v.* Joseph H. Clift. Argued by Mr. John D. Welman for the plaintiff in error, and by Mr. Thomas M. McDonald for the defendant in error.

No. 110. New York Central & Hudson River Railroad Company, petitioner, *v.* John W. Kinney. Argued by Mr. M. C. Spratt for the petitioner, and by Mr. Hamilton Ward for the respondent.

No. 119. Jeems Bayou Fishing and Hunting Club et al., appellants, *v.* The United States; and

No. 137. The United States, appellant, *v.* Jeems Bayou Fishing and Hunting Club et al. Argument commenced by Mr. H. T. Klein for Jeems Bayou Fishing and Hunting Club et al.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, November 22, will be as follows: Nos. 119 (and 137), 368 (and 369), 381, 382, and 383), 39, 118, 120, 121 (and 122), 123, 125, 126, and 128.

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SUPREME COURT OF THE UNITED STATES.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Sutherland.

No. 157. October term, 1921. John S. Kendall, Administrator, etc., et al., appellants, *v.* Paul A. Ewert. Motion to withdraw original papers submitted by Mr. Will R. King in that behalf.

No. 125. Frank Gonsalves, appellant, *v.* Morse Dry Dock & Repair Company. Passed, to be restored to the call pursuant to section 9 of rule 26, on motion of Mr. C. J. McDermott in that behalf.

No. 119. Jeems Bayou Fishing and Hunting Club et al., appellants, *v.* The United States; and

No. 137. The United States, appellant, *v.* Jeems Bayou Hunting and Fishing Club et al. Argument continued by Mr. H. T. Klein for Jeems Bayou Hunting and Fishing Club et al., by Mr. Assistant Attorney-General Riter for The United States, and concluded by Mr. Hampden Story for Jeems Bayou Hunting and Fishing Club et al.

No. 368. Southern Railway Company, appellant, *v.* A. D. Watts et al.;

No. 369. Atlantic & Yadkin Railway Company, appellant, *v.* A. D. Watts et al.;

No. 381. Seaboard Air Line Railway Company, appellant, *v.* A. D. Watts et al.;

No. 382. Atlantic Coast Line Railroad Company, appellant, *v.* A. D. Watts et al.; and

No. 383. Norfolk Southern Railroad Company, appellant, *v.* A. D. Watts et al. Argument commenced by Mr. S. R. Prince for the appellants in Nos. 368 and 369, and by Mr. William P. Bynum for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, November 23, will be as follows: Nos. 368 (and 369, 381, 382, and 383), 39, 120, 118, 121 (and 122), 123, 126, 128, 129, and 130.

SUPREME COURT OF THE UNITED STATES.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Sutherland.

Raymond W. Clifford, of Tacoma, Wash.; E. V. Kuykendall, of Olympia, Wash.; James H. De Vine, of Ogden, Utah; Bruce J. Flick, of Des Moines, Iowa; Charles G. Turner, of Grand Rapids, Mich.; Hugh Taylor Gordon, jr., of San Francisco, Calif.; E. L. Dent, of Collins, Miss.; Mart H. Royston, of Galveston, Tex.; Laurence W. Smith, of Grand Rapids, Mich.; Melville P. Maurice, of Brattleboro, Vt.; Frank E. Farwell, of Waterloo, Iowa; Clark Burdick, of Newport, R. I.; and Thomas Jefferson Ryan, of New York City, N. Y., were admitted to practice.

No. 129. Osaka Shosen Kaisha et al., petitioners, *v.* Pacific Export Lumber Company. Submitted by Mr. William H. Hayden for the petitioners and by Mr. Erskine Wood for the respondent.

No. 130. Thomas B. Stocker, plaintiff in error, *v.* Nemaha Drainage District No. 2. Death of Thomas B. Stocker suggested and Harriet Stocker and T. P. R. Stocker substituted as the parties plaintiffs in error herein, on motion of Mr. C. E. Roach for the plaintiff in error. Passed, to be restored to the call pursuant to section 9, rule 26, on motion of Mr. C. E. Roach for the plaintiffs in error.

No. 368. Southern Railway Company, appellant, *v.* A. D. Watts et al.;

No. 369. Atlantic & Yadkin Railway Company, appellant, *v.* A. D. Watts et al.;

No. 381. Seaboard Air Line Railway Company, appellant, *v.* A. D. Watts et al.;

No. 382. Atlantic Coast Line Railroad Company, appellant, *v.* A. D. Watts et al.; and

No. 383. Norfolk Southern Railroad Company, appellant, *v.* A. D. Watts et al. Argument continued by Mr. Murray Allen for the appellant in No. 381 by Mr. Sidney S. Alderman for the appellees, by Mr. Thomas W. Davis for the appellant in No. 382, by Mr. James S. Manning for the appellees, and concluded by Mr. W. B. Rodman for the appellants in No. 383. Leave granted to appellants to file additional brief within three days, on motion of Mr. S. R. Prince in that behalf.

No. 39. The United States, plaintiff in error, *v.* Vito Lanza et al. Argued by Mr. Solicitor General Beck for the plaintiff in error and by Mr. John F. Dore for the defendants in error. Leave granted plaintiff in error to file additional brief by Tuesday next, on motion of Mr. Solicitor General Beck in that behalf.

No. 120. St. Louis Cotton Compress Company, plaintiff in error, *v.* The State of Arkansas. Argument commenced by Mr. George B. Rose for the plaintiff in error and continued by Mr. William T. Hammock for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, November 24, will be as follows: Nos. 120, 118, 121 (and 122), 123, 126, 128, 131, 132, 134, and 135.

SUPREME COURT OF THE UNITED STATES.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Sutherland.

Victor C. Cormier, of New York City; Samuel J. Rawak, of New York City; Thomas J. Crawford, of New York City; Guy B. Groff, of Spokane, Wash.; Fred A. Adams, of Spokane, Wash.; J. Nelson Frierson, of Columbia, S. C.; Charles A. Hardy, of Eugene, Oreg.; and J. M. Devers, of Salem, Oreg., were admitted to practice.

No. 131. American Railway Express Company, plaintiff in error, *v.* Hanna R. Kristianson, etc. In error to the Supreme Court of the State of South Carolina. Dismissed per stipulation.

No. 120. St. Louis Cotton Compress Company, plaintiff in error, *v.* The State of Arkansas. Argument continued by Mr. William T. Hammock for the defendant in error and concluded by Mr. F. G. Lindsey for the defendant in error.

No. 118. American Mills Company, petitioner, *v.* American Surety Company of New York. Argued by Mr. Henry Uttal for the petitioner and by Mr. William Marshall Bullitt for the respondent.

No. 121. The United States, appellant, *v.* Mason & Hanger Company; and

No. 122. The United States, appellant, *v.* North-Eastern Construction Company. Argued by Mr. Alfred A. Wheat for the appellant and by Mr. George A. King for the appellees.

No. 123. Southern Express Company, plaintiff in error, *v.* Terry Packing Company. Argued by Mr. J. Nelson Frierson for the plaintiff in error and by Mr. E. L. Craig for the defendant in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, November 27, will be as follows: Nos. 126, 128, 132, 134, 135, 298, 197 (and 403 and 26), 136, 138, and 139.

SUPREME COURT OF THE UNITED STATES.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Sutherland.

Fabian B. Dodds, of Spokane, Wash.; Howard T. Jones, of Washington, D. C.; Stephen L. Richards, of Salt Lake City, Utah; Beman Strong, of Houston, Tex.; William R. C. Kendrick, of Des Moines, Iowa; M. Joseph Donovan, of Louisville, Ky.; and Charles C. Bulkley, of Chicago, Ill., were admitted to practice.

No. 40. *The United States of America v. Oregon Lumber Company et al.* On a certificate from the United States Circuit Court of Appeals for the Ninth Circuit. First question certified answered in the affirmative. Second question certified not answered. Opinion by Mr. Justice Sutherland. Dissenting: Mr. Justice Brandeis, Mr. Chief Justice Taft, and Mr. Justice Holmes.

No. 34. *General Investment Company, appellant. v. The Lake Shore & Michigan Southern Railway Company et al.* Appeal from the United States Circuit Court of Appeals for the Sixth Circuit. Decree modified by making the dismissal without prejudice as to all parts of the bill, and, as so modified, affirmed with costs and cause remanded to the District Court of the United States for the Northern District of Ohio. Opinion by Mr. Justice Van Devanter.

No. 541. *Roland C. Heisler, plaintiff in error, v. Thomas Colliery Company et al.* In error to the Supreme Court of the State of Pennsylvania. Judgment affirmed with costs. Opinion by Mr. Justice McKenna.

No. 98. *Liberty Oil Company, petitioner, v. The Condon National Bank et al.* On a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Decree reversed with costs and cause remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this court. Opinion by Mr. Chief Justice Taft.

The Chief Justice also announced the following orders of the court:

No. 578. *The United States, petitioner, v. Lippman, Spier & Hahn.* Application for reconsideration of order denying petition for writ

of certiorari. Per curiam: The application is denied for the reason that the provision of section 195 of the Judicial Code, as amended by the act of August 22, 1914, c. 267 (38 Stat. 703), which prescribes the time within which application may be made to this court for a writ of certiorari, has been amended and limited by section 6 of the act of September 6, 1916, c. 448 (39 Stat. 726, 727).

No. 467. Department of Trade and Commerce of the State of Nebraska et al., etc., petitioners, *v. A. J. Hertz et al., etc., Receivers, etc.* Motion to advance granted, and cause assigned for argument on Monday, February 26 next, after the case heretofore assigned for that day.

No. 574. Lion Bonding & Surety Company, petitioner, *v. A. H. Karatz.* Motion to advance granted, and cause assigned for argument on Monday, February 26 next, after the cases heretofore assigned for that day.

No. 585. Pennsylvania Railroad Company, appellant, *v. United States Railroad Labor Board et al.* Motion to advance granted, and cause assigned for argument on Monday, January 8 next, after the case heretofore assigned for that day.

No. 593. Charles L. Harris, as Trustee of the Davis Transit Company etc., plaintiff in error, *v. Moreland Truck Company et al.* In error to the United States Circuit Court of Appeals for the Ninth Circuit. Per curiam: Dismissed for want of jurisdiction. Section 3, act of September 6, 1916, c. 448 (39 Stat. 726, 727); *Central Trust Company v. Lueders*, 239 U. S. 11; *Staats Co. v. Security Trust & Savings Bank*, 243 U. S. 121, 124.

No. 185. Michael Heitler, plaintiff in error, *v. The United States of America*;

No. 186. Nathaniel Perlman, plaintiff in error, *v. The United States of America*;

No. 187. Mandel Greenberg, plaintiff in error, *v. The United States of America*;

No. 188. Frank McCann, plaintiff in error, *v. The United States of America*; and

No. 189. George F. Quinn, plaintiff in error, *v. The United States of America.* In error to the District Court of the United States for the Northern District of Illinois. Per curiam: Dismissed for want of jurisdiction, upon the authority of (1) *Farrell v. O'Brien*, 199 U. S. 89, 100; *Sugarman v. United States*, 249 U. S. 182, 184; *Piedmont Power & Light Co. v. Town of Graham*, 253 U. S. 193, 195; (2) *Jeffrey Mfg. Co. v. Blagg*, 235 U. S. 571, 576; *Blair v. United States*, 250 U. S. 273, 279; *Dahnke-Walker Milling Co. v. Bondurant*, 257 U. S. 282, 289; (3) *The National Prohibition cases*, 253 U. S. 350.

No. —, original. Benjamin Gitlow, plaintiff in error, *v.* The People of the State of New York. Petition for a writ of error in this cause. submitted to the whole court, granted.

No. 453. Paul V. Lacoste et al., plaintiffs in error. *v.* Department of Conservation of the State of Louisiana. Further consideration of the motion to dismiss in this cause postponed to the hearing on the merits.

No. 157, October term, 1921. John S. Kendall, Administrator, etc., et al., appellants, *v.* Paul A. Ewert. Motion as to (1) withdrawal of original paper of notice of dismissal of counsel, dated December 31, 1921, denied. Motion as to (2) original deed of July 5, 1918, from George Redeagle to Paul A. Ewert and as to (3) original deeds of November 19, November 21, and December 21, 1921, from the heirs of George Redeagle to Paul A. Ewert, granted. the copies of said deeds on file to remain with the clerk.

No. 692. James C. Davis, Director General of Railroads, etc., petitioner, *v.* Samuel Wechsler. Petition for a writ of certiorari to the Kansas City Court of Appeals of the State of Missouri granted.

No. 630. Robert Abeles et al., petitioners, *v.* St. Louis, Iron Mountain & Southern Railway Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 632. The P. R. Walsh Tie and Timber Company et al., petitioners, *v.* The Missouri Pacific Railway Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 658. Fred Wolf et al., petitioners, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 695. Armour & Company, petitioner, *v.* Louisville Provision Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 430. The City of Trenton, plaintiff in error, *v.* The State of New Jersey. Ordered that this case be reassigned for argument on Monday, February 26 next, after the cases heretofore assigned for that day.

No. 469. The City of Newark, plaintiff in error, *v.* The State of New Jersey. Ordered that this case be reassigned for argument on Monday, February 26 next, after the cases heretofore assigned for that day.

No. 485. Russell Motor Car Company, appellant, *v.* The United States. Ordered that this case be reassigned for argument on Mon-

day, February 26 next, after the cases heretofore assigned for that day.

No. 20, original. The Commonwealth of Massachusetts, complainant, *v.* The State of New York, et al. Motion for appointment of a special master to take proofs and make advisory report to the court submitted by Mr. Charles L. Pierce for the city of Rochester, a defendant; with consent thereto by Mr. J. Weston Allen for the Commonwealth of Massachusetts.

No. 20, original. The Commonwealth of Massachusetts, complainant, *v.* The State of New York, et al. Motion that War Department make certified copies of certain maps and documents for use on trial of case submitted by Mr. Charles L. Pierce for the city of Rochester, a defendant; with consent thereto by Mr. J. Weston Allen for the Commonwealth of Massachusetts.

No. 701. Board of Trade of the City of Chicago et al., appellants, *v.* Charles F. Clyne, United States District Attorney for the Northern District of Illinois, et al. Motion to advance and to continue stay pending appeal submitted by Mr. H. S. Robbins for the appellants.

No. 289. Elbert R. Robinson, plaintiff in error, *v.* The People of the State of Illinois. In error to the Supreme Court of the State of Illinois. Dismissed with costs and mandate granted, on motion of Mr. L. T. Michener in behalf of counsel for the plaintiff in error.

No. 674. Edward N. Mittle, plaintiff in error, *v.* The State of South Carolina. Motion to dismiss submitted by Mr. Samuel M. Wolfe for the defendant in error in support of the motion, and by Mr. Charles A. Douglas and Mr. Hugh H. Obear for the plaintiff in error in opposition thereto.

No. 378. The United States of America ex rel. the Western Union Telegraph Company, plaintiff in error, *v.* Interstate Commerce Commisison. In error to the Court of Appeals of the District of Columbia. Dismissed per stipulation.

No. 674. Edward N. Mittle, plaintiff in error, *v.* The State of South Carolina. Petition for a writ of certiorari herein submitted by Mr. Charles A. Douglas, Mr. Hugh H. Obear, and Mr. Cole L. Blease for the plaintiff in error in support of the petition, and by Mr. Samuel M. Wolfe in opposition thereto.

No. 682. Wagner Electric Manufacturing Company, petitioner, *v.* Westinghouse Electric & Manufacturing Company. Petition for a writ of certiorari to the United States Circuit of Appeals for the Eighth Circuit submitted by Mr. Melville Church and Mr. Edwin E.

Huffman for the petitioner, and by Mr. Paul Bakewell and Mr. John C. Kerr for the respondent.

No. 136. The Valley Farms Company of Yonkers, plaintiff in error, *v.* The County of Westchester. Passed, to be restored to the call pursuant to section 9, rule 26.

No. 126. George B. Kirby et al., plaintiffs in error, *v.* The United States of America on behalf of the Crow Tribe of Indians. Argument commenced by Mr. Milton S. Gunn for the plaintiffs in error, continued by Mr. Assistant to the Attorney General Seymour for the defendant in error, and concluded by Mr. Edgar Allen Poe for the plaintiffs in error.

No. 128. Champlain Realty Company, petitioner, *v.* Town of Brattleboro. Argument commenced by Mr. W. C. Cannon for the petitioner, and continued by Mr. Arthur P. Carpenter for the respondent.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, November 28, will be as follows: Nos. 128, 132, 134, 135, 298, 197 (and 403 and 26), 138, 139, 108, and 142.

SUPREME COURT OF THE UNITED STATES.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Sutherland.

Michel Kirtland, of New York City; Lester D. Volk, of Brooklyn, N. Y.; and Karl F. Overholt, of Pittsburgh, Pa., were admitted to practice.

No. 197. James L. Brooks *v.* The United States;

No. 403. The United States of America, plaintiff in error, *v.* George Remus et al., etc.; and

No. 26. The United States, plaintiff in error, *v.* Chris Elioff Stafoff, alias Chris Elioff. Motion for leave to file a brief herein, as *amicus curiæ*, submitted by Assistant Attorney General Willebrandt in behalf of Anti-Saloon League of America; and motion denied.

No. 108. Regal Drug Corporation, petitioner, *v.* Justus S. Wardell, as United States Collector, etc. Submitted by Mr. John W. Preston for the petitioner, and by Assistant Attorney General Willebrandt, Mr. Solicitor General Beck, and Mr. Robert P. Reeder for the respondent.

No. 128. Champlain Realty Company, petitioner, *v.* Town of Brattleboro. Argument continued by Mr. Ernest W. Gibson for the respondent, and concluded by Mr. M. P. Maurice for the petitioner.

No. 132. James C. Davis, Director General, etc., petitioner, *v.* Mrs. Maude E. Green, Administratrix, etc. Argued by Mr. T. J. Wills for the petitioner, and by Mr. J. W. Cassidy for the respondent.

No. 134. August Bartels, plaintiff in error, *v.* The State of Iowa. Argued by Mr. Frank E. Farwell for the plaintiff in error, and case submitted by Mr. Bruce J. Flick for the defendant in error.

No. 135. Ernest G. Walker, plaintiff in error, *v.* Genevieve K. Gish. Argument commenced by Mr. S. Herbert Giesy for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, November 29, will be as follows: Nos. 135, 298, 197 (and 403 and 26), 138, 139, 142, 143 (and 144, 145, 146, 147, 148, and 149), 151, 152, and 153.

SUPREME COURT OF THE UNITED STATES.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Sutherland.

William R. Seaton, of Detroit, Mich., and Ralph Robinson, of Spokane, Wash., were admitted to practice.

No. 135. Ernest G. Walker, plaintiff in error, *v.* Genevieve K. Gish. Argument concluded by Mr. S. Herbert Giesy for the plaintiff in error. No appearance for the defendant in error.

No. 298. Georgia Railway & Power Company et al., appellants, *v.* Railroad Commission of Georgia et al. Argument commenced by Mr. L. Z. Rosser for the appellants, continued by Mr. E. J. Reagan for the appellees, and concluded by Mr. Robert G. Dodge for the appellants.

No. 197. James L. Brooks *v.* The United States;

No. 403. The United States of America, plaintiff in error, *v.* George Remus et al., etc.; and

No. 26. The United States of America, plaintiff in error, *v.* Chris Elioff Stafoff, etc. Argument commenced by Assistant Attorney General Willebrandt for the United States, continued by Mr. Samuel Herrick for James L. Brooks, by Mr. E. N. Zoline for the defendant in error in No. 403, and concluded by Assistant Attorney General Willebrandt for the United States.

Adjourned Monday next at 12 o'clock.

The day call for Monday, December 4, will be as follows: Nos. 138, 139, 142, 143 (and 144, 145, 146, 147, 148 and 149), 151, 152, 153, 165 (and 109 and 402), 560 (and 561, 562, 563, 564, 565 and 566), and 94.

SUPREME COURT OF THE UNITED STATES.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Sutherland.

George W. Morgan, of St. Paul, Minn.; Elmer F. Blu, of Duluth, Minn.; Edward Clymer Hyde, of Kansas City, Mo.; Erwin W. Clausen, of Atchison, Kans.; Oscar Mitchell, of Duluth, Minn.; Henry W. Drucker, of Chicago, Ill.; A. M. Nicks, of Biggers, Ark.; and E. C. Higbee, of Uniontown, Pa., were admitted to practice.

No. 106. Charles McKelvey et al., petitioners, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgment affirmed; and cause remanded to the District Court of the United States for the District of Idaho. Opinion by Mr. Justice Van Devanter.

No. 97. The Portsmouth Harbor Land and Hotel Company et al., appellants, *v.* The United States. Appeal from the Court of Claims. Judgment reversed; and cause remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Holmes. Dissenting: Mr. Justice Brandeis and Mr. Justice Sutherland.

No. 110. The New York Central and Hudson River Railroad Company, petitioner, *v.* John W. Kinney. On writ of certiorari to the Supreme Court of the State of New York. Judgment affirmed with costs. Opinion by Mr. Justice Holmes.

No. 120. St. Louis Cotton Company, plaintiff in error, *v.* The State of Arkansas. In error to the Supreme Court of the State of Arkansas. Judgment reversed with costs; and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Holmes.

No. 132. James C. Davis, Director General of Railroads and Agent, etc., petitioner, *v.* Mrs. Maude E. Green, administratrix of the estate of Jessie Green, deceased. On writ of certiorari to the Supreme Court of the State of Mississippi. Judgment reversed with costs; and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Holmes.

No. 107. Southern Railway Company, plaintiff in error, *v.* Joseph H. Clift. In error to the Supreme Court of the State of Indiana. Judgment affirmed with costs. Opinion by Mr. Justice McKenna.

No. 121. The United States, appellant, *v.* Mason & Hanger Company. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice McKenna.

No. 122. The United States, appellant, *v.* Northeastern Construction Company. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice McKenna.

No. 141. The City of Boston, plaintiff in error, *v.* James Jackson, Treasurer and Receiver General of the Commonwealth of Massachusetts, et al. In error to the Supreme Judicial Court of the State of Massachusetts. Judgment affirmed with costs. Opinion by Mr. Chief Justice Taft.

The Chief Justice announced that the court will take a recess from Monday, the 11th instant, until Tuesday, January 2, next.

The Chief Justice also announced the following orders of the court:

No. 20, Original. The Commonwealth of Massachusetts, complainant, *v.* The State of New York et al. Motion for the appointment of a special master to take proofs and make report herein, granted: motion that the War Department make certified copies of maps, etc., herein, granted.

No. 701. Board of Trade of the City of Chicago et al., appellants, *v.* Charles F. Clyne, United States district attorney for the northern district of Illinois. Motion to advance granted and cause assigned for argument on Monday, January 15 next.

No. 701. Board of Trade of the City of Chicago, et al., appellants, *v.* Charles F. Clyne, U. S. District Attorney for the Northern District of Illinois, et al.

Order.—It is ordered by this court, the defendants not objecting, that the status quo be preserved while this cause is pending in this court and for twenty days thereafter by restraining and enjoining the appellee, Charles F. Clyne, as United States district attorney for the Northern District of Illinois, from attempting to enforce the act of Congress entitled the "Grain futures act" during the pendency of this cause in this court and for twenty days thereafter, and also from at any time prosecuting criminally, or otherwise, under said act any member of the Board of Trade of the City of Chicago, or any customer of any such member, for, or by reason of, any violation by him or them of any provision of said act committed during the

pendency of this cause in this court or twenty days thereafter, and that appellee, Arthur C. Lueder, as postmaster of the city of Chicago, be also restrained and enjoined from interfering with any of the mail passing between members of said board of trade and customers of said members during the pendency of this cause in this court and twenty days thereafter: *Provided, however,* That nothing herein shall relieve the members of said board of trade from severally keeping and preserving, as required by the grain futures act, their records of their contracts for future delivery during the pendency of this stay.

No. 674. Edward N. Mittle, plaintiff in error, *v.* The State of South Carolina. In error to the Supreme Court of the State of South Carolina. *Per curiam:* Dismissed for want of jurisdiction. Section 237 of the Judicial Code, as amended by the act of September 6, 1916, c. 448, sec. 2, 39 Stat. 726; *Jett Bros. Distilling Co. v. City of Carrollton*, 252 U. S. 1, 5-6.

No. 674. Edward N. Mittle, plaintiff in error, *v.* The State of South Carolina. Petition for a writ of certiorari herein denied.

No. 422. J. W. Lee, plaintiff in error, *v.* Chesapeake & Ohio Railway Company. Motion to advance under rule 6 submitted by Mr. Allan D. Cole for the plaintiff in error.

No. 676. Fred P. Violette, appellant, *v.* James A. Walsh, Collector, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Joseph W. Cox for the petitioner. and by Assistant Attorney General Willebrandt for the respondent.

No. 402. The United States of America, Owner, etc., *v.* Amos D. Carver et al., etc. Leave granted to file brief herein as *amicus curiæ*, on motion of Mr. George C. Sprague in that behalf; motion for leave to take part in the oral argument denied.

No. 480. Henry Freygang et al., etc., appellants, *v.* The United States. Motion to advance submitted by Mr. George A King for the appellants.

No. 691. Eddie Harrison et al. petitioners, *v.* Dick Harrison. Petition for a writ of certiorari to the Supreme Court of the State of Oklahoma submitted by Mr. Otto A. Schlobohm in behalf of Mr. Wesley E. Disney and Mr. John M. Wheeler for the petitioners; with leave to file printed copies of the record and petition hereafter.

No. 708. Tom Reed Gold Mines Company, petitioner, *v.* United Eastern Mining Company. Petition for a writ of certiorari to the Supreme Court of the State of Arizona submitted by Mr. William E. Colby for the petitioner, and by Mr. John P. Gray for the respondent.

No. 709. Union Trust & Savings Bank, as Trustee, etc., et al., petitioners, *v.* The Southern Traction Company of Illinois et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Hiram T. Gilbert, Mr. John C. Slade, and Mr. Walter Bachrach for the petitioners, and by Mr. William Beye, Mr. Edward C. Kramer, Mr. Bruce A. Campbell, and Mr. George B. Logan for the respondents.

No. 138. American Railway Express Company, petitioner, *v.* A. J. Lindenburg. Argued by Mr. A. M. Hartung for the petitioner, and by Mr. E. B. Dyer and Mr. Morgan Owen for the respondent.

No. 139. The United States ex rel. Aaron Suhonen, appellant, *v.* Frederick A. Wallis, Commissioner of Immigration, etc. Submitted by Mr. Charles Recht for the appellant, and by Mr. Solicitor General Beck, Mr. Assistant Attorney General Crim, and Mr. Harry S. Ridgely for the appellee.

No. 142. Kansas City Southern Railway Company, petitioner, *v.* Elizabeth Van Zant. Argued by Mr. Samuel W. Moore for the petitioner, and submitted by Mr. Charles H. Montgomery for the respondent.

No. 143. Pullman Company, plaintiff in error, *v.* Friend W. Richardson, as Treasurer, etc.;

No. 144. Pullman Company, plaintiff in error, *v.* Friend W. Richardson, as Treasurer, etc.;

No. 145. Pullman Company, plaintiff in error, *v.* Friend W. Richardson, as Treasurer, etc.;

No. 146. Pullman Company, plaintiff in error, *v.* Friend W. Richardson, as Treasurer, etc.;

No. 147. Pullman Company, plaintiff in error, *v.* Friend W. Richardson, as Treasurer, etc.;

No. 148. Pullman Company, plaintiff in error, *v.* Friend W. Richardson, as Treasurer, etc.;

No. 149. Walker D. Hines, as Director General, etc., et al., plaintiffs in error, *v.* Friend W. Richardson, as Treasurer, etc. Argument commenced by Mr. C. A. Severance for the plaintiffs in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, December 5, will be as follows: Nos. 143 (144, 145, 146, 147, 148, and 149), 151, 152, 153, 165 (and 109 and 402), 560 (and 561, 562, 563, 564, 565, and 566), 94, 19, 154, and 155.

SUPREME COURT OF THE UNITED STATES.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Sutherland.

James B. McLoughlin, of New York City, Harry B. Hawes, of St. Louis, Mo., and Lloyd D. Claycombe, of Indianapolis, Ind., were admitted to practice.

No. 679. The State of Texas, plaintiff in error, *v.* Eastern Texas Railroad Company et al.; and

No. 680. The State of Texas, appellant, *v.* Eastern Texas Railroad Company et al. Motion to advance submitted by Mr. Blackburn Esterline in behalf of counsel for the appellees.

No. 155. Panama Railroad Company, plaintiff in error, *v.* James Rock. Passed, to be restored to the call pursuant to section 9, rule 26.

No. 149. Walker D. Hines, as Director General, etc., et al., plaintiffs in error, *v.* Friend W. Richardson, as Treasurer, etc. Motion to substitute James C. Davis, present Director General of Railroads, as party plaintiff in error herein, submitted by Mr. A. A. McLaughlin in that behalf.

No. 143. Pullman Company, plaintiff in error, *v.* Friend W. Richardson, as Treasurer, etc.;

No. 144. Pullman Company, plaintiff in error, *v.* Friend W. Richardson, as Treasurer, etc.;

No. 145. Pullman Company, plaintiff in error, *v.* Friend W. Richardson, as Treasurer, etc.;

No. 146. Pullman Company, plaintiff in error, *v.* Friend W. Richardson, as Treasurer, etc.;

No. 147. Pullman Company, plaintiff in error, *v.* Friend W. Richardson, as Treasurer, etc.;

No. 148. Pullman Company, plaintiff in error, *v.* Friend W. Richardson, as Treasurer, etc.; and

No. 149. Walker D. Hines, as Director General, etc., et al., plaintiffs in error, *v.* Friend W. Richardson, as Treasurer, etc. Argument continued by Mr. C. A. Severance for the plaintiffs in error, and submitted by Mr. U. S. Webb and Mr. Raymond Benjamin for the defendants in error.

No. 151. The United States, appellant, *v.* Arthur John Bancroft. Argued by Mr. Assistant to the Attorney General Seymour for the appellant, and by Mr. George A. King for the appellee.

No. 152. Great Northern Railway Company, petitioner, *v.* Vivian H. Steinke et al. Argued by Mr. C. J. Murphy for the petitioner. No brief filed for the respondents.

No. 153. John Barton Payne, Director General, etc., plaintiff in error, *v.* A. E. Stevens et al. Submitted by Mr. Gregory L. Smith for the plaintiff in error, and by Mr. J. B. Harris for the defendants in error.

No. 165. Blamberg Brothers, appellant, *v.* The United States;

No. 109. Colonial Beach Company, owner, etc., petitioner, *v.* Quemahoning Coal Company et al.; and

No. 402. The United States of America, owner of steamships *Olio*, etc. Ordered that these cases be argued separately, and that 80 minutes be allowed for the argument of each case, on motion of Mr. Solicitor General Beck in that behalf.

No. 165. Blamberg Brothers, appellant, *v.* The United States. Argued by Mr. D. Roger Englar for the appellant, and by Mr. Solicitor General Beck for the appellee.

No. 109. Colonial Beach Company, owner, etc., petitioner, *v.* Quemahoning Coal Company et al. Argument commenced by Mr. H. H. Obear for the petitioner, and continued by Mr. R. E. Preece for the respondent.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, December 6, will be as follows: Nos. 109, 402, 560 (and 561, 562, 563, 564, 565, and 566), 94, 19, 154, 156, 157, 158, and 159.

SUPREME COURT OF THE UNITED STATES.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Sutherland.

J. W. R. Bradford, of Cincinnati, Ohio; Maurice F. Lyons, of Cincinnati, Ohio; Samuel I. Sievers, of St. Louis, Mo.; Cola G. Parker, of Chicago, Ill.; James M. Hervey, of Albuquerque, N. Mex.; Edward E. Clark, of Framingham, Mass.; Ed. M. Frye, of Sallisaw, Okla.; and Fernando B. Fornaris, of Ponce, P. R., were admitted to practice.

No. 156. James A. Baker, Receiver, etc., et al. *v.* Karl L. Druesdow, Tax Collector, etc. Passed, to be restored to the call pursuant to section 9, rule 26.

No. 157. The United States, plaintiff in error, *v.* Ray Janes et al. Passed, to be restored to the call pursuant to section 9, rule 26, on motion of Mr. Solicitor General Beck for the plaintiff in error.

No. 109. Colonial Beach Company, Owner, etc., petitioner, *v.* Quemahoning Coal Company et al. Argument continued by Mr. J. V. Hewitt for the respondents and concluded by Mr. Hugh H. Obear for the petitioner.

No. 402. The United States of America, Owner of the Steamship *Olio*, etc., *v.* Amos D. Carver et al., etc. Argued by Mr. Norman B. Beecher for the United States, owner, etc., and by Mr. E. Curtis Rouse for Carver et al. Reply briefs to be filed in three days by the United States, owner, etc., and in three days thereafter by Carver et al.

No. 560. Oliver Iron Mining Company, appellant, *v.* Samuel Lord et al.:

No. 561. Cleveland-Cliffs Iron Company, appellant, *v.* Samuel Lord et al.;

No. 562. Mesaba-Cliffs Iron Mining Company, appellant, *v.* Samuel Lord et al.;

No. 563. Bennett Mining Company et al., appellants, *v.* Samuel Lord et al.;

No. 564. Republic Iron & Steel Company et al., appellants, *v.* Samuel Lord et al.;

No. 565. The Biwabik Mining Company et al., appellants, *v.* Samuel Lord et al.; and

No. 566. Inter-State Iron Company, appellant, *v.* Samuel Lord et al. Argument commenced by Mr. C. A. Severance for the appellant in No. 560, and continued by Mr. H. J. Grannis for the appellants in Nos. 561 and 562, by Mr. Oscar Mitchell for the appellants in Nos. 563 and 564, by Mr. Egbert S. Oakley for the appellees, and by Mr. Patrick J. Ryan for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, December 7, will be as follows: Nos. 560 (and 561, 562, 563, 564, 565, and 566), 94, 19, 154, 158, 159, 160 (and 161, 162, and 163), 164, 166, and 168.

SUPREME COURT OF THE UNITED STATES.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Sutherland.

Ben C. Dey, of Portland, Oreg.; Albert C. Gillette, of Duluth, Minn.; George K. Cracraft, of Eudora, Ark.; Louis T. Stevens, of Cape May, N. J.; Harold K. Bachelder, of Indianapolis, Ind.; and William Henry Langdon, of San Francisco, Calif., were admitted to practice.

No. 560. Oliver Iron Mining Company, appellant, *v.* Samuel Lord et al.;

No. 561. Cleveland-Cliffs Iron Company, appellant, *v.* Samuel Lord et al.;

No. 562. Mesaba-Cliffs Iron Mining Company, appellant, *v.* Samuel Lord et al.;

No. 563. Bennett Mining Company et al., appellants, *v.* Samuel Lord et al.;

No. 564. Republic Iron & Steel Company et al., appellants, *v.* Samuel Lord et al.;

No. 565. The Biwabik Mining Company et al., appellants, *v.* Samuel Lord et al.; and

No. 566. Inter-State Iron Company, appellant, *v.* Samuel Lord et al. Argument continued by Mr. Patrick J. Ryan for the appellees, and concluded by Mr. C. A. Severance for the appellant in No. 560.

No. 94. John Simon, appellant, *v.* American Exchange National Bank et al. Argued by Mr. Henry A. Wise for the appellant, and by Mr. James A. Fowler for the appellees.

No. 19. Galveston Wharf Company et al., appellants, *v.* City of Galveston et al. Argued by Mr. J. W. Terry for the appellants, and by Mr. Frank S. Anderson for the appellees.

No. 154. St. Louis Malleable Casting Company, plaintiff in error, *v.* George G. Prendergast Construction Company. Argument commenced by Mr. Lambert E. Walther for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, December 8, will be as follows: Nos. 154, 158, 159, 160 (and 161, 162, and 163), 164, 166, 168, 169, 171, and 124 (and 93).

SUPREME COURT OF THE UNITED STATES.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Sutherland.

Fred V. Hughes, of Tyler, Tex.; James A. Collins, of Indianapolis, Ind.; Francis L. Brinkman, of Chicago, Ill.; Emile Steinfeld, of Louisville, Ky.; Edward Herman Brink, of Cincinnati, Ohio; Sam B. Wilson, of Beaver, Pa.; Stuart Lewis, of Cairo, Ill.; Henry I. Armstrong, jr., of Detroit, Mich.; Robert C. Watson, of Washington, D. C.; John P. Booth, of New York City; Max Fred Burger, of Chicago, Ill.; and Wendell Phillips Raine, of Washington, D. C., were admitted to practice.

No. 154. St. Louis Malleable Casting Company, plaintiff in error, *v.* George G. Prendergast Construction Company. Argument continued by Mr. Lambert E. Walther for the plaintiff in error, and concluded by Mr. William K. Koerner for the defendant in error.

No. 158. State of Missouri *ex rel.* Southwestern Bell Telephone Company, plaintiff in error, *v.* Public Service Commission of Missouri *et al.* Argument commenced by Mr. Frederick W. Lehmann for the plaintiff in error, continued by Mr. L. H. Breuer and Mr. James D. Lindsay for the defendants in error, and concluded by Mr. Frederick W. Lehmann for the plaintiff in error.

Adjourned until Monday next at 12 o'clock.

SUPREME COURT OF THE UNITED STATES.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Sutherland.

William Walter Frankel, of New York City; Elmer L. Brock, of Denver, Colo.; Clinton M. Harbison, of Lexington, Ky.; Nathaniel L. Goldstein, of New York City; John T. Vance, Jr., of Lexington, Ky.; Charles C. Lockwood, of New York City; Cary R. Alburn, of Cleveland, Ohio; Arthur W. O'Rourke, of Helena, Mont.; Otis S. Allen, of Topeka, Kans.; Claude M. Bain, of Norfolk, Va.; Harry G. Sabine, of Rockwood, Tenn.; Dan M. Link, of Auburn, Ind.; John B. Hanten, of Watertown, S. Dak.; and Frank H. Norcross, of Reno, Nev., were admitted to practice.

No. 71. Joseph W. Cox, appellant, *v.* Ethel Hart. Appeal from 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 Sutherland.

No. 126. George B. Kirby et al., plaintiffs in error, *v.* The United States of America for and on behalf of the Crow Tribe of Indians. In error 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 District of Montana. Opinion by Mr. Justice Van Devanter.

No. 549. Pennsylvania Coal Company, plaintiff in error, *v.* H. J. Mahon et al. In error to the Supreme Court of the State of Pennsylvania. Judgment reversed with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Holmes. Dissenting: Mr. Justice Brandeis.

No. 108. Regal Drug Corporation, petitioner, *v.* Justus S. Wardell, as United States Collector of Internal Revenue of the First District of California. 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 Northern District of California for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice McKenna.

No. 118. American Mills Company, petitioner, *v.* American Surety Company of New York. 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 Taft.

No. 128. Champlain Realty Company, petitioner, *v.* Town of Brattleboro. On writ of certiorari to the Supreme Court of the State of Vermont. Judgment reversed with costs and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Chief Justice Taft.

No. 39. The United States of America, plaintiff in error, *v.* Vito Lanza et al. In error to the District Court of the United States for the Western District of Washington. Judgment reversed; and cause remanded with direction to overrule the demurrer to the special plea in bar of the defendants, and for further proceedings in conformity with the opinion of this court. Opinion by Mr. Chief Justice Taft.

The Chief Justice also announced the following orders of the court:

No. 18, original. The State of Oklahoma *v.* The State of Texas.

ORDER

The receiver is hereby authorized to make the following payments and to charge the same as expenses of the receivership:

To Nagel & Kirby the sum of \$2,000 as compensation for services rendered by them between November 21, 1921, and this date;

To McKenney & Flannery the sum of \$13,500 as compensation for services rendered by them for the year following December 6, 1921;

And to Frederic A. Delano the sum of \$30,000 on account of his services as receiver.

No. 422. J. W. Lee, plaintiff in error, *v.* Chesapeake & Ohio Railway Company. In error to the District Court of the United States for the Eastern District of Kentucky. Motion to advance granted, and cause assigned for argument, on the summary docket, on Tuesday, January 2 next, after the cases heretofore assigned for that day.

No. 480. Henry Freygang & Albert A. Trocon, Partners, etc., appellants, *v.* The United States. Motion to advance granted, and cause assigned for argument with No. 485, heretofore assigned for Monday, February 26 next.

No. 679. The State of Texas, plaintiff in error, *v.* Eastern Texas Railroad Company et al.; and

No. 680. The State of Texas, appellant, *v.* Eastern Texas Railroad Company et al. Motion to advance granted, and the cases assigned for argument on Monday, March 5 next, after the cases heretofore assigned for that day.

No. 682. Wagner Electric Manufacturing Company, petitioner, *v.* Westinghouse Electric & Manufacturing Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 708. Tom Reed Gold Mines Company, petitioner, *v.* United Eastern Mining Company. Petition for a writ of certiorari to the Supreme Court of the State of Arizona denied.

No. 709. Union Trust & Savings Bank, as Trustee, etc., et al., petitioners, *v.* The Southern Traction Company of Illinois et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 153. John Barton Payne, Director General of Railroads, etc., plaintiff in error, *v.* A. E. Stevens et al. In error to the Supreme Court of the State of Mississippi. Per curiam: Dismissed for want of jurisdiction. Act of February 8, 1899, ch. 121, 30 Stat. 822; *Le Crone v. McAdoo*, 253 U. S. 217, 219.

No. 151. The United States, appellant, *v.* Arthur John Bancroft, Appeal from the Court of Claims. Per curiam: Affirmed upon the authority of *Glavey v. The United States*, 182 U. S. 595; *United States v. Andrews*, 240 U. S. 90, 94; *McMath v. The United States*, 248 U. S. 151, 152.

No. 139. The United States of America ex rel. Aaron Suhonen, appellant, *v.* Frederick A. Wallis, Commissioner of Immigration, et al. In error to the District Court of the United States for the Southern District of New York. Per curiam: Dismissed for want of jurisdiction upon the authority of (1) *Equitable Life Insurance Co. v. Brown*, 187 U. S. 308, 314; *Consolidated Turnpike Company v. Norfolk, etc., Ry. Co.*, 228 U. S. 596, 600; *Contributors to Pennsylvania Hospital v. City of Philadelphia*, 245 U. S. 20, 24; (2) *Fong Yue Ting v. The United States*, 698, 707, 728, 730; *Zakonaite v. Wolf* 226 U. S. 272, 275; *Bugajewitz v. Adams*, 228 U. S. 585, 591; *Lewis v. Frick*, 233 U. S. 291, 302; *Ng Fung Ho v. White*, decided May 29, 1922.

No. 94. John Simon, appellant, *v.* American Exchange National Bank et al. Appeal from the United States Circuit Court of Appeals

for the Second Circuit. *Per curiam*: Affirmed upon the authority of *Central Union Trust Co. v. Garvan*, 254 U. S. 554; *Stoechr v. Wallace*, 255 U. S. 239.

No. 123. *Southern Express Company*, plaintiff in error, *v. Terry Packing Company*. In error to the Supreme Court of the State of South Carolina. *Per curiam*: Dismissed for want of jurisdiction upon the authority of *Norfolk Turnpike Co. v. Virginia*, 225 U. S. 264, 268; *Louisiana Navigation Co. v. Oyster Commission*, 226 U. S. 99, 101; *Schlosser v. Hemphill*, 198 U. S. 173, 176; *Missouri, etc. Ry. Co. v. Olathe*, 222 U. S. 185, 186.

No. 72. *I. W. Geer et al. v. The United States of America*. On a certificate from the United States Circuit Court of Appeals for the Third Circuit. Certificate dismissed, on motion of Mr. Solicitor General Beck for The United States.

Nos. 185 to 189, inclusive. *Michael Heitler and others*, plaintiffs in error, *v. The United States of America*. Motion to transfer record and proceedings herein to the Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Walter Howe in behalf of counsel for the plaintiffs in error, with leave to Mr. Solicitor General Beck to file opposition thereto on or before Friday next if so advised.

No. 650. *Cumberland Telephone & Telegraph Company*, appellant, *v. Louisiana Public Service Commission et al., etc.* Motion to advance submitted by Mr. H. Garland Dupre in behalf of Mr. Huey P. Long and Mr. Wiley M. Barrow for the appellees.

No. —, original. *The State of Georgia*, complainant, *v. The City of Chattanooga, Tennessee*. Motion for leave to file bill of complaint submitted by Mr. George M. Napier, Mr. Robert H. Williams, Mr. William L. Frierson, and Mr. Joe V. Williams for the complainant.

No. 196. *Gorham Manufacturing Company*, appellant, *v. James A. Wendell*, individually and as comptroller of the State of New York, et al. Motion to substitute the State Tax Commission of New York in the case of James A. Wendell, comptroller of the State of New York, as a party appellee herein, submitted by Mr. W. W. Bride in behalf of counsel for the appellees.

No. 22, original. *The State of New York*, complainant, *v. Harry M. Daugherty*, Attorney General of the United States, et al. Motion for leave to amend the original bill and the amended bill of complaint in this cause submitted by Mr. Adrian Sizer in behalf of counsel for the complainant.

No. 712. *Edgar-Morgan Company*, petitioner, *v. Alfocorn Milling Company*. Petition for a writ of certiorari submitted by Mr. Joseph

H. Milane, Mr. Arthur E. Wallace, and Mr. Max W. Zabel for the petitioners, and by Mr. H. G. Cook and Mr. Thomas H. Cobbs for the respondent.

Adjourned until Tuesday, January 2, 1923, at 12 o'clock.

The day call for Tuesday, January 2, will be as follows: Nos. **159**, **160** (and **161**, **162**, and **163**), **164**, **166**, **168**, **169**, **171**, **124** (and **93**), **659** (and **660**, **661**, **662**, **666**, **667**, **668**, **669**, **670**, and **678**), **693** (and **694**), and **422**.

SUPREME COURT OF THE UNITED STATES.

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

Samuel Silbiger, of Brooklyn, N. Y.; Lionel Aubrey Norman, of Boston, Mass.; George Harry Cohen, of Hartford, Conn.; Winfield H. Adams, of Chicago, Ill.; Jacob J. Podell, of New York City; George S. Fuller, of Boston, Mass.; Carl H. Richmond, of Washington, D. C.; Edward J. Cannon, of Spokane, Wash.; Malcolm Douglas, of Seattle, Wash.; John H. Carroll, of St. Louis, Mo.; John Tomerlin, of Oklahoma City, Okla.; T. Hardy Todd, of Washington, D. C.; Philip A. Weinstein, of Chicago, Ill.; and A. Howard Neely, of New York City, were admitted to practice.

The Chief Justice said:

“ Since the last meeting of the court, the President has nominated, and the Senate has confirmed, Mr. Pierce Butler to be an Associate Justice of this court to succeed to the vacancy created by the retirement of Mr. Justice Day. Mr. Butler is in attendance, and is ready to take the oath. The clerk will read the commission.”

The clerk then read the commission, and immediately thereafter the oath of office was administered by Mr. Chief Justice Taft, and Mr. Justice Butler was conducted to his seat on the bench by the marshal.

No. 74. Thomas J. Stockley et al., appellants, *v.* The United States of America. Appeal from the United States Circuit Court of Appeals for the Fifth Circuit. Decree reversed and cause remanded to the District Court of the United States for the Western District of Louisiana for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Sutherland.

No. 117. Sam W. Mason et al., appellants, *v.* The United States of America;

No. 104. Henry Hunsicker et al., appellants, *v.* The United States of America;

No. 111. E. G. Palmer et al., appellants, *v.* The United States of America;

No. 112. Arkansas Natural Gas Company et al., appellants, *v.* The United States of America;

No. 113. B. R. Norvell et al., appellants, *v.* The United States of America;

No. 114. W. H. Matthews et al., appellants, *v.* The United States of America;

No. 115. Dillard P. Eubank et al., appellants, *v.* The United States of America; and

No. 116. Lydia Hanszen MacMullen et al., appellants, *v.* The United States of America. Appeals from the United States Circuit Court of Appeals for the Fifth Circuit. Decrees of the Circuit Court of Appeals reversed, and decrees of the District Court of the United States for the Western District of Louisiana in Nos. 104, 111, 112, 113, 114, 115, and 116 affirmed, and decree of the said District Court in No. 117 modified as indicated in the opinion of this court, and as so modified affirmed; and causes remanded to the said District Court. Opinion by Mr. Justice Sutherland.

No. 119. Jeems Bayou Fishing and Hunting Club et al., appellants, *v.* The United States of America; and

No. 137. The United States of America, appellant, *v.* Jeems Bayou Hunting and Fishing Club et al. Appeals from the United States Circuit Court of Appeals for the Fifth Circuit. Decree affirmed; and cause remanded to the District Court of the United States for the Western District of Louisiana. Opinion by Mr. Justice Sutherland.

No. 99. Baltimore & Ohio Railroad Company, appellant, *v.* The United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Sutherland.

No. 31. Greenport Basin and Construction Company, plaintiff in error and appellant, *v.* The United States. In error to and appeal from the District Court of the United States for the Eastern District of New York. Judgment affirmed. Opinion by Mr. Justice Brandeis.

No. 102. Rosenberg Bros. & Company (Inc.), plaintiff in error, *v.* Curtis Brown Company. In error to the District Court of the United States for the Western District of New York. Judgment affirmed with costs. Opinion by Mr. Justice Brandeis.

No. 368. Southern Railway Company, appellant, *v.* A. D. Watts et al., etc., et al.;

No. 369. Atlantic & Yadkin Railway Company, appellant, *v.* A. D. Watts et al., etc., et al.; appeals from the District Court of the United States for the Western District of North Carolina;

No. 381. Seaboard Air Line Railway Company, appellant, *v.* A. D. Watts et al., etc., et al.;

No. 382. Atlantic Coast Line Railroad Company, appellant, *v.* A. D. Watts et al., etc., et al.; and

No. 383. Norfolk Southern Railroad Company, appellant, *v. A. D. Watts et al., etc., et al.* Appeals from the District Court of the United States for the Eastern District of North Carolina. Decrees affirmed with costs. Opinion by Mr. Justice Brandeis.

No. 129. Osaka Shosen Kaisha et al., petitioners, *v. Pacific Export Lumber Company.* 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. Justice McReynolds.

No. 100. Charles A. Ramsay Company, plaintiff in error, *v. Associated Bill Posters of the United States and Canada et al.;* and

No. 101. William H. Rankin Company, plaintiff in error, *v. Associated Bill Posters of the United States and Canada.* In error to the United States Circuit Court of Appeals for the Second Circuit. Judgments reversed with costs and causes 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 McReynolds.

No. 19. Galveston Wharf Company et al., appellants, *v. The City of Galveston et al.* Appeal from the District Court of the United States for the Southern District of Texas. Decree affirmed with costs. Opinion by Mr. Justice Holmes.

No. 26. The United States of America, plaintiff in error, *v. Chris Elioff Stafoff, alias Chris Elioff.* In error to the District Court of the United States for the Eastern District of Missouri:

No. 197. James L. Brooks *v. The United States of America.* On a certificate from the United States Circuit Court of Appeals for the Ninth Circuit; and

No. 403. The United States of America, plaintiff in error. *v. George Remus et al.* In error to the District Court of the United States for the Western District of Ohio. Judgment in No. 26 affirmed. Judgment in No. 403, on counts 2, 4, and 6, affirmed; on counts 3, 5, and 7, reversed. Questions certified, 1, 2, and 3, as limited in the opinion of this court, in case No. 197, answered in the affirmative; question 4 answered in the negative. Opinion by Mr. Justice Holmes.

No. 402. The United States of America, Owner of the Steamships *Clio, etc., et al. v. Amos D. Carver et al., Copartners, etc.* On a certificate from the United States Circuit Court of Appeals for the Second Circuit. Questions 1 and 2 answered in the negative. Questions 3 and 4 not answered. Opinion by Mr. Justice Holmes.

No. 142. The Kansas City Southern Railway Company, petitioner, *v.* Elizabeth Van Zant. On writ of certiorari to the Supreme Court of the State of Missouri. Judgment reversed with costs; and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice McKenna.

No. 154. St. Louis Malleable Casting Company, plaintiff in error, *v.* George G. Prendergast Construction Company. In error to the Supreme Court of the State of Missouri. Judgment affirmed with costs. Opinion by Mr. Justice McKenna.

No. 185. Michael Heitler, plaintiff in error, *v.* The United States;

No. 186. Nathaniel Perlman, plaintiff in error, *v.* The United States;

No. 187. Mandel Greenberg, plaintiff in error, *v.* The United States;

No. 188. Frank McCann, plaintiff in error, *v.* The United States; and

No. 189. George F. Quinn, plaintiff in error, *v.* The United States. In error to the District Court of the United States for the Northern District of Illinois. Cases transferred to the United States Circuit Court of Appeals for the Seventh Circuit at the costs of the respective plaintiffs in error, that court to be thereupon possessed of the jurisdiction of the same and proceed to the determination of said writs of error as if such writs had issued out of that court. Opinion by Mr. Chief Justice Taft.

No. 105. Sioux City Bridge Company, petitioner, *v.* Dakota County, Nebraska. On writ of certiorari to the Supreme Court of the State of Nebraska. Judgment reversed with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Chief Justice Taft.

No. 135. Ernest G. Walker, plaintiff in error, *v.* Genevieve K. Gish. In error to the Court of Appeals of the District of Columbia. Judgment affirmed with costs. Opinion by Mr. Chief Justice Taft.

No. 165. Blamberg Brothers, appellant, *v.* The United States of America. Appeal from the District Court of the United States for the District of Maryland. Judgment affirmed. Opinion by Mr. Chief Justice Taft.

The Chief Justice also announced the following orders of the court:

No. 109. Colonial Beach Company, Owner and Claimant of the Steamer *St. Johns*, petitioner, *v.* Quemahoning Coal Company et al. On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit. *Per curiam*: Reversed with costs, and cause

remanded to the District Court of the United States for the Eastern District of Virginia. *United States v. Carver*, No. 402, this day decided: *Piedmont & Georges Creek Coal Co. v. Seaboard Fisheries Co.*, 254 U. S. 1.

No. 20, original. Commonwealth of Massachusetts, complainant, *v.* The State of New York, et al. ORDER: It is ordered that Wade H. Ellis, Esq., be appointed special master to take proofs and make report in this cause by agreement of the parties.

No. 650. Cumberland Telephone & Telegraph Company, appellant, *v.* Louisiana Public Service Commission et al., etc. Motion to advance granted, and cause assigned for argument on Monday, April 9 next.

No. —, original. The State of Georgia, complainant, *v.* The City of Chattanooga. Motion for leave to file a bill of complaint herein granted, and rule to show cause ordered to issue returnable on Monday, March 5 next.

No. 196. Gorham Manufacturing Company, appellant, *v.* James A. Wendell, Individually, etc., et al. ORDER: On consideration of the motion to substitute parties appellees, It is ordered that a rule to show cause why the case as to the comptroller should not be dismissed in view of *Irwin v. Webb*, decided March 20, 1922, and U. S. *v.* Butterworth, 169 U. S. 600, shall issue.

No. 22, original. The State of New York, complainant, *v.* Harry M. Daugherty, Attorney General, etc., et al. Motion for leave to amend bill of complaint and amended bill of complaint herein granted, and process ordered to issue returnable on Monday, March 5 next.

No. 603. Board of Levee Commissioners of the Orleans Levee District, petitioner, *v.* William H. Ward. Petition for a writ of certiorari to the Supreme Court of the State of Louisiana denied.

No. 676. Fred P. Violette, appellant, *v.* James A. Walsh, Collector, etc. Petition for a writ of certiorari herein denied.

No. 691. Eddie Harrison et al., petitioners, *v.* Dick Harrison. Petition for a writ of certiorari to the Supreme Court of the State of Oklahoma denied.

No. 712. Edgar-Morgan Company, petitioner, *v.* Alfocorn Milling Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 770. Benjamin Gitlow, plaintiff in error, *v.* The People of the State of New York. Ordered that this cause be assigned for argument on Monday, March 5 next, after the cases heretofore assigned for that day.

ORDER: It is ordered by the court that the accompanying correspondence between members of the court and Mr. Justice Day upon his retirement as an Associate Justice of the court be this day spread upon the record, and that it also be printed in the reports of this court.

DECEMBER 23, 1922.

DEAR BROTHER DAY: At the end of twenty-five years of judicial work you have retired to enjoy a well-earned respite from unremitting labor. This you began by one year's service on the bench of your native State. After a short but conspicuously useful and successful service as Secretary of State during the Spanish War and as chairman of the Peace Commission which negotiated the treaty of Paris closing that war, you went back to judicial work on the Circuit Court of Appeals for the Sixth Circuit for four years, whence you were called to this court in March, 1903. The thorough preparation you had had for effective work here manifested itself at once. Your service has covered two decades. Your opinions appear in sixty-seven volumes of our reports. But it is not only in the published opinions, their number, their clearness, and their force, great as they are, that the value of your service is to be measured. We who have sat with you in conference know how much you have contributed to our counsels from your wealth of judicial experience, your accurate knowledge of the scope of our previous decisions, and your remarkable familiarity with the adjudged limits of our jurisdiction.

We shall miss much your loyalty to the court and its traditions, your affectionate fellowship, your wit and humor, and your unflinching tranquillity and good sense.

Your separation from the court is a real personal sorrow to us, and we know that it is to you. To end such a close and confidential relation in a high, arduous, and common service to the State and country extending over many years, must be this when there has ever been present mutual respect and affection.

We sincerely hope that in your retirement and in a long evening of life you may find your happiness, as well you may, in your extended and honorable record of public service and in the clear verdict of your countrymen that you have deserved well of the Republic.

Affectionately yours,

WILLIAM H. TAFT.

JOSEPH MCKENNA.

OLIVER WENDELL HOLMES.

WILLIS VAN DEVANTER.

MAHLON PITNEY.

JAMES CLARK McREYNOLDS.

LOUIS DEMBITZ BRANDEIS.

GEORGE SUTHERLAND.

HON. WILLIAM R. DAY,
1301 Clifton Street,
Washington, D. C.

1301 CLIFTON STREET,
Washington, D. C., December 26, 1922.

To the Chief Justice and Associate Justices of the Supreme Court.

MY DEAR BRETHERN: Your kind letter of the 23d instant has been received. I am very grateful for this expression of your feeling

toward me on the separation which follows my laying down of judicial work.

I need not say that the labors of nearly twenty years of service upon the court have been necessarily arduous. They have been, nevertheless, enjoyable, and the association and companionship of those with whom they have been performed have been most agreeable to me, and I part with the court with deep regret that it seems proper for me to take this step at this time.

I can not forego an expression of satisfaction that at no time has any serious inroad been made upon the great and necessary functions of the court in adjudicating fundamental rights under our system of Government, although such power has been the subject of attack during the entire life of the Republic. If our institutions are to endure, as I believe they are, these powers must be lodged in an impartial and independent tribunal.

That you may live long to carry on the great work entrusted to you by the Constitution—is my heartfelt wish as I sever our official associations. For each and all of you I have an affectionate regard and esteem which I shall cherish as long as I shall live.

Cordially and fraternally,

WILLIAM R. DAY.

No. 24, original. Commonwealth of Massachusetts, complainant. *v.* Andrew W. Mellon, Secretary of the Treasury, et al. Motion to dismiss submitted by Mr. Solicitor General Beck for the defendants in support of the motion.

No. 191. The United States of America, petitioner, *v.* A. C. Loucks et al.; and

No. 192. The United States of America, appellant, *v.* Charles J. Green, Jr., et al. Advanced for hearing with Nos. 160, 161, 162, and 163 on motion of Mr. Solicitor General Beck for the petitioner and appellant.

No. 213. Federal Trade Commission, petitioner, *v.* Sinclair Refining Company;

No. 637. Federal Trade Commission, petitioner, *v.* Standard Oil Company;

No. 638. Federal Trade Commission, petitioner, *v.* Gulf Refining Company; and

No. 639. Federal Trade Commission, petitioner, *v.* Maloney Oil Manufacturing Company. Motion to set Nos. 637, 638, and 639 for hearing with No. 213 and to pass No. 213 to be set for argument on Monday, March 5 next, submitted by Mr. Solicitor General Beck for the petitioners.

No. 54. West Side Irrigating Company, appellant, *v.* The United States of America. Appeal from the United States Circuit Court of Appeals for the Ninth Circuit. Dismissed, per stipulation.

No. 633. Great Lakes Dredge and Dock Company, plaintiff in error, *v.* Sophia Kierejewski. Administratrix, etc. Motion to advance pursuant to rule 32 submitted by Mr. I. W. Cole in that behalf.

No. 585. The Pennsylvania Railroad Company, appellant, *v.* United States Railroad Labor Board et al. Motion to reassign submitted by Mr. Frederic D. McKenney for the appellant. and denied.

No. 463. Georgia Railway & Power Company et al., plaintiffs in error, *v.* The Town of Decatur; and

No. 464. Georgia Railway & Power Company et al., plaintiffs in error, *v.* The Mayor & Council of the City of College Park. Motion to advance submitted by Mr. Walter T. Colquitt for the plaintiffs in error.

No. 775. The United States of America, plaintiff in error. *v.* Mark Boasberg, alias "Jack Sheehan." In error to the District Court of the United States for the Eastern District of Louisiana. Docketed and dismissed, on motion of Mr. H. Garland Dupre for the defendant in error.

Nos. 659, 660, 661, 662, 666, 667, 668, 669, 670, 678, 693, and 694. The Cunard Steam Ship Company (Limited) et al., and others, appellants, *v.* Andrew W. Mellon, Secretary of the Treasury of the United States, et al. and others. Leave granted to file brief herein as amicus curiæ, on motion of Mr. Wayne B. Wheeler in that behalf.

No. 730. W. K. Ephraim et al., petitioners, *v.* Nevada and California Land & Live Stock Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Charles J. Kappler for the petitioner and by Mr. Edward Hohfeld for the respondents.

No. 731. Sperry Oil & Gas Company et al., appellants, *v.* Pearl Chisholm et al. Petition for a writ of certiorari herein submitted by Mr. C. E. Wright in behalf of Mr. Preston C. West and Mr. Alvin Richards for the appellants, in support of the petition.

No. 325. Robert T. Meyer, plaintiff in error, *v.* The State of Nebraska. Motion to advance submitted by Mr. D. D. Drain in behalf of counsel.

No. 440. Nebraska District of Evangelical Lutheran Synod of Missouri, Ohio, and other States, et al., plaintiffs in error, *v.* Samuel R. McKelvie et al. Motion to consolidate with No. 325 submitted by Mr. D. D. Drain in behalf of counsel.

No. 768. James C. Davis, Director General of Railroads, etc., petitioner, *v.* McWilliams Bros. (Inc.). Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. A. Howard Neely and Mr. Chauncey I. Clark for the petitioner, and by Mr. Leo J. Curren, Mr. Henry M. Earle, and Mr. Joseph P. Nolan for respondent.

No. 705. United States Railway Administration et al., petitioners, *v.* Fannie Slatinka, Administratrix, etc. Petition for writ of certiorari to the Supreme Court of the State of Iowa submitted by Mr. Thomas P. Littlepage and Mr. J. G. Gamble for the petitioners and by Mr. William Chamberlain for the respondent.

No. 719. The K. W. Ignition Company et al., petitioners, *v.* Temco Electric Motor Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Walter F. Murray for the petitioners and by Mr. H. A. Toulmin and Mr. H. A. Toulmin, jr., for the respondent.

No. 720. Mishawaka Woolen Manufacturing Company, petitioner, *v.* Federal Trade Commission. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Henry E. Bodman for the petitioner and by Mr. Solicitor General Beck and Mr. W. H. Fuller for the respondent.

No. 721. Edward J. Ader, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. James Hamilton Lewis, Mr. Thomas B. Felder, Mr. Edward Maher, and Mr. Jacob Y. Grossberg for the petitioner.

No. 722. Goldie A. Skolnik, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. James Hamilton Lewis, Mr. Thomas B. Felder, Mr. Edward Maher, and Mr. Jacob G. Grossberg for the petitioner.

No. 723. Virginia Railway & Power Company et al., petitioners, *v.* Charles Hall Davis. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. Samuel Seabury, Mr. E. Randolph Williams, and Mr. Thomas B. Gay for the petitioners and by Mr. James Mann for the respondent.

No. 726. L. V. Orsinger, petitioner, *v.* The Consolidated Flour Mills Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Michael F. Gallagher for the petitioner, and by Mr. Edward Osgood Brown, Mr. George Packard, and Mr. Cecil Barnes for the respondent.

No. 735. Security Auto Lock Company et al., petitioners, *v.* Perry Auto Lock Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Charles C. Bulkley for the petitioner, and by Mr. Edward Rector and Mr. Glen E. Smith for the respondent.

No. 745. Atlantic Transport Company (Limited), petitioner, *v.* H. C. Jones & Company (Inc.). Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. Van Vechten Veeder and Mr. Roscoe H. Hupper for the petitioner.

No. 766. Antonio Abella et al., petitioners, *v.* Pedro Unson. Petition for a writ of certiorari to the Supreme Court of the Philippine Islands submitted by Mr. Gabriel La O for the petitioners.

No. 168. Los Angeles Gas & Electric Corporation, plaintiff in error, *v.* Department of Public Service of the City of Los Angeles et al. Continued, per stipulation.

No. 25, original. The United States of America, complainant, *v.* The State of Oklahoma. Argued on the motion to dismiss by Mr. William H. Zwick for the defendant in support of the motion, and by Mr. Assistant Attorney General Riter for the complainant in opposition thereto.

No. 159. Malcolm Douglas et al., appellants, *v.* Leon Noble. Argued by Mr. Malcolm Douglas for the appellants, and case submitted by Mr. Cassius E. Gates for the appellee.

No. 160. The United States of America, appellant, *v.* C. W. Lane et al.;

No. 161. The United States of America, appellant, *v.* The Gulf Refining Company of Louisiana;

No. 162. The United States of America, appellant, *v.* Southwestern Gas and Electric Company;

No. 163. The United States of America, appellant, *v.* The Gulf Refining Company of Louisiana;

No. 191. The United States of America, petitioner, *v.* A. C. Loucks et al.; and

No. 192. The United States of America, appellant, *v.* Charles J. Greene, jr., et al. Argument commenced by Mr. Assistant Attorney General Riter for the United States.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, January 3, will be as follows: Nos, 160 (and 161, 162, 163, 191, and 192), 164, 166, 169, 171, 124 (and 93), 659 (and 660, 661, 662, 666, 667, 668, 669, 670, and 678), 693 (and 694), 422, and 172.

SUPREME COURT OF THE UNITED STATES.

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

Leo D. Hermle, of Oakland, Calif., was admitted to practice.

No. 172. Federal Trade Commission, petitioner, *v.* Fruit Growers' Express (Inc.). Passed, to be restored to the call pursuant to section 9, rule 26, on motion of Mr. Assistant Attorney General Riter for the petitioner.

No. 160. The United States, appellant, *v.* C. W. Lane et al.;

No. 161. The United States, appellant, *v.* Gulf Refining Company of Louisiana;

No. 162. The United States, appellant, *v.* Southwestern Gas & Electric Company et al.;

No. 163. The United States, appellant, *v.* Gulf Refining Company of Louisiana;

No. 191. The United States, petitioner, *v.* A. C. Loucks et al.; and

No. 192. The United States, appellant, *v.* Charles J. Greene, jr., et al. Argument continued by Mr. Assistant Attorney General Riter for the United States, continued by Mr. S. L. Herold for the appellees in Nos. 160, 161, 162, and 163, and respondents in No. 191; and concluded by Mr. Elias Goldstein for the appellees in No. 192.

No. 164. Donald M. Hill et al., petitioners, *v.* Charles S. Smith. Argued by Mr. George S. Fuller for the petitioners, and by Mr. Edward F. McClennen for the respondent.

No. 166. H. G. Koller, appellant, *v.* The United States. Appeal from the District Court of the United States for the Western District of Washington. Dismissed, pursuant to the 16th rule, on motion of Mr. Solicitor General Beck for the appellee.

No. 169. Bankers Trust Company et al., plaintiffs in error, *v.* William H. Blodgett, Tax Commissioner, etc. Argument commenced by Mr. W. H. Comley for the plaintiffs in error. The court declined to hear further argument.

No. 171. The United States ex rel. Workingmen's Cooperative Publishing Association, plaintiff in error, *v.* Hubert Work, Postmaster General, etc. In error to the Court of Appeals of the District of Columbia. Dismissed, per stipulation.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, January 4, will be as follows: Nos. **124** (and **93**), **659** (and **660, 661, 662, 666, 667, 668, 669, 670, and 678**), **693** (and **694**), **422, 173** (and **174, 175, and 176**), **178, 179, 184, 190, and 193.**

SUPREME COURT OF THE UNITED STATES.

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

Thomas A. Sherman, of New York City; Francis A. McGurk, of New York City; Theodore H. Thiesing, of Washington, D. C.; Edward H. Ellis, of Greynbull, Wyo., were admitted to practice.

No. 124. The United States Shipping Board Emergency Fleet Corporation, plaintiff in error, *v.* John E. Sullivan; and

No. 93. The United States Shipping Board Emergency Fleet Corporation, petitioner, *v.* John E. Sullivan. Argued by Mr. Solicitor General Beck for the plaintiff in error and petitioner, and by Mr. Samuel Scoville, jr., for the defendant in error and respondent.

No. 179. Brush Electric Company, appellant, *v.* City of Galveston et al. Passed, per stipulation of counsel.

No. 184. St. Louis Southwestern Railway Company, appellant, *v.* The United States. Passed, pursuant to section 9, rule 26, on motion of Mr. Solicitor General Beck for the appellee.

No. 659. Cunard Steamship Company (Limited), et al., appellants, *v.* Andrew W. Mellon, Secretary, etc., et al.;

No. 660. Oceanic Steam Navigation Company (Limited), appellant, *v.* Andrew W. Mellon, Secretary, etc., et al.;

No. 661. International Navigation Company (Limited), appellant, *v.* Andrew W. Mellon, Secretary, etc., et al.;

No. 662. Compania Generale Transatlantique, appellant, *v.* Andrew W. Mellon, Secretary, etc., et al.;

No. 666. The Netherlands-American Steam Navigation Company, appellant, *v.* Andrew W. Mellon, Secretary, etc., et al.;

No. 667. Liverpool, Brazil & River Plate Steam Navigation Company (Limited), appellant, *v.* Andrew W. Mellon, Secretary, etc., et al.;

No. 668. The Royal Mail Steam Packet Company, appellant, *v.* Andrew W. Mellon, Secretary, etc., et al.;

No. **669**. United Steamship Company of Copenhagen, appellant, *v.* Andrew W. Mellon, Secretary, etc., et al.;

No. **770**. The Pacific Steam Navigation Company, appellant, *v.* Andrew W. Mellon, Secretary, etc., et al.; and

No. **778**. Navigazione Generale Italiana, appellant, *v.* Andrew W. Mellon, Secretary, etc., et al. Argument commenced by Mr. George W. Wickersham for the appellants, continued by Mr. Solicitor General Beck for the appellees, and concluded by Mr. George W. Wickersham for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, January 5, will be as follows: Nos. **693**, (and **694**), **422**, **173** (and **174**, **175**, and **176**), **178**, **190**, **193**, **194**, **195**, **196**, and **198**.

SUPREME COURT OF THE UNITED STATES.

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

Earl B. Barnes, of New York City; Thomas J. Flannelly, of Independence, Kans.; Pierce Butler, jr., of St. Paul, Minn.; Swaby L. Lawton, of Hancock, Mich.; Rufus Hardy, of Corsicana, Tex.; and Brantly Harris, of Galveston, Tex., were admitted to practice.

No. 196. Gorham Manufacturing Company, appellant, *v.* James A. Wendell, etc. Passed, to be restored to the call pursuant to section 9, rule 26, on motion of Mr. W. W. Bride in that behalf.

No. 693. International Mercantile Marine Company, appellant, *v.* H. C. Stuart, Acting Collector of Customs for the Port of New York, et al.; and

No. 694. United American Lines (Inc.,) et al., appellants, *v.* H. C. Stuart, Acting Collector of Customs for the Port of New York, et al. Argument commenced by Mr. Cletus Keating for the appellant in No. 693; continued by Mr. Reid L. Carr for the appellants in No. 694, and by Mr. Solicitor General Beck for the appellees, and concluded by Assistant Attorney General Willebrandt for the appellees.

No. 422. J. W. Lee, plaintiff in error, *v.* Chesapeake & Ohio Railway Company. Argued by Mr. Allan D. Cole for the plaintiff in error, and by Mr. E. L. Worthington for the defendant in error.

No. 173. Clyde Chandler, plaintiff in error, *v.* The State of Texas;

No. 174. Clyde Chandler, plaintiff in error, *v.* The State of Texas;

No. 175. John Chandler, plaintiff in error, *v.* The State of Texas; and

No. 176. John Chandler, plaintiff in error, *v.* The State of Texas. Submitted by Mr. J. M. Edwards for the plaintiffs in error, and by Mr. W. A. Keeling for the defendant in error.

No. 178. Eibel Process Company, petitioner, *v.* Minnesota & Ontario Paper Company. Argument commenced by Mr. Frederick P. Fish for the petitioner.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, January 8, will be as follows: Nos. 178, 190, 193, 194, 195, 198 (and 199), 646, 585, 200, and 157.

SUPREME COURT OF THE UNITED STATES.

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

John B. Doyle, of New York City; Alphonse A. Tenner, of Minneapolis, Minn.; Robert N. Erskine, of Chicago, Ill.; Joe S. Harris, of Monticello, Ark.; Lamar Williamson, of Monticello, Ark.; Charles M. Blackmar, of Kansas City, Mo.; Herbert A. Taylor, of New York City; Ward N. Choate, of Detroit, Mich.; Elbert Godwin, of Little Rock, Ark.; Wynne F. Clouse, of Cookeville, Tenn.; N. Walter Dixon, of Denver, Colo.; and John R. Clark, of Meeker, Colo., were admitted to practice.

No. 138. American Railway Express Company, petitioner, *v.* A. J. Lindenburg. On writ of certiorari to the Supreme Court of Appeals of the State of West Virginia. Judgment reversed with costs; and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Sutherland.

No. 86. Federal Trade Commission, petitioner, *v.* The Curtis Publishing Company. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Decree affirmed with costs. Opinion by Mr. Justice McReynolds. Dissenting: Mr. Chief Justice Taft and Mr. Justice Brandeis.

The Chief Justice announced the following orders of the court:

No. 633. Great Lakes Dredge and Dock Company, plaintiff in error, *v.* Sophia Kierejewski, Administratrix, etc. On consideration of the motion to advance this case, it is ordered that the case be placed on the summary docket and assigned for argument on Monday, February 19 next, after the cases heretofore assigned for that day.

No. 463. Georgia Railway & Power Company et al., plaintiffs in error, *v.* The Town of Decatur; and

No. 464. Georgia Railway & Power Company et al., plaintiffs in error, *v.* The Mayor and Council of the City of College Park. Mo-

tions to advance granted, and cases assigned for argument on Monday, April 16 next.

No. 325. Robert T. Meyer, plaintiff in error, *v.* The State of Nebraska; and

No. 440. Nebraska District Evangelical Lutheran Synod of Missouri, Ohio, and other States et al., plaintiffs in error, *v.* Samuel R. McKelvie et al., etc. Motion to advance and consolidate granted, and cases assigned for argument on Monday, February 19 next, after the cases heretofore assigned for that day.

No. 213. Federal Trade Commission, petitioner, *v.* Sinclair Refining Company;

No. 637. Federal Trade Commission, petitioner, *v.* Standard Oil Company (New Jersey);

No. 638. Federal Trade Commission, petitioner, *v.* Gulf Refining Company;

No. 639. Federal Trade Commission, petitioner, *v.* Maloney Oil Manufacturing Company. Motion to pass No. 213 granted. Motion to advance Nos. 637, 638, and 639, to be heard with No. 213, granted, and all of the cases assigned for argument on Monday, March 5 next, after the cases heretofore assigned for that day.

No. 24, original. Commonwealth of Massachusetts, complainant, *v.* Andrew W. Mellon, Secretary of the Treasury, et al. On consideration of the motion to dismiss herein, it is ordered that the case be assigned for argument on said motion on Monday, January 22 next.

No. 173. Clyde Chandler, plaintiff in error, *v.* The State of Texas;

No. 174. Clyde Chandler, plaintiff in error, *v.* The State of Texas;

No. 175. John Chandler, plaintiff in error, *v.* The State of Texas;

No. 176. John Chandler, plaintiff in error, *v.* The State of Texas.

In error to the Court of Criminal Appeals of the State of Texas. Per curiam: Affirmed upon the authority of *Vigliotti v. Commonwealth of Pennsylvania*, decided April 10, 1922; *United States v. Lanza et al.*, decided December 11, 1922.

No. 719. The K. W. Ignition Company et al., petitioners, *v.* Temco Electric Motor Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 721. Edward J. Ader, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 722. Goldie A. Skolnik, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 723. Virginia Railway & Power Company et al., petitioners, *v.* Charles Hall Davis. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 726. L. V. Orsinger, petitioner, *v.* The Consolidated Flour Mills Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 735. Security Auto Lock Company et al., petitioners, *v.* Perry Auto Lock Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 745. Atlantic Transport Company (Limited), petitioner, *v.* H. C. Jones & Company (Inc.). Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 766. Antonio Abella et al., petitioners, *v.* Pedro Unson. Petition for a writ of certiorari to the Supreme Court of the Philippine Islands denied.

No. 768. James C. Davis, Director General of Railroads, etc., petitioner, *v.* McWilliams Bros. (Inc.). Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 705. United States Railway Administration et al., petitioners, *v.* Fannie Slatinka, Administratrix, etc. Petition for writ of certiorari to the Supreme Court of the State of Iowa denied because the case abates for failure to substitute successor of petitioner within one year after petitioner vacated office.

No. 730. W. K. Ephraim et al., petitioners, *v.* Nevada and California Land and Live Stock Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied for failure to file the petition within the time prescribed by the statute.

No. 720. Mishawaka Woolen Manufacturing Company, petitioner, *v.* Federal Trade Commission. Per curiam: The petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is denied. The Solicitor General, in his brief for the Federal Trade Commission, concedes that the order affirmed by the Circuit Court of Appeals is broader than the decision in Federal Trade Commission *v.* Beech-Nut Packing Co., 257 U. S. 455, which the Circuit Court of Appeals followed in dismissing the petition for the Woolen Manufacturing Co. The court denies the application for writ of certiorari herein, assuming that the Federal Trade Commission will modify its order accordingly, and without prejudice to an application for that purpose by the petitioner.

ORDER.—It is now here ordered by this court that the cases, viz, Nos. **310**, **311**, and **320**, heretofore placed on the summary docket, be, and they are hereby, assigned for argument on Monday, February 19 next.

No. **236**. Charles M. Waters, appellant, *v.* Henry W. Phillips et al. On appeal from the District Court of the United States for the Northern District of Illinois. Dismissed with costs, on motion of Mr. Solicitor General Beck for the appellant.

No. **710**. A. G. Spalding & Bros., plaintiff in error, *v.* William H. Edward. Collector, etc. Motion to advance submitted by Mr. Solicitor General Beck for the defendant in error.

No. **219**. Joslin Manufacturing Company, plaintiff in error, *v.* Walter L. Clarke, City Treasurer, et al.;

No. **220**. Scituate Light & Power Company, plaintiff in error, *v.* City of Providence et al.;

No. **221**. Theresa B. Joslin, plaintiff in error, *v.* City of Providence et al. Passed per stipulation. to be restored to the call pursuant to section 9, rule 26.

No. **780**. Alexander McDougall, petitioner, *v.* Oliver Iron Mining Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Merritt Starr and Mr. Horace G. Stone for the petitioner, and by Mr. Frederick P. Fish, Mr. D. Anthony Usina, and Mr. Henry M. Huxley for the respondent.

No. **739**. Charles Wolff Packing Company, plaintiff in error, *v.* Court of Industrial Relations of the State of Kansas. Motion to advance submitted by Mr. Edward S. Gann in behalf of counsel.

No. **757**. Pangborn Corporation, petitioner, *v.* The W. W. Sly Manufacturing Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. William F. Hall and Mr. Melville Church for the petitioner, and by Mr. Charles E. Brock for the respondent; with leave to counsel for the petitioner to file a reply brief on the 9th instant.

No. **746**. F. E. Markell, petitioner, *v.* D. M. Hertzog et al., Trustees in Bankruptcy, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Frank Davis, jr., and Mr. E. C. Higbee for the petitioner, and by Mr. A. Leo Weil for the respondent; with leave to counsel for the petitioner to file a reply brief on or before Wednesday next.

No. 718. The Standard Parts Company, petitioner, *v.* William J. Beck. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. John M. Garfield, Mr. A. V. Cannon, and Mr. James P. Wood for the petitioner.

No. 748. G. R. Baker et al., petitioners, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. A. L. Miller for the petitioners, and by Mr. Solicitor General Beck, Mr. Assistant Attorney General Crim, and Mr. Harry S. Ridgely for the respondent.

No. 752. Marlboro Cotton Mills, petitioner, *v.* The Firestone Tire & Rubber Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. Henry E. Davis for the petitioner, and by Mr. D. W. Robinson and Mr. Amos C. Miller for the respondents.

No. 753. M. D. Wandell, petitioner, *v.* New Haven Trap Rock Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. T. Catesby Jones and Mr. C. Andrade, jr., for the petitioner, and by Mr. Pierre M. Brown and Mr. George E. Hall for the respondent.

No. 761. Addie B. Myers, petitioner, *v.* Lena M. Vayette et al. Petition for a writ of certiorari to the Supreme Court of the State of Illinois submitted by Mr. Morse Ives for the petitioner, and by Mr. Lester H. Strawn for the respondents.

No. 12. Exchange Oil Company, appellant, *v.* F. C. Carter, as State Auditor, etc., et al. Appeal from the District Court of the United States for the Western District of Oklahoma. Dismissed with costs, per stipulation.

No. 13. Exchange Oil Company, plaintiff in error, *v.* F. C. Carter, as State Auditor, etc. In error to the District Court of the United States for the Western District of Oklahoma. Dismissed with costs, per stipulation.

No. 14. Exchange Oil Company, plaintiff in error, *v.* F. C. Carter, as State Auditor, etc. In error to the District Court of the United States for the Western District of Oklahoma. Dismissed with costs, per stipulation.

No. 15. Exchange Oil Company, plaintiff in error, *v.* F. C. Carter, as State auditor, etc. In error to the District Court of the United States for the Western District of Oklahoma. Dismissed with costs, per stipulation.

No. 206. Corvallis Creamery Company, appellant, *v.* I. H. Van Winkle, Attorney General, etc., et al. Appeal from the District

Court of the United States for the District of Oregon. Dismissed with costs, per stipulation.

No. 612. Kansas City Bridge Company, appellant, *v.* Frank Blake-more. Appeal from the District Court of the United States for the Western District of Missouri. Dismissed with costs, on motion of counsel for the appellant.

No. 178. Eibel Process Company, petitioner, *v.* Minnesota & Ontario Paper Company. Argument continued by Mr. Frederick P. Fish for the petitioner, and concluded by Mr. Amasa C. Paul for the respondent.

No. 190. A. Bourjois & Company (Inc.), petitioner, *v.* Anna Katzel. Motion for leave to file brief herein as *amicus curiæ* submitted by Mr. A. Blum in that behalf, and motion denied.

No. 190. A. Bourjois & Company (Inc.), petitioner, *v.* Anna Katzel. Leave granted to file brief herein within one week, on motion of Mr. John B. Doyle for the respondent. Argued by Mr. Hans V. Briesen for the petitioner, and by Mr. John B. Doyle for the respondent.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, January 9, will be as follows: Nos. 193, 194, 195, 198 (and 199), 646, 585, 200, 157, 201, and 202.

SUPREME COURT OF THE UNITED STATES.

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

John Steward Ross, of El Centro, Calif., and Lindell T. Bates, of Mount Lebanon, N. Y., were admitted to practice.

No. 724. Atlantic Coast Line Railroad Company, appellant, *v.* A. D. Watts, Commissioner of Revenue, etc., et al.;

No. 727. Norfolk Southern Railroad Company, appellant, *v.* A. D. Watts, Commissioner, etc., et al.;

No. 744. Seaboard Air Line Railway Company, appellant, *v.* A. D. Watts, Commissioner of Revenue, etc., et al.; and

No. 756. Southern Railway Company, appellant, *v.* A. D. Watts, Commissioner of Revenue, etc., et al. Motion to advance submitted by Mr. George H. Brown in that behalf.

No. 201. David Lamar, appellant, *v.* The United States of America. Passed, to be restored to the call pursuant to section 9, rule 26, on motion of Mr. Thomas B. Felder in that behalf.

No. 193. Henry J. Conley, plaintiff in error, *v.* Llewellyn Barton. Submitted by Mr. Harry A. Hegarty and Mr. James B. Flynn for the plaintiff in error, with leave to counsel for the defendant in error to file a brief herein within 10 days.

No. 194. The Kansas City Southern Railway Company, plaintiff in error, *v.* Harry B. Wolf et al. Argued by Mr. F. H. Moore for the plaintiff in error, and by Mr. Charles M. Blackmar for the defendants in error.

No. 195. The Western & Atlantic Railroad, appellant, *v.* The Railroad Commission of Georgia et al. Argued by Mr. Fitzgerald Hall for the appellant. No brief filed for the appellees.

No. 198. Frank Hicks, appellant, *v.* E. H. Dempsey, Keeper of the Arkansas State Penitentiary; and

No. 199. Frank Moore et al., appellants, *v.* E. H. Dempsey, Keeper of the Arkansas State Penitentiary. Argument commenced

by Mr. U. S. Bratton for the appellants, continued by Mr. Moorfield Storey for the appellants, and by Mr. Elbert Godwin for the appellee, and concluded by Mr. Moorfield Storey for the appellants.

No. 646. The Akron, Canton & Youngstown Railway Company et al., appellants, *v.* The United States of America et al. Four and one-half hours allowed for the argument of this case, on motion of Mr. Walter C. Noyes in that behalf. Argument commenced by Mr. Walter C. Noyes for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, January 10, will be as follows: Nos. 646, 585, 200, 157, 202, 203, 103, 204, 205, and 207.

SUPREME COURT OF THE UNITED STATES.

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

J. Morgan Stevens, of Jackson, Miss.; Hinkle C. Hays, of Sullivan, Ind.; W. Paul Stratton, of Sullivan, Ind.; Oscar A. Riopelle, of Detroit, Mich.; and William E. Tracy, of Duluth, Minn., were admitted to practice.

No. 646. The Akron, Canton & Youngstown Railway Company et al., appellants, *v.* The United States et al. Additional brief for the Interstate Commerce Commission filed, on motion of Mr. Walker D. Hines in that behalf.

No. 204. Board of Public Utility Commissioners of New Jersey, appellant, *v.* Public Service Railway Company. Passed, per stipulation.

No. 646. The Akron, Canton & Youngstown Railway Company et al., appellants, *v.* The United States et al. Argument continued by Mr. Walter C. Noyes for the appellants, by Mr. Herbert A. Taylor for the Erie Railroad Co. and the Chicago & Erie Railroad Co., by Mr. Alexander H. Elder for the Central Railroad Co. of New Jersey, by Mr. Charles F. Choate, jr., for the Boston & Maine Railroad et al., by Mr. Blackburn Esterline for the United States, by Mr. Walker D. Hines for the Interstate Commerce Commission, and concluded by Mr. Walter C. Noyes for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, January 11, will be as follows: Nos. 585, 200, 157, 202, 203, 103, 205, 207, 208, and 209.

SUPREME COURT OF THE UNITED STATES.

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

John Moore Murrell, of Miami, Fla.; John B. Arnold, of Duluth, Minn.; John H. Kiplinger, of Rushville, Ind.; Robert S. McKellar, of Glasgow, Mont.; and Herman A. Schmier, of Detroit, Mich., were admitted to practice.

No. 208. Baltimore & Ohio Railroad Company, appellant, *v.* The United States. Passed, to be restored to the call pursuant to section 9, rule 26, on motion of Mr. Blackburn Esterline in that behalf.

No. 209. Willard, Sutherland & Company, appellant, *v.* The United States. Passed, per stipulation.

No. 585. The Pennsylvania Railroad Company, appellant, *v.* United States Railroad Labor Board et al. Argued by Mr. Frederic D. McKenney for the appellant, and by Mr. Blackburn Esterline for the appellees.

No. 200. Henry E. Stevens, jr., petitioner, *v.* Arthur S. Arnold et al. Passed, per stipulation.

No. 157. The United States, plaintiff in error, *v.* Ray Janes et al. Argued by Mr. H. L. Underwood for the plaintiff in error, and by Mr. N. Walter Dixon for the defendants in error.

No. 202. The United States *v.* Bhagat Singh Thind. Argument commenced by Mr. Solicitor General Beck for The United States.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, January 12, will be as follows: Nos. 202, 203, 103, 205, 207, 210, 212, 214, 215, and 216.

SUPREME COURT OF THE UNITED STATES.

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

Clark R. Fletcher, of Minneapolis, Minn.; Mrs. Emma Eaton White, of Indianapolis, Ind.; W. L. Chapman, of Shawnee, Okla.; Hubert L. Bolen, of Oklahoma City, Okla.; Frank L. Weil, of New York City; William A. Hines, of New York City; Henry L. Moses, of New York City; Herman G. Kopald, of New York City, were admitted to practice.

No. 701. Board of Trade of the City of Chicago et al., appellants, *v.* Charles F. Clyne, United States Attorney, etc., et al. Reassigned for argument on February 19 next, after the cases heretofore assigned for that day, on motion of Mr. Solicitor General Beck for the appellees.

No. 24, original. The Commonwealth of Massachusetts, complainant, *v.* Andrew W. Mellon, Secretary of the Treasury, et al. Order heretofore entered, assigning cause for argument on motion to dismiss, vacated.

No. 210. Charles Butters et al., plaintiffs in error, *v.* City of Oakland et al. Continued, per stipulation.

No. 202. The United States *v.* Bhagat Singh Thind. Argument continued by Mr. Solicitor General Beck for the United States, by Mr. William R. King for Bhagat Singh Thind, and concluded by Mr. Solicitor General Beck for the United States.

No. 203. Olga Gathmann Foley et al., appellants, *v.* The United States. Argued by Mr. Charles J. Pence for the appellants, and by Mr. Melville D. Church for the appellee.

No. 103. Minnesota Commercial Men's Association, petitioner, *v.* Minnie Mae Benn, as Executrix, etc. Argument commenced by Mr. A. V. Rieke for the petitioner, continued by Mr. David F. Simpson for the petitioner, and concluded by Mr. A. A. Tenner for the respondent.

Adjourned until Monday at 12 o'clock.

The day call for Monday, January 15, will be as follows: Nos. 205, 207, 212, 214, 215, 216, 217, 218, 222, and 223.

SUPREME COURT OF THE UNITED STATES.

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

Robert A. Buhler, of Fort Wayne, Ind.; Eusebio C. Barba, of Manila, P. I.; Rowland W. Fixel, of Detroit, Mich.; F. A. W. Ireland, of New York City; Henry G. Connor, Jr., of Wilson, N. C.; Laurence H. Axman, of New York City; R. Calder Mackay, of Salt Lake City, Utah; Selden Leavell, of Houston, Tex.; and Max Haas, of St. Louis, Mo., were admitted to practice.

No. 68. Snake Creek Mining and Tunnel Company, petitioner, *v.* Midway Irrigation Company et al. On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Decree affirmed with costs, and cause remanded to the District Court of the United States for the District of Utah. Opinion by Mr. Justice Van Devanter.

No. 18, original. The State of Oklahoma, complainant, *v.* The State of Texas, defendant; The United States, intervener. Ordered that the matter of running, locating, and marking the boundary upon the ground in accordance with the principles stated in the opinion be referred to three commissioners to be appointed by the court, their action to be subject to its approval; the parties to submit within 30 days a form of decree to carry its conclusions into effect. Opinion by Mr. Justice Van Devanter. Dissenting: Mr. Justice McReynolds.

No. 164. Donald M. Hill et al., Executors, etc., petitioners, *v.* Charles S. Smith. On writ of certiorari to the Superior Court of the State of Massachusetts. Judgment affirmed with costs. Opinion by Mr. Justice Holmes.

The Chief Justice announced the following orders of the court:

No. 710. A. G. Spalding & Brothers, plaintiff in error, *v.* William H. Edwards, Collector, etc. Motion to advance granted, and cause assigned for argument on Monday, April 9 next, after the cases heretofore assigned for that day.

No. 739. Charles Wolff Packing Company, plaintiff in error, *v.* Court of Industrial Relations of the State of Kansas. Motion to advance granted, and cause assigned for argument on Monday, April 23 next.

No. 724. Atlantic Coast Line Railroad Company, appellant, *v.* A. D. Watts, Commissioner of Revenue, etc., et al.;

No. 727. Norfolk Southern Railroad Company, appellant, *v.* A. D. Watts, Commissioner, etc., et al.;

No. 744. Seaboard Air Line Railway Company, appellant, *v.* A. D. Watts, Commissioner, etc., et al.; and

No. 756. Southern Railway Company, appellant, *v.* A. D. Watts, Commissioner of Revenue, etc., et al. Motion to advance granted, and cases assigned for argument on Monday, April 16 next, after the cases heretofore assigned for that day.

No. 718. The Standard Parts Company, petitioner, *v.* William J. Beck. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit granted.

No. 746. F. E. Markell, petitioner, *v.* D. M. Hertzog et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 748. G. R. Baker et al., petitioners *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 752. Marlboro Cotton Mills, petitioner, *v.* The Firestone Tire & Rubber Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 753. M. D. Wandell, petitioner, *v.* New Haven Trap Rock Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 757. Pangborn Corporation, petitioner, *v.* The W. W. Sly Manufacturing Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 761. Addie B. Myers, petitioner, *v.* Lena M. Vayette et al. Petition for a writ of certiorari to the Supreme Court of the State of Illinois denied.

No. 780. Alexander McDougall, petitioner, *v.* Oliver Iron Mining Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 157. The United States of America, plaintiff in error, *v.* Ray Janes et al. In error to the District Court of the United States for the District of Colorado. Per curiam: Judgment reversed, and

cause remanded for further proceedings. *McKelvey et al. v. United States*, decided December 4, 1922.

No. 223. The United States of America, plaintiff in error, *v. Leroy W. Walter*. Passed, to be restored to the call pursuant to section 9, rule 26, on motion of Mr. Solicitor General Beck for the plaintiff in error.

No. 229. *Omnia Commercial Company (Inc.)*, appellant, *v. The United States*. Passed, per stipulation.

No. 706. *Essgee Company of China et al.*, plaintiffs in error and appellants, *v. The United States of America*. Motion to advance submitted by Mr. Solicitor General Beck for the defendant in error.

No. 707. *Hanclaire Trading Corporation et al.*, plaintiffs in error and appellants, *v. The United States of America*. Motion to advance submitted by Mr. Solicitor General Beck for the defendant in error.

No. 319. *Henry P. Reed et al.*, plaintiffs in error, *v. Village of Hibbing et al.* Motion to dismiss or affirm submitted by Mr. Frank B. Kellogg in behalf of Mr. C. A. Severance, Mr. H. B. Fryberger, Mr. George W. Morgan, and Mr. Oscar Mitchell for the defendants in error in support of the motion, and by Mr. H. V. Mercer for the plaintiffs in error in opposition thereto.

No. 740. *Albert & J. M. Anderson Manufacturing Company*, appellant, *v. The United States of America*. Motion to advance for argument with Nos. 480 and 485 submitted by Mr. C. W. Maupin in that behalf.

No. 751. *Emanuel Wallin*, petitioner, *v. Rose Everett*. Petition for a writ of certiorari to the Supreme Court of the State of Minnesota submitted by Mr. Halvor Steenerson and Mr. Charles R. Fowler for the petitioner, and by Mr. Marshall A. Spooner and Mr. Patrick H. Laughran for the respondent, with leave to counsel for the petitioner to file printed record when completed.

No. 542. *William A. Prendergast et al., etc.*, appellants, *v. New York Telephone Company*. Leave granted to file brief herein as *amicus curiae*, on motion of Mr. Harry Hertzoff in behalf of the City of New York.

No. 763. *Max Hart*, appellant, *v. B. F. Keith Vaudeville Exchange, Orpheum Circuit (Inc.)*, et al. Motion to advance submitted by Mr. Louis B. Eppstein and Mr. Laurence H. Axman for the appellant.

No. 795. *Jesse C. Adkins et al., etc.*, appellants, *v. The Children's Hospital of the District of Columbia*; and

No. 796. *Jesse C. Adkins et al., etc.*, appellants, *v. Willie A. Lyons*. Motion to advance submitted by Mr. F. H. Stephens in that behalf.

No. 27. The Wichita Railroad & Light Company, appellant, *v.* The Public Utilities Commission of the State of Kansas et al. Motion to stay issuance of mandate submitted by Mr. Henry M. Ward in support of the motion, and by Mr. William J. Graham in opposition thereto.

No. 700. John Endicott et al., petitioners, *v.* The Board of Assessors of the City of Detroit et al. Petition for a writ of certiorari to the Supreme Court of the State of Michigan submitted by Mr. P. J. M. Hally for the petitioners, and by Mr. Walter Barlow and Mr. Clarence E. Wilcox for the respondents.

No. 733. William Filene's Sons Company, petitioner, *v.* Gilchrist Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit submitted by Mr. George R. Nutter and Mr. Jacob J. Kaplan for the petitioner, and by Mr. Alexander Lincoln and Mr. Sherman L. Whipple for the respondent.

No. 738. Wagner Electric Manufacturing Company, appellant, *v.* Lamar Lyndon et al., etc. Petition for a writ of certiorari herein submitted by Mr. Charles A. Houts for the appellant in support of the petition with leave to counsel for the petitioner to file printed record when completed.

No. 749. Central Coal & Coke Company, petitioner, *v.* Jacob Ocepek. Petition for a writ of certiorari to the Supreme Court of the State of Arkansas submitted by Mr. L. C. Boyle for the petitioner.

No. 765. Nehalem Steamship Company, Claimant, etc., petitioner, *v.* Aktieselskabet Aggi et al., etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. George W. Wickersham, Mr. Ira A. Campbell, Mr. Edward J. McCutchen, and Mr. Farnham P. Griffith for the petitioner, and by Mr. Edmund B. McClanahan, Mr. Hasket Derby, Mr. William Denman, and Mr. Stanley Moore for the respondents.

No. 773. Dolly McCalmont, Administratrix, etc., petitioner, *v.* Pennsylvania Railroad Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. David F. Anderson for the petitioner, and by Mr. William B. Sanders and Mr. Thomas M. Kirby for the respondent.

No. 781. Taubel-Scott-Kitzmiller Company, Inc., petitioner, *v.* David J. Fox et al., Trustees, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Frank J. Hogan for the petitioner, and by Mr. Irving L. Ernst for the respondents.

No. 793. Prestonettes (Inc.), petitioner, *v.* Francois Joseph de Spoturno Coty. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Charles H. Tuttle and Mr. William J. Hughes for the petitioner, and by Mr. Hugo Mock and Mr. Asher Blum for the respondent.

No. 212. Des Moines National Bank, plaintiff in error, *v.* Thomas Fairweather, Major, et al., etc. Passed, per stipulation.

No. 216. Commonwealth Trust Company of Pittsburgh, appellant, *v.* Max Smith et al. Passed, per stipulation.

No. 217. Twin Falls et al., appellants, *v.* A. E. Caldwell et al. Passed, per stipulation.

No. 218. William C. Atwater & Company (Inc.), appellant, *v.* The United States. Passed, per stipulation.

No. 222. John J. McGrath et al., appellants, *v.* The United States. Submitted by Mr. Elijah N. Zoline for the appellants, and by Mr. Solicitor General Beck, Mr. Assistant Attorney General Crim, and Mr. Harry S. Ridgely for the respondent.

No. 205. The Bank of America, plaintiff in error, *v.* Whitney Central National Bank. Argument commenced by Mr. Henry Root Stern for the plaintiff in error, continued by Mr. Martin Conboy for the defendant in error, and concluded by Mr. J. Blanc Monroe for the defendant in error.

No. 207. Fred W. Cramer et al., appellants, *v.* The United States of America. Argument commenced by Mr. C. F. R. Ogilby for the appellants, and continued by Mr. Assistant Attorney General Riter for the appellee.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, January 16, will be as follows: Nos. 207, 214, 215, 95, 224, 225, 226, 227, 228, and 230.

SUPREME COURT OF THE UNITED STATES.

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

Louis N. Halperin, of New York City, and J. W. Cammack, of Owenton, Ky., were admitted to practice.

No. 27. Wichita Railroad & Light Company, appellant, *v.* Public Utilities Commission of the State of Kansas et al. Motion to stay mandate granted until Monday, January 22, 1923, provided petition for rehearing is presented on or before that date.

No. 224. Security Savings Bank, plaintiff in error, *v.* The State of California. Passed, per stipulation.

No. 226. Fred W. Schutz et al., plaintiffs in error, *v.* Justus S. Wardell, United States Collector, etc. Passed, to be restored to the call pursuant to section 9, rule 26, on motion of Mr. C. C. Heltman in that behalf.

No. 227. Peters Trust Company, plaintiff in error, *v.* The County of Douglas, in the State of Nebraska. Submitted by Mr. John F. Stout, Mr. Halleck F. Rose, Mr. Arthur R. Wells, and Mr. Paul L. Martin for the plaintiff in error and by Mr. William C. Lambert for the defendant in error.

No. 207. Fred W. Cramer et al., appellants, *v.* The United States of America. Argument continued by Mr. Assistant Attorney General Riter for the appellee and concluded by Mr. Frank Thunen for the appellants.

No. 214. Hattiesburg Grocery Company, plaintiff in error, *v.* Stokes v. Robertson, State Revenue Agent, etc. Argued by Mr. J. Morgan Stevens for the defendant in error and submitted by Mr. Marcellus Green and Mr. Garner W. Green for the plaintiff in error.

No. 215. C. E. Roy et al., etc., plaintiffs in error, *v.* E. F. Ganahl. In error to the District Court of the United States for the Northern District of California. Dismissed with costs, pursuant to the six-

teenth rule, on motion of Mr. Alexander T. Vogelsang for the defendant in error.

No. 95. Louis Brownlow et al., Commissioners of the District of Columbia, et al., plaintiffs in error, *v.* Mollie Schwartz. Argued by Mr. Robert L. Williams for the plaintiffs in error and by Mr. W. Gwynn Gardiner for the defendant in error.

No. 225. Wabash Railway Company, petitioner, *v.* Miles Elliott. Argued by Mr. Frederic D. McKenney for the petitioner and by Mr. M. J. O'Donnell for the respondent.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, January 17, will be as follows: Nos. 228, 230, 231, 232, 233, 234, 235, 237, 238 (and 273), and 240.

SUPREME COURT OF THE UNITED STATES.

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

Philip Ershler, of Washington, D. C.; Augustus S. Dennison, of Washington, D. C.; and Clark C. Clouse, of Columbus, Ohio, were admitted to practice.

No. 240. Crown Die & Tool Company, petitioner, *v.* Nye Tool & Machine Works. Motion of Mr. Richard A. Ford for leave to file brief herein as amicus curiae denied.

No. 231. The United States, appellant, *v.* Bernard L. Moran. Passed, to be restored to the call pursuant to section 9, rule 26.

No. 232. The United States, appellant, *v.* Will J. Allen. Passed, to be restored to the call pursuant to section 9, rule 26.

No. 233. Porto Rico Coal Company (Inc.), plaintiff in error, *v.* William H. Edwards, Collector of United States Internal Revenue, etc. Passed for settlement.

No. 234. The Washington Terminal Company, plaintiff in error, *v.* Emma G. Callahan, Administratrix, etc. Passed for settlement.

No. 235. Madera Sugar Pine Company, plaintiff in error, *v.* Industrial Accident Commission of California et al. Passed, per stipulation.

No. 237. Rindge Company et al., plaintiffs in error, *v.* County of Los Angeles. Passed, per stipulation.

No. 228. James C. Davis, Director General, etc., petitioner, *v.* L. N. Dantzler Lumber Company. Argued by Mr. R. C. Beckett for the petitioner, and submitted by Mr. W. A. White for the respondent; with leave to counsel for the petitioner to file brief within three days.

No. 230. Abe Raskin, plaintiff in error, *v.* Merritt W. Dixon, Sheriff, etc. In error to the Supreme Court of the State of Georgia. Dismissed with costs, pursuant to the 18th rule.

No. 238. Concrete Steel Company, petitioner, *v.* George E. Vandenburg; and

No. 273. George E. Vandenburgh, petitioner, *v.* Truscon Steel Company. Time within which to file brief herein as *amicus curiae* extended until to-morrow, on motion of Mr. Melville D. Church in that behalf. Argument commenced by Mr. Thomas J. Johnston for Concrete Steel Co., continued by Mr. O. Ellery Edwards for Vandenburgh, by Mr. F. W. Guthrie for the Truscon Steel Co., by Mr. C. P. Griffin for Vandenburgh, and concluded by Mr. Thomas J. Johnston for Concrete Steel Co.

No. 240. Crown Die & Tool Company, petitioner, *v.* Nye Tool & Machine Works. Argument commenced by Miss Florence King for the petitioner.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, January 18, will be as follows: Nos. 240, 241, 242, 243, 244, 246, 247, 248, 249, and 250.

SUPREME COURT OF THE UNITED STATES.

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

Jerome E. Malino, of New York City; George W. Nilsson, of Prescott, Ariz.; Clyde Grady, of Henderson, Ky.; W. A. Berry, of Paducah, Ky.; and Norman Farrell, of Nashville, Tenn., were admitted to practice.

No. 241. David H. Conrad, plaintiff in error, *v.* The People of the State of Illinois. In error to the Supreme Court of the State of Illinois. Dismissed with costs, pursuant to the 18th rule.

No. 244. Sam Winokur, plaintiff in error, *v.* H. I. Harn, Sheriff, etc., et al. In error to the Supreme Court of the State of Georgia. Dismissed with costs, pursuant to the 10th rule.

No. 247. Elmer F. Adams, plaintiff in error, *v.* The People of the State of Illinois. In error to the Supreme Court of the State of Illinois. Dismissed with costs, pursuant to the 10th rule.

No. 249. Pecos Water Users' Association, appellant, *v.* L. A. Sargent et al. Passed, per stipulation.

No. 250. Mangum Electric Company, appellant, *v.* Campbell Russell. Passed, per stipulation.

No. 240. Crown Die & Tool Company, petitioner, *v.* Nye Tool & Machine Works. Argument continued by Mr. Russell Wiles for the respondent, and concluded by Miss Florence King for the petitioner.

No. 242. Samuel Lumiere, appellant, *v.* Mae Edna Wilder (Inc.). Argued by Mr. F. F. Church for the appellee, and submitted by Mr. W. S. Evans for the appellant, with leave to counsel for the appellee to file brief within one day.

No. 243. City of Paducah et al., appellants, *v.* Paducah Railway Company. Argued by Mr. W. A. Berry for the appellants, and by Mr. Charles K. Wheeler for the appellee.

No. 246. Leigh Ellis & Company, plaintiff in error, *v.* James C. Davis, as Agents, etc. Argument commenced by Mr. Edgar Watkins for the plaintiff in error, and continued by Mr. W. T. Colquitt for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, January 19, will be as follows: Nos. 246, 248, 251, 252, 253, 255, 256, 257, 258, and 259.

SUPREME COURT OF THE UNITED STATES.

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

Jordan Stokes, jr., of Nashville, Tenn.: Kenneth C. Newman, of New York City; Cynes A. Geers, of Edwardsville, Ill.; M. Lester Geers, of Edwardsville, Ill.; Victor A. Sniggs, of Oklahoma City, Okla.; Helen West Bradlee, of Boston, Mass.; Eliot H. Robinson, of Boston, Mass.; Edward F. Flynn, of Devils Lake, N. Dak.; Eugene Berry, of New York City; John H. Manning, of Raleigh, N. C.; William L. Foushee, of Durham, N. C.; and Sidney C. Chambers, of Durham, N. C., were admitted to practice.

No. 259. Bass, Ratcliff & Gretton (Ltd.), plaintiff in error, *v.* State Tax Commission. Passed, to be restored to the call pursuant to section 9, rule 26, on motion of Mr. W. W. Bride in that behalf.

No. 252. Judson Knox, plaintiff in error, *v.* The United States of America. Passed, to be restored to the call pursuant to section 9, rule 26, on motion of Mr. Hugh H. Obear in that behalf.

No. 253. M. Frank Andrews, plaintiff in error, *v.* The United States of America. Passed, to be restored to the call pursuant to section 9, rule 26, on motion of Mr. Hugh H. Obear in that behalf.

No. 255. Charles Munter, plaintiff in error, *v.* The Weil Corset Company (Inc.). Leave granted to make oral argument and file brief for the defendant in error hereafter, on motion of Mr. Benjamin Slade for the defendant in error.

No. 258. Albert B. Fall, Secretary of the Interior, et al., appellants, *v.* The United States ex rel. McAllister-Edwards Coal Company. Passed, per stipulation.

No. 650. Cumberland Telephone & Telegraph Company, appellant, *v.* Louisiana Public Service Commission et al. Appeal from the District Court of the United States for the Eastern District of Louisiana. Dismissed with costs, on motion of counsel for the appellant.

No. 246. Leigh Ellis & Company, plaintiff in error, *v.* James C. Davis, as Agent, etc. Argument continued by Mr. W. T. Colquitt

for the defendant in error. and concluded by Mr. Edgar Watkins for the plaintiff in error.

No. 248. Thomas G. Watkins, Trustee, et al., petitioners, *v.* J. H. Sedberry et al. Argued by Mr. C. C. Calhoun for the petitioners, and by Mr. Norman Farrell for the respondents.

No. 251. Durham Public Service Company, plaintiff in error, *v.* The City of Durham. Argued by Mr. J. S. Manning for the plaintiff in error, and by Mr. S. C. Chambers for the defendant in error.

Adjourned until Monday next, at 12 o'clock.

The day call for Monday, January 22, will be as follows: Nos. 255, 256, 257, 407, 394, 290, 136, 260, 261, and 262.

SUPREME COURT OF THE UNITED STATES.

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

Harold N. Whitehouse, of New York City; John Mock, of Bluffton, Ind.; Nathan Patten, of Waco, Tex.; Harvey Hoshour, of Duluth, Minn.; Saul Nemser, of Jersey City, N. J.; Augustus O. B. Sparks, of Macon, Ga.; Jesse J. Worten, of Pawhuska, Okla.; Alfred Joseph Buscheck, of Milwaukee, Wis.; and Henry Campbell Miller, of Anderson, S. C., were admitted to practice.

No. 160. The United States of America, appellant, *v.* C. W. Lane et al. Appeal from the United States Circuit Court of Appeals for the Fifth Circuit:

No. 161. The United States of America, appellant, *v.* The Gulf Refining Company of Louisiana. Appeal from the United States Circuit Court of Appeals for the Fifth Circuit;

No. 162. The United States of America, appellant, *v.* Southwestern Gas & Electric Company et al. Appeal from the United States Circuit Court of Appeals for the Fifth Circuit:

No. 163. The United States of America, appellant, *v.* The Gulf Refining Company of Louisiana. Appeal from the United States Circuit Court of Appeals for the Fifth Circuit;

No. 191. The United States of America, petitioner, *v.* A. C. Loucks et al. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit; and

No. 192. The United States of America, appellant, *v.* Charles J. Greene, jr., et al. Appeal from the United States Circuit Court of Appeals for the Fifth Circuit. Decrees affirmed. Opinion by Mr. Justice Sutherland.

No. 422. J. W. Lee, plaintiff in error, *v.* Chesapeake & Ohio Railway Company. In error to the District Court of the United States for the Eastern District of Kentucky. Judgment affirmed with costs. Opinion by Mr. Justice Van Devanter.

No. 169. Bankers Trust Company et al., plaintiffs in error, *v.* William H. Blodgett, Tax Commissioner of the State of Connecticut. In error to the Superior Court of the State of Connecticut. Judgment affirmed with costs. Opinion by Mr. Justice McKenna.

The Chief Justice announced the following orders of the court:

No. 706. Essgee Company of China et al., plaintiffs in error and appellants, *v.* The United States of America; and

No. 707. Hanclore Trading Corporation et al., appellants, *v.* The United States of America. Motion to advance granted, and cases assigned for argument on Monday, April 16 next, after the cases heretofore assigned for that day.

No. 763. Max Hart, appellant, *v.* B. F. Keith Vaudeville Exchange et al. Motion to advance granted, and cause assigned for argument on Monday, April 23 next, after the cases heretofore assigned for that day.

No. 795. Jesse C. Adkins et al., appellants, *v.* The Children's Hospital of the District of Columbia; and

No. 796. Jesse C. Adkins et al., appellants, *v.* Willie A. Lyons. Motion to advance granted, and cases assigned for argument on Monday, February 26 next, after the cases heretofore assigned for that day.

No. 740. Albert and J. M. Anderson Manufacturing Company, appellant, *v.* The United States. Motion to advance granted, on condition of submission on briefs without oral argument.

No. 749. Central Coal & Coke Company, petitioner, *v.* Jacob Ocepek. Petition for a writ of certiorari to the Supreme Court of the State of Arkansas granted, and cause assigned for argument on Monday, February 19 next, on the summary docket, after the cases heretofore assigned for that day.

No. 781. Taubel-Scott-Kitzmilller Company (Inc.), petitioner, *v.* David J. Fox et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 793. Prestonettes (Inc.), petitioner, *v.* Francois Joseph Spornino Coty. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 700. John Endicott et al., petitioners, *v.* The Board of Assessors of the City of Detroit et al. Petition for a writ of certiorari to the Supreme Court of the State of Michigan denied.

No. 733. William Filene's Sons Company, petitioner, *v.* Gilchrist Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 765. Nehalem Steamship Company et al., petitioners, *v.* Aktieselskabet Aggi et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 773. Dolly McCalmont, Administratrix, etc., petitioner, *v.* Pennsylvania Railroad Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 319. Henry P. Reed et al., plaintiffs in error, *v.* Village of Hibbing et al. In error to the Supreme Court of the State of Minnesota. Per curiam: Dismissed for want of jurisdiction upon the authority of section 237 of the Judicial Code, as amended by the act of September 6, 1916, c. 448, section 2, 39 Stat. 726; *Jett Bros. Distilling Co. v. City of Carrollton*, 252 U. S. 1, 5-6.

No. 222. John J. McGrath et al., appellants, *v.* The United States of America. Appeal from the District Court of the United States for the Southern District of New York. Per curiam: Dismissed for want of jurisdiction upon the authority of *Farrell v. O'Brien*, 199 U. S. 89, 100; *Toop v. Ulysses Land Co.*, 237 U. S. 580, 583; *Piedmont Power & Light Co. v. Town of Graham*, 253 U. S. 193, 195.

No. 227. Peters Trust Company, plaintiff in error, *v.* The County of Douglas in the State of Nebraska. In error to the Supreme Court of the State of Nebraska. Per curiam: Affirmed upon the authority of *Van Allen v. The Assessors*, 3 Wall. 573; *National Bank v. Commonwealth*, 9 Wall. 353, 359; See *People's National Bank v. Board of Equalization*, decided November 20, 1922.

No. 214. Hattiesburg Grocery Company, plaintiff in error, *v.* Stokes V. Robertson, State Revenue Agent of the State of Mississippi. In error to the Supreme Court of the State of Mississippi. Per curiam: Dismissed for want of jurisdiction upon the authority of *Farrell v. O'Brien*, 199 U. S. 89, 100; *Toop v. Ulysses Land Co.*, 237 U. S. 580, 583; *Piedmont Power & Light Co. v. Town of Graham*, 253 U. S. 193, 195.

ORDER.—MR. Justice Pitney having resigned, it is ordered that the following allotment be made of the Chief Justice and Associate Justices of this court among the circuits, agreeably to the act of Congress in such case made and provided, and that such allotment be entered of record, viz:

For the first circuit, Oliver Wendell Holmes, Associate Justice.

For the second circuit, Louis D. Brandeis, Associate Justice.

For the third circuit, Pierce Butler, Associate Justice.

For the fourth circuit, William H. Taft, Chief Justice.

For the fifth circuit, James C. McReynolds, Associate Justice.

For the sixth circuit, James C. McReynolds, Associate Justice.

For the seventh circuit, George Sutherland, Associate Justice.

For the eighth circuit, Willis Van Devanter, Associate Justice.

For the ninth circuit, Joseph McKenna, Associate Justice.

The Chief Justice also announced that the court will take a recess from Monday, January 29, until February 19 next.

No. 253. M. Frank Andrews, plaintiff in error, *v.* The United States of America. Motion to dismiss submitted by Mr. Blackburn Esterline, Mr. Solicitor General Beck, and Mr. Assistant Attorney General Crim for the defendant in error in support of the motion, and by Mr. Charles A. Douglas, Mr. Richard A. Ford, and Mr. H. C. Miller for the plaintiff in error in opposition thereto.

No. 404. Thomas D. McCarthy, United States Marshal, appellant, *v.* Jules W. Arndstein. Motion to advance submitted by Mr. Blackburn Esterline for the appellant.

No. 532. Simon Hecht et al., petitioners, *v.* John F. Malley, Former Collector of Internal Revenue;

No. 533. Arthur L. Howard et al., petitioners, *v.* John F. Malley, Former Collector of Internal Revenue; and

No. 534. Arthur L. Howard et al., petitioners, *v.* Andrew J. Casey, Former Acting Collector of Internal Revenue. Motion to advance submitted by Mr. Blackburn Esterline for the respondents.

No. 587. Alvah Crocker et al., Trustees, petitioners, *v.* John F. Malley, Collector. Motion to advance submitted by Mr. Blackburn Esterline for the respondent.

No. 18, original. The State of Oklahoma, complainant, *v.* The State of Texas. Application of Red River Syndicate claimants under section 19, Federal leasing act of February 25, 1920, to a portion of the land involved, for leave to file brief seeking clarification of certain language in the opinion of this court of May 1, 1922, submitted by Mr. Conrad H. Syme in that behalf.

No. 431. The Pusey & Jones Company, petitioner, *v.* Hans Karluf Hanssen. Motion to advance submitted by Mr. Otto A. Schlobohm in behalf of counsel for the petitioner.

No. 774. The John E. Thropp's Sons Company, petitioner, *v.* Frank A. Seiberling. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Livingston Gifford and Mr. Thomas G. Haight for the petitioner, and by Mr. Robert Fletcher Rogers for the respondent.

No. 777. Samuel D. White, as Trustee, etc., petitioner, *v.* Veta Stump. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. James E. Babb for the petitioner, and by Mr. Harve H. Phipps for the respondent.

No. 778. S. H. Benjamin Fuel & Supply Company, petitioner. *v.* Bell Union Coal & Mining Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. J. F. Bullitt for the petitioner.

No. 790. Edward J. Donegan, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Elijah N. Zoline for the petitioner, and by Mr. Solicitor General Beck, Mr. Assistant Attorney General Crim, and Mr. Harry S. Ridgely for the respondent.

No. 196. Gorham Manufacturing Company, appellant, *v.* James A. Wendell, Individually and as Comptroller of the State of New York, et al. Return to rule to show cause argued by Mr. Robert C. Beatty for the appellant.

No. 261. Joaquin Ramos Ferro et al., petitioners. *v.* Felix Fabian et al. On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit. Dismissed with costs, per stipulation, on motion of Mr. Frederick S. Tyler, for the petitioners.

No. 262. J. Ochoa y Hermano, petitioner. *v.* Miguel, Luis, Gerardo, Tereso and Antonio Martorell y Torrens. On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit. Dismissed with costs, per stipulation, on motion of Mr. Frederick S. Tyler, for the petitioners.

No. 255. Charles Munter, plaintiff in error, *v.* The Weil Corset Company (Inc.). Argued by Mr. Elijah N. Zoline for the plaintiff in error, and by Mr. Benjamin Slade for the defendant in error.

No. 256. Bluefield Water Works & Improvement Company, plaintiff in error, *v.* Public Service Commission of the State of West Virginia et al. Argued by Mr. Alfred G. Fox for the plaintiff in error, and by Mr. Russell S. Ritz for the defendants in error.

No. 257. The Price Fire & Water Proofing Company, appellant, *v.* the United States. Argument commenced by Mr. S. S. Ashbaugh for the appellant, and continued by Mr. Alfred A. Wheat for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, January 23, will be as follows: Nos. 257, 407, 394, 290, 136, 260, 263, 264, 265 (and 271), and 266.

SUPREME COURT OF THE UNITED STATES.

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

Ralph A. Shepard, of Washington, D. C.; Henry O. Gartner, of Washington, D. C.; Sid A. Erwin, of Detroit, Mich.; John H. Donovan, of Peabody, Mass.; Benjamin Kirk Hamilton, of Louisville, Ky.; Louis K. Sunderlin, of Washington, D. C.; Tracy E. Mulligan, of Denver, Colo.; Joseph D. Taylor, of Cambridge, Mass.; William F. Unger, of New York City; Payson W. Spaulding, of Evanston, Wyo.; and Cornelius C. Webster, of New York City, were admitted to practice.

No. **396.** The Nashville, Chattanooga & St. Louis Railway et al., appellants, *v.* The State of Tennessee et al., etc., et al. Motion to advance submitted by Mr. P. J. Farrell in that behalf.

No. **265.** Hartford Life Insurance Company, petitioner, *v.* Frank F. Douds et al.; and

No. **271.** Hartford Life Insurance Company, petitioner, *v.* Robert H. Langdale. Passed, per stipulation.

No. **407.** Seaboard Air Line Railway Company et al., plaintiffs in error, *v.* The United States of America; and

No. **394.** The United States of America et al., plaintiffs in error, *v.* George F. Benedict, Trustee, etc. Argument commenced by Mr. Forney Johnston for the plaintiffs in error in No. **407**, continued by Mr. Alfred A. Wheat for The United States, by Mr. R. E. T. Riggs for the defendant in error in No. **394**, by Mr. C. J. Nehrbas for the City of New York, and concluded by Mr. R. E. T. Riggs for the defendant in error in No. **394**.

No. **290.** United States Grain Corporation, plaintiff in error, *v.* Wallace B. Phillips. Argued by Mr. Garrard Glenn for the plaintiff in error, and by Mr. H. N. Whitehouse for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, January 24, will be as follows: Nos. **136, 260, 263, 264, 266, 201, 268, 269, 270, and 272.**

SUPREME COURT OF THE UNITED STATES.

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

Harry C. Armstrong, of Washington, D. C.; McKinley W. Kriegh, of Washington, D. C.; O. L. Smith, of Lansing, Mich.; Charles W. Gore, of Benton Harbor, Mich.; and Frederick J. Smith, of Taunton, Mass., were admitted to practice.

No. 201. David Lamar, appellant, *v.* The United States. Submitted by Mr. Elijah N. Zoline and Mr. Thomas B. Felder for the appellant, and by Mr. Solicitor General Beck and Mr. Alfred A. Wheat for the appellee.

No. 268. Yuma County Water Users' Association et al., appellants, *v.* W. W. Schlecht et al. Passed, to be restored to the call pursuant to section 9, rule 26, on motion of Mr. Alfred A. Wheat in that behalf.

No. 269. L. Vogelstein & Company (Inc.), appellant *v.* The United States. Passed, to be restored to the call pursuant to section 9, rule 26, on motion of Mr. Alfred A. Wheat in that behalf.

No. 270. James C. Davis, Director General of Railroads, etc., plaintiff in error, *v.* Farmers' Cooperative Equity Company. Passed, per stipulation.

No. 272. William F. Krell, plaintiff in error, *v.* The People of the State of Illinois. In error to the Supreme Court of the State of Illinois. Dismissed with costs, pursuant to the 10th rule.

No. 136. Valley Farms Company of Yonkers, plaintiff in error, *v.* County of Westchester. Argued by Mr. Robert C. Beatty for the plaintiff in error, and by Mr. William A. Davidson for the defendant in error.

No. 260. Charles Keller et al., appellants, *v.* Potomac Electric Power Company. Argument commenced by Mr. Conrad H. Syme for the appellants. Ordered: This case is passed for the purpose

of having presented and argued to the court three questions: First, whether Congress can vest in this court under the restrictions upon its appellate jurisdiction under the Constitution the character of review of the proceedings of the Public Utilities Commission contemplated by the act creating it, and second, whether an appeal can be taken to this court until a final judgment has been pronounced in the District Court of Appeals, and, third, whether such judgment is final.

These questions will be set for argument on February 19 next, after the cases specially set for that day, and will be considered and decided by this court before proceeding to hear the case on its merits in the event that the court finds it has jurisdiction to do so.

No. 263. Jose J. Benitez Dias, etc., et al., petitioners, *v.* Carlota and Clementina Gonzales y Lugo, etc., et al. Leave granted counsel to file an additional brief on each side within one week. Argued by Mr. C. C. Webster for the petitioners, and by Mr. J. A. Poventud for the respondents.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, January 25, will be as follows: Nos. 264, 266, 274, 275, 276, 277, 278, 284, 285, and 287.

SUPREME COURT OF THE UNITED STATES.

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

Lou-Ida Martin, of Topeka, Kans.; W. T. Doar, of New Richmond, Wis.; David P. Siegel, of New York City; R. M. J. Armstrong, of San Francisco, Calif.; Charles I. Martin, of Topeka, Kans.; and James D. Johnston, of Roanoke, Va., were admitted to practice.

No. 275. Johanna Frese, Administratrix, etc., petitioner, *v.* Chicago, Burlington & Quincy Railroad Company. Continued.

No. 276. The First National Bank of San Jose, plaintiff in error, *v.* The State of California et al. Passed, to be restored to the call pursuant to section 9, rule 26.

No. 277. Wells-Elkhorn Coal Company, plaintiff in error, *v.* Otis Steel Company. Passed, to be restored to the call pursuant to section 9, rule 26.

No. 278. Layne & Bowler Corporation, petitioner, *v.* Western Well Works (Inc.) et al. Passed, to be restored to the call pursuant to section 9, rule 26.

No. 284. St. Louis-San Francisco Railway Company et al., plaintiffs in error, *v.* Public Service Commission of Missouri. Passed, to be restored to the call pursuant to section 9, rule 26.

No. 264. W. H. Hightower et al., appellants, *v.* The American National Bank of Macon, Georgia. Argued by Mr. John E. Hall for the appellants, and by Mr. Orville A. Park for the appellee.

No. 266. W. T. Campbell, plaintiff in error, *v.* The City of Olney. Passed, per stipulation.

No. 274. William Randall et al., plaintiffs in error, *v.* The Board of Commissioners of Tippecanoe County, Indiana. Leave granted to file brief for defendant in error within one week, on motion of Mr. Clyde H. Jones in that behalf. Argued by Mr. Otto Gresham

for the plaintiffs in error, and by Mr. Clyde H. Jones for the defendant in error.

No. 285. Dora E. Rooker et al., plaintiffs in error, *v.* Fidelity Trust Company et al. Submitted on motion to dismiss or affirm by Mr. Merrill Moores in behalf of Mr. Charles E. Cox for the defendants in error in support of the motion, and by Mr. William V. Rooker for the plaintiffs in error in opposition thereto.

No. 287. The Charles Nelson Company, appellant, *v.* The United States. Argument commenced by Mr. William E. Humphrey for the appellant, and continued by Mr. Alfred A. Wheat for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, January 26, will be as follows: Nos. 287, 288, 291, 292, 293, 294, 295, 296, 297, and 300.

SUPREME COURT OF THE UNITED STATES.

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

William Campbell McLain, of Columbia, S. C.; Robert Beverley Herbert, of Columbia, S. C.; William H. Kirkpatrick, of Easton, Pa.; Clarence D. Coughlin, of Wilkes-Barre, Pa.; and Fred B. Gerner, of Allentown, Pa., were admitted to practice.

No. 288. Joe Bonner, appellant, *v.* J. C. Middlebrooke, Sheriff, etc. Passed, to be restored to the call pursuant to section 9, rule 26.

No. 291. American Steel Foundries, appellant, *v.* Thomas E. Robertson, Commissioner of Patents, etc. Passed, to be restored to the call pursuant to section 9, rule 26.

No. 292. Frederick Wesche, appellant, *v.* Thomas W. Miller, as Alien Property Custodian. Passed, to be restored to the call pursuant to section 9, rule 26.

No. 293. Raton Water Works Company, appellant, *v.* The City of Raton. Passed, to be restored to the call pursuant to section 9, rule 26.

No. 294. Reuben Cooley, plaintiff in error, *v.* The State of Georgia. In error to the Supreme Court of the State of Georgia. Dismissed with costs, on motion of counsel for the plaintiff in error.

No. 295. International Life Insurance Company, plaintiff in error, *v.* Adrian F. Sherman. Passed, to be restored to the call pursuant to section 9, rule 26.

No. 296. Madera Sugar Pine Company, plaintiff in error, *v.* Industrial Commission of California et al. Passed, to be restored to the call pursuant to section 9, rule 26.

No. 300. Albert Hanson Lumber Company (Limited), plaintiffs in error, *v.* The United States. Passed, to be restored to the call pursuant to section 9, rule 26.

No. 287. The Charles Nelson Company, appellant, *v.* The United States. Argument continued by Mr. Alfred A. Wheat for the appellee, and concluded by Mr. William C. Prentiss for the appellant.

No. 297. Columbia Railway, Gas & Electric Company, plaintiff in error, *v.* The State of South Carolina. Leave granted to file additional brief for the plaintiff in error, on motion of Mr. William Elliott for the plaintiff in error. Argument commenced by Mr. William Elliott for the plaintiff in error, continued by Mr. Jo-Berry S. Lyles for the plaintiff in error, by Mr. S. M. Wolfe and Mr. J. Fraser Lyon for the defendant in error, and concluded by Mr. Jo-Berry S. Lyles for the plaintiff in error.

Adjourned until Monday next at 12 o'clock.

SUPREME COURT OF THE UNITED STATES.

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

J. Henry Walters, of New York City; Joseph N. McAleer, of Mobile, Ala.; Fred A. Sutter, of Bisbee, Ariz.; W. H. Annat, of Cleveland, Ohio; William H. Van Benschoten, of New York City; Howard Wilmurt Ameli, of New York City; Edgar Tremlett Fell, of Annapolis, Md.; Fred Esch, of Washington, D. C.; Caesar L. Aiello, of Washington, D. C.; Charles B. Tebbs, of Washington, D. C.; Meyer Lissner, of Los Angeles, Calif.; John A. Massen, of Chicago, Ill.; John Junell, of Minneapolis, Minn.; and A. W. Thurman, of Joplin, Mo., were admitted to practice.

No. 246. Leigh Ellis & Company, plaintiff in error, *v.* James C. Davis, as Agent, etc. In error to the United States Circuit Court of Appeals for the Fifth Circuit. Judgment affirmed with costs; and cause remanded to the District Court of the United States for the Northern District of Georgia. Opinion by Mr. Justice Holmes.

No. 190. A. Bourjois & Company (Inc.), petitioner, *v.* Anna Katzel. 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 Holmes.

No. 203. Olga Gathmann Foley, Administratrix of the Estate of Louis Gathmann, deceased, appellant, *v.* The United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice McKenna.

No. 193. Henry J. Conley, plaintiff in error, *v.* Llewellyn Barton. In error to the Supreme Judicial Court of the State of Maine. Judgment affirmed with costs. Opinion by Mr. Justice McKenna.

The Chief Justice also announced the following orders of the court:

No. 404. Thomas D. McCarthy, United States Marshal for the Southern District of New York, appellant, *v.* Jules W. Arndstein. Motion to advance granted, and cause assigned for argument on Monday, April 9 next, after the case heretofore assigned for that day.

No. 532. Simon Hecht et al., petitioners, *v.* John F. Malley, former Collector of Internal Revenue;

No. 533. Arthur L. Howard et al., Trustees, petitioners, *v.* John F. Malley, former Collector of Internal Revenue; and

No. 534. Arthur L. Howard et al., Trustees, petitioners, *v.* Andrew J. Casey, former Acting Collector of Internal Revenue. Motions to advance granted, and cases assigned for argument on Monday, March 5 next, after the cases heretofore assigned for that day.

No. 587. Alvah Crocker et al., Trustees, petitioners, *v.* John F. Malley, Collector. Motion to advance granted, and cause assigned for argument on Monday, March 5 next, after the cases heretofore assigned for that day.

No. 396. The Nashville, Chattanooga & St. Louis Railway et al., appellants, *v.* The State of Tennessee et al. Motion to advance granted, and cause assigned for argument on Monday, April 9 next, after the cases heretofore assigned for that day.

No. 431. The Pusey & Jones Company, petitioner, *v.* Hans Karluf Hanssen. On consideration of the motion to advance or place on the summary docket, it is ordered that this case be placed on the summary docket, and assigned for argument on Monday, February 19 next, after the cases heretofore assigned for that day.

No. 18, original. The State of Oklahoma, complainant, *v.* The State of Texas. Per curiam: Application of Red River Syndicate, claimants, for a modification of the opinion delivered in this cause on May 1, 1922, is denied.

No. 201. David Lamar, appellant, *v.* The United States of America. Appeal from the District Court of the United States for the Southern District of New York. Per curiam: This is a habeas corpus proceeding designed to retard petitioner's incarceration in Mercer County jail after trial and conviction on charge of conspiracy to restrain foreign trade and commerce by instigating strikes, etc., intended to prevent the manufacture and transportation of war supplies.

The points relied upon are without merit, and the judgment dismissing the writ (274 Fed. 160) is affirmed.

The clerk is instructed to issue the mandate at once.

No. 253. M. Frank Andrews, plaintiff in error, *v.* The United States of America. On consideration of the motion to dismiss this

case, it is ordered that the further consideration of the motion be postponed until the hearing of the case on the merits.

No. 121. The United States, appellant, *v.* Mason & Hanger Company; and

No. 122. The United States, appellant, *v.* North-Western Construction Company. The petition for a rehearing of these cases is granted, and the cases assigned for argument on Monday, February 26 next, after the cases heretofore assigned for that day.

No. 774. The John E. Thropp's Sons Company, petitioner, *v.* Frank A. Seiberling. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit granted.

No. 777. Samuel D. White, as Trustee, etc., petitioner, *v.* Veta Stump. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted.

No. 778. S. H. Benjamin Fuel & Supply Company, petitioner, *v.* Bell Union Coal & Mining Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 790. Edward J. Donegan, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 572. Domingo Diaz A., et al., appellants, *v.* Guillermo Paterson. Motion to dismiss or affirm submitted by Mr. R. J. Schwarz and Mr. Edwin T. Merrick for the appellee in support of the motion.

No. 795. Jesse C. Adkins et al., appellants, *v.* The Children's Hospital of the District of Columbia; and

No. 796. Jesse C. Adkins et al., appellants, *v.* Willie A. Lyons. Motion for leave to file brief herein as amici curiæ and to take part in the oral argument, submitted by Mr. F. H. Stephens in behalf of the attorneys general of Wisconsin, Oregon, and California.

No. 808. L. E. Smith Glass Company, petitioner, *v.* Macbeth-Evans Glass Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. William O. Belt and Mr. Arthur O. Fording for the petitioner and by Mr. Frederick W. Winter and Mr. Edward Rector for the respondent.

No. 716. American Trust Company, plaintiff in error, *v.* S. S. McNinch et al. Petition for a writ of certiorari to the Supreme Court of the State of North Carolina submitted by Mr. John M. Robinson for the petitioner and by Mr. William P. Bynum, Mr. W. Cleveland Davis, Mr. Plummer Stewart, Mr. John A. McRae, and Mr. John J. Parker for the respondents.

No. 762. C. Dale Wolfe, Trustee in Bankruptcy of the Estate of G. F. Killingsworth, a bankrupt, petitioner, *v.* G. F. Killingsworth et al. Petition for a writ of certiorari to the Supreme Court of the State of Oklahoma submitted by Mr. C. Dale Wolfe for the petitioner.

No. 789. J. C. Turner Lumber Company et al., petitioners, *v.* Wilson & Bennett et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Samuel Silbiger for the petitioners and by Mr. Max Isaac for the respondents.

No. 797. Closter National Bank, plaintiff in error, *v.* Federal Reserve Bank of New York. Petition for a writ of certiorari herein submitted by Mr. Edmund W. Wakelee for the plaintiff in error in support of the petition and by Mr. L. R. Mason for the defendant in error in opposition thereto.

No. 806. The Central Railroad Company of New Jersey, petitioner, *v.* Anita Peluso, Administratrix, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Charles E. Miller for the petitioner, and by Mr. Sidney A. Syme for the respondent in opposition thereto.

No. 817. American Railway Express Company et al., petitioners, *v.* M. F. Brabham. Petition for a writ of certiorari to the Supreme Court of the State of South Carolina submitted by Mr. Charles W. Stockton and Mr. K. E. Stockton for the petitioners.

No. 818. Robert J. McBride, petitioner, *v.* The United States. Petition for a writ or certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Harry T. Smith and Mr. Joseph M. McAleer for the petitioner, with leave to counsel for the respondent to file brief in opposition to the petition within five days.

No. 234. Washington Terminal Company, plaintiff in error, *v.* Emma G. Callahan, Administratrix, etc. In error to the Court of Appeals of the District of Columbia. Dismissed with costs on motion of counsel for the plaintiff in error.

Adjourned until Monday, February 19, 1923, at 12 o'clock.

The day call for Monday, February 19, will be as follows: Nos. 419, 406, 500, 542, 588, 510, 325, 440, 701, 260, 310, 311, 320, 633, 749, and 431.

SUPREME COURT OF THE UNITED STATES.

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

Albert H. Fry, of Joplin, Mo.; Edward K. Hanlon, of New York City; E. J. Dimock, of New York City; Harry C. Miller, of New York City; Ulysses S. Thomas, of Buffalo, N. Y.; Harry F. Charveriat, of Chicago, Ill.; W. B. Smith, of Little Rock, Ark.; Mason Wheeler, of Lincoln, Nebr.; Charles E. Sandall, of York, Nebr.; Otto William Meier, of Lincoln, Nebr.; George Edgar Johnson, of Washington, D. C.; Robert L. Russell, of Washington, D. C.; George P. Nicholson, of New York City; Eugene Fay, of New York City; Henry J. Balzer, of Washington, D. C.; James C. Sweeney, of Buffalo, N. Y.; Justus Chancellor, of Chicago, Ill.; Bernhardt Frank, of Chicago, Ill.; Gerald G. Barry, of Chicago, Ill.; Woodson P. Houghton, of Washington, D. C.; Clarence A. Miller, of Washington, D. C.; J. Wallace Nichol, of Washington, D. C.; Charles D. Francis, of New York City; Bradley Walker, of Nashville, Tenn.; Maurice Goodman, of New York City; Harry A. Luck, of Nashville, Tenn.; Jay G. Stephenson, of Nashville, Tenn.; O. S. Spillman, of Pierce, Nebr.; Edgar S. Ratliff, of Oklahoma City, Okla.; John S. Weller, of Pittsburgh, Pa.; Godfrey L. Munter, of Washington, D. C.; Glenn H. Leland, of Washington, D. C.; Antonio P. Entenza, of Detroit, Mich.; Wesley L. Nutten, of Detroit, Mich.; Ann Severance Hartman, of Crosby, Minn.; Tom C. Waldrep, of Shawnee, Okla.; Jordan Stokes, of Nashville, Tenn.; William C. Cheney, of Nashville, Tenn.; Timothy J. Sullivan, of Springfield, Ill.; Lewis K. Torbet, of Chicago, Ill.; Randolph S. Collins, of Salt Lake City, Utah; LeRoy L. Hight, of Portland, Me.; and Hugh B. Woodward, of Clayton, N. Mex., were admitted to practice.

The Chief Justice said:

“Since the last meeting of the court, the President has nominated, and the Senate has confirmed, Mr. Edward Terry Sanford to be an Associate Justice of this court to succeed to the vacancy created by the retirement of Mr. Justice Pitney. Mr. Sanford is in the court in attendance, and will take the oath. The clerk will read the commission.”

The clerk then read the commission, and immediately thereafter the oath of office was administered by Mr. Chief Justice Taft, and Mr. Justice Sanford was conducted to his seat on the bench by the marshal.

No. 25, original. The United States of America, complainant, *v.* The State of Oklahoma. Bill of complaint dismissed. Opinion by Mr. Justice Butler.

No. 195. The Western & Atlantic Railroad, appellant, *v.* The Railroad Commission of Georgia et al. Appeal from the District Court of the United States for the Northern District of Georgia. Order declining jurisdiction vacated; and cause remanded with directions for further proceedings in conformity with the opinion of this Court.. Opinion by Mr. Justice Butler.

No. 243. City of Paducah et al., appellants, *v.* Paducah Railway Company. Appeal from the District Court of the United States for the Western District of Kentucky. Decree modified in accordance with the opinion of this court, and, as so modified, affirmed with costs. Opinion by Mr. Justice Butler.

No. 202. The United States of America *v.* Bhagat Singh Thind. On certificate from the United States Circuit Court of Appeals for the Ninth Circuit. First question certified answered in the negative. An answer to the second question certified unnecessary. Opinion by Mr. Justice Sutherland.

No. 95. Louis Brownlow et al., Commissioners of the District of Columbia et al., plaintiffs in error, *v.* Mollie Schwartz. In error to the Court of Appeals of the District of Columbia. Judgment reversed with costs; and cause remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Sutherland.

No. 207. Fred W. Cramer et al., appellants, *v.* The United States of America. Appeal from the United States Circuit Court of Appeals for the Ninth Circuit. Decree reversed; and cause remanded to the District Court of the United States for the Northern District of California for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Sutherland.

No. 297. Columbia Railway, Gas & Electric Company, plaintiff in error, *v.* The State of South Carolina. In error to the Supreme Court of the State of South Carolina. Judgment reversed with costs; and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Sutherland.

No. 274. William Randall et al., plaintiffs in error, *v.* The Board of Commissioners of Tippecanoe County, Indiana. In error to the Supreme Court of the State of Indiana. Dismissed for want of jurisdiction. Opinion by Mr. Justice Sutherland.

No. 159. Malcolm Douglas et al., appellants, *v.* Leon Noble. Appeal from the District Court of the United States for the Western District of Washington. Decree reversed with costs: and cause remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Brandeis.

No. 205. The Bank of America, plaintiff in error, *v.* Whitney Central National Bank. In error to the District Court of the United States for the Southern District of New York. Judgment affirmed. Opinion by Mr. Justice Brandeis.

No. 242. Samuel Lumiere, appellant, *v.* Mae Edna Wilder (Inc.). Appeal from the District Court of the United States for the Southern District of New York. Decree affirmed with costs. Opinion by Mr. Justice Brandeis.

No. 257. The Price Fire & Water Proofing Company, appellant, *v.* The United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Brandeis.

No. 646. The Akron, Canton & Youngstown Railway Company et al., appellants, *v.* The United States of America et al. Appeal from the District Court of the United States for the Southern District of New York. Decree affirmed. Opinion by Mr. Justice Brandeis.

No. 194. The Kansas City Southern Railway Company, plaintiff in error, *v.* Harry B. Wolf et al. In error 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 Western District of Missouri for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice McReynolds.

No. 103. Minnesota Commercial Men's Association, petitioner, *v.* Minnie Mae Benn, as Executrix, etc. On writ of certiorari to the Supreme Court of the State of Minnesota. Judgment reversed with costs; and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice McReynolds.

No. 93. United States Shipping Board Emergency Fleet Corporation, petitioner, *v.* John E. Sullivan; and

No. 124. United States Shipping Board Emergency Fleet Corporation, plaintiff in error, *v.* John E. Sullivan. On petition for writ of certiorari to and on writ of error to the Superior Court of the State of Pennsylvania. Writ of error dismissed for want of jurisdiction; and petition for writ of certiorari denied. Opinion by Mr. Justice McReynolds.

No. 251. Durham Public Service Company, plaintiff in error, *v.* The City of Durham. In error to the Supreme Court of the State of North Carolina. Judgment affirmed with costs. Opinion by Mr. Justice McReynolds.

No. 136. The Valley Farms Company of Yonkers, plaintiff in error, *v.* County of Westchester. In error to the Supreme Court of the State of New York. Judgment affirmed with costs. Opinion by Mr. Justice McReynolds.

No. 285. Dora E. Rooker et al., plaintiffs in error, *v.* Fidelity Trust Company et al., etc. In error to the Supreme Court of the State of Indiana. Dismissed for want of jurisdiction. Opinion by Mr. Justice Van Devanter.

No. 152. Great Northern Railway Company, petitioner, *v.* Vivian H. Steinke et al. On writ of certiorari to the Supreme Court of the State of North Dakota. Judgment reversed with costs; and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Van Devanter.

No. 199. Frank Moore et al., appellants, *v.* E. H. Dempsey, Keeper of the Arkansas State Penitentiary. Appeal from the District Court of the United States for the Eastern District of Arkansas. Decree reversed with costs; and cause remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Holmes. Dissenting: Mr. Justice McReynolds and Mr. Justice Sutherland.

No. 263. Jose J. Benitez Diaz, in his own right, etc., et al., petitioners, *v.* Carlota and Clementina Gonzalez y Lugo, etc., et al. On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit. Decree of the United States Circuit Court of Appeals for the First Circuit reversed with costs, and decree of the Supreme Court of Porto Rico affirmed. Opinion by Mr. Justice Holmes.

No. 290. United States Grain Corporation, plaintiff in error, *v.* Wallace B. Phillips. In error to the United States Circuit Court of Appeals for the Second Circuit. Judgment of the United States Circuit Court of Appeals for the Second Circuit reversed with costs; and the judgment of the District Court of the United States for the Southern District of New York affirmed. Opinion by Mr. Justice Holmes.

No. 196. Gorham Manufacturing Company, appellant, *v.* James A. Wendell, Individually, etc., et al. Appeal from the District Court of the United States for the Southern District of New York. Motions to substitute parties appellee granted. Opinion by Mr. Chief Justice Taft.

No. 273. George E. Vandenburg, petitioner, *v.* Truscon Steel Company. 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 Taft.

No. 238. Concrete Steel Company, petitioner, *v.* George E. Vandenburg. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Decree reversed with costs; and cause remanded to the District Court of the United States for the Southern District of New York with directions to dismiss the bill. Opinion by Mr. Chief Justice Taft.

No. 287. The Charles Nelson Company, appellant, *v.* The United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Chief Justice Taft.

No. 240. Crown Die and Tool Company, petitioner, *v.* Nye Tool and Machine Works. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Decree of the Circuit Court of Appeals reversed with costs, and decree of the District Court of the United States for the Northern District of Illinois affirmed; and cause remanded to the said District Court. Opinion by Mr. Chief Justice Taft.

No. 178. Eibel Process Company, petitioner, *v.* Minnesota & Ontario Paper Company. On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit. Decree of the Circuit Court of Appeals dismissing the bill reversed with costs, and decree of the District Court of the United States for the District of Maine affirmed; and cause remanded to said District Court. Opinion by Mr. Chief Justice Taft.

No. 585. The Pennsylvania Railroad Company, appellant, *v.* The United States Railroad Labor Board et al. Appeal from the United States Circuit Court of Appeals for the Seventh Circuit. Decree affirmed with costs; and cause remanded to the District Court of the United States for the Northern District of Illinois. Opinion by Mr. Chief Justice Taft.

The Chief Justice also announced the following orders of the court:

No. 11, original. The State of North Dakota, complainant, *v.* The State of Minnesota. Ordered that this case be reassigned for argument on Monday, March 12 next.

No. 572. Domingo, Diaz A., et al., appellants, *v.* Guillermo Patterson. Further consideration of the motion to dismiss or affirm postponed to the hearing of the cause on the merits.

No. 795. Jesse C. Adkins et al., etc., appellants, *v.* The Children's Hospital of the District of Columbia; and

No. 796. Jesse C. Adkins et al., etc., appellants, *v.* Willie A. Lyons. On consideration of the motions on behalf of the attorneys general of several States for leave to file briefs and participate in the oral argument of these cases as amici curiae, it is ordered that the motions be, and the same are hereby, granted as to the filing of briefs; and that one representative be selected to represent all of the States and permitted one hour for oral argument.

No. 751. Emanuel Wallin, petitioner, *v.* Rose Everett. Petition for a writ of certiorari to the Supreme Court of the State of Minnesota denied.

No. 762. C. Dale Wolfe, Trustee, etc., petitioner, *v.* G. F. Killingsworth et al. Petition for a writ of certiorari to the Supreme Court of the States of Oklahoma denied.

No. 789. J. C. Turner Lumber Company et al., petitioners, *v.* Wilson & Bennett et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 797. Closter National Bank, plaintiff in error, *v.* Federal Reserve Bank of New York. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 806. Central Railroad Company of New Jersey, petitioner, *v.* Anita Peluso, Administratrix, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 808. L. E. Smith Glass Company, petitioner, *v.* Macbeth-Evans Glass Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 817. American Railway Express Company et al., petitioners, *v.* M. F. Brabham. Petition for a writ of certiorari to the Supreme Court of the State of South Carolina denied.

No. 818. Robert J. McBride, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 87. McLane Tilton, appellant, *v.* Felix M. Drennen, as Receiver, etc. Appeal from the United States Circuit Court of Appeals for the Fifth Circuit. Dismissed with costs, pursuant to the 10th rule.

No. 233. Porto Rico Coal Company (Inc.), plaintiff in error, *v.* William H. Edwards, Collector of United States Internal Revenue,

etc. In error to the District Court of the United States for the Southern District of New York. Dismissed with costs, pursuant to the 10th rule.

No. 252. Judson Knox, plaintiff in error, *v.* The United States of America. In error to the District Court of the United States for the Western District of South Carolina. Dismissed, pursuant to the 10th rule.

No. 395. Roy Youman, plaintiff in error, *v.* Commonwealth of Kentucky. In error to the Court of Appeals of the State of Kentucky. Dismissed with costs, pursuant to the 10th rule.

No. 491. Frank J. Levene, plaintiff in error, *v.* The State of Alabama. In error to the Supreme Court of the State of Alabama. Dismissed with costs, pursuant to the 10th rule.

No. 522. Jay Burns Baking Company et al., plaintiffs in error, *v.* Samuel R. McKelvie, as Governor, etc., et al. In error to the Supreme Court of the State of Nebraska. Dismissed with costs, pursuant to the 10th rule.

No. 537. Frank Dillon, plaintiff in error, *v.* The People of the State of Illinois. In error to the Supreme Court of the State of Illinois. Dismissed with costs, pursuant to the 10th rule.

No. 634. Stefano Sanguinetti, appellant, *v.* The United States. Appeal from the Court of Claims. Dismissed, pursuant to the 10th rule.

No. 640. The United States of America ex rel. Catoni Tisi, alias Lista Cortina, appellant, *v.* Robert E. Tod, Commissioner of Immigration, etc. Appeal from the District Court of the United States for the Southern District of New York. Dismissed with costs, pursuant to the 10th rule.

No. 653. Puget Sound Power & Light Company et al., plaintiffs in error, *v.* The County of King et al. In error to the Supreme Court of the State of Washington. Dismissed with costs, pursuant to the 10th rule.

No. 389. John H. Brede, appellant, *v.* James M. Powers, United States Marshal;

No. 410. Mary Partridge, plaintiff in error, *v.* J. E. Crosbie et al.;

No. 418. Samuel Homer Woodbridge et al., Executors, etc., appellants, *v.* The United States; and

No. 651. The State of Arkansas ex rel. Jefferson Black, plaintiff in error, *v.* Board of Directors of School District 16, Montgomery County, Arkansas. These cases will severally stand dismissed under the 10th rule unless the deposit for printing the record is made on or before March 5 next.

No. 293. Raton Water Works Company, appellant, *v.* The City of Raton. This case will stand dismissed under the 10th rule unless the deposit for printing the record is made on or before May 1 next.

ORDER.—It is ordered that the following allotment be made of the Chief Justice and Associate Justices of this court among the circuits agreeably to the act of Congress in such case made and provided, and that such allotment be entered of record, viz :

For the first circuit, Oliver Wendell Holmes, Associate Justice.

For the second circuit, Louis D. Brandeis, Associate Justice.

For the third circuit, Pierce Butler, Associate Justice.

For the fourth circuit, William H. Taft, Chief Justice.

For the fifth circuit, Edward T. Sanford, Associate Justice.

For the sixth circuit, James C. McReynolds, Associate Justice.

For the seventh circuit, George Sutherland, Associate Justice.

For the eighth circuit, Willis Van Devanter, Associate Justice.

For the ninth circuit, Joseph McKenna, Associate Justice.

The Chief Justice also announced that the court will adjourn on Wednesday, the 21st instant, until Friday, the 23d instant.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, February 20, will be as follows: Nos. 419, 406, 500, 542, 588, 510, 325 (and 440). 701, 260, 310, 311, 320, 633, 749, and 431.

SUPREME COURT OF THE UNITED STATES.

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

Fred L. Williams, of Houston, Tex.; Arthur S. Roberts, of Tulsa, Okla.; Joseph N. Beardslee, of Los Angeles, Calif.; William J. Carroll, of Lowell, Mass.; Christy M. Farrar, of St. Louis, Mo.; Walter H. Newton, of Minneapolis, Minn.; Christian Rosenmeier, of Little Falls, Minn.; Charles F. Ogden, of Louisville, Ky.; Edward Bloomfield, of Louisville, Ky.; and Frank Feuille, jr., of Austin, Tex., were admitted to practice.

No. 846. Harry T. Graham, Individually, etc., et al., petitioners, *v.* Alfred I. DuPont. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Solicitor General Beck for the petitioners.

No. 842. Norfolk Southern Railroad Company, petitioner, *v.* Thomas V. Gordon. Motion for a supersedeas submitted by Mr. Robert N. Simms and Mr. C. M. Bain for the petitioner.

No. 838. Timothy D. Murphy, petitioner, *v.* The United States of America. Motion for a supersedeas submitted by Mr. James J. Barbour, Mr. Charles P. Epstein, Mr. Lawrence Y. Sherman, and Mr. Noah C. Bainum for the petitioner, and by Mr. Solicitor General Beck, Mr. Assistant Attorney General Crim, and Mr. Harry S. Ridgely for the respondent.

No. 795. Jesse C. Adkins et al., etc., appellants, *v.* The Children's Hospital of the District of Columbia; and

No. 796. Jesse C. Adkins et al., etc., appellants, *v.* Willie A. Lyons. Leave granted to file brief herein as amicus curiae, on motion of Mr. Edwin P. Griffin in behalf of the State of New York.

No. 831. Standard Oil Company of New York, petitioner, *v.* Clyde Steamship Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Rufus S. Day and Mr. P. M. Brown for the petitioner, and by Mr. Chauncey I. Clark for the respondent.

No. 847. Utah Consolidated Mining Company, petitioner, *v.* Utah Apex Mining Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. William D. Riter in behalf of Mr. John P. Gray and Mr. A. C. Ellis, jr., for the petitioner. and by Mr. J. A. Marshall and Mr. W. E. Colby for the respondent.

No. 791. Mary L. Milheim et al., plaintiffs in error, *v.* The Moffat Tunnel Improvement District. Motion to dismiss or affirm submitted by Mr. Norton Montgomery for the defendant in error in support of the motion, and by Mr. Edwin H. Park and Mr. Barnwell S. Stuart for the plaintiffs in error in opposition thereto.

No. 663. David H. Riddle, appellant. *v.* James E. Dyche, Warden, etc. Motion to admit appellant to bail or in the alternative, to advance, submitted by Mr. Henry E. Davis for the appellant.

No. —. Sergius Apostoloff, appellant. *v.* Conrad Hubert et al. Motion to docket cause and for leave to proceed in forma pauperis submitted by Mr. Henry E. Davis for the appellant.

No. 20, original. The Commonwealth of Massachusetts, complainant, *v.* The State of New York et al. Leave granted to file answer of defendant McIntyre, on motion of Mr. Frederic D. McKenney in that behalf.

No. 244. Sam Winokur, plaintiff in error, *v.* H. I. Harn, Sheriff, etc. Motion to reinstate cause and to assign for argument submitted by Mr. Frederic D. McKenney in that behalf.

No. 856. John W. Talbot, petitioner, *v.* The United States of America. Motion for supersedeas submitted by Mr. Frederic D. McKenney in that behalf.

No. 799. Ward Grandpre, petitioner, *v.* Chicago, Milwaukee & St. Paul Railway Company. Petition for a writ of certiorari to the Supreme Court of the State of South Dakota submitted by Mr. Woodson P. Houghton in behalf of Mr. Tom Davis, Mr. Ernest A. Michel, and Mr. Wade H. Ellis for the petitioner, and by Mr. O. W. Dynes for the respondent.

No. 325. Robert T. Meyer, plaintiff in error, *v.* The State of Nebraska; and

No. 440. Nebraska District of Evangelical Lutheran Synod of Missouri, Ohio and other States, et al., plaintiffs in error, *v.* Samuel R. McKelvie, et al., etc. Leave granted to file brief herein as amici curiae, motion of Mr. Bernard Hershkoff in that behalf.

No. 793. Prestonettes (Inc.), petitioner, *v.* Francois Joseph de Spoturno Coty. Motion to advance submitted by Mr. A. A. Wheat in that behalf.

No. 781. Taubel-Scott-Kitzmiller Company (Inc.), petitioner, *v.* David J. Fox, et al., Trustees, etc. Motion to vacate writ of certiorari, or to advance, submitted by Mr. A. A. Wheat in behalf of counsel for the respondents.

No. 577. The Baltimore & Ohio Southwestern Railroad Company, petitioner, *v.* Guerny O. Burtch. Lula Burtch, executrix of the estate of Guerny O. Burtch, deceased, substituted as the party respondent herein, on motion of Mr. A. A. Wheat in that behalf.

No. 468. James C. Davis, as Agent, etc., petitioner, *v.* Lee A. Wolfe. Motion to advance submitted by Mr. Sidney Thorne Able and Mr. Charles P. Noell for the respondent.

No. 419. Oklahoma Gas & Electric Company et al., appellants, *v.* Corporation Commission of the State of Oklahoma, et al. Frank C. Carter and Joe Cobb, present members of the Corporation Commission of the State of Oklahoma, substituted as parties appellees herein, on motion of Mr. Streeter B. Flynn in that behalf.

No. 716. American Trust Company, plaintiff in error, *v.* S. S. McNinch, et al. Motion to dismiss or affirm submitted by Mr. Alexander W. Smith in behalf of Mr. William P. Bynum and Mr. W. Cleveland Davis for the defendant in error in support of the motion, and by Mr. John M. Robinson for the plaintiff in error in opposition thereto.

No. —, original. Ex parte In the matter of France & Canada Steamship Corporation, petitioner. Motion for leave to file petition for a writ of mandamus herein submitted by Mr. J. Culbert Palmer and Mr. Carroll G. Walter for the petitioner.

No. 376. Henry F. Mueller et al., etc., appellants, *v.* Samuel W. Adler et al. Petition for rehearing, or, in the alternative, motion to remand to the United States Circuit Court of Appeals for the Eighth Circuit, submitted by Mr. Otto A. Schlobohm in that behalf.

No. 406. Oklahoma Natural Gas Company, appellant, *v.* Campbell Russell et al., etc., et al. Frank C. Carter and Joe Cobb, present members of the Corporation Commission of the State of Oklahoma, substituted as parties appellees herein, on motion of Mr. D. A. Richardson in that behalf.

No. 701. Board of Trade of the City of Chicago et al., appellants, *v.* Charles F. Clyne, United States District Attorney, etc., et al. Edwin A. Olsen, present United States district attorney for the northern district of Illinois, substituted as a party appellee herein in place of Charles F. Clyne, resigned, on motion of Mr. Henry S. Robbins in that behalf.

No. 764. Tidal Oil Company et al., plaintiffs in error, *v.* J. P. Flanagan. Petition for a writ of certiorari herein submitted by Mr.

Preston C. West, Mr. A. A. Davidson, Mr. Wallace C. Franklin, and Mr. Arthur J. Biddison for the plaintiffs in error in support of the petition, and by Mr. Edward H. Chandler and Mr. William O. Beall for the defendant in error in opposition thereto.

No. 776. Sophia Charles et al., petitioners, *v.* Roxana Petroleum Corporation. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Robert F. Blair and Mr. George S. Ramsey for the petitioners.

No. 798. J. E. Barrack et al., petitioners, *v.* Town of Fairbanks, Alaska. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. John E. Alexander for the petitioner, and by Mr. Alfred Sutro, Mr. E. S. Pillsbury, Mr. Frank D. Madison, Mr. H. D. Pillsbury, and Mr. Oscar Sutro for the respondent.

No. 803. The Robert Dollar Company, petitioner, *v.* American Asiatic Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Ira S. Lillick and Mr. Farnham P. Griffiths for the petitioner, and by Mr. R. M. Fitzgerald for the respondent.

No. 807. E. I. Horsman et al., petitioners, *v.* Alfred A. Kaufman et al., etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. O. Ellery Edwards for the petitioner.

No. 811. France and Canada Steamship Corporation, petitioner, *v.* French Republic. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Carroll G. Walter and Mr. J. Culbert Palmer for the petitioner, and by Mr. W. H. McGrann for the respondent.

No. 812. W. Everett et al., petitioners, *v.* The United States of America et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Otto A. Schlobohm in behalf of Mr. William H. Gorham and Mr. James Kiefer for the petitioners, and by Mr. Solicitor General Beck, Mr. Assistant Attorney General Ottinger, and Mr. J. Frank Staley for the respondents.

No. 813. Director General of Railroads, petitioner, *v.* Thomas Keenan. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Daniel M. Beach for the petitioner, and by Mr. Joseph A. Wechter for the respondent.

No. 820. Great Northern Railway Company, petitioner, *v.* McCaull-Dinsmore Company. Petition for a writ of certiorari to the Supreme Court of the State of Minnesota submitted by Mr. F. G. Dorety for the petitioner, and by Mr. Frederick M. Miner for the respondent.

No. 822. Benjamin Kalmanson, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Max D. Steuer for the petitioner, and by Mr. Solicitor General Beck, Mr. Assistant Attorney General Crim, and Mr. Harry S. Ridgely for the respondent.

No. 823. Farmers and Merchants Bank of Monroe, North Carolina, et al., petitioners, *v.* Federal Reserve Bank of Richmond, Virginia. Petition for a writ of certiorari to the Supreme Court of the State of North Carolina submitted by Mr. Alex. W. Smith for the petitioner, and by Mr. M. G. Wallace, H. W. Anderson, and Mr. H. G. Connor, jr., for respondent.

No. 826. William Lucking, appellant, *v.* Detroit & Cleveland Navigation Company. Petition for a writ of certiorari herein submitted by Mr. William Lucking for the appellant, and by Mr. Henry I. Armstrong for the respondent.

No. 828. Frank N. Snell et al., petitioners, *v.* J. C. Turner Lumber Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Frederick Seymour and Mr. William M. Toomer for the petitioner, and by Mr. Samuel Silbiger for the respondent.

No. 834. Aluminum Company of America, petitioner, *v.* Federal Trade Commission. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. George W. Wickersham and Mr. George B. Gordon for the petitioner, and by Mr. Solicitor General Beck and Mr. W. H. Fuller for respondent.

No. 836. Lottie I. Kern. Administratrix, etc., petitioner, *v.* John Barton Payne, Director General of Railroads, etc. Petition for a writ of certiorari to the Supreme Court of the State of Montana submitted by Mr. Frederick M. Miner for the petitioner, and by Mr. H. H. Field for the respondent.

No. 838. Timothy D. Murphy, petitioner, *v.* The United States of America;

No. 839. Vincenzo Cosmano. petitioner, *v.* The United States of America; and

No. 840. Edward C. Gierum, petitioner, *v.* The United States of America. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. James J. Barbour, Mr. Benjamin P. Epstein, Mr. Lawrence Y. Sherman, and Mr. Noah C. Bainum for the petitioners, and by Mr. Solicitor General Beck, Mr. Assistant Attorney General Crim, and Mr. Harry S. Ridgely for the respondent.

No. 848. W. V. Smith et al., petitioners, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. John H. Atwood, Mr. James M. Johnson, and Mr. Donald W. Johnson for the petitioners.

No. 850. The National Bank of Commerce of St. Louis, petitioner, *v.* David R. Francis et al. Petition for a writ of certiorari to the Supreme Court of the State of Missouri submitted by Mr. George L. Edwards and Mr. Edward J. White for the petitioner, and by Mr. P. Taylor Bryan, Mr. Sam B. Jeffries, and Mr. Thomas Bond for the respondents.

No. 277. Wells-Elkhorn Coal Company, plaintiff in error, *v.* Otis Steel Company. In error to the District Court of the United States for the Eastern District of Kentucky. Dismissed with costs, per stipulation.

No. 321. South Utah Mines & Smelters, plaintiff in error, *v.* Beaver County. Motion to dismiss or affirm submitted by Mr. William A. Hilton and Mr. Harvey H. Cluff for the defendant in error in support of the motion, and by Mr. E. O. Leatherwood and Mr. C. C. Parsons for the plaintiff in error in opposition thereto.

No. 749. Central Coal & Coke Company, petitioner, *v.* Jacob Ocepek. Submitted by Mr. L. C. Boyle for the petitioner. No brief filed for the respondent.

No. 419. Oklahoma Gas & Electric Company et al., appellants, *v.* Corporation Commission of the State of Oklahoma et al. Argument commenced by Mr. R. M. Rainey for the appellants, continued by Mr. E. S. Ratliff for the appellees, and concluded by Mr. S. B. Flynn for the appellants.

No. 406. Oklahoma Natural Gas Company, appellant, *v.* Campbell Russell et al., etc. Argument commenced by Mr. D. A. Richardson for the appellant, and continued by Mr. Henry G. Snyder for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, February 21, will be as follows: Nos. 406, 500, 542, 588, 510, 325 (and 440), 701, 260, 310, 311, 320, 633, and 431.

SUPREME COURT OF THE UNITED STATES.

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

Martin Saxe, of New York City; Joseph W. Jamison, of St. Louis, Mo.; Bertram O. Becker, of Ashland, Ky.; Frederick H. Hayn, of Washington, D. C.; and Joseph Dugan, of Washington, D. C., were admitted to practice.

No. 257. The Price Fire & Water Proofing Company, appellant, *v.* The United States. Mandate granted, on motion of Mr. S. S. Ashbaugh for the appellant.

No. 406. Oklahoma Natural Gas Company, appellant, *v.* Campbell Russell et al., etc. Argument concluded by Mr. D. A. Richardson for the appellant.

No. 500. Arkansas Natural Gas Company, appellant, *v.* Arkansas Railroad Commission et al. Argument commenced by Mr. W. B. Smith for the appellant, continued by Mr. E. J. Dimock and Mr. Ashley Cockrill for the appellees, and concluded by Mr. W. B. Smith for the appellant.

No. 542. William A. Prendergast et al., etc., appellants, *v.* New York Telephone Company. Carl Sherman, present attorney general of New York, substituted as a party appellant herein, in place of Charles D. Newton, former attorney general of New York, on motion of Mr. W. W. Chambers in that behalf. Argument commenced by Mr. Simon Fleischmann for the appellants, continued by Mr. John W. Davis for the appellee, and concluded by Mr. W. W. Chambers for the appellant.

No. 588. The City of New York, appellant, *v.* New York Telephone Company. Argument commenced by Mr. M. Maldwin Fertig for the appellant.

Adjourned until Friday next at 12 o'clock.

The day call for Friday, February 23, will be as follows: Nos. 588, 510, 325 (and 440), 701, 260, 310, 311, 320, 633, and 431.

SUPREME COURT OF THE UNITED STATES.

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

J. P. McBaine, of Columbia, Mo.; Fred L. Williams, of St. Louis, Mo.; Fred Francis Weiss, of New York City; Frank E. Atwood, of Carrollton, Mo.; Frederick H. Stinchfield, of Minneapolis, Minn.; John L. Gust, of Phoenix, Ariz.; Harley H. Stipp, of Des Moines, Iowa; Charles K. Burdick, of Ithaca, N. Y.; John Lehman, of Brooklyn, N. Y.; Albert H. Bell, of Tulsa, Okla.; and C. Ellis Moore, of Cambridge, Ohio, were admitted to practice.

No. —. Roland R. Pothier, appellant, *v.* William R. Rodman, United States Marshal. Motion for leave to docket case and proceed in forma pauperis submitted by Mr. Davis G. Arnold for the appellant.

No. 795. Jesse C. Adkins et al., etc., appellants, *v.* The Children's Hospital of the District of Columbia; and

No. 796. Jesse C. Adkins et al., etc., appellants, *v.* Willis A. Lyons. Motion to reassign submitted by Mr. C. B. Ellis in that behalf.

No. 588. The City of New York, appellant, *v.* New York Telephone Company. Argument continued by Mr. M. Maldwin Fertig for the appellant, continued by Mr. John W. Davis for the appellee, and concluded by Mr. M. Maldwin Fertig for the appellant.

No. 510. The United States, appellant, *v.* Nelson W. Rider. Argued by Mr. James A. Fowler for the appellant, and by Mr. Henry W. Driscoll for the appellee.

No. 325. Robert T. Meyer, plaintiff in error, *v.* The State of Nebraska; and

No. 440. Nebraska District of Evangelical Lutheran Synod of Missouri, etc., et al., plaintiffs in error, *v.* Samuel R. McKelvie et al., etc. Argument commenced by Mr. A. F. Mullen for the plaintiff in error in No. 440, continued by Mr. Mason Wheeler and Mr. O. S. Spillman for the defendants in error, and concluded by Mr. C. E. Sandall for the plaintiff in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, February 26, will be as follows: Nos. 701, 260, 310, (and 311), 320, 633, 431, 25, 268, 130, 300, 92, 229, 231, 232, 284, 467, 574, 430, 469, 485 (and 480 and 740), and 121 (and 122).

SUPREME COURT OF THE UNITED STATES.

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

Walter John King, of New York City; William L. Brewster, of Portland, Oreg.; David E. Keefe, of East St. Louis, Ill.; Samuel W. Baxter, of East St. Louis, Ill.; Martin H. Long, of Jacksonville, Fla.; Charles H. Studin, of New York City; Nelson Thomas, of Washington, D. C.; Alfred Mack, of Cincinnati, Ohio; Wayne Johnson, of New York City; Leon B. Lamfrom, of Milwaukee, Wis.; Clarence M. Botts, of Santa Fe, N. Mex.; Adrian C. Humphreys, of Louisville, Ky.; Charles C. Montgomery, of Los Angeles, Calif.; Albert E. Sherman, of Detroit, Mich.; Stephen Barker, of New York City; Wirt Howe, of New York City; Bolitha J. Laws, of Washington, D. C.; Ralph H. Hallett, of Boston, Mass.; Millidge L. Bonham, of Anderson, S. C.; Adolphus E. Graupner, of San Francisco, Calif.; Oliver J. Miller, of St. Louis, Mo.; Max Royal, of Huron, S. Dak.; Reuben J. Hagman, of Spokane, Wash.; John Q. Tilson, of New Haven, Conn.; and M. C. Garber, of Enid, Okla.; were admitted to practice.

No. 255. Charles Munter, plaintiff in error, *v.* The Weil Corset Company (Inc.). In error to the District Court of the United States for the District of Connecticut. Judgment reversed with costs; and cause remanded with directions to dismiss the action. Opinion by Mr. Justice McKenna.

No. 228. James C. Davis, Director General, etc., petitioner, *v.* L. N. Dantzler Lumber Company. On writ of certiorari to the Supreme Court of the State of Mississippi. Judgment reversed with costs; and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice McKenna.

The Chief Justice announced the following orders of the court:

No. 15, original. Commonwealth of Pennsylvania, complainant, *v.* The State of West Virginia;

No. 16, original. The State of Ohio, complainant, *v.* The State of West Virginia;

No. 267. U. S. Webb, Attorney General, etc., et al., appellants, *v.* J. J. O'Brien et al.;

No. 299. W. I. Porterfield et al., appellants, *v.* U. S. Webb, Attorney General, etc.;

No. 302. Frank Terrace et al., etc., appellants, *v.* Lindsay L. Thompson, Attorney General, etc.; and

No. 555. Raymond L. Frick et al., appellants, *v.* U. S. Webb, as Attorney General, etc., et al. It is now here ordered by the court that these cases be assigned for hearing at the head of the call for Monday, April 16 next.

No. 770. Benjamin Gitlow, plaintiff in error, *v.* The People of the State of New York. Ordered that this cause be reassigned for argument on Monday, April 9 next, after the cases heretofore assigned for that day.

No. 795. Jesse C. Adkins et al., etc., appellants, *v.* The Children's Hospital of the District of Columbia; and

No. 796. Jesse C. Adkins et al., etc., appellants, *v.* Willie A. Lyons. Ordered that these cases be reassigned for argument on Monday, March 12 next, after the case heretofore assigned for that day.

No. 842. Norfolk Southern Railroad Company, petitioner, *v.* Thomas V. Gordon. Ordered that the motion for a stay pending the consideration by this court of the application for a writ of certiorari herein be, and the same is hereby, granted.

No. 838. Timothy D. Murphy, petitioner, *v.* The United States of America. Ordered that the motion for a stay herein be, and the same is hereby, denied.

No. 663. David H. Riddle, appellant, *v.* James E. Dyche, Warden, etc. On consideration of the motions to admit to bail or to advance herein, it is ordered that the motion be denied as to bail, but the case advanced for argument on the summary docket and assigned for Monday, April 9 next, after the cases heretofore assigned for that day.

No. —. Sergius Apostoloff, appellant, *v.* Conrad Hubert et al. Motion to docket this cause, and for leave to proceed in forma pauperis, denied.

No. 244. Sam Winokur, plaintiff in error, *v.* H. I. Harn, Sheriff, etc. Motion to reinstate and assigned for argument denied.

No. 856. John W. Talbot, petitioner, *v.* The United States. It is ordered that the motion for a stay pending the consideration by this court of the application for a writ of certiorari herein be, and the same is hereby, denied.

No. 781. Taubel-Scott-Kitzmiller Company (Inc.), petitioner, *v.* David J. Fox et al., Trustees, etc. Ordered that the motions to vacate the writ of certiorari granted herein or to advance this cause be, and they are hereby, denied.

No. —, original. *Ex parte* In the matter of France & Canada Steamship Corporation, petitioner. Motion for leave to file petition for a writ of mandamus herein denied.

No. 376. Henry F. Mueller et al., etc., appellants, *v.* Samuel W. Adler et al. On consideration of the petition for a rehearing or to remand this cause to the United States Circuit Court of Appeals for the Eighth Circuit, it is ordered by the court that said cause be, and the same is hereby, transferred to the said Circuit Court of Appeals, pursuant to the act of Congress of September 14, 1922.

No. 793. Prestonettes (Inc.), petitioner, *v.* Francois Joseph de Spoturno Coty. Motion to advance denied.

No. 468. James C. Davis, as Agent, etc., petitioner, *v.* Lee A. Wolfe. Motion to advance denied.

No. 321. South Utah Mines & Smelters, plaintiff in error, *v.* Beaver County. Further consideration of the motion to dismiss or affirm postponed to the hearing of the cause on the merits.

No. 820. Great Northern Railway Company, petitioner, *v.* McCaull-Dinsmore Company. Petition for a writ of certiorari to the Supreme Court of the State of Minnesota granted.

No. 823. Farmers and Merchants Bank of Monroe, North Carolina, et al., petitioners, *v.* Federal Reserve Bank of Richmond, Virginia. Petition for a writ of certiorari to the Supreme Court of the State of North Carolina granted.

No. 846. Harry T. Graham, individually, etc., petitioners, *v.* Alfred I. DuPont. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit granted.

No. 738. Wagner Electric Manufacturing Company, appellant, *v.* Lamar Lyndon et al., etc. Petition for a writ of certiorari herein denied.

No. 776. Sophia Charles et al., etc., petitioners, *v.* Roxana Petroleum Corporation. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 798. J. E. Barrack et al., petitioners, *v.* Town of Fairbanks, Alaska. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 803. The Robert Dollar Company, petitioner, *v.* American Asiatic Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 807. E. I. Horsman et al., etc., petitioners, *v.* Alfred A. Kaufman. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 811. France and Canada Steamship Corporation, petitioner, *v.* French Republic. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 812. W. Everett et al., petitioners, *v.* The United States. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 813. Director General of Railroads, petitioner, *v.* Thomas Keenan. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 822. Benjamin Kalmanson, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 828. Frank N. Snell et al., petitioners, *v.* J. C. Turner Lumber Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 831. Standard Oil Company of New York, petitioner, *v.* Clyde Steamship Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 834. Aluminum Company of America, petitioner, *v.* Federal Trade Commission. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 836. Lottie I. Kern, Administratrix, etc., petitioner, *v.* John Barton Payne, Director General, etc. Petition for a writ of certiorari to the Supreme Court of the State of Montana denied.

No. 838. Timothy D. Murphy, petitioner, *v.* The United States of America;

No. 839. Vincenzo Cosmano, petitioner, *v.* The United States of America; and

No. 840. Edward C. Gierum, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 847. Utah Consolidated Mining Company, petitioner, *v.* Utah Apex Mining Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 848. W. V. Smith et al., petitioners, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 850. The National Bank of Commerce of St. Louis, petitioner, *v.* David R. Francis et al. Petition for a writ of certiorari to the Supreme Court of the State of Missouri denied.

No. 749. Central Coal & Coke Company, petitioner, *v.* Jacob Ocepek. On writ of certiorari to the Supreme Court of the State of Arkansas. Per curiam: Reversed with costs, upon the authority of *Baltimore & Ohio R. R. Co. v. Koontz*, 104 U. S. 5, 15; *General Investment Co. v. Lake Shore & Michigan Southern Ry. Co.*, decided November 27, 1922; *Lee v. Chesapeake & Ohio Ry. Co.*, decided January 22, 1923.

No. 855. Commissioner of Immigration of Port of New York, petitioner, *v.* Gittel Gottlieb et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Solicitor General Beck, Mr. Assistant Attorney General Crim, and Mr. Harry S. Ridgely for the petitioner, and by Mr. Joseph G. M. Browne, Mr. Barnett E. Kopelman, and Mr. J. Philip Berg for the respondent.

No. 18, original. The State of Oklahoma, complainant, *v.* The State of Texas, defendant; the United States, intervener. Leave granted to file stipulation and petition in intervention of Mary Alice Sah-maunty et al., on motion of Mr. Henry E. Asp in that behalf.

No. 253. M. Frank Andrews, plaintiff in error, *v.* The United States of America. In error to the District Court of the United States for the Western District of South Carolina. Judgment reversed, upon confession of error by the defendant in error, on motion of Mr. Hugh H. Obear for the plaintiff in error, with consent thereto by Mr. Solicitor General Beck for the defendant in error.

No. 653. Puget Sound Power & Light Company et al., plaintiffs in error, *v.* The County of King et al. Motion to reinstate cause on the docket submitted by Mr. Frederic D. McKenney in behalf of counsel for the plaintiff in error.

No. 385. St. Johns N. F. Shipping Corporation, Owner, etc., petitioner, *v.* S. A. Companhia Geral Commercial do Rio de Janeiro. Motion to dismiss or affirm under rule 6, or to advance, submitted by Mr. E. Curtis Rouse for the respondent, in support of the motion, and by Mr. Clarence Bishop Smith for the petitioner in opposition thereto.

No. 318. The People of the State of New York ex rel. Emeline F. Clyde, plaintiff in error, *v.* James A. Wendell, Comptroller of the State of New York. State Tax Commission of the State of New York substituted as the party defendant in error herein in place of

James A. Wendell, Comptroller, etc., deceased, on motion of Mr. Edward J. Crummey in that behalf.

No. 318. The People of the State of New York ex rel. Emeline F. Clyde, plaintiff in error, *v.* State Tax Commission of the State of New York. Passed, to be restored to the call pursuant to section 9, rule 26, on motion of Mr. Edward J. Crummey in that behalf.

No. 827. Edward A. Thurston, Sole Surviving Trustee, etc., petitioner *v.* Benjamin Brown et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit submitted by Mr. William R. Sears for the petitioner.

No. 498. James K. Cochran and Harris Kobey, plaintiffs in error, *v.* Coulton M. Becker. Motion to dismiss or affirm submitted by Mr. Oliver J. Miller for the defendant in error in support of the motion, and by Mr. Harris Kobey, pro se, in opposition thereto. Objection to the appearance of Mr. Oliver J. Miller and to his admission to practice as a member of the bar of this court submitted by Mr. Harris Kobey; and objection overruled.

No. 795. Jesse C. Adkins et al., etc., appellants, *v.* The Children's Hospital of the District of Columbia; and

No. 796. Jesse C. Adkins et al., etc., appellants, *v.* Willie A. Lyons. Leave granted to file brief herein as amicus curiae on motion of Mr. Francis H. Stephens in behalf of counsel for the State of Kansas.

No. 432. J. H. Hodges et al., etc., plaintiffs in error, *v.* G. T. Snyder et al., etc., et al. Motion to dismiss or affirm submitted by Mr. Max Royhl in behalf of Mr. T. H. Null for the defendants in error in support of the motion, and by Mr. Samuel Herrick for the plaintiffs in error in opposition thereto.

No. 867. Frank N. Snell et al., petitioners, *v.* Frank Snell Sawmill Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Henry C. Clark in behalf of Mr. William M. Toomer for the petitioners, and by Mr. Samuel Silbiger for the respondents.

No. 20, original. The Commonwealth of Massachusetts, complainant, *v.* The State of New York et al. John Albert Granger, as heir-at-law of Anna T. Granger, deceased, and his wife Emma R. Granger, and Gideon Granger, as heir-at-law of Anna T. Granger, deceased, substituted as parties defendants herein in place of Anna T. Granger, deceased, on motion of Mr. J. Weston Allen in that behalf.

No. 20, original. The Commonwealth of Massachusetts, complainant, *v.* The State of New York et al. Motion by certain defendants for leave to amend their answers heretofore filed herein, submitted by Mr. Daniel M. Beach, Mr. Arthur E. Sutherland, and Mr. Clarence P. Moser in that behalf.

No. 821. Hannah Levine, petitioner, *v.* Pennsylvania Railroad Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. John L. Wilkie for the petitioner, and by Mr. Van Vechten Veeder for the respondent.

No. 830. Edmond C. Fletcher, petitioner, *v.* Isaiah S. Coomes et al. Petition for a writ of certiorari to the Court of Appeals for the District of Columbia submitted by Mr. Camden R. McAtee for the petitioner.

No. 835. Joseph Phipps et al., etc., petitioners, *v.* Chicago, Rock Island & Pacific Railway Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. John G. Parkinson for the petitioner.

No. 844. Jacksonville Forwarding Company, petitioner, *v.* County of Nassau, State of Florida. Petition for a writ of certiorari to the Supreme Court of the State of Florida submitted by Mr. George C. Bedell for the petitioners, and by Mr. Martin H. Long for respondent.

No. 686. Southern Railway Company, appellant, *v.* A. D. Watts, etc., et al. Appeal from the District Court of the United States for the Western District of North Carolina. Dismissed with costs, on motion of counsel for the appellant.

No. 701. Board of Trade of the City of Chicago et al., appellants, *v.* Edwin A. Olsen, United States District Attorney for the Northern District of Illinois. Three hours allowed for the argument of this case, on motion of Mr. Henry S. Robbins in that behalf. Argued by Mr. Henry S. Robbins for the appellants, and by Mr. Solicitor General Beck for the appellee.

No. 260. Charles Keller et al., appellants, *v.* Potomac Electric Power Company. Argument commenced by Mr. John A. Garver for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, February 27, will be as follows: Nos. 260, 310 (and 311), 320, 633, 431, 25, 268, 130, 300, 92, 229, 231, 232, 284, 467 (and 574), 430, 469, 485 (and 480 and 740), and 121 (and 122).

SUPREME COURT OF THE UNITED STATES.

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

G. B. Ross, of Galveston, Tex.; Caleb S. Layton, of Wilmington, Del.; Albert W. Black, of Bay City, Mich.; Bowdoin U. McClintock, of Pittsburgh, Pa.; and George de Forest Lord, of Cedarhurst, Long Island, N. Y., were admitted to practice.

No. **260.** Charles Keller et al., appellants, *v.* Potomac Electric Power Company. Argument continued by Mr. John A. Garver for the appellee, and concluded by Mr. F. H. Stephens for the appellants.

No. **310.** Fox Film Corporation, petitioner, *v.* Frederick M. Knowles et al.; and

No. **311.** Fox Film Corporation, petitioner, *v.* Frederick M. Knowles et al. Argued by Mr. Alfred A. Wheat for the petitioner, and by Mr. Louis R. Bick for the respondents.

No. **320.** R. H. Arnold, etc., plaintiff in error, *v.* The United States, etc. Submitted by Mr. William H. White for the plaintiff in error, and argued by Mr. Frank G. Tompkins for the defendant in error.

No. **633.** Great Lakes Dredge & Dock Company, plaintiff in error, *v.* Sophia Kierejewski, as Administratrix, etc. Argued by Mr. George Clinton, jr., for the plaintiff in error, and by Mr. Irving W. Cole for the defendant in error.

No. **431.** The Pusey & Jones Company, petitioner, *v.* Hans Karluf Hanssen. Argued by M. Lindley M. Garrison for the petitioner, and by Mr. William H. Button for the respondent.

No. **25.** Albert B. Fall, Secretary of the Interior, plaintiff in error, *v.* United States ex rel. W. T. Mosier et al. Argument commenced by Mr. C. Edward Wright for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, February 28, will be as follows: Nos. **25, 268, 130, 300, 92, 229, 231, 232, 284, 467** (and **574**), **430, 469, 485** (and **480** and **740**), and **121** (and **122**).

SUPREME COURT OF THE UNITED STATES.

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

G. A. Spencer, of Washington, D. C.; Arthur T. Woodward, of Pawhuska, Okla.; Henry Hudson, of Knoxville, Tenn.; Joseph M. Proskauer, of New York City; George P. Haywood, of Lafayette, Ind.; and Edgar D. Randolph, of Lafayette, Ind., were admitted to practice.

No. 25. Albert B. Fall, Secretary of the Interior, plaintiff in error, *v. The United States ex rel. W. T. Mosier et al.* Argument continued by Mr. C. Edward Wright for the plaintiff in error, and concluded by Mr. T. J. Leahy for the defendants in error.

No. 268. Yuma County Water Users' Association et al., appellants, *v. W. W. Schlect et al.* Argued by Mr. T. D. Molloy for the appellants, and by Mr. Assistant Attorney General Riter for the appellees.

No. 130. Thomas B. Stocker, plaintiff in error, *v. Nemaha Drainage District No. 2.* Submitted by Mr. Halleck F. Rose, Mr. George N. Foster, and Mr. T. R. P. Stocker for the plaintiff in error, and by Mr. Fred A. Wright for the defendant in error.

No. 300. Albert Hanson Lumber Company (Ltd.), plaintiff in error, *v. The United States.* Argument commenced by Mr. E. Howard McCaleb for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, March 1, will be as follows: Nos. 300, 92, 229, 231, 232, 284, 467 (and 574), 430, 469, 485 (and 480 and 740), and 121 (and 122).

SUPREME COURT OF THE UNITED STATES.

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

Charles L. Hayes, of Bridgeport, Calif.; E. H. Ratcliff, jr., of Fort Worth, Tex.; W. G. Binell, of Gooding, Idaho; George A. Chace, of Rochester, N. Y.; Isaiah J. Fetterhoff, of Halifax, Pa.; Alfred K. Nippert, of Cincinnati, Ohio; Claudine Russell Marshall, of Columbia, S. C.; John Wilson Brown, 3d, of Baltimore, Md.; Carle Whitehead, of Denver, Colo.; Alexander H. McCormick, of Westminster, Md.; Robert G. Simmons, of Scotts Bluff, Nebr.; Frederick N. Watriss, of New York City; Benson Landon, of Chicago, Ill.; and George E. Crothers, of San Francisco, Calif., were admitted to practice.

No. 300. Albert Hanson Lumber Company (Ltd.), plaintiff in error, *v.* The United States. Argument continued by Mr. E. Howard McCaleb for the plaintiff in error, and concluded by Mr. Alfred A. Wheat for the defendant in error.

No. 92. John Ewen, petitioner, *v.* American Fidelity Company. Argued by Mr. William R. Wilder for the petitioner, and by Mr. Joseph M. Proskauer for the respondent.

No. 229. Omnia Commercial Company (Inc.), appellant, *v.* The United States. Argued by Mr. George Maurice Morris for the appellant, and by Mr. Assistant Attorney General Riter for the appellee.

No. 231. The United States, appellant, *v.* Bernard L. Moran; and

No. 232. The United States, appellant, *v.* Will J. Allen. Argued by Mr. Assistant to the Attorney General Seymour for the appellant, and by Mr. George A. King for the appellees.

No. 284. St. Louis-San Francisco Railway Company et al., plaintiffs in error, *v.* Public Service Commission of Missouri. Argued by Mr. Frank E. Atwood for the defendant in error, and submitted by Mr. E. T. Miller and Mr. William F. Evans for the plaintiffs in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, March 2, will be as follows: Nos. 467 (and 574), 430, 469, 485 (and 480 and 740), 121 (and 122), 278, 269, 184, 208, and 265 (and 271).

SUPREME COURT OF THE UNITED STATES.

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

George W. Plank, of St. Cloud, Minn.; Charles W. Halderman, of Astoria, Oreg.; Charles G. Keene, of Boston, Mass.; Warren H. Stewart, of St. Cloud, Minn.; William J. Sprow, of Crawfordsville, Ind.; Joseph E. Stricker, of Perth Amboy, N. J.; Thomas A. Billingsley, of Greenville, Ohio; and Charles E. Bind, of Trenton, N. J., were admitted to practice.

No. 467. Department of Trade and Commerce of the State of Nebraska et al., petitioners, *v.* A. J. Hertz et al., etc., Receivers, etc.; and

No. 574. Lion Bonding & Surety Company, petitioner, *v.* A. H. Karatz. Motion of Clarence C. Fowler for leave to file a brief herein as amicus curiae on behalf of the superintendent of insurance of the State of New York, denied.

No. 467. Department of Trade and Commerce of the State of Nebraska et al., petitioners, *v.* A. J. Hertz et al., etc., Receivers, etc.; and

No. 574. Lion Bonding & Surety Company, petitioners, *v.* A. H. Karatz. Argued by Mr. Halleck F. Rose for the petitioners, and by Mr. Bruce W. Sanborn for the respondent.

No. 430. The City of Trenton, plaintiff in error, *v.* The State of New Jersey; and

No. 469. The City of Newark, plaintiff in error, *v.* The State of New Jersey. Argument commenced by Mr. A. V. Dawes for the plaintiff in error in No. 430, continued by Mr. George W. Wickersham for the plaintiff in error in No. 469, and concluded by Mr. William Newcorn for the defendant in error.

No. 121. The United States, appellant, *v.* Mason & Hanger Company; and

No. 122. The United States, appellant, *v.* North-Eastern Construction Company. Reargument commenced by Mr. Ralph E. Moody for the appellant.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, March 5, will be as follows: Nos. 121 (and 122), 485, 480 (and 740), 278, 269, 184, 208, 265 (and 271), 235 (and 296), 428, 316, 213 (and 637, 638, and 639), 532 (and 533, 534 and 587), and 223.

SUPREME COURT OF THE UNITED STATES.

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

Stuart S. Janney, of Baltimore, Md.; Melvin C. Goss, of Boulder, Colo.; Thomas M. Talbott, of Rockville, Md.; George Wolf, of New York City; Abner Siegal, of Auburn, Me.; James M. Hammond, of Carson City, Nev.; C. Nelson Leach, of Chicago, Ill.; Forest D. Siefkin, of Wichita, Kans.; L. P. Brooks, of Wichita, Kans.; Thomas H. Lewis, jr., of Chevy Chase, Md.; Harrison M. Davis, of Boston, Mass.; James Austin Stone, of Washington, D. C.; J. Hanson Boyden, of Washington, D. C.; John F. Kerrigan, of Tulsa, Okla.; and Gorham Crosby, of New York City, were admitted to practice.

No. 407. Seaboard Air Line Railway Company et al., plaintiffs in error, *v.* The United States. In error to the United States Circuit Court of Appeals for the Fourth Circuit. Decree of the United States Circuit Court of Appeals reversed, and decree of the District Court of the United States for the Eastern District of South Carolina affirmed; and cause remanded to the said District Court. Opinion by Mr. Justice Butler.

No. 394. The United States of America et al., plaintiffs in error, *v.* Georgia F. Benedict, Trustee, etc. In error to the United States Circuit Court of Appeals for the Second Circuit. Writ of error of the City of New York dismissed. Judgment as to the United States of America affirmed; and cause remanded to the District Court of the United States for the Eastern District of New York. Opinion by Mr. Justice McReynolds.

No. 406. Oklahoma Natural Gas Company, appellant, *v.* Campbell Russell et al., etc., constituting the Corporation Commission of the State of Oklahoma, et al.; and

No. 419. Oklahoma Gas & Electric Company et al., appellants, *v.* Corporation Commission of the State of Oklahoma et al. Appeals from the District Court of the United States for the Western Dis-

trict of Oklahoma. Decrees reversed with costs; and causes remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Holmes.

The Chief Justice announced the following orders of the court:

No. 18, original. The State of Oklahoma, complainant, *v.* The State of Texas. It is ordered that the petition in intervention of John Tah Hah et al. be filed in accordance with the stipulation that the evidence introduced in said cause by any of the parties shall be taken as evidence as to these interveners, and that the rights of said interveners may be determined by the decree to be rendered herein.

No. 716. American Trust Company, plaintiff in error, *v.* S. S. McNinch et al. In error to the Supreme Court of the State of North Carolina. Per curiam: Dismissed for want of jurisdiction upon the authority of (1) *Thomas v. Iowa*, 209 U. S. 258, 263; *Consolidated Turnpike Co. v. Norfolk, etc., Ry. Co.*, 228 U. S. 326, 331, 333; *Bowe v. Scott*, 223 U. S. 658, 664-665; (2) *McCorquodale v. Texas*, 211 U. S. 432, 437; *St. Louis & San Francisco R. R. Co. v. Shepherd*, 240 U. S. 240, 241; *Mergenthaler Linotype Co. v. Davis*, 251 U. S. 256, 258-259; *Jett Bros. Distilling Co. v. Town of Carrollton*, 252 U. S. 1, 6-7.

No. 498. James K. Cochran et al., plaintiffs in error, *v.* Coulton M. Becker. In error to the United States Circuit Court of Appeals for the Eighth District. Per curiam: Dismissed for want of jurisdiction, upon authority of section 6, act of September 6, 1916, c. 448, 39 Stat. 726, 727.

No. 130. Harriet Stocker et al., plaintiffs in error, *v.* Nehama Drainage District No. 2. In error to the Supreme Court of the State of Nebraska. Per curiam: Dismissed for want of jurisdiction upon the authority of *Spencer v. Duplan Silk Co.*, 191 U. S. 526, 530; *Shulthis v. McDougal*, 225 U. S. 561, 569; *Hull v. Burr*, 234 U. S. 712, 720; *Norton v. Whiteside*, 239 U. S. 144, 147.

No. 385. St. Johns N. F. Shipping Corporation, Owner, etc., petitioner, *v.* S. A. Companhia Geral Commercial do Rio de Janeiro. On writ of certiorari to the United States Circuit Court of Appeals for the Second District. Motion to dismiss or affirm or advance denied.

No. 653. Puget Sound Power & Light Company et al., plaintiffs in error *v.* The County of King et al. Motion to reinstate this cause on the docket granted.

No. 20, original. The Commonwealth of Massachusetts, complainant, *v.* The State of New York et al. Motion by certain defendants for leave to amend answers granted.

No. 731. Sperry Oil & Gas Company et al., appellants, *v.* Pearl Chisholm et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit granted.

No. 827. Edward A. Thurston, Sole Surviving Trustee, etc., petitioner, *v.* Benjamin Brown et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit granted.

No. 835. Joseph Phipps et al., petitioners, *v.* Chicago, Rock Island & Pacific Railway Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit granted.

No. 855. Commissioner of Immigration of the Port of New York, petitioner, *v.* Gittel Gottlieb et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 716. American Trust Company, plaintiff in error, *v.* S. S. McNinch et al. Petition for a writ of certiorari to the Supreme Court of the State of North Carolina denied.

No. 799. Ward Grandpre, petitioner, *v.* Chicago, Milwaukee & St. Paul Railway Company. Petition for a writ of certiorari to the Supreme Court of the State of South Dakota denied.

No. 821. Hannah Levine, petitioner, *v.* Pennsylvania Railroad Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 826. William Lucking, appellant, *v.* Detroit & Cleveland Navigation Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 830. Edmond C. Fletcher, petitioner, *v.* Isaiah S. Coomes et al. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 844. Jacksonville Forwarding Company, petitioner, *v.* County of Nassau, State of Florida. Petition for a writ of certiorari to the Supreme Court of the State of Florida denied.

No. 867. Frank N. Snell et al., petitioners, *v.* Frank Snell Sawmill Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

ORDER.—It is ordered by this court that the accompanying correspondence between members of the court and Mr. Justice Pitney, upon his retirement as an Associate Justice of the court, be this day

spread upon the record, and that it also be printed in the reports of the court:

WASHINGTON, D. C., *February 24, 1923.*

MY DEAR BROTHER PITNEY: We write to assure you of our sincere appreciation as a colleague and to express our deep regret that failing health has compelled you to give up the work which you love, and in which you have rendered signal service to our country.

After four years in the Federal Congress and three years in the New Jersey senate, whose presiding officer you were, you became a justice of the Supreme Court of the State, and ultimately the Chancellor. Your father's distinguished career on the same equity bench gave you a high standard to follow. With this seven years of legislative training and eleven years of judicial experience, you were called to our court, fully equipped for its responsible duties.

For ten years you have given unremitting labor to the work of the court—the consideration of cases, the preparation of your own opinions, and the most careful examination and criticism of the opinions of your colleagues. You have spared yourself in nothing. We can not but think that you have sacrificed your health in the earnest effort to do everything possible to further the work of the court. Your opinions in thirty-four volumes—225 to 259—show a splendid sense of responsibility, accurate learning, thorough research, able reasoning, nice sense of justice, and careful preparation.

We shall miss your kindly companionship, your genial courtesy, your loyalty, and your high sense of judicial duty. Our love follows you in retirement. May the years to come give you well-earned repose and happiness.

With affectionate regard, we are,

Sincerely yours,

WILLIAM H. TAFT.
JOSEPH MCKENNA.
OLIVER WENDELL HOLMES.
WILLIS VAN DEVANTER.
JAMES CLARK McREYNOLDS.
LOUIS DEMBITZ BRANDEIS.

Hon. MAHLON PITNEY,
1763 R Street NW., Washington, D. C.

WASHINGTON, D. C., *March 3, 1923.*

MY DEAR CHIEF JUSTICE: Your letter touched me more deeply than I can tell you. To you, and to my dear brethren of the court, I owe ten of the happiest years of my life.

Your unvarying kindness, consideration, and helpfulness did everything to stimulate my ambition to win your esteem; and if through overwork I have undermined my health, I feel fully repaid by the appreciation expressed, in your letter, of my usefulness to the court. It is with the deepest regret that I am compelled to retire from the bench; but it ever will be a source of consolation and pleasure to look back upon the days we spent together.

With assurance of my affectionate regards to you all, I am,

Yours fraternally,

MAHLON PITNEY.

Hon. WILLIAM H. TAFT, *Chief Justice.*

No. 575. Commercial Trust Company of New Jersey, appellant, *v.* Thomas W. Miller, as Alien Property Custodian; and

No. 576. Charles J. Ahrenfeldt, appellant, *v.* Thomas W. Miller, as Alien Property Custodian. Motion to advance to be heard with No. 292 on April 9 next, submitted by Mr. Blackburn Esterline in that behalf.

No. 18, original. The State of Oklahoma, complainant, *v.* The State of Texas, defendant; The United States, intervener. Joint motion for leave to withdraw the prayer contained in the pleadings of each party asking that the boundary line be run, located, and marked upon the ground; and, in lieu thereof, that this court, by its decree based on the opinion of January 15, 1923, provide and direct that the commissioners to be appointed shall run, locate, and mark said boundary line along two described areas, submitted by Mr. Blackburn Esterline in that behalf.

No. 18, original. The State of Oklahoma, complainant, *v.* The State of Texas, defendant; The United States, intervener. Motion for leave to file stipulation as to rights of certain patentees and Indian allottees, submitted by Mr. Blackburn Esterline in that behalf.

No. 22, original. The State of New York, complainant, *v.* Harry M. Daugherty, Attorney General of the United States, et al. Leave granted to file answer herein, on motion of Mr. Blackburn Esterline for the defendants.

No. 532. Simon Hecht et al., petitioners, *v.* John F. Malley, Former Collector of Internal Revenue;

No. 533. Arthur L. Howard et al., petitioners, *v.* John F. Malley, Former Collector of Internal Revenue;

No. 534. Arthur L. Howard et al., petitioners, *v.* Andrew J. Casey, Former Acting Collector of Internal Revenue; and

No. 587. Alvah Crocker et al., Trustees, petitioner, *v.* John F. Malley, Collector. Motion to reassign submitted by Mr. Blackburn Esterline in that behalf.

No. 849. Nathaniel P. Lesueur et al., etc., petitioners, *v.* Manufacturers' Finance Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. James S. Pilcher for the petitioners, and by Mr. John J. Vertrees for the respondent.

No. —, original. *Ex parte* In the matter of James C. Davis, as Director General of Railroads, etc., petitioner. Motion for leave to file petition for a writ of prohibition and/or a writ of mandamus herein submitted by Mr. James W. Ryan and Mr. T. Catesby Jones for the petitioner.

No. 278. Layne and Bowler Corporation, petitioner, *v.* Western Well Works (Inc.), et al. Motion of Mr. Charles C. Montgomery for leave to file reply brief herein as amicus curiae, denied.

No. 627. Sven Haavik, appellant, *v.* Alaska Packers Association. Motion to advance submitted by Mr. Jackson H. Ralston in behalf of counsel.

No: 704. Alfred Street, suing on behalf of himself and other seamen, etc., appellant, *v.* Ship Owners' Association of the Pacific Coast et al. Motion to advance submitted by Mr. Jackson H. Ralston in behalf of counsel.

No. 485. Russell Motor Car Company, appellant, *v.* The United States. Leave granted to file brief herein, as amicus curiae, on motion of Mr. Louis Titus in that behalf.

No. 837. Henry M. Goldfogle, President, etc., et al., etc., petitioners, *v.* Hanover National Bank of the City of New York. Petition for a writ of certiorari to the Supreme Court of the State of New York submitted by Mr. William H. King, Mr. George P. Nicholson, Mr. Frank B. Kellogg, Mr. Eugene Fay, and Mr. Charles L. Pierce, for the petitioners, and by Mr. E. F. Colladay, Mr. Martin Saxe, Mr. Percy S. Dudley, Mr. Frank M. Patterson, and Mr. Merton E. Lewis for the respondent; with leave to counsel for the respondent to file reply to petitioners' reply brief.

No. 858. The City of New York, petitioner, *v.* Rodgers & Hagerty (Inc). Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. William H. King in behalf of Mr. Edmund L. Mooney and Mr. Terence Farley for the petitioner, and by Mr. C. C. Calhoun for the respondent.

No. 860. Samuel C. Pandolfo, petitioner. *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Patrick J. Lucey, Mr. Gerald G. Barry, and Mr. Bernhardt Frank for the petitioner and by Mr. Solicitor General Beck, Mr. Assistant Attorney General Crim, and Mr. Harry S. Ridgely for the respondent.

No. 842. Norfolk Southern Railroad Company, petitioner, *v.* Thomas V. Gordon. Petition for a writ of certiorari to the Supreme Court of the State of North Carolina submitted by Mr. Robert N. Simms and Mr. C. M. Bain for the petitioner, and by Mr. William C. Douglas and Mr. Clyde A. Douglas for the respondent.

No. 832. Supreme Lodge, Knights of Pythias, plaintiff in error, *v.* George O. Meyer; and

No. 833. Supreme Lodge, Knights of Pythias, plaintiff in error, *v.* Lena Eiser. Petition for a writ of certiorari herein submitted by Mr. Sidney F. Taliaferro, Mr. Sol H. Esarey, and Mr. Thomas P. Littlepage for the plaintiff in error in support of the petition, with

leave to counsel for the plaintiff in error to file printed record when completed.

No. 829. George H. Sever, petitioner, *v.* Director General of Railroads. Petition for a writ of certiorari to the Supreme Court of the State of New York submitted by Mr. John E. Benton for the petitioner, and by Mr. Edwin A. Lawrence for the respondent.

No. 805. Lehigh & Hudson River Railway Company, petitioner, *v.* Florence M. Otterstedt, on behalf of herself and minor children. Petition for a writ of certiorari to the Supreme Court, Appellate Division, Third Department, of the State of New York, submitted by Mr. John J. Beattie for the petitioner, and by Mr. E. Clarence Aiken for the respondent.

No. 857. James C. Davis, as Agent, etc., petitioner, *v.* Marguerite Clark, Administratrix of Charles Almon Clark, deceased. Petition for a writ of certiorari to the Supreme Court of the State of Minnesota, submitted by Mr. Bruce Scott, Mr. A. A. McLaughlin, and Mr. O. M. Spencer for the petitioner, and by Mr. Tom Davis and Mr. Ernest A. Mickel for respondent.

No. 861. Alabama Grocery Company, petitioner, *v.* L. P. Hammond, Trustee, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Lee C. Bradley for the petitioner, and by Mr. Forney Johnston for the respondent.

No. 713. Charles A. Houts et al., appellants, *v.* W. E. McKinney, as Guardian, etc., et al. Appeal from the United States Circuit Court of Appeals for the Eighth Circuit. Dismissed with costs, per stipulation.

No. 121. The United States, appellant, *v.* Mason & Hanger Company; and

No. 122. The United States, appellant, *v.* North-Eastern Construction Company. Reargument continued by Mr. Ralph E. Moody for the appellant, and cases submitted by Mr. William B. King, Mr. George A. King, and Mr. George R. Shields for the appellees.

No. 278. Layne & Bowler Corporation, petitioner, *v.* Western Well Works (Inc.) et al. Argued by Mr. F. S. Lyon for the petitioner, and by Mr. C. E. Townsend for the respondents.

No. 269. L. Vogelstein & Company (Inc), appellant, *v.* The United States. Argument commenced by Mr. A. G. Reeves for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, March 6, will be as follows: Nos. 269, 485 (and 480 and 740), 184, 208, 265 (and 271), 235 (and 296), 428, 316, 679 (and 680), and 213 (and 637, 638, and 639).

SUPREME COURT OF THE UNITED STATES.

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

William L. Igoe, of St. Louis, Mo.; Harry C. Gahn, of Cleveland, Ohio; and Henry N. Longley, of New York City, were admitted to practice.

No. 269. L. Vogelstein & Company (Inc.), appellant, *v.* The United States. Argument continued by Mr. Alfred A. Wheat for the appellee, and concluded by Mr. Frederic D. McKenney for the appellant.

No. 485. Russell Motor Car Company, appellant, *v.* The United States; and

No. 480. Henry Freygang et al., etc., appellants, *v.* The United States. Argument commenced by Mr. Lyman M. Bass for the appellant in No. 485; continued by Mr. Solicitor General Beck for the appellee, and concluded by Mr. Lyman M. Bass for the appellant in No. 485.

No. 740. Albert & J. M. Anderson Manufacturing Company, appellant, *v.* The United States. Submitted by Mr. Chapman W. Maupin and Mr. Arthur H. Russell for the appellant, and by Mr. Solicitor General Beck, Mr. Assistant Attorney General Lovett, Mr. Alfred A. Wheat, and Mr. Alexander H. McCormick for the appellee.

No. 184. The St. Louis Southwestern Railway Company, appellant, *v.* The United States. Argument commenced by Mr. Benjamin Carter for the appellant, and continued by Mr. Blackburn Esterline for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, March 7, will be as follows: Nos. 184, 208, 265 (and 271), 235 (and 296), 428, 316, 679 (and 680), 213 (and 637, 638, and 639), 301, and 303.

SUPREME COURT OF THE UNITED STATES.

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

Joseph B. Jacobs, of Boston, Mass.; James D. Head, of Texarkana, Ark.; Michael A. Rattigan, of Providence, R. I., were admitted to practice.

No. 184. The St. Louis Southwestern Railway Company, appellant, *v.* The United States. Argument continued by Mr. Blackburn Esterline for the appellee, and concluded by Mr. Benjamin Carter for the appellant.

No. 208. Baltimore & Ohio Railroad Company, appellant, *v.* The United States. Argued by Mr. John F. McCarron for the appellant, and by Mr. Blackburn Esterline for the appellee.

No. 265. Hartford Life Insurance Company, petitioner, *v.* Frank F. Douds et al., etc.; and

No. 271. Hartford Life Insurance Company, petitioner, *v.* Robert H. Langdale. Argued by Mr. Smith W. Bennett for the respondents, and submitted by Mr. Harry B. Arnold, Mr. James C. Jones, Mr. Frank H. Sullivan, and Mr. James C. Jones, jr., for the petitioners.

No. 235. Madera Sugar Pine Company, plaintiff in error, *v.* Industrial Accident Commission of California et al.; and

No. 296. Madera Sugar Pine Company, plaintiff in error, *v.* Industrial Accident Commission of California et al. Argued by Mr. Adolphus E. Graupner for the defendants in error, and submitted by Mr. H. E. Barbour for the plaintiff in error.

No. 428. Federal Land Bank of New Orleans, plaintiff in error, *v.* D. W. Crossland, Judge of Probate. Argued by Mr. William C. Dufour for the plaintiff in error, and by Mr. James J. Mayfield for the defendant in error.

No. 316. The United States, plaintiff in error, *v.* New River Collieries Company. Argument commenced by Mr. Assistant Attorney General Riter for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, March 8, will be as follows: Nos. 316, 679 (and 680), 213 (and 637, 638, and 639), 301, 303, 305, 306, 307, 309, and 313.

SUPREME COURT OF THE UNITED STATES.

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

Edward D. Hayes, of Cape Girardeau, Mo.; Clarence E. Mellen, of Cleveland, Ohio; W. C. Salmon, of Columbia, Tenn.; and Francis L. Sward, of Detroit, Mich., were admitted to practice.

No. 365. Houston Coal Company, plaintiff in error, *v.* The United States. Leave granted to file brief herein as *amicus curiæ*, on motion of Mr. R. L. Batts for Ira Jewell Williams.

No. 301. J. S. Cullinan, plaintiff in error, *v.* A. S. Walker, as Collector, etc. Leave granted to file brief herein as *amicus curiæ*, on motion of Mr. James Byrne in that behalf.

No. 301. J. S. Cullinan, plaintiff in error, *v.* A. S. Walker, as Collector, etc. Leave granted to file brief herein as *amicus curiæ*, on motion of Mr. Arthur A. Ballantine in that behalf.

No. 314. The Brasher Lumber Company, etc., et al., appellants, *v.* Southern Railway Company. Submitted by Mr. T. M. Stevens and Mr. Edgar Watkins for the appellants, and by Mr. Gregory L. Smith for the appellee.

No. 315. King County, Washington, appellant, *v.* Seattle School District No. 1. Passed, per stipulation, to be restored to the call pursuant to section 9, rule 26, on motion of Mr. Frederic D. McKenney in that behalf.

No. 213. Federal Trade Commission, petitioner, *v.* Sinclair Refining Company;

No. 637. Federal Trade Commission, petitioner, *v.* Standard Oil Company (New Jersey);

No. 638. Federal Trade Commission, petitioner, *v.* Gulf Refining Company; and

No. 639. Federal Trade Commission, petitioner, *v.* Maloney Oil Manufacturing Company. Argument continued by Mr. R. L. Batts for the respondent in No. 638, and concluded by Mr. Eugene W. Burr for the petitioner.

No. 301. J. S. Cullinan, plaintiff in error, *v.* A. S. Walker, as Collector, etc. Argued by Mr. John Walsh for the plaintiff in error, and by Mr. Solicitor General Beck for the defendant in error.

No. 303. Will F. Thomas, Sheriff, etc., et al., appellants, *v.* Lindsay L. Thompson, Attorney General, etc. Argument commenced by Mr. James D. Head for the appellants, and continued by Mr. S. W. Moore for the appellee.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, March 12, will be as follows: Nos. 303, 305, 306, 308, 309, 313, 11 (original), 795 (and 796), 295, and 317.

SUPREME COURT OF THE UNITED STATES.

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

Theodore H. Smith, of Atlanta, Ga.; Lionel P. Kristeller, of Newark, N. J.; George C. Clarke, of Washington, D. C.; William A. Maidens, of Washington, D. C.; Elizabeth Cahoone Harris, of Washington, D. C.; Alexander Couper Proudfit, of New York City; Leo P. Watson, of Washington, D. C.; Clarence O. Webb, of Washington, D. C.; Maurice E. Page, of Binghamton, N. Y.; Percy S. Crewe, of Washington, D. C.; William R. Green, jr., of Washington, D. C.; Frank L. Tyson, of New York City; Bernhard Knollenberg, of Honolulu, Hawaii; Coleman Silbert, of Boston, Mass.; C. C. Parsons, of Salt Lake City, Utah; Franklin P. Shaw, of Fort Thomas, Ky.; Preston O. Alexander, of Gallatin, Mo.; Jesse E. Jacobson, of Wheatland, Wyo.; and Weld A. Rollins, of Boston, Mass., were admitted to practice.

Nos. 143, 144, 145, 146, 147, and 148. The Pullman Company, plaintiff in error, *v.* Friend W. Richardson, as Treasurer of the State of California; and

No. 149. Walker D. Hines, as Director General of Railroads, and The Pullman Company, plaintiffs in error, *v.* Friend W. Richardson, as Treasurer of the State of California. In error to the Supreme Court of the State of California. Judgments affirmed with costs. Opinion by Mr. Justice Van Devanter.

No. 92. John Ewen, petitioner, *v.* American Fidelity Company. 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 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 Holmes.

No. 310. Fox Film Corporation, petitioner, *v.* Frederick M. Knowles 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 Eastern District of New York for further proceedings in

conformity with the opinion of this court. Opinion by Mr. Justice Holmes.

No. 311. Fox Film Corporation, petitioner, *v.* Frederick M. Knowles 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 Holmes.

No. 18, original. The State of Oklahoma, complainant, *v.* The State of Texas, defendant; The United States, intervener. Partial decree relating to State boundary, pursuant to opinion of this court of January 15, 1923, announced by Mr. Justice Van Devanter.

No. 18, original. The State of Oklahoma, complainant, *v.* The State of Texas, defendant; The United States, intervener. Supplement to Partial Decree of June 5, 1922, announced by Mr. Justice Van Devanter.

No. 232. The United States, appellant, *v.* Will J. Allen. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice McKenna.

No. 231. The United States, appellant, *v.* Bernard L. Moran. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice McKenna.

No. —. Roland R. Pothier, appellant, *v.* William R. Rodman, United States Marshal, etc., et al. Motion for leave to docket cause and proceed in forma pauperis denied, and cause transferred to the United States Circuit Court of Appeals for the First Circuit, pursuant to the act of September 14, 1922. Opinion by Mr. Chief Justice Taft.

No. 588. The City of New York, appellant, *v.* New York Telephone Company. Appeal from the District Court of the United States for the Southern District of New York. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Taft.

The Chief Justice also announced the following orders of the court:

No. 575. Commercial Trust Company of New Jersey, appellant, *v.* Thomas W. Miller, as Alien Property Custodian; and

No. 576. Charles J. Ahrenfeldt, appellant, *v.* Thomas W. Miller, as Alien Property Custodian. Motion to advance granted, and cases

assigned for argument, as one case, with No. 292, requested to be restored to the call for Monday, April 9 next.

No. 627. Sven Haavik, appellant, *v.* Alaska Packers Association; and

No. 704. Alfred Street, suing on behalf of himself and all other Seamen engaged in Interstate and Foreign Commerce by Sea, etc., appellant, *v.* Shipowners Association of the Pacific Coast et al. Motions to advance granted, and cases placed on the summary docket and assigned for argument on Monday, November 5 next.

No. 18, original. The State of Oklahoma, complainant, *v.* The State of Texas; The United States, intervener. Joint motion for leave to amend pleadings and for decree, and motion for leave to file stipulation, granted.

No. 532. Simon Hecht et al., petitioners, *v.* John F. Malley, Former Collector of Internal Revenue;

No. 533. Arthur L. Howard et al., petitioners, *v.* John F. Malley, Former Collector of Internal Revenue;

No. 534. Arthur L. Howard et al., petitioners, *v.* Andrew J. Casey, Former Acting Collector of Internal Revenue; and

No. 587. Alvah Crocker et al., Trustees, petitioners, *v.* John F. Malley, Collector. On consideration of the motion to reassign these cases, it is ordered that they be reassigned for argument on Monday, November 5 next.

No. —, original. Ex parte in the matter of James C. Davis, Director General of Railroads, petitioner. Motion for leave to file petition for a writ of prohibition and/or a writ of mandamus herein granted, and rule to show cause ordered to issue returnable on Monday, April 16 next.

No. 805. Lehigh & Hudson River Railway Company, petitioner, *v.* Florence M. Otterstedt, on behalf of herself and minor children. Petition for a writ of certiorari to the Supreme Court, Appellate Division, Third Department, of the State of New York, denied for failure to submit the petition within the time prescribed by the rule.

No. 764. Tidal Oil Company et al., plaintiffs in error, *v.* J. P. Flanagan. Petition for a writ of certiorari to the Supreme Court of the State of Oklahoma denied.

No. 829. George H. Sever, petitioner, *v.* Director General of Railroads. Petition for a writ of certiorari to the Supreme Court of the State of New York denied.

No. 837. Henry M. Goldfogle, President, et al., petitioners, *v.* Hanover National Bank of the City of New York. Petition for a writ of certiorari to the Supreme Court of the State of New York denied.

No. 842. Norfolk Southern Railroad Company, petitioner, *v.* Thomas V. Gordon. Petition for a writ of certiorari to the Supreme Court of the State of North Carolina denied.

No. 849. Nathaniel P. Lesueur et al., etc., petitioners, *v.* Manufacturers' Finance Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 857. James C. Davis, as Agent, etc., petitioner, *v.* Marguerite Clark, administratrix, etc. Petition for a writ of certiorari to the Supreme Court of the State of Minnesota denied.

No. 858. The City of New York, petitioner, *v.* Rodgers & Hagerty (Inc.). Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 860. Samuel C. Pandolfo, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 861. Alabama Grocery Company, petitioner, *v.* L. P. Hammond, Trustee, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 314. The Brasher Lumber Company, for the use of itself, et al., appellants, *v.* Southern Railway Company. Appeal from the District Court of the United States for the Southern District of Alabama. Per curiam: Affirmed upon the authority of *Baltimore & Ohio R. R. Co. v. Koontz*, 104 U. S. 5, 15; *General Investment Co. v. Lake Shore & Michigan Southern Railway Co.*, decided November 27, 1922; *Lee v. Chesapeake & Ohio Ry. Co.*, decided January 22, 1923.

The Chief Justice also announced that the court will take a recess from Monday, the 19th instant, until Monday, April 9 next.

No. 846. Harry T. Graham, Individually, etc., et al., petitioners, *v.* Alfred I. DuPont. Motion to advance submitted by Mr. Solicitor General Beck for the petitioners.

No. 885. Walter S. Hallanan, State Tax Commissioner, etc., et al., plaintiffs in error, *v.* The Eureka Pipe Line Company; and

No. 569. Walter S. Hallanan, State Tax Commissioner, etc., et al., petitioners, *v.* The Eureka Pipe Line Company. Motion to dismiss or affirm; or, in the alternative, either to order this cause transferred for hearing to the summary docket under section 6 of rule 6, or to advance it for early argument under section 4 of rule 26, as a case once adjudicated by this court upon the merits, submitted by Mr.

Frank L. Crawford and Mr. James M. Beck for the defendant in error and respondent in support of the motion, and by Mr. E. T. England, Mr. S. B. Avis, Mr. William G. Matthews, and Mr. Fred O. Blue for the plaintiffs in error and petitioners in opposition thereto.

No. 522. Jay Burns Baking Company et al., plaintiffs in error, *v.* Samuel R. McKelvie, as Governor of the State of Nebraska, et al. Motion to reinstate cause to the docket submitted by Mr. Matthew A. Hall for the plaintiffs in error, with consent thereto.

No. 898. Robert W. Hunt et al., petitioners, *v.* D. L. Gillespie. Petition for a writ of certiorari to the Supreme Court of the State of Pennsylvania, submitted by Mr. H. G. Stone for the petitioner, and by Mr. David A. Reed and Mr. George H. Calvert for respondent, with leave to file copies of the printed record hereafter.

No. 886. Walter S. Hallanan, State Tax Commissioner, etc., et al., plaintiffs in error, *v.* United Fuel Gas Company; and

No. 570. Walter S. Hallanan, State Tax Commissioner, et al., petitioners, *v.* United Fuel Gas Company. Motion to dismiss or affirm submitted by Mr. Malcolm Jackson and Mr. R. G. Altizer for the defendant in error and respondent in support of the motion, and by Mr. E. T. England, Mr. S. B. Avis, Mr. William G. Matthews, and Mr. Fred O. Blue for the plaintiffs in error and petitioners in opposition thereto.

No. 795. Jesse C. Adkins et al., etc., appellants, *v.* The Children's Hospital of the District of Columbia; and

No. 796. Jesse C. Adkins et al., etc., appellants, *v.* Willie A. Lyons. Leave granted to file brief herein as amicus curiae, on motion of Mr. F. H. Stephens in behalf of counsel for the Minimum Wage Board of the State of Washington.

No. 318. The People of the State of New York ex rel. Emeline F. Clyde, plaintiff in error, *v.* State Tax Commission of the State of New York. Motion to dismiss or affirm submitted by Mr. E. J. Crummey in behalf of Mr. James S. Y. Ivins for the defendant in error in support of the motion, and by Mr. E. J. Crummey and Mr. Arthur E. Goddard for the plaintiff in error in opposition thereto.

No. 879. George P. Clark Company, petitioner, *v.* Kuebler Foundries (Inc.). Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. J. Willard Paff and Mr. Calvin F. Smith for the petitioner, and by Mr. A. Mitchell Palmer and Mr. Frank Davis, jr., for respondent.

No. 889. Liberty National Bank of Roanoke, Virginia, petitioner, *v.* James A. Bear, Trustee, etc., et al. Petition for a writ of cer-

tiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. James D. Johnston for the petitioner.

No. 902. Peter Rulovitch et al., petitioners, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. John J. O'Brien for the petitioners.

No. 687. Atlantic & Yadkin Railway Company, appellant, *v.* A. D. Watts, etc., Commissioner of Revenue, et al. Appeal from the District Court of the United States for the Western District of North Carolina. Dismissed with costs, on motion of counsel for the appellant.

No. 303. Will F. Thomas, Sheriff, etc., et al., appellants, *v.* Kansas City Southern Railway et al. Argument continued by Mr. J. B. McDonough for the appellees, and concluded by Mr. Otis Wingo for the appellants.

No. 305. Baltimore & Ohio Railroad Company, appellant, *v.* The United States. Argument commenced by Mr. J. F. McCarron for the appellant. The Court declined to hear counsel for the appellee.

No. 306. The People of the State of New York ex rel. Thomas F. Doyle, plaintiff in error, *v.* George C. Atwell, Acting Chief of Police of the City of Mount Vernon, et al. Submitted by Mr. Frederick E. Weeks for the defendants in error.

No. 309. The City National Bank of El Paso, Texas, petitioner, *v.* El Paso & Northeastern Railroad Company et al. Argued by Mr. A. H. Culwell for the petitioner, and by Mr. William R. Harr for the respondent.

No. 313. The J. M. Macdonald Coal Mining Company, appellant, *v.* The United States. Argued by Mr. Assistant Attorney General Riter for the appellee, and submitted by Mr. William S. Hammers for the appellant.

No. 11, original. The State of North Dakota, complainant, *v.* The State of Minnesota. Three and one-quarter hours allowed for the argument of this case, on motion of Mr. M. H. Boutelle in that behalf. Argument commenced by Mr. M. H. Boutelle for the complainant.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, March 13, will be as follows: Nos. 11 original, 308, 795 (and 796), 295, 317, 321, 322, 324, 326, and 327.

SUPREME COURT OF THE UNITED STATES.

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

Harry M. Ehrlich and Henry Lasker, of Springfield, Mass., were admitted to practice.

No. 322. William R. Warner & Company, petitioner, *v.* Eli Lilly & Company. Continued, per stipulation of counsel.

No. 11, original. State of North Dakota, complainant, *v.* State of Minnesota. Argument continued by Mr. M. H. Boutelle for the complainant, and concluded by Mr. M. J. Brown for the defendant.

No. 308. The Page Company, plaintiff in error, *v.* Lucy Maud Montgomery Macdonald, etc. Argued by Mr. Asa P. French for the plaintiff in error and by Mr. Weld A. Rollins for the defendants in error.

Adjourned until to-morrow at 12 o'clock.

Call for Wednesday, March 14th, will be as follows: Nos. 795 (and 796), 295, 317, 321, 324, 326, 327, 328, 330, and 331 (and 332 and 333).

SUPREME COURT OF THE UNITED STATES.

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

William A. Adams, of Chicago, Ill., and William J. Meyer, of Columbus, Ohio, were admitted to practice.

No. **330**. Elmore D. Dier et al., appellants, *v.* Joab H. Banton, District Attorney, etc., et al. Passed, to be restored to the call pursuant to section 9, rule 26, on motion of Mr. Otto Schlobohm in that behalf.

No. **331**. Pacific Gas & Electric Company, appellant, *v.* City and County of San Francisco;

No. **332**. Pacific Gas & Electric Company, appellant, *v.* City and County of San Francisco; and

No. **333**. Pacific Gas & Electric Company, appellant, *v.* City and County of San Francisco. Passed, per stipulation.

No. **795**. Jesse C. Adkins et al., etc., appellants, *v.* The Children's Hospital of the District of Columbia; and

No. **796**. Jesse C. Adkins et al., etc., appellants, *v.* Willis A. Lyons. Four hours allowed for the argument of these cases. Argument commenced by Mr. Felix Frankfurter for the appellants; continued by Mr. William L. Brewster in behalf of the States of Oregon, New York, California, Kansas, Wisconsin, and Washington, as amici curiae; by Mr. Challen B. Ellis and Mr. Wade H. Ellis for the appellees; and concluded by Mr. Felix Frankfurter for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, March 15, will be as follows: Nos. **295, 317, 324, 321, 326, 327, 328, 334, 335, and 338.**

SUPREME COURT OF THE UNITED STATES.

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

Louis L. Hamby, of Washington, D. C., and Louis H. Cooke, of New York City, were admitted to practice.

No. **429**. The United States, appellant, *v.* The State of Tennessee et al. Advanced, to be heard as one case with No. **396**, heretofore assigned for argument on Monday, April 9 next, on motion of Mr. Blackburn Esterline for the appellant.

No. **334**. Arthur W. Ide et al., appellants, *v.* The United States. Passed, to be restored to the call pursuant to section 9, rule 26, on motion of Mr. Blackburn Esterline for the appellee.

No. **338**. Wyoming Railway Company, appellant, *v.* The United States et al. Passed, to be heard with No. **377**, as one case, when No. **377** is reached for argument, on motion of Mr. Blackburn Esterline for the appellee.

No. **295**. International Life Insurance Company, plaintiff in error, *v.* Adrian F. Sherman. Argued by Mr. Charles G. Revelle for the plaintiff in error, and by Mr. Oscar S. Hill for the defendant in error.

No. **317**. Frank G. Gardner, as Trustee, etc., petitioner, *v.* Chicago Title & Trust Company, Receiver, etc. Argued by Mr. Arthur M. Cox for the petitioner, and by Mr. H. T. Gilbert for the appellee.

No. **324**. W. H. Phipps et al., appellants, *v.* The Cleveland Refining Company of Cleveland, Ohio. Argued by Mr. William J. Meyer for the appellants, and by Mr. Charles D. Chamberlin for the appellee.

No. **321**. South Utah Mines & Smelters, plaintiff in error, *v.* Beaver County. Argued by Mr. C. C. Parsons for the plaintiff in error,

and submitted by Mr. Harvey H. Cluff and Mr. William A. Hilton for the defendant in error.

No. **326.** Jewel Redwine, plaintiff in error, *v.* The State of Texas. Submitted on briefs to be filed.

No. **327.** Virginia Huey et al., plaintiffs in error, *v.* D. A. Brock et al. Argument commenced by Mr. George H. Lamar for the plaintiffs in error.

Adjourned until tomorrow at twelve o'clock.

The day call for Friday, March 16, will be as follows: Nos. **327, 328, 335, 339** (and **388**), **341** (to **364**, inclusive), **365, 366, 367, 370**, and **371**.

SUPREME COURT OF THE UNITED STATES.

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

Robert L. Dent, of Vicksburg, Miss., and Theodore J. Lamar, of Birmingham, Ala., were admitted to practice.

No. 717. American Bank & Trust Company, appellant, *v.* Federal Reserve Bank of Atlanta. Motion to advance submitted by Mr. Solicitor General Beck for the appellee.

No. 823. Farmers and Merchants Bank of Monroe, North Carolina, et al., petitioners, *v.* Federal Reserve Bank of Richmond, Virginia. Motion to advance submitted by Mr. Solicitor General Beck for the respondent.

No. 202. The United States *v.* Bhagat Singh Thind. Stay of mandate until end of term granted, on motion of Mr. William R. King for Bhagat Singh Thind.

No. 327. Virginia Huey et al., plaintiffs in error, *v.* D. A. Brock et al. Argument concluded by Mr. George H. Lamar for the plaintiffs in error. No appearance for the defendants in error.

No. 328. Eli Bunch, plaintiff in error, *v.* J. B. Cole et al. Submitted by Mr. Dennis T. Flynn, Mr. Streeter B. Flynn, and Mr. Robert M. Rainey for the plaintiff in error, and by Mr. Benjamin Martin, jr., for the defendant in error.

No. 335. Roy H. Robinson, Administrator, etc., appellant, *v.* The United States. Argued by Mr. Charles H. Merillat for the appellant, and by Mr. Blackburn Esterline for the appellee.

No. 339. Toledo Scale Company, petitioner, *v.* The Computing Scale Company; and

No. 388. Fidelity & Deposit Company of Maryland et al., petitioners, *v.* The Computing Scale Company et al. Argument commenced by Mr. George D. Welles for the Toledo Scale Company, continued by Mr. Frederick P. Fish for the Toledo Scale Company, by Mr. Charles Markell for Fidelity & Deposit Company of Maryland et al., and concluded by Mr. John M. Zane for the Computing Scale Company et al.

Adjourned until Monday next at 12 o'clock.

SUPREME COURT OF THE UNITED STATES.

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

Oscar O. Askren, of Las Vegas, N. Mex.; William C. Mullendore, of Winfield, Kans.; John P. Stokes, of Pensacola, Fla.; Benjamin Leader, of Birmingham, Ala.; Horace Greeley Eastburn, of Wilmington, Del.; Harry M. Wade, of San Francisco, Calif.; Orion N. Gibson, of Riverton, Wyo.; Daniel W. Knowlton, of New York City; J. Carter Fort, of Washington, D. C.; Horace Russell, of Atlanta, Ga.; Julian Clay Risk, of Chicago, Ill.; George P. Whitman, of Atlanta, Ga.; T. L. McIntosh, of Superior, Wis.; Benjamin Franklin Goldstein, of Chicago, Ill.; Robert J. Eby, of Philadelphia, Pa.; and Henry T. Hardin, of Evansville, Ind., were admitted to practice.

No. 208. Baltimore & Ohio Railroad Company, appellant, *v.* The United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Sanford.

No. 500. Arkansas Natural Gas Company, appellant, *v.* Arkansas Railroad Commission et al. Appeal from the District Court of the United States for the Eastern District of Arkansas. Decree affirmed, with costs. Opinion by Mr. Justice Sutherland.

No. 428. Federal Land Bank of New Orleans, plaintiff in error, *v.* D. W. Crossland, Judge of Probate. In error to the Supreme Court of the State of Alabama. Judgment reversed, with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court. Petition for a writ of certiorari herein dismissed. Opinion by Mr. Justice Holmes.

No. 284. St. Louis-San Francisco Railway Company et al., plaintiffs in error, *v.* Public Service Commission of the State of Missouri. In error to the Supreme Court of the State of Missouri. Judgment reversed, with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice McKenna. (Announced by Mr. Chief Justice Taft.)

No. 25. Hubert Work, Secretary of the Interior, plaintiff in error, *v.* the United States of America on the relation of W. T. Mosier and Louisa Mosier. In error to the Court of Appeals of the District of Columbia. Judgment reversed with costs and cause remanded with instructions to dismiss the petition. Opinion by Mr. Chief Justice Taft.

No. 510. The United States, appellant, *v.* Nelson W. Rider. Appeal from the Court of Claims. Judgment reversed and cause remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Chief Justice Taft.

The Chief Justice also announced the following orders of the court :

No. 846. Harry T. Graham, Individually, etc., et al., petitioners, *v.* Alfred I. Du Pont. Motion to advance granted and cause assigned for argument on Monday, April 23, next, after the cases heretofore assigned for that day.

No. 717. American Bank & Trust Company, appellant, *v.* Federal Reserve Bank of Atlanta. Motion to advance granted and cause assigned for argument on Monday, April 23, next, after the cases heretofore assigned for argument on that day.

No. 823. Farmers and Merchants Bank of Monroe, North Carolina, et al., petitioners, *v.* Federal Reserve Bank of Richmond, Virginia. Motion to advance granted and cause assigned for argument on Monday, April 23 next, after the cases heretofore assigned for that day.

No. 522. Jay Burns Baking Company et al., plaintiffs in error, *v.* Samuel R. McKelvie, as Governor of the State of Nebraska, et al., etc. Motion to reinstate cause on the docket granted, but a rule is ordered to issue to show cause why the case should not be dismissed for lack of statutory authority to substitute the new governor for the ex-governor, in view of *Irwin v. Webb*, decided March 20, 1922, and *United States v. Butterworth*, 169 U. S. 600.

No. 410. Mary Partridge, plaintiff in error, *v.* J. E. Crosbie et al. In error to the Supreme Court of the State of Oklahoma. Writ of error dismissed pursuant to the 10th rule, and petition for a writ of certiorari herein dismissed for failure to comply with the rule as to printing record.

No. 889. Liberty National Bank of Roanoke, Virginia, petitioner, *v.* James A. Bear, Trustee, etc., et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit granted.

No. 832. Supreme Lodge, Knights of Pythias, plaintiff in error, *v.* George O. Meyer; and

No. 833. Supreme Lodge, Knights of Pythias, plaintiff in error, *v.* Lena Eiser. Petitions for writs of certiorari herein postponed to the hearing on the writs of error.

No. 854. Walter Burke, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 879. George P. Clark Company, petitioner, *v.* Kuebler Foundries (Inc.). Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 902. Peter Rulovitch et al., petitioners, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 313. The J. M. MacDonald Coal Mining Company, appellant, *v.* The United States. Appeal from the Court of Claims. Per curiam: Affirmed upon the authority of *Morrisdale Coal Co. v. The United States*, 259 U. S. 188.

No. 326. Jewel Redwine, plaintiff in error, *v.* The State of Texas. In error to the Court of Criminal Appeals of the State of Texas. Per curiam: Affirmed with costs upon the authority of *Ughbanks v. Armstrong*, 208 U. S. 481.

No. 327. Virginia Huey et al., plaintiffs in error, *v.* D. A. Brock et al. In error to the Supreme Court of the State of Alabama. Per curiam: Dismissed for want of jurisdiction upon the authority of section 237 of the Judicial Code, as amended by the act of September 6, 1916, c. 448, sec. 2, 39 Stat. 726; *Jett Bros. Distilling Co. v. City of Carrollton*, 252 U. S. 1, 5-6.

No. 328. Eli Bunch, plaintiff in error, *v.* J. B. Cole et al. Ordered that counsel file further briefs citing and dealing with all material statutes, and particularly those under which leases are claimed to have been void.

No. 258. Albert B. Fall, Secretary of the Interior, et al., appellants, *v.* The United States ex rel. McAllister-Edwards Coal Company. Hubert Work, present Secretary of the Interior, substituted as a party appellant herein, on motion of Mr. Solicitor General Beck in that behalf.

No. 25. Albert B. Fall, Secretary of the Interior, plaintiff in error, *v.* The United States of America ex rel. W. T. Mosier et al. Hubert Work, present Secretary of the Interior, substituted as the party appellant herein, on motion of Mr. Solicitor General Beck in that behalf.

No. 912. Vincente Gordero and Pedro Rodriguez, plaintiffs in error, *v.* The United States of America. In error to the District Court of the United States for Porto Rico. Docketed and dismissed, and mandate granted, on motion of Mr. Solicitor General Beck for the defendant in error.

No. 532. Simon Hecht et al., Trustees, petitioners, *v.* John F. Malley, Former Collector of Internal Revenue;

No. 533. Arthur L. Howard et al., Trustees, petitioners, *v.* John F. Malley, Former Collector of Internal Revenue; and

No. 534. Arthur L. Howard et al., Trustees, petitioners, *v.* Andrew J. Casey, Former Acting Collector of Internal Revenue. Motion to reassign submitted by Mr. Solicitor General Beck in that behalf.

No. 756. Southern Railway Company, appellant, *v.* A. D. Watts, Commissioner of Revenue, etc., et al. Motion to substitute R. A. Doughton, present commissioner of revenue of the State of North Carolina, as a party appellee herein, submitted by Mr. S. R. Prince in that behalf.

No. 724. Atlantic Coast Line Railroad Company, appellant, *v.* A. D. Watts, Commissioner of Revenue, etc., et al. Motion to substitute R. A. Doughton, present commissioner of revenue of the State of North Carolina, as a party appellee herein, submitted by Mr. S. R. Prince in that behalf.

No. 744. Seaboard Air Line Railway Company, appellant, *v.* A. D. Watts, Commissioner of Revenue, etc., et al. Motion to substitute R. A. Doughton, present commissioner of revenue of the State of North Carolina, as a party appellee herein, submitted by Mr. S. R. Prince in that behalf.

No. 727. Norfolk Southern Railroad Company, appellant, *v.* A. D. Watts, Commissioner of Revenue, etc., et al. Motion to substitute R. A. Doughton, present commissioner of revenue for the State of North Carolina, as a party appellee herein, submitted by Mr. S. R. Prince in that behalf.

No. 20, original. The Commonwealth of Massachusetts, complainant, *v.* The State of New York et al. Motion for leave to file motion to dismiss bill of complaint and to fix a date for the hearing on the motion submitted by Mr. Frank Davis, jr., in behalf of counsel.

No. 856. John W. Talbot, petitioner, *v.* The United States of America. Leave granted to file brief herein as amicus curiæ on motion of Mr. Julian Clay Risk in that behalf.

No. 843. Dean Sherry, Trustee, etc., et al., petitioners, *v.* J. B. Lucas. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. J. J. Butts for the petitioner.

No. 856. John W. Talbot, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Cassius C. Shirley and Mr. Larz A. Whitcomb for the petitioner, and Mr. Solicitor General Beck, Mr. Assistant Attorney General John W. H. Crim and Harry S. Ridgely for the respondent.

No. 868. Window Glass Machine Company et al., petitioners, *v.* Pittsburgh Plate Glass Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Clarence P. Byrnes, Mr. Livingston Gifford, and Mr. David A. Reed for the petitioners, and by Mr. Marshall A. Christy and Mr. George B. Gordon for the respondent.

No. 872. The Pusey & Jones Company, petitioner, *v.* Willard Saulsbury et al., Receivers, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Lindley M. Garrison, Mr. Charles H. Tuttle, and Mr. Saul S. Myers for the petitioner, and by Mr. William B. Button, Mr. John P. Nields, and Mr. William G. Mahaffy for the respondents.

No. 877. The Atchison, Topeka & Santa Fe Railway Company, petitioner, *v.* Edmund R. Wells et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Alexander Britton, Mr. A. H. Culwell, Mr. J. W. Terry, and Mr. Gardiner Lathrop for the petitioner, and by Mr. George E. Wallace for the respondents.

No. 882. Herbert W. Baker, Administrator of the Estate of Charles W. Oliver, deceased, petitioner, *v.* John Barton Payne, Director General, etc. Petition for a writ of certiorari to the Supreme Court of the State of Michigan submitted by Mr. Frank S. Monnett for the petitioner, and by Mr. J. Walter Dohany and Mr. Frank E. Robson for the respondent.

No. 891. The Frieberg Mahogany Company, petitioners, *v.* The Batesville Lumber & Veneer Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Murray Seasongood for the petitioner, and by Mr. Judson Harmon and Mr. George Hoadly for the respondent.

No. 897. Nassau Smelting & Refining Works, petitioner, *v.* Brightwood Bronze Foundry Company. Petition for a writ of certiorari to the United State Circuit Court of Appeals for the First Circuit submitted by Mr. Joseph B. Jacobs for the petitioner, and by Mr. Harry M. Ehrlich and Mr. Henry Lasker for the respondent.

No. **900.** Chicago, Burlington & Quincy Railroad Company, petitioner, *v.* McKinley C. Myers. Petition for a writ of certiorari to the Supreme Court of the State of Missouri submitted by Mr. Bruce Scott for the petitioner, and by Mr. William Buchholz, Mr. I. B. Kimbrell, and Mr. Martin J. O'Donnell for the respondent.

No. **904.** Sam M. Saliba et al., petitioners, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Forney Johnston for the petitioners, and by Mr. Solicitor General Beck, Mr. Assistant Attorney General Crim, and Mr. Harry S. Ridgely for the respondent.

No. **872.** The Pusey & Jones Company, petitioners, *v.* Willard Saulsbury et al., Receivers, etc. Leave granted to file brief herein as *amicus curiae*, on motion of Mr. J. Noble Hays in behalf of the Merchants' Association of the City of New York, if consented to by counsel of record for the respondent.

No. **436.** Superior Water, Light & Power Company, plaintiff in error, *v.* City of Superior et al., etc. Motion to dismiss submitted by Mr. T. L. McIntosh and Mr. C. M. Wilson for the defendants in error in support of the motion, and by Mr. Harry L. Butler and Mr. Frank B. Kellogg for the plaintiff in error in opposition thereto.

Adjourned until Monday, April 9 next, at 12 o'clock.

The day call for Monday, April 9, will be as follows: Nos. **341** (to **364**), **365**, **366**, **367**, **370**, **371** (and **372** and **373**), **710**, **404**, **396** (and **429**), **770**, and **663**.

SUPREME COURT OF THE UNITED STATES.

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

Charles E. Quirollo, of Washington, D. C.; Oscar W. Newman, of Columbus, Ohio; Sidney L. Struble, of Washington, D. C.; Mac Asbill, of Atlanta, Ga.; Fred W. Putnam, of St. Paul, Minn.; Melbourne M. Martin, of Little Rock, Ark.; Henry W. Pennock, of Seattle, Wash.; Reuben Satterthwaite, jr., of Wilmington, Del.; W. J. Wetherbee, of Buffalo, N. Y.; Albert DeSilver, of New York City; Isabella Olive Beatty, of Chicago, Ill.; G. L. B. Rivers, of Charleston, S. C.; Dayton Hunter, of Elizabethton, Tenn.; Harry D. Thirkield, of New York City; Lisle A. Smith, of Indianapolis, Ind.; David Haar, of New York City; Maurice L. Shaine, of New York City; William T. Jones, of St. Louis, Mo.; Merrill E. Otis, of Jefferson City, Mo.; and Philip N. Jones, of Boston, Mass., were admitted to practice.

No. 306. The People of the State of New York ex rel. Thomas F. Doyle et al., plaintiffs in error, *v.* George C. Atwell, Acting Chief of Police of the City of Mount Vernon, and People of the State of New York. In error to the Supreme Court of the State of New York. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Sanford.

No. 305. Baltimore & Ohio Railroad Company, appellant, *v.* The United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Sanford.

No. 432. J. H. Hodges et al., plaintiffs in error, *v.* G. T. Snyder et al., as members of the Board of Education of the Purported Consolidated School District named and known as Erwin Independent Consolidated School District No. 1, of Kingsbury County, South Dakota, et al., etc., et al. In error to the Circuit Court of Kingsbury County, Ninth Judicial Circuit, of the State of South Dakota. Judgment affirmed with costs. Opinion by Mr. Justice Sanford.

No. 248. Thomas G. Watkins, Trustee, et al., petitioners, *v.* J. H. Sedberry et al. On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. Judgment of the United States Circuit Court of Appeals reversed with costs; and judgment of the District Court of the United States for the Middle District of Tennessee affirmed with costs, and cause remanded to the said District Court. Opinion by Mr. Justice Butler.

No. 300. Albert Hanson Lumber Company, Limited, plaintiff in error, *v.* The United States of America. In error to the United States Circuit Court of Appeals for the Fifth Circuit. Judgment affirmed, and cause remanded to the District Court of the United States for the Eastern District of Louisiana. Opinion by Mr. Justice Butler.

No. 229. Omnia Commercial Company (Inc.), appellant, *v.* The United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Sutherland.

No. 485. Russell Motor Car Company, appellant, *v.* The United States;

No. 480. Henry Freygang et al., partners doing business under the firm name of the Midland Bridge Company, appellants, *v.* The United States; and

No. 740. Albert and J. M. Anderson Manufacturing Company, appellant, *v.* The United States. Appeals from the Court of Claims. Judgments affirmed. Opinion by Mr. Justice Sutherland.

No. 795. Jesse C. Adkins et al., etc., appellants, *v.* The Children's Hospital of the District of Columbia; and

No. 796. Jesse C. Adkins et al., etc., appellants, *v.* Willie A. Lyons. Appeals from the Court of Appeals of the District of Columbia. Decree affirmed with costs. Opinion by Mr. Justice Sutherland. Dissenting: Mr. Chief Justice Taft, Mr. Justice Holmes, and Mr. Justice Sanford. (Mr. Justice Brandeis took no part in the consideration or decision of this case.)

No. 303. Will F. Thomas, Sheriff and Collector, et al., appellants, *v.* Kansas City Southern Railway et al. Appeal from the United States Circuit Court of Appeals for the Eighth Circuit. Decree affirmed with costs; and cause remanded to the District Court of the United States for the Western District of Arkansas. Opinion by Mr. Justice Brandeis.

No. 335. Roy H. Robinson, Administrator of the Estate of John C. Robinson, deceased, appellant, *v.* The United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Brandeis.

No. 431. The Pusey and Jones Company, petitioner, *v.* Hans Kar-luf Hanssen. On writ of certiorari to the United States Circuit

Court of Appeals for the Third Circuit. Decree reversed with costs, and cause remanded to the District Court of the United States for the District of Delaware for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Brandeis. Dissenting: Mr. Justice McKenna and Mr. Justice Sutherland.

No. 213. Federal Trade Commission, petitioner, *v.* Sinclair Refining Company. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Decree affirmed with costs, and cause remanded to the said Circuit Court of Appeals. Opinion by Mr. Justice McReynolds.

No. 637. Federal Trade Commission, petitioner, *v.* Standard Oil Company (New Jersey);

No. 638. Federal Trade Commission, petitioner, *v.* Gulf Refining Company; and

No. 639. Federal Trade Commission, petitioner, *v.* Maloney Oil Manufacturing Company. On writs of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Decrees affirmed with costs, and causes remanded to the said Circuit Court of Appeals. Opinion by Mr. Justice McReynolds.

No. 265. Hartford Life Insurance Company, petitioner, *v.* Frank F. Douds et al., Executors, etc.; and

No. 271. Hartford Life Insurance Company, petitioner, *v.* Robert H. Langdale. On writs of certiorari to the Supreme Court of the State of Ohio. Judgments affirmed with costs. Opinion by Mr. Justice McReynolds.

No. 633. Great Lakes Dredge and Dock Company, plaintiff in error, *v.* Sophia Kierejewski, as Administratrix, etc. In error to the District Court of the United States for the Western District of New York. Judgment affirmed with costs. Opinion by Mr. Justice McReynolds.

No. 225. Wabash Railway Company, petitioner, *v.* Miles Elliott. On writ of certiorari to the Kansas City Court of Appeals of the State of Missouri. Judgment reversed with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Van Devanter.

No. 317. Frank G. Gardner, as Trustee in Bankruptcy, etc., petitioner, *v.* Chicago Title & Trust Company, as Receiver of the La Salle Street Trust and Savings Bank. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Decree reversed with costs, and cause remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Holmes.

No. 308. The Page Company, plaintiff in error, *v.* Lucy Maud Montgomery Macdonald, etc., a resident of the Province of Ottawa

in the Dominion of Canada, etc. In error to the District Court of the United States for the District of Massachusetts. Judgment affirmed with costs. Opinion by Mr. Justice McKenna.

No. 324. W. H. Phipps et al., etc., appellants, *v.* The Cleveland Refining Company of Cleveland, Ohio. Appeal from the District Court of the United States for the Southern District of Ohio. Decree affirmed with costs. Opinion by Mr. Justice McKenna.

No. 278. Layne & Bowler Corporation, petitioner, *v.* Western Well Works (Inc.) et al. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Dismissed. Opinion by Mr. Chief Justice Taft.

No. 569. Walter S. Hallanan, State Tax Commissioner, et al., petitioners, *v.* The Eureka Pipe Line Company. On petition for a writ of certiorari to the Supreme Court of Appeals of the State of West Virginia; and

No. 885. Walter S. Hallanan, State Tax Commissioner, et al., plaintiffs in error, *v.* The Eureka Pipe Line Company. In error to the Supreme Court of Appeals of the State of West Virginia. Writ of error dismissed for the want of jurisdiction. Petition for a writ of certiorari herein denied. Opinion by Mr. Chief Justice Taft.

No. 570. Walter S. Hallanan, State Tax Commissioner, et al., petitioners, *v.* United Fuel Gas Company. On petition for a writ of certiorari to the Supreme Court of Appeals of the State of West Virginia; and

No. 886. Walter S. Hallanan, State Tax Commissioner, et al., plaintiffs in error, *v.* United Fuel Gas Company. In error to the Supreme Court of Appeals of the State of West Virginia. Writ of error dismissed for the want of jurisdiction. Petition for a writ of certiorari herein denied. Opinion by Mr. Chief Justice Taft.

No. 339. Toledo Scale Company, petitioner, *v.* The Computing Scale Company; and

No. 388. Fidelity & Deposit Company of Maryland et al., petitioners, *v.* The Computing Scale Company et al. On writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Decrees affirmed with costs, and causes remanded to the District Court of the United States for the Northern District of Illinois. Opinion by Mr. Chief Justice Taft.

No. 260. Charles Keller et al., appellants, *v.* Potomac Electric Power Company. Appeal from the Court of Appeals of the District of Columbia. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Taft.

The Chief Justice also announced the following orders of the court:

No. **532**. Simon Hecht et al., Trustees, petitioners, *v.* John F. Malley, former Collector of Internal Revenue;

No. **533**. Arthur L. Howard et al., Trustees, petitioners, *v.* John F. Malley, former Collector of Internal Revenue; and

No. **534**. Arthur L. Howard et al., Trustees, petitioners, *v.* Andrew J. Casey, former Acting Collector of Internal Revenue. Motion to reassign granted, and cases reassigned for argument on Monday, April 30 next, as one case, after the cases heretofore assigned for that day.

No. **756**. Southern Railway Company, appellant, *v.* A. D. Watts, Individually, etc., et al.;

No. **724**. Atlantic Coast Line Railroad Company, appellant, *v.* A. D. Watts, Commissioner of Revenue, etc., et al.;

No. **744**. Seaboard Air Line Railroad Company, appellant, *v.* A. D. Watts, Individually, etc., et al.; and

No. **727**. Norfolk Southern Railroad Company, appellant, *v.* A. D. Watts, Individually, etc., et al. Appeals from the District Court of the United States for the Eastern District of North Carolina. Per curiam: The motion to substitute the new Commissioner of Revenue, R. A. Doughton, for the ex-Commissioner of Revenue, A. D. Watts, is granted, on the ground that such substitution is authorized by section 461, Consol. Stats., N. C., 1919, as construed by the Supreme Court of North Carolina in *Davenport v. McKee*, 98 N. C. 500.

No. **20**, original. The Commonwealth of Massachusetts, complainant, *v.* The State of New York et al. Motion for leave to file motion to dismiss granted, and cause assigned for hearing on the motion to dismiss on April 23 next, after the cases heretofore assigned for that day.

No. **436**. Superior Water, Light & Power Company, plaintiff in error, *v.* City of Superior et al., etc. Motion to dismiss postponed until the hearing of the cause on the merits.

No. **877**. The Atchison, Topeka & Santa Fe Railway Company, petitioner, *v.* Edmund R. Wells et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit granted.

No. **897**. Nassau Smelting & Refining Works, petitioner, *v.* Brightwood Bronze Foundry Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit granted.

No. **898**. Robert W. Hunt et al., petitioners, *v.* D. L. Gillespie. Petition for a writ of certiorari to the Supreme Court of the State of Pennsylvania denied.

No. 843. Dean Sherry, Trustee in Bankruptcy, etc., et al., etc., petitioners, *v.* J. B. Lucas. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 856. John W. Talbot, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 868. Window Glass Machine Company et al., petitioners, *v.* Pittsburgh Plate Glass Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 872. The Pusey and Jones Company, petitioner, *v.* Willard Saulsbury et al., as Receivers, etc., et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 882. Herbert W. Baker, Administrator, etc., petitioner, *v.* John Barton Payne, Director General, etc. Petition for a writ of certiorari to the Supreme Court of the State of Michigan denied.

No. 891. The Freiberg Mahogany Company, petitioner, *v.* The Batesville Lumber & Veneer Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 900. Chicago, Burlington & Quincy Railroad Company, petitioner *v.* McKinley C. Myers. Petition for a writ of certiorari to the Supreme Court of the State of Missouri denied.

No. 904. Sam M. Saliba et al., petitioners, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 498. James K. Cochran et al., plaintiffs in error, *v.* Coulton M. Becker. Motion for stay of mandate overruled.

No. 121. The United States, appellant, *v.* Mason & Hanger Company; and

No. 122. The United States, appellant, *v.* North-Eastern Construction Company. Appeals from the Court of Claims. *Per curiam:* Upon rehearing, judgment heretofore rendered affirmed.

No. 318. The People of the State of New York *ex rel.* Emeline F. Clyde, plaintiff in error, *v.* State Tax Commission of the State of New York. Motion to dismiss or affirm postponed until the hearing of the cause on the merits.

No. 172. Federal Trade Commission, petitioner, *v.* Fruit Growers' Express (Inc.). On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Dismissed, *per stipulation*, on motion of Mr. Solicitor General Beck in that behalf.

No. 866. The United States, appellant, *v.* Peninsular Stove Company. Appeal from the Court of Claims. Dismissed. on motion of Mr. Solicitor General Beck for the appellant.

No. 880. Charles Glenn Collins, appellant, *v.* Victor Loisel, U. S. Marshal, etc. Motion to advance submitted by Mr. Solicitor General Beck for the appellee.

No. 24, Original. Commonwealth of Massachusetts, complainant, *v.* Andrew W. Mellon, Secretary of the Treasury. et al.; and

No. 962. Harriet O. Frothingham, appellant, *v.* Andrew W. Mellon, Secretary of the Treasury, et al. Advanced and assigned for argument on Monday, April 30, next, after the cases heretofore assigned for that day, on motion of Mr. Solicitor General Beck in that behalf.

No. 24, Original. Commonwealth of Massachusetts, complainant, *v.* Andrew W. Mellon, Secretary of the Treasury, et al. Leave granted to file brief herein as *amicus curiae*, on motion of Mr. Solicitor General Beck in that behalf.

No. 896. James C. Davis, as Agent, etc., plaintiff in error, *v.* Charles Hareford. Petition for a writ of certiorari herein submitted by Mr. A. W. Smith, Mr. Vincent M. Miles, Mr. Thomas B. Pryor, and Mr. A. A. McLaughlin for the plaintiff in error in support of the motion, and by Mr. Robert A. Rowe for the defendant in error in opposition thereto.

No. 634. Stefano Sanguinetti, appellant, *v.* The United States. Appeal from the Court of Claims. Motion to reinstate this cause on the docket submitted by Mr. Benjamin Carter for the appellant in support of the motion.

No. 978. Magnum Import Company (Inc.), petitioner, *v.* Francois Joseph de Spoturno Coty;

No. 979. Max L. Cohn, trading as The MacLen Import Company, petitioner. *v.* Francois Joseph de Spoturno Coty;

No. 980. Arthur Baum et al., trading as The Beautex Company, petitioners, *v.* Francois Joseph de Spoturno Coty;

No. 981. Magnum Import Company (Inc.), petitioner, *v.* Houbigant (Inc.); and

No. 982. Ivory Novelties Trading Company (Inc.), petitioner, *v.* Francois Joseph de Spoturno Coty. Motion for stay submitted by Mr. Charles H. Tuttle for the petitioners.

No. 958. George F. Shafer, as Attorney General of the State of North Dakota, et al. appellants, *v.* Farmers Grain Company of Embden, et al. Motion to advance submitted by Mr. Karl Knox Gartner in that behalf.

No. 905. Puget Sound Power & Light Company, petitioner, *v.* City of Seattle et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Frederic D. McKenney and Mr. James B. Howe for the petitioner, and by Mr. Walter B. Beals and Mr. Robert H. Evans for the respondents.

No. 977. Frederick M. Dyer et al., petitioners, *v.* The Commonwealth of Massachusetts. Motion for a stay, and for bail, submitted by Mr. Philip N. Jones for the petitioners.

No. 919. First National Bank in St. Louis, plaintiff in error, *v.* The State of Missouri at the information of Jesse W. Barrett, Attorney General. Petition for a writ of certiorari, motion to advance, and motion for a stay herein submitted by Mr. Otto Schlobohm in behalf of Mr. James C. Jones, Mr. Frank H. Sullivan, and Mr. Lon O. Hocker for the petitioner, and by Mr. Jesse W. Barrett, Mr. Merrill E. Otis, Mr. Sam B. Jeffries, Mr. William T. Jones, Mr. Harold R. Small, Mr. Marion C. Early, and Mr. Edward W. Foristel for the defendant in error, in opposition thereto.

No. 873. T. J. Bell, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Jed C. Adams and Mr. W. B. Harrell for the petitioner, and by Mr. Solicitor General Beck and Assistant Attorney General Willebrandt for the respondent.

No. 878. United Leather Workers' International Union No. 66 et al., appellants, *v.* Herkert & Meisel Trunk Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. John P. Leahy for the petitioner.

No. 883. Gosho Company (Inc.), petitioner, *v.* Southern Pacific Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. R. W. Flournoy for the petitioner, and by Mr. C. F. R. Ogilby and Mr. William F. Herrin for the respondent.

No. 890. James C. Davis, Director General of Railroads, Agent, petitioner, *v.* Michael J. Hanlon. Petition for a writ of certiorari to the Supreme Court of the State of Pennsylvania submitted by Mr. Thomas Patterson for the petitioner.

No. 893. Vulcanite Roofing Company (Inc.), petitioner, *v.* Commonwealth Steamship Company (Limited). Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. Oscar R. Houston, Mr. D. Roger

Englar, and Mr. Henry H. Little for the petitioner, and by Mr. John M. Woolsey and Mr. Edward R. Baird, jr., for the respondent.

No. 894. Brown-Crummer Company, petitioner, *v.* W. M. Rice Construction Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Oscar O'Neill Touchstone for the petitioner, and by Mr. Francis M. Etheridge, Mr. Joseph M. McCormick, and Mr. Snowden M. Leftwich for the respondent.

No. 899. Charles E. Albury, petitioner, *v.* Benjamin E. Dyson, U. S. Marshal, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. S. J. Barco and Mr. Harry Hawkins for the petitioner.

No. 908. M. McGirr's Sons Company, petitioner, *v.* Pennsylvania Railroad Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. John Vance Hewitt for the petitioner, and by Mr. Chauncey I. Clark for the respondents.

No. 909. Harley Davidson Motor Company et al., petitioners, *v.* Eclipse Machine Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Melville Church, Mr. William S. Hodges, and Mr. Edwin B. H. Tower, jr., for the petitioners, and by Mr. Charles L. Sturtevant and Mr. Archibald Cox for the respondents.

No. 914. Orlando Lee Cleveland, petitioner, *v.* Robert Mattingly, Judge, etc. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia submitted by Mr. T. Morris Wampler for the petitioner.

No. 913. James C. Davis, Director General of Railroads and Agent, etc., petitioner, *v.* Robert B. Caldwell. Petition for a writ of certiorari to the Supreme Court of the State of Missouri submitted by Mr. Homer Hall, Mr. A. A. McLaughlin, and Mr. N. S. Brown for the petitioner, and by Mr. John G. Parkinson for the respondent.

No. 924. Thomas Hammerschmidt et al., petitioners, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Joseph W. Sharts for the petitioners, and by Mr. Solicitor General Beck, Mr. Assistant Attorney General Crim, and Mr. Harry S. Ridgely for the respondent.

No. 929. Central Union Trust Company of New York, petitioner, *v.* William H. Edwards, as collector, etc. Petition for a writ of

certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. John M. Perry and Mr. Arthur H. Van Brunt for the petitioner, and by Mr. Solicitor General Beck and Mr. Assistant Attorney General Willebrandt for the respondent.

No. 965. Duncan Beaton, petitioner, *v.* Duluth, Winnipeg & Pacific Railway Company. Petition for a writ of certiorari to the Supreme Court of the State of Minnesota submitted by Mr. Frederick M. Miner for the petitioner, and by Mr. W. D. Bailey, Mr. Oscar Mitchell, and Mr. A. C. Gillette for the respondent.

No. 969. Cuno H. Rudolph et al., Commissioners, etc., petitioners, *v.* Charles E. Hunt et al. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia submitted by Mr. F. H. Stephens, Mr. R. L. Williams, and Mr. George P. Barse for the petitioners.

No. 683. Seaboard Air Line Railway Company, appellant, *v.* A. D. Watts, etc., Commissioner of Revenue. Appeal from the District Court of the United States for the Eastern District of North Carolina. Dismissed with costs, per stipulation.

No. 684. Atlantic Coast Line Railroad Company, appellant, *v.* A. D. Watts, etc., Commissioner of Revenue. Appeal from the District Court of the United States for the Eastern District of North Carolina. Dismissed with costs, per stipulation.

No. 688. Norfolk Southern Railroad Company, appellant, *v.* A. D. Watts, etc., Commissioner of Revenue. Appeal from the District Court of the United States for the Eastern District of North Carolina. Dismissed with costs, per stipulation.

No. 367. Victor Raymond Hammaer, plaintiff in error, *v.* The United States of America. Submitted by Mr. Will R. King for the plaintiff in error, and by Mr. Solicitor General Beck, Mr. Assistant Attorney General Crim, and Mr. Clifford H. Byrnes for the defendant in error.

No. 370. Charles I. Stager, appellant, *v.* The United States. Submitted by Mr. Edwin R. Wakefield for the appellant, and by Mr. Solicitor General Beck and Mr. Assistant Attorney General Lovett for the appellee.

Nos. 341 to 364, inclusive. Curtis, Collins & Holbrook Company, appellant, *v.* The United States of America. Argument commenced by Mr. Charles A. Shurtleff for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, April 10, will be as follows: Nos. 341 (to 364), 365, 366, 371 (and 372 and 373), 710, 404, 396 (and 429), 770, 663, and 258.

SUPREME COURT OF THE UNITED STATES.

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

Leven H. Ellis, of Columbiana, Ala.; W. P. Z. German, of Tulsa, Okla.; Eugene D. O'Sullivan, of Omaha, Nebr.; Charles J. Southard, of Omaha, Nebr.; Olive M. Jack, of Washington, D. C.; George H. Carter, of Washington, D. C.; and W. Yale Smiley, of Minneapolis, Minn., were admitted to practice.

No. 316. The United States, plaintiff in error, *v.* New River Collieries Company. Leave granted to file additional brief herein, on motion of Mr. Ira J. Williams for the defendant in error.

Nos. 341 to 364, inclusive. Curtis, Collins & Holbrook Company, appellant, *v.* The United States of America. Argument continued by Mr. Charles A. Shurtless for the appellant, and concluded by Mr. S. W. Williams for the appellee.

No. 365. Houston Coal Company, plaintiff in error, *v.* The United States. Argument commenced by Mr. A. J. Freiburg for the plaintiff in error, continued by Mr. Alfred A. Wheat for the defendant in error, and concluded by Mr. Ira Jewell Williams for the plaintiff in error.

No. 366. J. A. Campbell, plaintiff in error, *v.* The State of North Carolina. Submitted by Mr. Theodore F. Davidson and Mr. Louis M. Bourne for the plaintiff in error, and by Mr. James S. Manning for the defendant in error.

No. 371. The United States, appellant, *v.* Harry W. Luskey;

No. 372. The United States, appellant, *v.* John B. Mossel; and

No. 373. The United States, appellant, *v.* Charles F. Milford. Argued by Mr. James A. Fowler for the appellant, and by Mr. George A. King for the appellees.

No. 710. A. G. Spalding & Bros., plaintiff in error, *v.* William H. Edward, Collector, etc. Argument commenced by Mr. Frank Davis, jr., for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, April 11, will be as follows: Nos. 710, 404, 396 (and 429), 770, 663, 258, 292 (and 575 and 576), 315, 5, and 331 (and 332 and 333).

SUPREME COURT OF THE UNITED STATES.

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

Ransford W. Shaw, of Houtton, Me., and John G. Logue, of Houston, Tex., were admitted to practice.

No. 977. Frederick M. Dyer et al., petitioners, *v.* The Commonwealth of Massachusetts. Motion for stay of execution and for bail, pending petition for writ of certiorari herein, denied as premature.

No. 978. Magnum Import Company (Inc.), petitioner, *v.* Francois Joseph de Spoturno Coty;

No. 979. Max L. Cohn, trading as The Maclen Import Company, petitioner, *v.* Francois Joseph de Spoturno Coty;

No. 980. Arthur Baum et al., trading as The Beautex Company, petitioners, *v.* Francois Joseph de Spoturno Coty;

No. 981. Magnum Import Company, petitioner, *v.* Houbigant (Inc.); and

No. 982. Ivory Novelties Trading Company (Inc.), petitioner, *v.* Francois Joseph de Spoturno Coty. Rule to show cause issued, returnable on Monday, April 16, 1923.

No. 710. A. G. Spalding & Bros., plaintiff in error, *v.* William H. Edwards, Collector of Internal Revenue for the Second District of New York. Argument continued by Mr. Frank Davis, jr., for the plaintiff in error, by Mr. Solicitor General Beck for the defendant in error, and concluded by Mr. Frank Davis, jr., for the plaintiff in error.

No. 404. Thomas D. McCarthy, United States Marshal, appellant, *v.* Jules W. Arndstein. Argument commenced by Mr. Saul S. Myers for the appellant, continued by Mr. W. J. Fallon for the appellee, and concluded by Mr. Walter H. Pollak for the appellant.

No. 396. The Nashville, Chattanooga & St. Louis Railway et al., appellants, *v.* The State of Tennessee et al., etc., et al.; and

No. **429**. The United States, appellant, *v.* The State of Tennessee et al. Argument commenced by Mr. Blackburn Esterline for the United States; continued by Mr. J. Carter Fort for the Interstate Commerce Commission, by Mr. William H. Swiggart, jr., for the appellees, and by Mr. Fitzgerald Hall for the Nashville, Chattanooga & St. Louis Railway.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, April 12, will be as follows: Nos. **396** (and **429**), **770**, **663**, **258**, **292** (and **575** and **576**), **315**, **5**, **331** (and **332** and **333**), **318**, and **330**.

SUPREME COURT OF THE UNITED STATES.

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

Charles S. Grover, of Washington, D. C.; David J. Howell, of Cheyenne, Wyoming; D. Avery Haggard, of Cheyenne, Wyoming; Ray E. Lee, of Cheyenne, Wyoming; Daniel C. Donoghue, of Philadelphia, Pa.; Leo H. Hoffman, of Chicago, Ill.; Morton Barrows, of St. Paul, Minn.; and William T. Faricy, of St. Paul, Minn., were admitted to practice.

No. **396.** The Nashville, Chattanooga & St. Louis Railway et al., appellants, *v.* The State of Tennessee et al., etc., et al.; and

No. **429.** The United States, appellant, *v.* The State of Tennessee et al. Argument concluded by Mr. Fitzgerald Hall for The Nashville, Chattanooga & St. Louis Railway et al.

No. **770.** Benjamin Gitlow, plaintiff in error, *v.* The People of the State of New York. Argument commenced by Mr. W. H. Pollak for the plaintiff in error, continued by Mr. Walter Nelles for the plaintiff in error; by Mr. W. J. Weatherbee for the defendant in error, and concluded by Mr. John Caldwell Myers for the defendant in error.

No. **663.** David H. Riddle, appellant, *v.* James E. Dyche, Warden, etc. Argued by Mr. Henry E. Davis for the appellant and by Mr. Rufus S. Day for the appellee.

No. **258.** Albert B. Fall, Secretary of the Interior, et al., appellants, *v.* The United States ex rel. McAllister-Edwards Coal Company. Argument commenced by Mr. H. L. Underwood for the appellants, continued by Mr. George M. Porter for the appellee, and concluded by Mr. Conrad H. Syme for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, April 13, will be as follows: Nos. **292** (and **575** and **576**), **315**, **5**, **331** (and **332** and **333**), **318**, **330**, **270**, **334**, **179**, and **276**.

SUPREME COURT OF THE UNITED STATES.

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

Ray S. Fellows, of Tulsa, Okla., was admitted to practice.

No. —, original. Ex parte in the matter of Adolph Paleais, petitioner. Motion for leave to file petition for a writ of habeas corpus herein submitted by Mr. Barnett E. Kopelman and Mr. Joseph G. M. Browne for the petitioner.

No. 276. The First National Bank of San Jose, plaintiff in error, *v.* The State of California et al. Submitted by Mr. S. F. Leib for the plaintiff in error, and by Mr. U. S. Webb for the defendants in error.

No. 292. Frederick Wesche, appellant, *v.* Thomas W. Miller, as Alien Property Custodian;

No. 575. Commercial Trust Company of New Jersey, appellant, *v.* Thomas W. Miller, as Alien Property Custodian; and

No. 576. Charles J. Ahrenfeldt, appellant, *v.* Thomas W. Miller, as Alien Property Custodian. Death of Frederick Wesche suggested; and United States Trust Co. of New York, as ancillary administrator of the estate of the said Frederick Wesche, deceased, substituted as the party appellant in No. 292, on motion of Mr. Selden Bacon in that behalf. Argument commenced by Mr. Selden Bacon for the appellants, continued by Mr. James A. Fowler for the appellee, and concluded by Mr. Selden Bacon for the appellants.

No. 315. King County, Washington, appellant, *v.* Seattle School District No. 1. Argued by Mr. Howard A. Hanson for the appellant, and by Mr. Henry W. Pennock for the appellee.

No. 5. William R. Begg et al., Receivers, etc., appellants, *v.* The City of New York et al. Argument commenced by Mr. Lindley M. Garrison for the appellants.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, April 16, will be as follows: Nos. 5, 331 (and 332 and 333), 318, 330, 270, 334, 179, 291, 219 (and 220 and 221), 15 original, 16 original, 76, 267, 299, 302, 555, 463, 464, 724, 727, 744, 756, 706, and 707.

SUPREME COURT OF THE UNITED STATES.

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

Isidor Enselman, of New York City; Louis M. Denit, of Washington, D. C.; George H. Paltridge, of Washington, D. C.; Charles A. Lind, of Washington, D. C.; Joseph T. Zottoli, of Boston, Mass.; M. Carter Hall, of Fairfax, Va.; Edward Ash, of New York City; George V. A. McCloskey, of New York City; Raoul E. Desvernine, of New York City; John C. Gramling, of Miami, Fla.; Hugh W. Davis, of Norfolk, Va.; George Calvert Bowie, of Washington, D. C.; Henry D. Bushnell, of New York City; Charles C. Crabbe, of Columbus, Ohio; Frank Harwell, of Atlanta, Ga.; William J. White, jr., of Lowell, Mass.; Isaac Reiss, of New York City; W. Blodgett Priest, of St. Louis, Mo.; Paul Vallee, of Los Angeles, Calif.; and William E. Fitzgerald, of Wichita Falls, Tex., were admitted to practice.

No. 542. William A. Prendergast et al., constituting the Public Service Commission of the State of New York, et al., appellants, *v.* New York Telephone Company. Appeal from the District Court of the United States for the Southern District of New York. Decree affirmed with costs. Opinion by Mr. Justice Sanford.

No. 701. Board of Trade of the City of Chicago et al., appellants, *v.* Edwin A. Olsen, United States District Attorney for the Northern District of Illinois, et al. Appeal from the District Court of the United States for the Northern District of Illinois. Decree affirmed with costs. Opinion by Mr. Chief Justice Taft. Dissenting: Mr. Justice McReynolds and Mr. Justice Sutherland.

The Chief Justice also announced the following orders of the court:

No. 805. Lehigh & Hudson River Railway Company, petitioner, *v.* Florence M. Otterstedt, on behalf of herself and minor children. Petition for a rehearing herein granted.

No. 880. Charles Glenn Collins, appellant, *v.* Victor Loisel, United States Marshal, etc. Motion to advance granted, and cause assigned for argument on Monday, April 30 next, after the cases heretofore assigned for that day.

No. 958. George F. Shafer, as Attorney General of the State of North Dakota, et al., appellants, *v.* Farmers Grain Company of Embden et al. Motion to advance granted, and cause assigned for argument on Monday, April 30 next, after the cases heretofore assigned for that day.

No. 919. First National Bank in St. Louis, plaintiff in error, *v.* State of Missouri at the information of Jesse W. Barrett, Attorney General. Motion to advance granted, and cause assigned for argument on Monday, April 30 next, after the cases heretofore assigned for that day. Motion for a stay herein granted with respect to the branch bank now in operation, but in all other respects denied.

No. 634. Stefano Sanguinetti, appellant, *v.* The United States. Motion to reinstate this case on the docket granted.

No. —, original. Ex parte in the matter of Adolph Paleais, petitioner. Motion for leave to file petition for a writ of habeas corpus denied, without prejudice to an application to the District Court.

No. 924. Thomas Hammerschmidt et al., petitioners, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit granted.

No. 883. Goshu Company (Inc.), petitioner, *v.* Southern Pacific Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 890. James C. Davis, Director General of Railroads, Agent, petitioner, *v.* Michael J. Hanlon. Petition for a writ of certiorari to the Supreme Court of the State of Pennsylvania denied.

No. 893. Vulcanite Roofing Company (Inc.), petitioner, *v.* Commonwealth Steamship Company (Ltd.). Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 894. Brown-Crummer Company, petitioner, *v.* W. M. Rice Construction Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 905. Puget Sound Power & Light Company, petitioners, *v.* City of Seattle et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 908. M. McGirr's Sons Company, petitioner, *v.* Pennsylvania Railroad Company et al. Petition for a writ of certiorari to the

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

No. 909. Harley-Davidson Motor Company et al., petitioners, *v.* Eclipse Machine Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 913. James C. Davis, Director General of Railroads, etc., petitioner, *v.* Robert B. Caldwell. Petition for a writ of certiorari to the Supreme Court of the State of Missouri denied.

No. 914. Orlando Lee Cleveland, petitioner, *v.* Robert Mattingly, Judge, etc. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 929. Central Union Trust Company of New York, petitioner, *v.* William H. Edwards, as Collector, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 965. Duncan Beaton, petitioner, *v.* Duluth, Winnipeg & Pacific Railway Company. Petition for a writ of certiorari to the Supreme Court of the State of Minnesota denied.

No. 969. Cuno H. Rudolph et al., Commissioners, etc., petitioners, *v.* Charles E. Hunt et al. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 878. United Leather Workers International Union No. 66 et al., appellants, *v.* Herkert & Meisel Trunk Company et al. Further consideration of the petition for a writ of certiorari herein postponed to the hearing of the case on the appeal.

No. 919. First National Bank in St. Louis, plaintiff in error, *v.* State of Missouri at the information of Jesse W. Barrett, Attorney General. Further consideration of the petition for a writ of certiorari herein postponed until the hearing of the case on the writ of error.

No. 367. Victor Raymond Hammaer, plaintiff in error, *v.* The United States of America. In error to the District Court of the United States for the District of Oregon. Per curiam: Dismissed for want of jurisdiction upon the authority of *Zucht v. King*, decided November 13, 1922.

No. 370. Charles I. Stager, appellant, *v.* The United States. Appeal from the Court of Claims. Per curiam: Affirmed upon the authority of *Nicholas v. United States*, 257 U. S. 71.

No. 366. J. A. Campbell, plaintiff in error, *v.* The State of North Carolina. In error to the Supreme Court of the State of North Carolina. Per curiam: Affirmed upon the authority of *Vigliotti v. Pennsylvania*, 258 U. S. 403.

No. 522. Jay Burns Baking Company et al., plaintiffs in error, *v.* Samuel R. McKelvie, as Governor of the State of Nebraska, et al. Per curiam: Motion to substitute the new governor, Charles W. Bryan, for the ex-governor, Samuel R. McKelvie, and to substitute the new secretary of the department of agriculture, Grant Shumway, for the ex-secretary, Leo B. Stuhr, is granted on the ground that such substitution is authorized by section 8546, Comp. Stats., Nebr., 1922, as construed and applied by the Supreme Court of Nebraska.

No. 404. Thomas D. McCarthy, United States Marshal, appellant, *v.* Jules W. Arndstein. Leave granted to file supplemental brief herein, on motion of Mr. Solicitor General Beck for the appellant.

No. 456. Eugene Schaefer et al., Trustees, etc., appellants, *v.* Thomas W. Miller, as Alien Property Custodian of the United States. Appeal from the United States Circuit Court of Appeals for the Second Circuit. Dismissed with costs on motion of Mr. James M. Beck in behalf of counsel for the appellants.

No. 935. Harry H. Weiss, Collector of Internal Revenue, petitioner, *v.* Louis Stearn. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Solicitor General Beck, Assistant Attorney General Willebrandt, and Mr. John C. Hayes for the petitioner, and by Mr. Charles P. Hine for the respondent.

No. 936. Harry H. Weiss, Collector of Internal Revenue, petitioner, *v.* John G. White. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Solicitor General Beck, Assistant Attorney General Willebrandt, and Mr. John C. Hayes for the petitioner, and by Mr. John G. White, Mr. A. V. Cannon, and Mr. W. H. Annat for the respondent.

No. 307. The United States of America, appellant, *v.* American Linseed Oil Company et al. Leave granted to file brief herein as amicus curiæ, on motion of Mr. William J. Matthews in that behalf.

No. 27, original. Ex parte in the matter of James C. Davis, Director General of Railroads, etc., petitioner. Motion of Mr. J. M. Woolsey for leave to file brief herein as amicus curiæ denied.

No. 763. Max Hart, appellant, *v.* B. F. Keith Vaudeville Exchange, Orpheum Circuit (Inc.), et al. Reassigned for argument, on motion of Mr. Louis B. Epstein in that behalf.

No. 915. The Young Men's Christian Association of Columbus, Ohio, et al., petitioners, *v.* Ora Davis et al. Petition for a writ of certiorari to the Supreme Court of the State of Ohio submitted by

Mr. Frank Davis, jr., Mr. Henry A. Williams, Mr. Guy W. Mallon, and Mr. James I. Boulger for the petitioners, and by Mr. Arthur I. Vorys for respondents.

No. 934. Francisco Bianchi et al., appellants, *v.* Manuel Mendia Morales et al. Motion to affirm or advance, and to vacate stay, submitted by Mr. C. G. Walter for the appellees in support of the motion, and by Mr. Phelan Beale for the appellants in opposition thereto.

No. 971. Jeanette L. MacKelvie, petitioner, *v.* The Mutual Benefit Life Insurance Company of Newark, New Jersey. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. William Wallace, jr., for the petitioner, and by Mr. Charles E. Hughes, jr., for the respondent.

No. 984. Railroad Commission of the State of California, petitioner, *v.* Southern Pacific Company et al. Petition for a writ of certiorari to the Supreme Court of the State of California submitted by Mr. Hugh Gordon for the petitioner, and by Mr. C. W. Durbrow, Mr. E. W. Camp, Mr. A. S. Halsted, and Mr. Charles H. Bates for the respondents.

No. 985. Railroad Commission of the State of California, petitioner, *v.* The Atchison, Topeka & Santa Fe Railway Company. Petition for a writ of certiorari to the Supreme Court of the State of California submitted by Mr. Hugh Gordon for the petitioner, and by Mr. C. W. Durbrow, Mr. E. W. Camp, Mr. A. S. Halsted, and Mr. Charles H. Bates for the respondent.

No. 896. Railroad Commission of the State of California, petitioner, *v.* Los Angeles & Salt Lake Railroad Company. Petition for a writ of certiorari to the Supreme Court of the State of California submitted by Mr. Hugh Gordon for the petitioner, and by Mr. C. W. Durbrow, Mr. E. W. Camp, Mr. A. S. Halsted, and Mr. Charles H. Bates for the respondent.

No. 920. New York Life Insurance Company, petitioner, *v.* Marion C. Slocomb. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Louis H. Cooke for the petitioner, and by Mr. Arthur E. Griffin for the respondent.

No. 921. New York Life Insurance Company, petitioner, *v.* Grace G. Rutherford. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Louis H. Cooke for the petitioner.

No. 930. Le Verra M. McNulty, by C. N. McNulty, her next friend, petitioner, *v.* The Atchison, Topeka & Santa Fe Railway Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Henry

E. Lutz for the petitioner, and by Mr. Frank A. Kemp, jr., and Mr. Gardiner Lathrop for the respondent.

No. 937. Robert W. Hunt et al., petitioners, *v.* George H. Clapp. Petition for a writ of certiorari to the Supreme Court of the State of Pennsylvania submitted by Mr. Horace G. Stone and Mr. Louis G. Richardson for the petitioners, and by Mr. George H. Calvert for the respondent.

No. 938. Robert W. Hunt et al., petitioners, *v.* Ralph W. Harbison. Petition for a writ of certiorari to the Supreme Court of the State of Pennsylvania submitted by Mr. Horace G. Stone and Mr. Louis G. Richardson for the petitioners, and by Mr. David A. Reed and Mr. George H. Calvert for the respondent.

No. 939. Robert W. Hunt et al., petitioners, *v.* Mary L. Henry, Executrix, etc. Petition for a writ of certiorari to the Supreme Court of the State of Pennsylvania submitted by Mr. Horace G. Stone and Mr. Louis G. Richardson for the petitioners, and by Mr. David A. Reed and Mr. George H. Calvert for the respondent.

No. 940. Robert W. Hunt et al., petitioners, *v.* George H. Calvert. Petition for a writ of certiorari to the Supreme Court of the State of Pennsylvania submitted by Mr. Horace G. Stone and Mr. Louis G. Richardson for the petitioners, and by Mr. David A. Reed and Mr. George H. Calvert for the respondent.

No. 941. Robert W. Hunt et al., petitioners, *v.* Harry S. Calvert. Petition for a writ of certiorari to the Supreme Court of the State of Pennsylvania submitted by Mr. Horace G. Stone and Mr. Louis G. Richardson for the petitioners, and by Mr. David A. Reed and Mr. George H. Calvert for the respondent.

No. 942. Robert W. Hunt et al., petitioners, *v.* George H. Theiss, Surviving Executor, etc. Petition for a writ of certiorari to the Supreme Court of the State of Pennsylvania submitted by Mr. Horace G. Stone and Mr. Louis G. Richardson for the petitioners, and by Mr. David A. Reed and Mr. George H. Calvert for the respondent.

No. 943. Robert W. Hunt et al., petitioners, *v.* D. F. Collingwood. Petition for a writ of certiorari to the Supreme Court of the State of Pennsylvania submitted by Mr. Horace G. Stone and Mr. Louis G. Richardson for the petitioners, and by Mr. David A. Reed and Mr. George H. Calvert for the respondent.

No. 944. Robert W. Hunt et al., petitioners, *v.* E. W. Gwinner. Petition for a writ of certiorari to the Supreme Court of the State of Pennsylvania submitted by Mr. Horace G. Stone and Mr. Louis G. Richardson for the petitioners, and by Mr. David A. Reed and Mr. George H. Calvert for the respondent.

No. 945. Robert W. Hunt et al., petitioners, *v.* R. B. Montgomery. Petition for a writ of certiorari to the Supreme Court of the State of Pennsylvania submitted by Mr. Horace G. Stone and Mr. Louis G. Richardson for the petitioners, and by Mr. David A. Reed and Mr. George H. Calvert for the respondent.

No. 946. Robert W. Hunt et al., petitioners, *v.* George N. Glass. Petition for a writ of certiorari to the Supreme Court of the State of Pennsylvania submitted by Mr. Horace G. Stone and Mr. Louis G. Richardson for the petitioners, and by Mr. David A. Reed and Mr. George H. Calvert for the respondent.

No. 947. Robert W. Hunt et al., petitioners, *v.* W. A. Harbison. Petition for a writ of certiorari to the Supreme Court of the State of Pennsylvania submitted by Mr. Horace G. Stone and Mr. Louis G. Richardson for the petitioners, and by Mr. David A. Reed and Mr. George H. Calvert for the respondent.

No. 949. Walker Grain Company, Bankrupts, et al., petitioners, *v.* Gregg Grain Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Bernard Titcher for the petitioners, and by Mr. Mark McMahon for the respondents.

No. 953. Atchison, Topeka & Santa Fe Railway Company, petitioners, *v.* O. J. Nichols. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Edgar W. Camp, Mr. Robert O. Brennan, Mr. Gardiner Lathrop, and Mr. Paul Burks for the petitioner, and by Mr. Lyndol L. Young for the respondent.

No. 998. Jacob Goldman, Receiver, etc., petitioner, *v.* Frank M. McKey, Trustee. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Lewis F. Jacobson for the petitioner, and by Mr. Frederick D. Silber and Mr. Clarence J. Silber for the respondent.

No. 5. William R. Begg et al., Receivers, appellants, *v.* The City of New York et al. Argument continued by Mr. Vincent Victory for the appellee, and concluded by Mr. Lindley M. Garrison for the appellants.

No. 27, original. *Ex parte* in the matter of James C. Davis, Director General of Railroads, etc., petitioner. Argued on return to rule to show cause by Mr. T. Catesby Jones for the petitioner, and by Mr. Mark Ash for the respondent; with leave to counsel for both sides to file briefs on or before Thursday next.

No. 978. Magnum Import Company (Inc.), petitioner, *v.* Francois Joseph de Spoturno Coty;

No. 979. Max L. Cohn, trading as The Maclen Import Company (Inc.), petitioner, *v.* Francois Joseph de Spoturno Coty;

No. 980. Arthur Baum et al., trading as The Beautex Company, petitioner, *v.* Francois Joseph de Spoturno Coty;

No. 981. Magnum Import Company (Inc.), petitioner, *v.* Houbigant (Inc.); and

No. 982. Ivory Novelties Trading Company (Inc.), petitioner, *v.* Francois Joseph de Spoturno Coty. Argument on return to rule to show cause commenced by Mr. Charles H. Tuttle for the petitioners.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, April 17, will be as follows: Nos. 331 (and 332 and 333), 318, 330, 270, 334, 179, 291, 219 (and 220 and 221), 15 original (and 16 original), 76, 267 (and 299, 302, and 555), 463, 464, 724 (and 727, 744, and 756), and 706 (and 707).

SUPREME COURT OF THE UNITED STATES.

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

Irving I. Goldsmith, of Saratoga Springs, N. Y.; Thomas H. Creighton, of Fairfield, Ill.; Rudolph J. Kramer, of East St. Louis, Ill.; Philip W. Barnes, of Lawrenceville, Ill.; Andrew Logan Anderson, of Lincoln, Ill.; Harold Caverly, of Boston, Mass.; Edwin C. Brown, of Minneapolis, Minn.; Herbert J. Jacobi, of Washington, D. C.; Richard E. Leach, of Denver, Colo., and Stanley T. Wallbank, of Denver, Colo., were admitted to practice.

No. 978. Magnum Import Company (Inc.), petitioner, *v.* Francis Joseph de Spoturno Coty;

No. 979. Max L. Cohn, trading as The Maclen Import Company (Inc.), petitioner, *v.* Francois Joseph de Spoturno Coty:

No. 980. Arthur Baum et al., trading as The Beautex Company, petitioner, *v.* Francois Joseph de Spoturno Coty;

No. 981. Manguam Import Company (Inc.), petitioner, *v.* Houbigant (Inc.); and

No. 982. Ivory Novelties Trading Company (Inc.), petitioner, *v.* Francois Joseph de Spoturno Coty. Argument on return to rule to show cause continued by Mr. Charles H. Tuttle for the petitioners, by Mr. Asher Blum for the respondent Coty, and concluded by Mr. George S. Hornblower for Houbigant (Inc.).

ORDER.—On consideration of the petitions for suspending orders herein, and of the argument of counsel thereupon had, it is now here ordered by this court that the said petitions be, and the same are hereby, denied.

No. 331. Pacific Gas & Electric Company, appellant, *v.* City and County of San Francisco;

No. 332. Pacific Gas & Electric Company, appellant, *v.* City and County of San Francisco; and

No. **333**. Pacific Gas & Electric Company, appellant, *v.* City and County of San Francisco. Argument commenced by Mr. Louis Titus for the appellant, continued by Mr. R. M. Searles for the appellees, and concluded by Mr. W. B. Bosley for the appellant.

No. **318**. The People of the State of New York *ex rel.* Emeline F. Clyde, plaintiff in error, *v.* James A. Wendell, as Comptroller of the State of New York. Argued by Mr. Arthur E. Goddard for the plaintiff in error, and submitted by Mr. Francis W. Cullen, Mr. James S. Y. Ivins, and Mr. C. T. Dawes for the defendants in error.

No. **330**. Elmore D. Dier et al., appellants, *v.* Joab H. Banton, District Attorney, etc., et al. Argument commenced by Mr. Nash Rockwood for the appellants. The court declined to hear further argument.

No. **270**. James C. Davis, Director General of Railroads, etc., plaintiff in error, *v.* Farmers' Cooperative Equity Company. Argument commenced by Mr. Gardiner Lathrop for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, April 18, will be as follows: Nos. **270, 334, 179, 291, 219** (and **220** and **221**), **15** Original (and **16** Original), **76, 267** (and **299, 302** and **555**), **463, 464, 724** (and **727, 744**, and **756**), and **706** (and **707**).

SUPREME COURT OF THE UNITED STATES.

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

George O. Wilson, of Dallas, Tex., and John H. Powell, of Seattle, Wash., were admitted to practice.

No. 384. Southern Bell Telephone & Telegraph Company, appellant, *v.* The Railroad Commission of Georgia et al. Appeal from the District Court of the United States for the Northern District of Georgia. Dismissed with costs, on motion of counsel for the appellant.

No. 270. James C. Davis, Director General of Railroads, etc., plaintiff in error, *v.* Farmers' Cooperative Equity Company. Argument continued by Mr. Gardiner Lathrop for plaintiff in error, by Mr. Morton Barrows for the defendant in error, and concluded by Mr. H. W. Davis for the plaintiff in error.

No. 334. Arthur W. Ide et al., appellants, *v.* The United States. Argument commenced by Mr. D. A. Haggard for the appellants, continued by Mr. Assistant Attorney General Riter for the appellee, and concluded by Mr. Ray E. Lee for the appellants.

No. 179. Brush Electric Company, appellant, *v.* City of Galveston et al. Argument commenced by Mr. William H. Armbrrecht for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, April 19, will be as follows: Nos. 179, 291, 219 (and 220 and 221), 15 original (and 16 original), 76, 267 (and 299, 302, and 555), 463, 464, 724 (and 727, 744, and 756), 706 (and 707), and 266.

SUPREME COURT OF THE UNITED STATES.

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

Harry H. Mead, of Detroit, Mich.; Roy Herald, of Detroit, Mich.; H. D. Driscoll, of Oklahoma City, Okla.; and Elmer Thomas, of Lawton, Okla., were admitted to practice.

No. 179. Brush Electric Company, appellant, *v.* City of Galveston et al. Argument continued by Mr. William H. Armbrecht for the appellant, by Mr. James W. Wayman for the appellees, and concluded by Mr. William H. Armbrecht for the appellant.

No. 291. American Steel Foundries, appellant, *v.* Thomas E. Robertson, Commissioner of Patents, etc. Argument commenced by Mr. George L. Wilkinson for the appellant, continued by Mr. Nathan Heard for the Simplex Electric Heating Co., one of the appellees, and concluded by Mr. George L. Wilkinson for the appellant.

No. 219. Joslin Manufacturing Company, plaintiff in error, *v.* Walter L. Clarke, City Treasurer, etc.;

No. 220. Scituate Light & Power Company, plaintiff in error, *v.* City of Providence et al.; and

No. 221. Theresa B. Joslin, plaintiff in error, *v.* City of Providence et al. Argument commenced by Mr. Robert H. McCarter for the plaintiffs in error, continued by Mr. Albert A. Baker for the defendants in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, April 20, will be as follows: Nos. 219 (and 220 and 221), 15 original (and 16 original), 76, 267 (and 299, 302, and 555), 463, 464, 724 (and 727, 744, and 756), 706 (and 707), 266, and 288.

SUPREME COURT OF THE UNITED STATES.

Present: Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, and Mr. Justice Sanford.

Benjamin F. Feiner, of New York City; Sterling G. McNees, of Harrisburg, Pa.; Frank F. Mason, of Providence, R. I.; George W. Blackwell, of Chicago, Ill.; Frank F. Dresser, of Worcester, Mass.; and Walter B. Allen, of Seattle, Wash., were admitted to practice.

No. **266.** W. T. Campbell, plaintiff in error, *v.* The City of Olney. Submitted by Mr. A. H. Carrigan for the plaintiff in error, and by Mr. W. B. Jaynes for the defendant in error.

No. **219.** Joslin Manufacturing Company, plaintiff in error, *v.* Walter I. Clarke, City Treasurer, etc.;

No. **220.** Scituate Light & Power Company, plaintiff in error, *v.* City of Providence et al.; and

No. **221.** Theresa B. Joslin, plaintiff in error, *v.* City of Providence et al. Argument continued by Mr. A. A. Baker for the defendants in error, and concluded by Mr. Robert H. McCarter for the plaintiffs in error. Leave granted counsel for the plaintiffs in error to file an additional brief.

No. **15,** original. Commonwealth of Pennsylvania, complainant, *v.* State of West Virginia; and

No. **16,** original. State of Ohio, complainant, *v.* State of West Virginia. Reargument commenced by Mr. John W. Davis for the Commonwealth of Pennsylvania and the State of Ohio, continued by Mr. G. M. Hoffheimer for the State of West Virginia, and concluded by Mr. George E. Alter for the Commonwealth of Pennsylvania.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, April 23, will be as follows: Nos. **76, 267** (and **299, 302,** and **555**), **463, 464, 724** (and **727, 744,** and **756**), **706** (and **707**), **288, 307, 237, 96, 739, 846, 717, 823,** and **20** original.

SUPREME COURT OF THE UNITED STATES.

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

William O. Reeder, of St. Louis, Mo.; Joab H. Banton, of New York City; Norman Stanley Case, of Providence, R. I.; Charles B. Griffith, of Topeka, Kans.; Randal C. Harvey, of Topeka, Kans.; Harry W. Colmery, of Topeka, Kans.; Fred C. Huebner, of Albia, Iowa; John J. Parker, of Charlotte, N. C.; and Arthur R. Smiley, of New York City, were admitted to practice.

No. 184. The St. Louis Southwestern Railway Company, appellant, *v.* The United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Brandeis.

No. 574. Lion Bonding & Surety Company, petitioner, *v.* A. H. Karatz. 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 with directions to dismiss the bill. Opinion by Mr. Justice Brandeis.

No. 467. Department of Trade and Commerce of the State of Nebraska et al., petitioners, *v.* A. J. Hertz et al., as Receivers of the Lion Bonding and Surety 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 Nebraska with directions to dismiss the bill. Opinion by Mr. Justice Brandeis.

No. 710. A. G. Spalding & Bros., plaintiff in error, *v.* William H. Edwards, Collector of Internal Revenue for the Second District of New York. In error to the District Court of the United States for the Southern District of New York. Judgment reversed with costs, and cause remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Holmes.

No. 575. Commercial Trust Company of New Jersey, appellant, *v.* Thomas W. Miller, as Alien Property Custodian. Appeal from

the United States Circuit Court of Appeals for the Third Circuit. Decree affirmed with costs, and cause remanded to the District Court of the United States for the District of New Jersey. Opinion by Mr. Justice McKenna.

No. 292. United States Trust Company of New York, as ancillary Administrator of Frederick Wesche, deceased, appellant, *v.* Thomas W. Miller, as Alien Property Custodian. Appeal from the District Court of the United States for the District of New Jersey. Decree affirmed with costs. Opinion by Mr. Justice McKenna.

No. 576. Charles J. Ahrenfeldt, appellant, *v.* Thomas W. Miller, as Alien Property Custodian. Appeal from the United States Circuit Court of Appeals for the Third Circuit. Decree affirmed with costs, and cause remanded to the District Court of the United States for the District of New Jersey. Opinion by Mr. Justice McKenna.

No. 371. The United States, appellant, *v.* Harry W. Luskey. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice McKenna.

No. 372. The United States, appellant. *v.* John B. Mossel; and

No. 373. The United States, appellant, *v.* Charles F. Milford. Appeals from the Court of Claims. Judgments affirmed. Opinion by Mr. Justice McKenna.

No. 935. Harry H. Weiss, Collector of Internal Revenue, petitioner, *v.* Louis Stearn. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit granted.

No. 936. Harry H. Weiss, Collector of Internal Revenue, petitioner, *v.* John G. White. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit granted.

No. 953. Atchison, Topeka & Santa Fe Railway Company, petitioner, *v.* O. J. Nichols. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted.

No. 984. Railroad Commission of the State of California, petitioner, *v.* Southern Pacific Company et al. Petition for a writ of certiorari to the Supreme Court of the State of California granted.

No. 985. Railroad Commission of the State of California, petitioner, *v.* The Atchison, Topeka & Santa Fe Railway Company. Petition for a writ of certiorari to the Supreme Court of the State of California granted.

No. 986. Railroad Commission of the State of California, petitioner, *v.* Los Angeles & Salt Lake Railroad Company. Petition for a writ of certiorari to the Supreme Court of the State of California granted.

No. 998. Jacob Goldman et al., Receivers, etc., petitioner, *v.* Frank M. McKey, Trustee. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted.

No. 873. T. J. Bell, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 896. James C. Davis, as Agent, etc., plaintiff in error, *v.* Charles Hareford. Petition for a writ of certiorari to the Supreme Court of the State of Arkansas denied.

No. 915. The Young Men's Christian Association of Columbus, Ohio, et al., petitioners, *v.* Ora Davis et al. Petition for a writ of certiorari to the Supreme Court of the State of Ohio denied.

No. 920. New York Life Insurance Company, petitioner, *v.* Marion C. Slocomb. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 921. New York Life Insurance Company, petitioner, *v.* Grace G. Rutherford. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 930. Le Verra M. McNulty, by C. N. McNulty, her next friend, petitioner, *v.* The Atchison, Topeka & Santa Fe Railway Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

Nos. 937 to 947, inclusive. Robert W. Hunt et al., petitioners, *v.* George H. Clapp and others. Petition for writs of certiorari to the Supreme Court of the State of Pennsylvania denied.

No. 949. Walker Grain Company, Bankrupts, et al., petitioners, *v.* Gregg Grain Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 971. Jeanette L. MacKelvie, petitioner, *v.* The Mutual Benefit Life Insurance Company of Newark, New Jersey. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 990. Emanuel Bookbinder, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. A. Mitchell Palmer and Mr. Frank Davis, jr., for the petitioner and by Mr. Solicitor General Beck and Assistant Attorney Willebrandt for respondent.

No. 1023. Ray Levinson, petitioner, *v.* William A. Greene, Trustee, etc. Petition for a writ of certiorari to the Supreme Court of the State of Washington submitted by Mr. Walter B. Allen for the petitioner, with leave to counsel for the respondent to file brief in opposition within 10 days.

No. 1024. Manhattan Investment Company, petitioner, *v.* William A. Greene, Trustee, etc. Petition for a writ of certiorari to the Supreme Court of the State of Washington submitted by Mr. Walter B. Allen for the petitioner, with leave to counsel for the respondent to file brief in opposition within 10 days.

No. 21, original. The State of Arkansas, complainant, *v.* The State of Mississippi. Leave granted to file answer to bill of complaint herein, on motion of Mr. Otto Schlobohm in that behalf.

No. 587. Alvah Crocker et al., Trustees, petitioners, *v.* John F. Malley, Collector. Advanced and assigned for argument with cases Nos. 532, 533, and 534, on motion of Mr. Spencer Gordon in that behalf.

No. —, original. *Ex parte* in the matter of Taubel-Scott-Kitz-miller Company, petitioner. Motion for leave to file petition for a writ of prohibition herein submitted by Mr. Frank J. Hogan for the petitioner.

No. 865. Adams Express Company, plaintiff in error, *v.* W. W. Darden. Petition for a writ of certiorari herein submitted by Mr. William L. Granbery for the plaintiff in error in support of the petition, and by Mr. J. S. Laurent, Mr. K. T. McConnico, and Mr. John A. Pitts for the defendant in error in opposition thereto.

No. 887. The Bromwell Brush and Wire Goods Company, plaintiff in error, *v.* The State Board of Charities and Corrections of Kentucky. Petition for a writ of certiorari herein submitted by Mr. Harvey Myers for the plaintiff in error in support of the petition.

No. 922. Ike Windsor, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. William Gordon for the petitioner.

No. 959. United States Fidelity & Guaranty Company, petitioner, *v.* Robert S. Blake, a Minor, by Grace Twiggs Blake, his Guardian. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Maurice McMicken and Mr. Joseph A. McCullough for the petitioner.

No. 960. United States Fidelity & Guaranty Company, petitioner, *v.* Grace Twiggs Blake. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Maurice McMicken and Mr. Joseph A. McCullough for the petitioner.

No. 972. New York, Philadelphia & Norfolk Telegraph Company, plaintiff in error, *v.* John I. Dolan, Collector of Taxes, etc. Petition for a writ of certiorari herein submitted by Mr. William C. Fitts, Mr. Horace Greeley Eastburn, and Mr. Overton Harris for the plaintiff in error in support of the petition.

No. 975. The I. T. S. Rubber Company, petitioner, *v.* United States Rubber Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Charles A. Brown for the petitioner, and by Mr. Livingston Gifford and Mr. Charles J. Jones for the respondent.

No. 995. Galveston Causeway Construction Company et al., petitioners, *v.* Galveston, Harrisburg & San Antonio Railway Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Presley K. Ewing, Mr. Wilmer S. Hunt, and Mr. Joseph A. McCullough for the petitioners.

No. 999. James C. Davis, Agent, plaintiff in error, *v.* George D. Henderson. Petition for a writ of certiorari herein submitted by Mr. A. A. McLaughlin, Mr. Thomas B. Pryor, and Mr. Vincent M. Miles for the plaintiff in error in support of the petition.

No. 1003. Thomas Agnello et al., petitioners, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the second Circuit submitted by Mr. George Gordon Battle for the petitioners, and by Mr. Solicitor General Beck for the respondent.

No. 805. Lehigh & Hudson River Railway Company, petitioner, *v.* Florence M. Otterstedt, on behalf of herself and minor children. Petition for a writ of certiorari to the Supreme Court, Appellate Division, Third Department, of the State of New York, resubmitted by Mr. John J. Beattie for the petitioner, and by Mr. E. Clarence Aiken for the respondent.

No. 293. Raton Water Works Company, appellant, *v.* The City of Raton. Appeal from the District Court of the United States for the District of New Mexico. Dismissed with costs, on motion of counsel for the appellant.

No. 76. The United States of America, petitioner, *v.* Wesley L. Sischo. Reargued by Mr. Alfred A. Wheat for the petitioner, and by Mr. John M. Woolsey for the respondent.

No. 267. U. S. Webb, as Attorney General of the State of California, et al., appellants, *v.* J. J. O'Brien et al.;

No. 299. W. I. Porterfield et al., appellants, *v.* U. S. Webb, Attorney General of the State of California, et al.;

No. 302. Frank Terrace et al., appellants, *v.* Lindsay L. Thompson, Attorney General of the State of Washington; and

No. 555. Raymond L. Frick et al., appellants, *v.* U. S. Webb, as Attorney General of the State of California, et al. Four hours allowed for the argument of these cases, on motion of Mr. Louis Marshall in that behalf. Argument commenced by Mr. Louis Marshall for the appellees in No. 267, and for the appellants in Nos. 299 and 555; continued by Mr. U. S. Webb for the appellants in No. 267, and appellees in Nos. 299 and 555.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, April 24, will be as follows: Nos. 267 (and 299, 302, and 555), 463, 464, 724 (and 727, 744, and 756), 706 (and 707), 288, 307, 237, 96, 739, 846, 717, 823, and 20 original.

SUPREME COURT OF THE UNITED STATES.

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

Anna A. O'Neill, of Washington, D. C.; Hope K. Thompson, of Washington, D. C.; and George H. Brown, of Washington, N. C., were admitted to practice.

No. **267**. U. S. Webb, Attorney General, etc., et al., appellants, *v.* J. J. O'Brien et al.;

No. **299**. W. I. Porterfield et al., appellants, *v.* U. S. Webb, as Attorney General, etc.;

No. **302**. Frank Terrace et al., etc., plaintiffs in error, *v.* Lindsay L. Thompson, Attorney General, etc.; and

No. **555**. Raymond L. Frick et al., appellants, *v.* U. S. Webb, as Attorney General, etc., et al. Argument continued by Mr. U. S. Webb for the appellants in No. **267** and for the appellees in Nos. **299** and **555**; continued by Mr. James B. Howe for the appellants in No. **302**; continued by Mr. L. L. Thompson for the appellee in No. **302**, and concluded by Mr. Louis Marshall for the appellees in No. **267** and the appellants in Nos. **299** and **555**.

No. **463**. Georgia Railway & Power Company et al., plaintiffs in error, *v.* The Town of Decatur; and

No. **464**. Georgia Railway & Power Company et al., plaintiffs in error, *v.* The Mayor and Council of the City of College Park. Argument commenced by Mr. Walter T. Colquitt for the plaintiff in error, continued by Mr. J. Howell Green for the defendant in error in No. **463**, by Mr. Frank Harwell for the defendant in error in No. **463**, and by Mr. George P. Whitman for the defendant in error in No. **484**.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, April 25, will be as follows: Nos. **463** (and **464**), **724** (and **727**, **744**, and **756**), **706** (and **707**), **288**, **307**, **237**, **96**, **739**, **846**, **717**, **823**, and **20** original.

SUPREME COURT OF THE UNITED STATES.

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

Clifford H. Byrnes, of Cohasset, Mass., and John E. Joyce, of New York City, were admitted to practice.

No. 463. Georgia Railway & Power Company et al., plaintiffs in error, *v.* The Town of Decatur; and

No. 464. Georgia Railway & Power Company et al., plaintiffs in error, *v.* The Mayor and Council of the City of College Park. Argument continued by Mr. George P. Whitman for the defendant in error in No. 464, and concluded by Mr. Walter T. Colquitt for the plaintiffs in error.

No. 724. Atlantic Coast Line Railroad Company, appellant, *v.* R. A. Daughton, Commissioner of Revenue, etc., et al.;

No. 727. Norfolk Southern Railroad Company, appellant, *v.* R. A. Daughton, Commissioner, etc., et al.;

No. 744. Seaboard Air Line Railway Company, appellant, *v.* R. A. Daughton, Commissioner, etc., et al.; and

No. 756. Southern Railway Company, appellant, *v.* R. A. Daughton, Commissioner, etc., et al. Argument commenced by Mr. Thomas W. Davis for the appellant in No. 724; continued by Mr. George H. Brown for the appellees, continued by Mr. W. B. Rodman for the appellant in No. 727; by Mr. William P. Bynum for the appellees, and concluded by Mr. S. R. Prince for the appellant in No. 756.

No. 706. Essgee Company of China et al., plaintiffs in error and appellants, *v.* The United States; and

No. 707. Hanclore Trading Corporation et al., plaintiffs in error and appellants, *v.* The United States. Submitted by Mr. W. K. Olcott and Mr. A. A. Silberberg for the plaintiffs in error and appellants, and by Mr. Solicitor General Beck, Mr. Assistant Attorney General Crim, Mr. Clifford H. Byrnes, and Mr. Francis A. McGurk for the defendants in error and appellees.

No. 288. Joe Bonner, appellant, *v.* J. C. Middlebrooke, Sheriff, etc. Argued by Mr. John Randolph Cooper for the appellant, and submitted by Mr. George M. Napier for the appellee.

No. 307. The United States, appellant, *v.* American Linseed Oil Company et al. Argument commenced by Mr. James A. Fowler for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, April 26, will be as follows: Nos. 307, 237, 96, 739, 846, 717, 823, 20 original, 209, and 218.

SUPREME COURT OF THE UNITED STATES.

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

Charles F. Cole, of Little Rock, Ark.; John Paul, of Harrisonburg, Va.; and Joseph I. Brody, of Des Moines, Iowa, were admitted to practice.

No. **307**. The United States, appellant, *v.* American Linseed Oil Company et al. Argument continued by Mr. James A. Fowler for the appellant, by Mr. John Walsh and Mr. Thomas M. Debevoise for the appellees, and concluded by Mr. James A. Fowler for the appellant.

No. **237**. Rindge Company et al., plaintiffs in error, *v.* County of Los Angeles. Argument commenced by Mr. Edward Stafford for the plaintiffs in error, continued by Mr. Paul Vallee for the defendant in error, and concluded by Mr. Nathan Newby for the plaintiffs in error.

No. **96**. Taggarts Paper Company, plaintiff in error, *v.* The State of New York. Argument commenced by Mr. Adelbert Moot for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday April 27, will be as follows: Nos. **96, 739, 846, 717, 823, 20** original, **209, 218, 200, and 763**.

SUPREME COURT OF THE UNITED STATES.

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

John L. Smith, of Catlettsburg, Ky.; Cyrus F. Smythe, of New York City; Alben F. Bates, of Chicago, Ill.; James H. Hughes, jr., of Wilmington, Del.; and Joseph J. Brown, of Philadelphia, Pa., were admitted to practice.

No. —, original. *Ex parte* in the matter of Edward M. Fuller and William F. McGee, Individually and as Copartners, doing business as E. M. Fuller & Company, Bankrupts, petitioners. Motion for a stay herein submitted by Mr. William J. Fallon, Mr. Eugene F. McGee, and Mr. Arthur Garfield Hays for the petitioners in support of the motion, and by Mr. Francis L. Kohlman, Mr. William M. Chadbourne, and Mr. Cyrus F. Smythe in opposition thereto.

No. —, original. *Ex parte* in the matter of Edward M. Fuller and William F. McGee, Individually and as Copartners, doing business as E. M. Fuller & Company, Bankrupts, petitioners. Leave granted to file brief of Joab H. Banton, district attorney for New York County, as *amicus curiae*, on motion of Mr. John Caldwell Myers in that behalf.

No. 96. Taggart's Paper Company, plaintiff in error, *v.* The State of New York. Argument continued by Mrs. Helen Z. M. Rodgers for the plaintiffs in error, by Mr. Irving J. Goldsmith for the defendant in error, and concluded by Mrs. Helen Z. M. Rodgers for the plaintiff in error. Leave granted plaintiff in error to file memorandum by Monday next.

No. 739. Charles Wolf Packing Company, plaintiff in error, *v.* Court of Industrial Relations of the State of Kansas. Argument commenced by Mr. D. R. Hite for the plaintiff in error, continued by Mr. John G. Egan and Mr. Chester I. Long for the defendant in error, and concluded by Mr. John S. Dean for the plaintiff in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, April 30, will be as follows: Nos. 846, 717, 823, 20 original, 209 (and 218), 200, 763, 532 (and 533 and 534), 587, 24 original (and 962), 880, 958, and 919.

SUPREME COURT OF THE UNITED STATES.

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

Julius R. Samuels, of Cincinnati, Ohio; Louis E. Whitehead, of Los Angeles, Calif.; Frederick W. McEnery, of Boston, Mass.; George F. Shafer, of Bismarck, N. Dak.; Lewis C. Williams, of Richmond, Va.; Dean Hill Stanley, of Washington, D. C.; Bernard W. McElroy, of Providence, R. I.; Michael S. Cerrezin, of Cleveland, Ohio; Samuel Feller, of Kansas City, Mo.; William A. Sutherland, of Washington, D. C.; and Ira F. Thompson, of Los Angeles, Calif., were admitted to practice.

No. 268. Yuma County Water Users' Association et al., appellants, *v.* W. W. Schlecht and David C. Caylor. Appeal from 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 Arizona. Opinion by Mr. Justice Sutherland.

No. 301. J. S. Cullinan, plaintiff in error, *v.* A. S. Walker, Collector of Internal Revenue. In error to the District Court of the United States for the Southern District of Texas. Judgment affirmed with costs. Opinion by Mr. Justice Brandeis.

No. 659. The Cunard Steam Ship Co. (Ltd.) et al., appellants, *v.* Andrew W. Mellon, Secretary of the Treasury, et al.;

No. 660. The Oceanic Steam Navigation Co. (Ltd.), appellant, *v.* Andrew W. Mellon, Secretary of the Treasury, et al.;

No. 661. International Navigation Co. (Ltd.), appellant, *v.* Andrew W. Mellon, Secretary of the Treasury, et al.;

No. 662. Compagnie Generale Transatlantique, appellant, *v.* Andrew W. Mellon, Secretary of the Treasury, et al.;

No. 666. The Netherlands-American Steam Navigation Co. (Holland-American Line), appellant, *v.* Andrew W. Mellon, Secretary of the Treasury, et al.;

No. 667. Liverpool, Brazil and River Plate Steam Navigation Co. (Ltd.), appellant, *v.* Andrew W. Mellon, Secretary of the Treasury, et al.;

No. 668. The Royal Mail Steam Packet Co., appellant, *v.* Andrew W. Mellon, Secretary of the Treasury, et al.;

No. 669. United Steamship Co. of Copenhagen (Scandinavian American Line), appellant, *v.* Andrew W. Mellon, Secretary of the Treasury, et al.;

No. 670. The Pacific Steam Navigation Co., appellant, *v.* Andrew W. Mellon, Secretary of the Treasury, et al.;

No. 678. Navigazione Generale Italiana, appellant, *v.* Andrew W. Mellon, Secretary of the Treasury, et al.;

No. 693. International Mercantile Marine Co., appellant, *v.* H. C. Stuart, Acting Collector of Customs for the Port of New York, et al.; and

No. 694. United American Line (Inc.) et al., appellants, *v.* Henry C. Stuart, Acting Collector of Customs for the Port of New York, et al. Appeals from the District Court of the United States for the Southern District of New York. Decrees in Nos. 659, 660, 661, 662, 666, 667, 668, 669, 670, and 678 affirmed with costs. Decrees in Nos. 693 and 694 reversed with costs, and causes remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Van Devanter. Dissenting, Mr. Justice McReynolds. Specially dissenting, Mr. Justice Sutherland.

No. 318. The People of the State of New York ex rel. Emeline F. Clyde, plaintiff in error, *v.* State Tax Commission of the State of New York. In error to the Supreme Court of the State of New York. Judgment affirmed with costs. Opinion by Mr. Justice Holmes.

No. —. Ex parte in the matter of Edward M. Fuller and William F. McGee, Individually and as Copartners Doing Business Under the Name of E. M. Fuller Co. The application for a stay pending appeal is denied. Opinion by Mr. Chief Justice Taft.

The Chief Justice announced the following orders of the court:

No. —, original. Ex parte in the matter of Taubel-Scott-Kitzmiller Co. The motion for leave to file a petition for a writ of prohibition herein is denied.

No. 1003. Thomas Agnello et al., petitioners, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 995. Galveston Causeway Construction Co. et al., petitioners, *v.* Galveston, Harrisburg & San Antonio Railway Company et al.

On petition for a 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 denied, not only because of the character of the case, but also because of the failure to comply with the provisions of paragraph 3 of rule 37 of this court, which requires that in the case of applications for certiorari the petition shall contain only a summary and short statement of the matter involved and the general reasons relied on for the allowance of the writ, and provides that a failure to comply with that requirement will be deemed a sufficient reason for denying the petition. In the present case no such statement was filed, although there was a record of 1,000 pages. Instead of such a statement, we were invited to examine a brief of 263 pages.

No. 899. Charles E. Albury, petitioner, *v.* Benjamin E. Dyson, United States Marshal, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 805. Lehigh & Hudson River Railway Company, petitioner, *v.* Florence M. Otterstedt, on behalf of herself and minor children. Petition for a writ of certiorari to the Third Department, Appellate Division, of the Supreme Court of the State of New York denied.

No. 922. Ike Windsor, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 959. United States Fidelity & Guaranty Co., petitioner, *v.* Robert S. Blake, a Minor, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 960. United States Fidelity & Guaranty Co., petitioner, *v.* Grace Twiggs Blake. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 972. New York, Philadelphia and Norfolk Telegraph Co., plaintiff in error, *v.* John I. Dolan, Collector of Taxes, etc. Petition for writ of certiorari herein is denied.

No. 975. The I. T. S. Rubber Co., petitioner, *v.* United States Rubber Co. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 990. Emanuel Bookbinder, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 865. Adams Express Co., plaintiff in error, *v.* W. W. Darden. Further consideration of the petition for a writ of certiorari herein is postponed to the hearing of the case on the writ of error.

No. 288. Joe Bonner, appellant, *v.* J. C. Middlebrooke, Sheriff of Jones County, Ga. Appeal from the District Court of the United States for the Southern District of Georgia. *Per curiam*: Dismissed with costs for the want of jurisdiction upon the authority of *Farrell v. O'Brien*, 199 U. S. 89, 100; *Empire State-Idaho Mining Co. v. Hadley*, 205 U. S. 225, 232; *Toop v. Ulysses Land Co.*, 237 U. S. 580, 583; *Piedmont Power & Light Co. v. Town of Graham*, 253 U. S. 193, 195.

ORDER.—The call of the docket will be suspended for the term on Friday, May 4 next and the court will take a recess from Monday, May 7 to Monday, May 21.

ORDER.—No petitions for writs of certiorari or motions, except motions for admission to practice, will be received after Monday, June 4 next.

No. — original. The United States of America, complainant. *v.* The State of Minnesota. Motion for leave to file bill of complaint submitted by Mr. Solicitor General Beck for the complainant.

No. 665. Laura Lyon, appellant, *v.* Charles B. Lohmiller, as Superintendent and Disbursing Agent, etc. Motion to dismiss or affirm submitted by Mr. Solicitor General Beck, Mr. Assistant Attorney General Riter, and Mr. Harry L. Underwood for the appellee in support of the motion, and by Mr. Charles J. Kappler and Mr. Hiram Chase for the appellant in opposition thereto.

No. 925. Clallam County, Washington, et al., *v.* The United States of America et al. Motion to advance submitted by Mr. Solicitor General Beck for the United States et al.

No. 974. William H. Edwards, formerly Collector of Internal Revenue, etc., petitioner, *v.* Joseph Jermain Slocum et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Solicitor General Beck for the petitioner and by Mr. Robert Thorne for the respondents.

No. 994. The United States of America, petitioner, *v.* Gulf Refining Co. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Solicitor General Beck for the petitioner and by Mr. R. L. Batts and Mr. Frank M. Swacker for the respondent.

No. 629. A. N. Leecraft, plaintiff in error, *v.* The Texas Company. Motion to dismiss submitted by Mr. A. Mitchell Palmer in behalf of Mr. C. B. Ames for the defendant in error in support of the motion and by Mr. George F. Short and Mr. C. W. King for the plaintiff in error in opposition thereto.

No. 978. Magnum Import Company (Inc.), petitioner, *v.* Francois Joseph de Spoturno Coty;

No. 979. Max L. Cohn, trading as the Maclen Import Co. (Inc.), petitioner, *v.* Francois Joseph de Spoturno Coty;

No. 980. Arthur Baum and Ruth Baum, trading as The Beautex Co., petitioners, *v.* Francois Joseph de Spoturno Coty;

No. 981. Magnum Import Co. (Inc.), petitioner, *v.* Houbigant (Inc.); and

No. 982. Ivory Novelties Trading Co. (Inc.), petitioner, *v.* Francois Joseph de Spoturno Coty. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Otto Schlobohm in behalf of Mr. Charles H. Tuttle and Mr. William J. Hughes for the petitioners, and by Mr. Hugo Mock, Mr. Asher Blum, and Mr. Frederic D. McKenney for the respondents in Nos. 978, 979, 980, and 982; and by Mr. Lindley M. Garrison, Mr. George S. Hornblower, Mr. Raoul E. Desvernine, and Mr. Frederic D. McKenney for the respondent in No. 981.

No. 226. Fred W. Schutz et al., plaintiffs in error, *v.* Justus S. Wardell, U. S. Collector, etc. In error to the District Court of the United States for the Northern District of California. Dismissed with costs and mandate granted, on motion of Mr. Robert Ash in behalf of counsel for the plaintiffs in error.

No. 579. The Queen Insurance Company of America, petitioner, *v.* Globe & Rutgers Fire Insurance Co. Motion to advance submitted by Mr. Robert Ash in behalf of Mr. D. Roger Englar and Mr. George R. Houston, for the petitioner.

No. 1023. Ray Levinson, petitioner, *v.* William A. Greene, Trustee, etc.; and

No. 1024. Manhattan Investment Co., petitioner, *v.* William A. Greene, Trustee, etc. Leave granted to file additional brief for the petitioners, on motion of Mr. Robert Ash for the petitioners.

No. 919. First National Bank in St. Louis, plaintiff in error, *v.* State of Missouri, at the information of Jesse W. Barrett, Attorney General. Motion of Mr. James M. Beck for leave to file brief of John A. Garver as amicus curiae herein denied.

No. 919. First National Bank in St. Louis, plaintiff in error, *v.* State of Missouri, at the information of Jesse W. Barrett, Attorney General. Leave granted to file brief of John Quinn, Paul Kiefer, and Robert P. Stewart herein as amici curiae, on motion of Mr. Robert P. Stewart in that behalf, with leave to defendant in error to file reply within two days.

No. 962. Harriet A. Frothingham, appellant, *v.* Andrew W. Mellon, Secretary of the Treasury, et al. Leave granted to file brief as amicus curiae herein, on motion of Mr. Henry St. George Tucker.

No. 24 original. Commonwealth of Massachusetts, complainant, *v.* Andrew W. Mellon, Secretary of the Treasury, et al; and

No. 962. Harriet A. Frothingham, appellant, *v.* Andrew W. Mellon, Secretary of the Treasury, et al. Leave granted to file brief of Everett P. Wheeler and Waldo G. Morse as amici curiæ herein, on motion of Mr. Frederick A. Fenning in that behalf.

No. 919. First National Bank in St. Louis, plaintiff in error, *v.* State of Missouri, at the information of Jesse W. Barrett, Attorney General. Motion of Mr. William Rothmann to file brief on behalf of the States of Illinois, Connecticut, North Dakota, Washington, Wisconsin, Iowa, Arkansas, Minnesota, Indiana, and Kansas as amici curiæ, denied.

No. 24, original. Commonwealth of Massachusetts, complainant, *v.* Andrew W. Mellon, Secretary of the Treasury, et al. Leave granted to file brief of the Association of Land Grant Colleges as amicus curiæ herein, on motion of Mr. Charles K. Burdick in that behalf.

No. 954. Four-in-One Coal Company, petitioner, *v.* Eli H. Brown. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Emile Steinfeld and Mr. D. A. Sachs, jr., for the petitioner.

No. 961. Tony Panzich and Mary Panzich, petitioners, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Frank P. Doherty for the petitioner.

No. 968. C. W. Johnson, Trustee in Bankruptcy of the Visible Measure Gasoline Dispenser Company of America, petitioner, *v.* Grainger & Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. D. A. Sachs, jr., and Mr. Emile Steinfeld for the petitioner.

No. 983. Moe H. Baron et al., petitioners, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Edmund H. Moore for the petitioners, and by Mr. Solicitor General Beck and Assistant Attorney General Willebrandt for the respondent.

No. 989. A. Baldini, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mrs. Annette Abbot Adams for the petitioner, and by Mr. Solicitor General Beck and Assistant Attorney General Willebrandt in opposition thereto.

No. 1002. James C. Davis, Director General of Railroads, etc., petitioner, *v.* Ellen A. Long, Administratrix of Edward R. Long.

Petition for a writ of certiorari to the Supreme Court of the State of New York submitted by Mr. Charles C. Paulding and Mr. Leroy B. Williams for the petitioners, and by Mr. George H. Bond and Mr. A. Lee Olmsted for the respondent.

No. 1009. George R. Broadwell, petitioner, *v.* The Board of County Commissioners of Bryan County, Oklahoma. Petition for a writ of certiorari to the Supreme Court of the State of Oklahoma submitted by Mr. George P. Glaze for the petitioner.

No. 1011. Samuel Krivit et al., petitioners, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Louis Marshall for the petitioners, and by Mr. Solicitor General Beck and Assistant Attorney General Willebrandt for the respondent.

No. 547. Cudahy Packing Company of Nebraska, plaintiff in error, *v.* Mary Ann Parramore, as Widow, etc., et al. Motion to dismiss or affirm submitted by Mr. William A. Hilton for the defendants in error in support of the motion, and by Mr. George T. Buckingham for the plaintiff in error in opposition thereto.

No. 738. Wagner Electric Manufacturing Company, appellant, *v.* Lamar Lyndon et al. Motion to dismiss submitted by Mr. Lawrence C. Kingsland and Mr. John D. Rippey for the appellees in support of the motion, and by Mr. Charles A. Houts for the appellant in opposition thereto.

No. 957. Missouri Pacific Railroad Company, petitioner, *v.* Mrs. Lulu Morgan. Petition for writ of certiorari to the Court of Appeals for the Second Circuit, State of Louisiana. Dismissed with costs on motion of counsel for the petitioner.

No. 846. Harry T. Graham, Individually and as Former Collector, etc., et al., petitioners, *v.* Alfred I. du Pont. Argued by Mr. Solicitor General Beck for the petitioners, and by Mr. William A. Glasgow, jr., for the respondent.

No. 717. American Bank & Trust Company, appellant, *v.* Federal Reserve Bank of Atlanta; and

No. 823. Farmers and Merchants Bank of Monroe, North Carolina et al., Petitioners, *v.* Federal Reserve Bank of Richmond, Virginia. Argument commenced by Mr. Alexander W. Smith for the appellant and petitioners.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, May 1, will be as follows: 717 (and 823), 20 original, 209 (and 218), 200, 763, 532 (and 533, 534, and 587), 24 original (and 962), 880, 958, and 919.

SUPREME COURT OF THE UNITED STATES.

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

No. 20, original. The Commonwealth of Massachusetts, complainant, *v.* The State of New York et al. Leave granted to file answer and supplemental answer of defendant Ontario Beach Hotel & Amusement Co., and answer of defendant The Upton Company, on motion of Mr. Arthur E. Sutherland in that behalf.

No. 919. First National Bank in St. Louis, plaintiff in error and petitioner, *v.* The State of Missouri upon information of Jesse W. Barrett, Attorney General. Leave granted to file brief herein, as amici curiae, on motion of Mr. William Rothmann in behalf of the attorneys general of the States of Illinois, Connecticut, North Dakota, Washington, Wisconsin, Iowa, Arkansas, Minnesota, Indiana, and Kansas and United States Bankers' Association Opposed to Branch Banking.

No. 717. American Bank & Trust Company, appellant, *v.* Federal Reserve Bank of Atlanta; and

No. 823. Farmers and Merchants Bank of Monroe, North Carolina, et al., petitioners, *v.* Federal Reserve Bank of Richmond, Virginia. Argument continued by Mr. Alex. W. Smith for the appellant and petitioners; by Mr. John J. Parker for the petitioners in No. 823; by Mr. John W. Davis for the appellee and respondent; by Mr. Henry W. Anderson for the respondent in No. 823; and concluded by Mr. Alex. W. Smith for the appellant and petitioners.

No. 20, original. The Commonwealth of Massachusetts, complainant, *v.* The State of New York et al. Argued on motion to dismiss by Mr. Harry C. Miller for John Albert Granger et al., certain defendants, and by Mr. Edwin H. Abbot, jr., for the complainant. Motion to dismiss denied without prejudice, the case to stand over for hearing on the merits.

No. 209. Willard Sutherland & Company, appellant, *v.* The United States; and

No. 218. William C. Atwater & Company (Inc.), appellant, *v.* The United States. Argument commenced by Mr. Thomas R. Rutter for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, May 2, will be as follows: Nos. 209 (and 218), 200, 763, 532 (and 533, 534, and 587), 24 original (and 962), 880, 958, 919, and 77.

SUPREME COURT OF THE UNITED STATES.

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

Paul E. Seabrook, of Savannah, Ga.; Stuart Montgomery, of Boston, Mass.; and Charles L. Faust, of St. Joseph, Mo., were admitted to practice.

No. 77. Dharandas Tulsidas et al., petitioners, *v.* Insular Collector of Customs. Submitted by Mr. Adam C. Carson for the petitioners and by Mr. Grant T. Trent and Mr. Logan N. Rock for the respondent.

No. 375. Harry Palmer, plaintiff in error, *v.* The State of Indiana. In error to the Supreme Court of the State of Indiana. Dismissed with costs, per stipulation.

No. 209. Willard, Sutherland & Company, appellant, *v.* The United States; and

No. 218. William C. Atwater & Company (Inc.), appellant, *v.* The United States. Argument continued by Mr. Thomas R. Rutter for the appellants, by Mr. Rufus S. Day for the appellee, and concluded by Mr. Gibbs L. Baker for the appellants.

No. 200. Henry E. Stevens, jr., petitioner, *v.* Arthur S. Arnold et al. Argued by Mr. Harvey F. Carr for the petitioner and by Mr. Robert H. McCarter for the respondents.

No. 763. Max Hart, appellant, *v.* B. F. Keith Vaudeville Exchange et al. Argument commenced by Mr. Martin W. Littleton for the appellant and continued by Mr. George Wharton Pepper for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, May 3, will be as follows: Nos. 763, 532 (and 533, 534, and 587), 24 original (and 962), 880, 958, and 919.

SUPREME COURT OF THE UNITED STATES.

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

M. Michael Edelstein, of St. Joseph, Mo.; Hyman Levin, of Los Angeles, Calif.; and F. L. Stotler, of Colfax, Wash., were admitted to practice.

No. 919. First National Bank in St. Louis, plaintiff in error, *v.* State of Missouri upon the information of Jesse W. Barrett, Attorney General. Motion for leave to file brief of the National City Bank of New York et al., as amici curiae herein on motion of Mr. Otto Schlobohm, denied.

No. 1050. Elizabeth W. Platt et al., plaintiffs in error, *v.* David R. Francis et al. In error to the Circuit Court of the City of St. Louis, State of Missouri. Docketed and dismissed with costs on motion of Mr. George H. Lamar for the defendants in error.

No. 763. Max Hart, appellant. *v.* B. F. Keith Vaudeville Exchange et al. Argument continued by Mr. George Wharton Pepper for the appellees and concluded by Mr. Martin W. Littleton for the appellant.

No. 532. Simon Hecht et al., Trustees, petitioners, *v.* John F. Malley, former Collector of Internal Revenue;

No. 533. Arthur L. Howard et al., petitioners, *v.* John F. Malley, former Collector of Internal Revenue:

No. 534. Arthur L. Howard et al., petitioners, *v.* Andrew J. Casey, former Acting Collector of Internal Revenue; and

No. 587. Alvah Crocker et al., Trustees, petitioners, *v.* John F. Malley, Collector. Argument commenced by Mr. Edward F. McClennen for the petitioners in Nos. 532, 533, and 534; continued by Mr. Alfred A. Wheat for the respondents, and concluded by Mr. Harrison M. Davis for the petitioners in No. 587.

No. 24, original. Commonwealth of Massachusetts, complainant, *v.* Andrew W. Mellon, Secretary of the Treasury et al; and

No. 962. Harriet A. Frothingham, appellant, *v.* Andrew W. Mellon, Secretary of the Treasury, et al. Argument commenced by Mr. Solicitor General Beck for the defendants in No. 24, original, and for the appellees in No. 962. Continued by Mr. Alexander Lincoln for the State of Massachusetts.

Adjourned until to-morrow at 12 o'clock.

Day call for Friday, May 4, 1923, will be as follows: Nos. 24 original (and 962), 880, 958, and 919.

SUPREME COURT OF THE UNITED STATES.

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

Carl C. Jones, of Portland, Me.; Charlotte F. Jones, of Los Angeles, Calif.; Joseph S. Dickey, of Henrietta, Tex.; and Albert B. Kerr, of Washington, D. C., were admitted to practice.

No. 24, original. The Commonwealth of Massachusetts, complainant, *v.* Andrew W. Mellon, Secretary of the Treasury, et al.; and

No. 962. Harriet A. Frothingham, appellant, *v.* Andrew W. Mellon, Secretary of the Treasury, et al. Argument continued by Mr. Alexander Lincoln for the Commonwealth of Massachusetts, by Mr. William L. Rawls for the appellant in No. 962, by Mr. J. Weston Allen for the Commonwealth of Massachusetts, and concluded by Mr. Solicitor General Beck for Andrew W. Mellon, Secretary of the Treasury, et al.

No. 880. Charles Glen Collins, appellant, *v.* Victor Loisel, United States Marshal for the Eastern District of Louisiana. Argument commenced by Mr. J. Zack Spearing for the appellant. The court declined to hear further argument.

No. 880. Charles Glen Collins, appellant, *v.* Victor Loisel, United States Marshal for the Eastern District of Louisiana. Appeal from the District Court of the United States for the Eastern District of Louisiana. *Per curiam*: Judgment affirmed with costs; and mandate ordered to issue forthwith.

No. 958. George F. Shafer, as Attorney General, etc., et al., appellants, *v.* Farmers Grain Company of Embden et al. Argued by Mr. Seth W. Richardson for the appellants, and by Mr. David F. Simpson for the appellees.

Adjourned until Monday next at 12 o'clock.

The call of the docket has been suspended for the term.

SUPREME COURT OF THE UNITED STATES.

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

Joseph J. Bach, of New York City; Rodolfo Ramirez Pabón, of Rio Piedras, P. R.; George Pfeil, of New York City; Laurence M. Fine, of Chicago, Ill.; Victor House, of New York City; Henry G. Hotchkiss, of New York City; Verner Gabrielson, of Fort Dodge, Iowa; and Maxwell A. O'Brien, of Des Moines, Iowa, were admitted to practice.

No. 5. William R. Begg et al., Receivers of the Manhattan and Queens Traction Corporation, appellant, *v.* The City of New York et al. Appeal from the United States Circuit Court of Appeals for the Second Circuit. Dismissed for want of jurisdiction. Opinion by Mr. Justice Sanford.

No. 430. The City of Trenton, plaintiff in error, *v.* The State of New Jersey. In error to the Supreme Court of the State of New Jersey. Dismissed for want of jurisdiction. Opinion by Mr. Justice Butler.

No. 469. The City of Newark, plaintiff in error, *v.* The State of New Jersey. In error to the Supreme Court of the State of New Jersey. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Butler.

No. 560. Oliver Iron Mining Company, appellant, *v.* Samuel Lord et al.;

No. 561. Cleveland-Cliffs Iron Company, appellant, *v.* Samuel Lord et al.;

No. 562. Mesaba-Cliffs Iron Mining Company, appellant, *v.* Samuel Lord et al.;

No. 563. Bennett Mining Company et al., appellants, *v.* Samuel Lord et al.;

No. 564. Republic Iron & Steel Company et al., appellants, *v.* Samuel Lord et al.;

No. 565. The Biwabik Mining Company et al., appellants, *v.* Samuel Lord et al.; and

No. 566. Inter-State Iron Company, appellant, *v.* Samuel Lord et al. Appeals from the District Court of the United States for the District of Minnesota. Decrees affirmed with costs. Opinion by Mr. Justice Van Devanter.

No. 76. The United States, petitioner, *v.* Wesley L. Sischo. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgment reversed; and cause remanded to the District Court of the United States for the Western District of Washington for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Holmes.

No. 934. Francisco Bianchi, etc., et al., appellants, *v.* Manuel Mendia Morales et al. Appeal from the United States Circuit Court of Appeals for the First Circuit. Decree affirmed with costs; and cause remanded to the District Court of the United States for Porto Rico. Opinion by Mr. Justice Holmes.

No. 330. Elmore D. Dier et al., appellants, *v.* Joab H. Banton, District Attorney of the county of New York, et al. Appeal from the District Court of the United States for the Southern District of New York. Order affirmed with costs. Opinion by Mr. Chief Justice Taft.

No. 706. Essgee Company of China et al., plaintiffs in error and appellants, *v.* The United States of America; and

No. 707. Hanclaire Trading Corporation et al., plaintiffs in error and appellants, *v.* The United States of America. In error to and appeal from the District Court of the United States for the Southern District of New York. Order affirmed. Opinion by Mr. Chief Justice Taft.

No. 978. Magnum Import Company (Inc.), petitioner, *v.* Francois Joseph de Spoturno Coty;

No. 979. Max L. Cohn, trading as The Maclen Import Company (Inc.), petitioner, *v.* Francois Joseph de Spoturno Coty;

No. 980. Arthur Baum et al., trading as The Beautex Company, petitioner, *v.* Francois Joseph de Spoturno Coty;

No. 981. Magnum Import Company (Inc.), petitioner, *v.* Houbigant, Inc.; and

No. 982. Ivory Novelties Trading Company (Inc.), petitioner, *v.* Francois Joseph de Spoturno Coty. Petitions for suspending orders herein denied. Opinion by Mr. Chief Justice Taft.

The Chief Justice also announced the following orders of the court:

No. —, original. The United States of America, complainant, *v.* The State of Minnesota. Motion for leave to file bill of complaint herein granted, and process ordered to issue returnable on Monday, October 1, 1923.

No. 925. Clallam County, Washington, *v.* The United States of America, et al. Motion to advance granted, and cause assigned for argument on Monday, November 5 next, after the cases heretofore assigned for that day.

No. 579. The Queen Insurance Company of America, petitioner, *v.* Globe & Rutgers Fire Insurance Company. Motion to advance denied.

No. 665. Laura Lyon, appellant, *v.* Charles B. Lohmiller, as Superintendent and Disbursing Agent, etc. Appeal from the District Court of the United States for the District of Nebraska. Per curiam: Dismissed for want of jurisdiction upon the authority of (1) *Equitable Life Assurance Co. v. Brown*, 187 U. S. 308, 314; *Consolidated Turnpike Co. v. Norfolk, etc., Ry. Co.*, 228 U. S. 596, 600; *Manhattan Life Ins. Co. v. Cohen*, 234 U. S. 123, 137; *Contributors to Pennsylvania Hospital v. City of Philadelphia*, 245 U. S. 20, 24; (2) *Anchor Oil Co. v. Gray*, 256 U. S. 519, 522; *Blanset v. Cardin*, 256 U. S. 319.

No. 96. Taggarts Paper Company, plaintiff in error, *v.* The State of New York. In error to the Court of Claims of the State of New York. Per curiam: Dismissed for want of jurisdiction upon the authority of *New York Central R. R. Co. v. New York*, 186 U. S. 269, 273; *Consolidated Turnpike Co. v. Norfolk, etc., Ry Co.*, 228 U. S. 326, 331; *Thomas v. Iowa*, 209 U. S. 258, 263.

No. 974. William H. Edwards, Formerly Collector of Internal Revenue, etc., petitioner, *v.* Joseph Jermain Slocum et al. Petition for a writ of certiorari to the United States Circuit of Appeals for the Second Circuit granted.

No. 978. Magnum Import Company (Inc.), petitioner, *v.* Francis Joseph de Spoturno Coty;

No. 979. Max L. Cohn, trading as The Maclen Import Company (Inc), petitioner, *v.* Francois Joseph de Spoturno Coty;

No. 980. Arthur Baum et al., petitioners, *v.* Francois Joseph de Spoturno Coty;

No. 981. Magnum Import Company (Inc.), petitioner, *v.* Houbigant (Inc); and

No. 982. Ivory Novelties Trading Company (Inc.), petitioner, *v.* Francois Joseph de Spoturno Coty. Petition for writs of certiorari

to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 994. The United States of America, petitioner, *v.* Gulf Refining Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit granted.

No. 954. Four-in-one Coal Company, petitioners, *v.* Eli H. Brown. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 961. Tony Panzich et al., petitioners, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 968. C. W. Johnson, Trustee in Bankruptcy, etc., petitioner, *v.* Grainger & Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 983. Moe H. Baron et al., petitioners, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 989. A. Baldini, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 1002. James C. Davis, Director General of Railroads, etc., petitioner, *v.* Ellen A. Long, Administratrix of Edward R. Long. Petition for a writ of certiorari to the Supreme Court of the State of New York denied.

No. 1009. George R. Broadwell, petitioner, *v.* The Board of County Commissioners of Bryan County, Oklahoma. Petition for a writ of certiorari to the Supreme Court of the State of Oklahoma denied.

No. 1011. Samuel Krivit et al., petitioners, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 1023. Ray Levinson, petitioner, *v.* William A. Greene, Trustee, etc. Petition for a writ of certiorari to the Supreme Court of the State of Washington denied.

No. 1024. Manhattan Investment Company, petitioner, *v.* William A. Greene, Trustee, etc. Petition for a writ of certiorari to the Supreme Court of the State of Washington denied.

No. 999. James C. Davis, Agent, plaintiff in error, *v.* George D. Henderson. Further consideration of the petition for a writ of certiorari herein postponed to the hearing on the writ of error.

No. 770. Benjamin Gitlow, plaintiff in error, *v.* The People of the State of New York. Ordered that this case be restored to the docket for reargument.

No. 876. James C. Davis, as Agent, etc., plaintiff in error, *v.* W. M. Scroggins. Motion to dismiss or affirm submitted by Mr. Cone Johnson, Mr. James M. Edwards, and Mr. Fred V. Hughes for the defendant in error in support of the motion, and by Mr. Ras Young and Mr. George Thompson for the plaintiff in error in opposition thereto.

No. 919. First National Bank in St. Louis, plaintiff in error, *v.* The State of Missouri at the information of Jesse W. Barrett, Attorney General. Leave granted to file brief herein as amici curiae, on motion of Mr. Otto Schlobohm in behalf of counsel for the National City Bank of New York et al.

No. 1041. Louis B. Mackenzie, petitioner, *v.* A. Engelhard & Sons Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. R. A. McDowell in behalf of Mr. William Marshall Bullitt for the petitioner.

No. 1052. A. Engelhard & Sons Company, petitioner, *v.* Louis B. Mackenzie. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. R. A. McDowell for the petitioner.

No. 957. Missouri Pacific Railroad Company, petitioner, *v.* Mrs. Lulu Morgan. Leave granted to withdraw original record, on motion of Mr. Patrick H. Loughran in that behalf.

No. 409. Union Stock Yards Company of Omaha (Ltd.), plaintiff in error, *v.* Mayhall & Neible, a Copartnership, et al., etc. James C. Davis, as director general, etc., substituted as a party defendant in error herein, on motion of Mr. A. A. McLaughlin in that behalf. Motion to dismiss submitted by Mr. A. A. McLaughlin, Mr. Francis A. Brogan, Mr. Alfred G. Ellick, Mr. Anon Raymond, Mr. Bruce Scott, and Mr. Byron Clark for the defendants in error in support of the motion, and by Mr. Norris Brown and Mr. Irving F. Baxter for the plaintiff in error in opposition thereto.

No. 916. J. P. Hughes, petitioner, *v.* The United States Borax Company. Motion to waive section 4, rule 37, and petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Albert E. Sherman for the petitioner.

No. 1050. Elizabeth W. Platt et al., plaintiffs in error, *v.* David R. Francis et al. Mandate granted, on motion of Mr. Robert Ash in that behalf.

No. 1057. The Idaho Irrigation Company, Limited, et al., appellants, *v.* Fred W. Gooding et al. Motion to advance submitted by Mr. Robert Ash in behalf of counsel for appellants.

No. 556. William C. Olander, plaintiff in error, *v.* T. P. Hallowell. Motion to dismiss or affirm, and stipulation to correct record, submitted by Mr. Maxwell A. O'Brien, Mr. B. J. Flick, and Mr. Ben J. Gibson for the defendant in error in support of the motion, and by Mr. Robert Healy for the plaintiff in error in opposition thereto.

No. 966. Thomas W. Miller, as Alien Property Custodian, et al., appellants, *v.* Frederick Y. Robertson. Motion to advance submitted by Mr. Charles W. Stockton for the appellee.

No. 1026. Gustave Porges, on behalf of himself and others, etc., petitioners, *v.* James R. Sheffield, Trustee, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. A. B. Kerr, Mr. Henry G. Gray, Mr. Sol M. Stroock, and Mr. George Zabriskie for the petitioners, and by Mr. Alfred A. Cook and Mr. Harold Nathan for the respondent.

No. 973. City of Los Angeles et al., petitioners, *v.* Mono Power Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. W. B. Mathews for the petitioners and by Mr. Charles F. Potter for the respondents.

No. 977. Frederick M. Dyer et al., petitioners, *v.* The Commonwealth of Massachusetts. Petition for a writ of certiorari to the Superior Court of the State of Massachusetts submitted by Mr. Boyd B. Jones and Mr. Philip N. Jones for the petitioners, and by Mr. Jay R. Benton and Mr. Henry C. Attwill for the respondent.

No. 988. The Thosmil Holding Company, petitioner, *v.* Interstate Coal & Dock Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Howard Thayer Kingsbury for the petitioner, and by Mr. F. K. Pendleton for the respondent.

No. 1001. Morris S. Rachmil, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. S. C. Sugarman for the petitioner.

No. 1004. James C. Davis, Agent, etc., petitioner, *v.* R. L. Cornwall. Petition for a writ of certiorari to the Supreme Court of the State of Montana submitted by Mr. I. Parker Veazey, jr., and Mr. A. A. McLaughlin for the petitioner, and by Mr. Edwin L. Norris and Mr. George E. Hurd for the respondent.

No. 1006. Importers Steamship Company, Claimant of the Steamship *El Amigo*, et al., petitioners, *v.* Houston Marine Engineering Works et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr.

James B. Stubbs for the petitioners, and by Mr. H. C. Hughes, Mr. Lewis R. Bryan, and Mr. Sewall Myer for the respondents.

No. 1008. Chung Fook, petitioner, *v.* Edward White, as Commissioner of Immigration, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. George W. Hott for the petitioner, and by Mr. Solicitor General Beck, Mr. Assistant Attorney General Ottinger, and Mr. Charles H. Weston for the respondent.

No. 1010. Perkins Glue Company, petitioner, *v.* Standard Furniture Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Thomas Ewing and Mr. Gorham Crosby for the petitioner, and by Mr. James A. Watson for the respondent.

No. 1012. Western Union Telegraph Company, petitioner, *v.* J. A. Czizek. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Francis Raymond Stark and Mr. Beverly L. Hodghead for the petitioner.

No. 1019. Claude A. P. Turner, petitioner, *v.* Flat Slab Patents Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Frank A. Whiteley for the petitioner, and by Mr. Amasa C. Paul and Mr. Edward Rector for the respondent.

No. 1020. Claude A. P. Turner, petitioner, *v.* Flat Slab Patents Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Frank A. Whiteley for the petitioner, and by Mr. Amasa C. Paul and Mr. Edward Rector for the respondent.

No. 1027. Baron Edmond James de Rothschild et al., petitioners, *v.* James R. Sheffield, Trustee, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. A. B. Kerr, Mr. Sol M. Stroock, Mr. Henry G. Gray, and Mr. George Zabriskie for the petitioners, and by Mr. Alfred A. Cook and Mr. Harold Nathan for the respondent.

No. 1028. Friedlander Brothers, etc., et al., petitioners, *v.* The City of Moultrie et al. Petition for a writ of certiorari to the Supreme Court of the State of Georgia submitted by Mr. I. J. Hofmayer and Mr. James R. Pottle for the petitioners.

No. 1032. Ethel James, petitioner, *v.* James C. Davis, as Agent, etc. Petition for a writ of certiorari to the Supreme Court of the State of Alabama submitted by Mr. W. A. Denson for the petitioner.

No. 1037. Graham, Chisholm & Company et al., petitioners, *v.* John Firth. Petition for a writ of certiorari to the United States

Circuit Court of Appeals for the Second Circuit submitted by Mr. Ralph Wolf for the petitioners and by Mr. Bernard S. Barron for respondent.

No. 1048. Burns Bros., petitioner, *v.* Steam Tug *Interstate No. 1*, Her Engines, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Mark Ash and Mr. Edward Ash for the petitioner, and by Mr. George V. A. McCloskey for the respondent.

No. 919. First National Bank in St. Louis, plaintiff in error, *v.* The State of Missouri at the information of Jesse W. Barrett, Attorney General. Argument commenced by Mr. Frank H. Sullivan for the plaintiff in error, continued by Mr. Merrill E. Otis for the defendant in error, and concluded by Mr. Harold R. Small for the defendant in error.

Adjourned until Monday, May 21, next, at 12 o'clock.

SUPREME COURT OF THE UNITED STATES.

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

George L. Cohen, of New York City; Lucien Lamar Mayes, of Jackson, Miss.; Joseph B. Kaufman, of New York City; Arthur Leonard Ross, of New York City; Egbert Rosecrans, of Blairstown, N. J.; John J. Keenan, of Washington, D. C.; Carina C. Warrington, of Fort Wayne, Ind.; C. H. Foot, of Kalispell, Mont.; Lambert McAllister, of Washington, D. C.; June Purcell-Guild, of Toledo, Ohio; John Alfred Hanna, of Auburn, Nebr.; Francis W. Hill, jr., of Washington, D. C.; Moses Cohen, of New York City; Laurence J. Bershada, of New York City; C. R. Bradford, of Salt Lake City, Utah; Harold E. Neibling, of Kansas City, Mo.; E. R. F. Wells, of Norfolk, Va.; and G. H. Martin, of Ancon, Canal Zone, were admitted to practice.

No. 404. Thomas D. McCarthy, United States Marshal for the Southern District of New York, appellant, *v.* Jules W. Arndstein. Appeal from the District Court of the United States for the Southern District of New York. Motion to remand denied, and order affirmed with costs. Opinion by Mr. Justice Sanford.

No. 269. L. Vogelstein & Company (Inc.), appellant, *v.* The United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Butler.

No. 316. The United States of America, plaintiff in error, *v.* New River Collieries Company. In error 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 District of New Jersey. Opinion by Mr. Justice Butler.

No. 295. International Life Insurance Company, plaintiff in error, *v.* Adrian F. Sherman. In error to the Supreme Court of the State of Missouri. Writ of error dismissed for the want of jurisdiction.

Petition for a writ of certiorari herein denied. Opinion by Mr. Justice Butler.

No. 266. W. T. Campbell, plaintiff in error, *v.* The City of Olney. In error to the County Court of Young County, State of Texas. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Butler.

No. 321. South Utah Mines & Smelters, plaintiff in error, *v.* Beaver County. In error to the District Court of the United States for the District of Utah. Judgment reversed with costs, and cause remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Sutherland.

No. 663. David H. Riddle, appellant, *v.* James E. Dyche, Warden of the United States Penitentiary at Atlanta, Georgia. Appeal from the District Court of the United States for the Northern District of Georgia. Final order affirmed with costs. Opinion by Mr. Justice Sutherland.

No. 270. John Barton Payne, Director General of Railroads, as Agent, etc., plaintiff in error, *v.* Farmers Cooperative Equity Company. In error to the Supreme Court of the State of Minnesota. Judgment reversed with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Brandeis. (Mr. Justice Butler took no part in the consideration or decision of this case.)

No. 396. The Nashville, Chattanooga & St. Louis Railway et al., appellants, *v.* The State of Tennessee et al. Appeal from the District Court of the United States for the Middle District of Tennessee. Decree reversed with costs, and cause remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Brandeis. (Mr. Justice Sanford took no part in the consideration or decision of this case.)

No. 429. The United States, appellant, *v.* The State of Tennessee et al. Appeal from the District Court of the United States for the Middle District of Tennessee. Decree reversed; and cause remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Brandeis. (Mr. Justice Sanford took no part in the consideration or decision of this case.)

No. 27, original. Ex parte in the matter of James C. Davis, Director General of Railroads, as Agent, operating the Lehigh Valley Transportation System, petitioner. Rule to show cause discharged and petition denied. Opinion by Mr. Justice McReynolds.

No. 158. The State of Missouri ex rel. Southwestern Bell Telephone Company, plaintiff in error, *v.* Public Service Commission of

Missouri et al. In error to the Supreme Court of the State of Missouri. Judgment reversed with costs; and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice McReynolds. Dissenting: Mr. Justice Brandeis and Mr. Justice Holmes.

No. 200. Henry E. Stevens, jr., petitioner, *v.* Arthur S. Arnold 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 District of New Jersey with directions to dismiss the bill and cross bill. Opinion by Mr. Justice Holmes.

No. 763. Max Hart, appellant, *v.* B. F. Keith Vaudeville Exchange et al. Appeal from the District Court of the United States for the Southern District of New York. Decree reversed with costs; and cause remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Holmes.

No. 77. Dharandas Tulsidas et al., petitioners, *v.* The Insular Collector of Customs. On writ of certiorari to the Supreme Court of the Philippine Islands. Final order affirmed with costs. Opinion by Mr. Justice McKenna.

No. 258. Hubert Work, Secretary of the Interior, et al., plaintiffs in error, *v.* The United States ex rel. McAllister-Edwards Coal Company. In error to the Court of Appeals of the District of Columbia. Judgment affirmed with costs. Opinion by Mr. Chief Justice Taft.

No. 291. American Steel Foundries, appellant, *v.* Thomas E. Robertson, Commissioner of Patents, et al. Appeal from the District Court of the United States for the Northern District of Illinois. Decree reversed with costs; and cause remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Chief Justice Taft.

Nos. 341 to 364, inclusive. Curtis, Collins & Holbrook Company, appellant, *v.* The United States of America. Appeal from the United States Circuit Court of Appeals for the Ninth Circuit. Decrees affirmed; and causes remanded to the District Court of the United States for the Northern District of California. Opinion by Mr. Chief Justice Taft.

No. 738. Wagner Electric Company, appellant, *v.* Lamar Lyndon et al. Appeal from the United States Circuit Court of Appeals for the Eighth Circuit. Dismissed for want of jurisdiction, with damages of \$1500., and costs. Opinion by Mr. Chief Justice Taft.

No. 846. Harry T. Graham, Individually and as Former Collector of Internal Revenue, et al., petitioners, *v.* Alfred I. du Pont. On writ of certiorari to the United States Circuit Court of Appeals for the

Third Circuit. Decree reversed with costs; and cause remanded to the District Court of the United States for the District of Delaware with directions to dissolve the temporary injunction and dismiss the bill. Opinion by Mr. Chief Justice Taft.

The Chief Justice also announced the following orders of the court:

No. 915. The Young Men's Christian Association of Columbus, Ohio, et al., petitioners, *v.* Ora Davis et al. Petition for rehearing granted; and petition for a writ of certiorari to the Supreme Court of the State of Ohio granted.

No. 1057. The Idaho Irrigation Company (Limited) et al., appellants, *v.* Fred W. Gooding et al. Motion to advance denied.

No. 966. Thomas W. Miller, as Alien Property Custodian, et al., appellants, *v.* Frederick Y. Robertson. Motion to advance denied.

No. 556. William C. Olander, plaintiff in error, *v.* T. P. Hollowell. In error to the Supreme Court of the State of Iowa. Per curiam: Dismissed for want of jurisdiction upon the authority of *Farrell v. O'Brien*, 199 U. S. 89, 100; *Empire State-Idaho Mining Co. v. Hadley*, 205 U. S. 225, 232; *Toop v. Ulysses Land Co.*, 237 U. S. 580, 583. *Piedmont Power & Light Co. v. Town of Graham*, 253 U. S. 193, 195.

No. 409. Union Stock Yards Company of Omaha (Limited), plaintiff in error, *v.* Mayhall & Neible et al. In error to the Supreme Court of the State of Nebraska. Per curiam: Dismissed for want of jurisdiction upon the authority of section 237 of the Judicial Code, as amended by the act of September 6, 1916, c. 448, sec. 2, 39 Stat. 726; *Jett Bros. Distilling Co. v. City of Carrollton*, 252 U. S. 1, 5-6.

No. 629. A. N. Leecraft, plaintiff in error, *v.* The Texas Company. In error to the United States Circuit Court of Appeals for the Eighth Circuit. Per curiam: Dismissed for want of jurisdiction upon the authority of (1) *Equitable Life Assurance Society v. Brown*, 187 U. S. 308, 311; *Merriam Company v. Syndicate Publishing Company*, 237 U. S. 618, 621; (2) *Southern Railway Co. v. Green*, 216 U. S. 400; *American Smelting Co. v. Colorado*, 204 U. S. 103.

No. 547. Cudahy Packing Company of Nebraska, plaintiff in error, *v.* Mary Ann Parramore, as Widow, etc., et al. Further consideration of the motion to dismiss or affirm postponed to the hearing on the merits.

No. 919. First National Bank in St. Louis, plaintiff in error, *v.* The State of Missouri at the information of Jesse W. Barrett, Attorney General.

ORDER.—It is ordered that this cause be restored to the docket for reargument, at the next term, on the issue whether the State had authority to institute and maintain a proceeding to question compliance by a national bank with its charter.

No. 1041. Louis B. Mackenzie, petitioner, *v.* A. Engelhard & Sons Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit granted.

No. 1052. A. Engelhard & Sons Company, petitioner, *v.* Louis B. Mackenzie. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit granted.

No. 1012. Western Union Telegraph Company, petitioner, *v.* J. A. Czizek. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted.

No. 1004. James C. Davis, Agent, etc., petitioner, *v.* R. L. Cornwell. Petition for a writ of certiorari to the Supreme Court of the State of Montana granted.

No. 1008. Chung Fook, petitioner, *v.* Edward White, as Commissioner of Immigration, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted.

No. 973. City of Los Angeles et al., petitioners, *v.* Mono Power Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 977. Frederick M. Dyer et al., petitioners, *v.* The Commonwealth of Massachusetts. Petition for a writ of certiorari to the Superior Court of the State of Massachusetts denied.

No. 988. The Thosmil Holding Corporation, petitioner, *v.* Interstate Coal & Dock Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 1001. Morris S. Rachmil, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 1006. Importers Steamship Company, claimant, etc., et al., petitioners, *v.* Houston Marine Engineering Works et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 1010. Perkins Glue Company, petitioner, *v.* Standard Furniture Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

Nos. 1019 and 1020. Claude A. P. Turner, petitioner, *v.* Flat Slab Patents Company. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 1026. Gustave Porges, on Behalf of Himself and Others, etc., petitioners, *v.* James R. Sheffield, Trustee, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 1027. Baron Edmond James de Rothschild et al., petitioners, *v.* James R. Sheffield, Trustee, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 1028. Friedlander Brothers, etc., et al., petitioners, *v.* The City of Moultrie et al. Petition for a writ of certiorari to the Supreme Court of the State of Georgia denied.

No. 1032. Ethel James, petitioner, *v.* James C. Davis, as Agent, etc. Petition for a writ of certiorari to the Supreme Court of the State of Alabama denied.

No. 1048. Burns Bros., petitioner, *v.* Steam Tug *Interstate No. 1*, Her Engines, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 916. J. P. Hughes, petitioner, *v.* United States Borax Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit and motion to waive rule 37 denied.

No. 1037. Graham, Chisholm & Company et al., petitioners, *v.* John Firth. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied, because of failure to file the petition within the time prescribed by the statute.

No. —, original. Ex parte in the matter of The United States of America, as Owner of Nineteen Barges and Four Towboats, petitioner. Motion for leave to file petition for a writ of mandamus and/or a writ of prohibition herein submitted by Mr. Solicitor General Beck for the petitioner.

No. 1036. The United States of America, appellant, *v.* Roger B. Wood, Trustee in Bankruptcy, etc. Motion to advance submitted by Mr. Solicitor General Beck for the appellant.

No. 1073. The United States of America, appellant, *v.* New York Coffee and Sugar Exchange (Inc.) et al. Motion to advance submitted by Mr. Solicitor General Beck for the appellant.

No. 1072. Dayton-Goose Creek Railway Company, appellant, *v.* The United States of America. Motion to advance submitted by Mr. Solicitor General Beck for the appellee.

No. 1040. The United States of America, petitioner, *v.* Giuseppe Ganci. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Solicitor General Beck, Mr. Assistant Attorney General Crim, and Mr. Harry S. Ridgely for the petitioner, and by Mr. M. Michael Edelstein for the respondent.

No. 663. David H. Riddle, appellant, *v.* James E. Dyche, Warden, etc. Mandate granted, on motion of Mr. Solicitor General Beck for the appellee.

No. 1060. Willis A. Murray, petitioner, *v.* The United States of America. Petition for a writ of certiorari in forma pauperis to the Court of Appeals of the District of Columbia submitted by Mr. George S. Shinn and Mr. Harry S. Barger for the petitioner.

No. 543. John Maynard Harlan, appellant, *v.* James S. Harlan. Motion to dismiss or affirm submitted by Mr. J. S. Easby-Smith in behalf of Mr. Henry S. Robbins and Mr. Morris M. Townley for the appellee in support of the motion, and by Mr. Henry E. Davis for the appellant in opposition thereto.

No. 1053. Goldwyn Pictures Corporation et al., petitioners, *v.* Howells Sales Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Otto Schlobohm in behalf of Mr. Charles E. Kelley and Mr. William J. Hughes for the petitioner, with leave to counsel for the respondent to file brief in opposition on or before Thursday next.

No. 1077. St. Louis Southwestern Railway Company of Texas, petitioner, *v.* John Hosey. Petition for a writ of certiorari to the Court of Civil Appeals for the Sixth Supreme Judicial District of the State of Texas submitted by Mr. J. Q. Mahaffey for the petitioner, and by Mr. S. P. Jones for the respondent.

No. —, original. Ex parte in the matter of Henry Woodhouse, Individually and as Member of the Aero Club of America, etc., petitioner. Motion for leave to file a petition for a writ of mandamus herein submitted by Mr. Raymond M. Hudson *in behalf of* the petitioner.

No. 1044. Peoria & Pekin Union Railway Company, appellant, *v.* The United States of America et al. Motion to advance submitted by Mr. R. S. Knapp in that behalf.

No. 27. The Wichita Railroad & Light Company, appellant, *v.* The Public Utilities Commission of the State of Kansas et al. Motion to recall the mandate submitted by Mr. H. M. Ward in behalf of counsel for the appellees, with leave to counsel for the appellant to file opposition on or before Thursday next.

No. 469. The City of Newark, plaintiff in error, *v.* The State of New Jersey. Motion to stay mandate pending petition for rehearing submitted by Mr. Charles Henry Butler in behalf of counsel.

No. 552. Guaranty Title & Trust Corporation, Receiver, etc., appellant, *v.* The United States. Motion of Norfolk Hampton Roads Company for leave to intervene and that appellant be required to give bond submitted by Mr. H. H. Rumble in that behalf.

No. 574. Lion Bonding & Surety Company, petitioner, *v.* A. H. Karatz; and

No. 467. Department of Trade and Commerce of the State of Nebraska et al., etc., petitioners, *v.* A. J. Hertz et al., etc., Receivers, etc. Motion to modify decree, and affidavit in support of same, submitted by Mr. Bruce W. Sanborn in that behalf, and by Mr. O. S. Spillman, Mr. John F. Stout, Mr. Halleck F. Rose, Mr. Arthur R. Wells, and Mr. Paul L. Martin for the petitioners in opposition thereto.

No. 918. The United States of America ex rel. The Baldwin Company, appellant, *v.* Thomas E. Robertson, Commissioner of Patents. Petition for a writ of certiorari herein submitted by Mr. Frederic D. McKenney, Mr. John E. Cross, Mr. John S. Flannery, and Mr. Lawrence Maxwell for the appellant in support of the petition, and by Mr. Samuel S. Watson for the appellee in opposition thereto.

No. 18, original. The State of Oklahoma, complainant, *v.* The State of Texas, defendant; The United States, intervener. Tenth report of the receiver filed, on motion of Mr. John S. Flannery in that behalf.

No. 963. Missouri Pacific Railroad Company, plaintiff in error, *v.* Mrs. T. V. Prude. Petition for a writ of certiorari herein submitted by Mr. Edward J. White and Mr. Thomas B. Pryor for the plaintiff in error in support of the petition.

No. 964. Albert Eickel, Bankrupt, petitioner, *v.* A. Robinson, Trustee of the Estate of Albert Eickel, Bankrupt. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Thomas W. Gregory for the petitioner, and by Mr. George E. Shelley for the respondent.

No. 1005. J. L. Lancaster et al., Receivers of Texas & Pacific Railway Company, petitioners, *v.* Ben E. Fitch. Petition for a writ of certiorari to the Supreme Court of the State of Texas submitted by

Mr. F. H. Prendergast for the petitioners, and by Mr. Walter C. Clephane and Mr. J. William Latimer for the respondent.

No. **1018.** Erie Railroad Company, petitioner, *v.* Martin Kirken-dall. Petition for a writ of certiorari to the Court of Appeals for the Eighth Judicial District of the State of Ohio submitted by Mr. Edward A. Foote for the petitioner, and by Mr. E. P. Chamberlin for the respondent.

No. **1031.** Great Northern Railway Company, petitioner, *v.* Galbreath Cattle Company et al. Petition for a writ of certiorari to the Supreme Court of the State of Montana submitted by Mr. I. Parker Veazey, jr., and Mr. F. G. Dorety for the petitioner, and by Mr. E. E. Enterline and Mr. Samuel Herrick for the respondents.

No. **1033.** The Lilley Building & Loan Company, petitioner, *v.* Newton M. Miller, as Collector, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. John F. Wilson, Mr. Province M. Pogue, and Mr. Oscar W. Newman for the petitioner, and by Mr. Solicitor General Beck for the respondent.

No. **1034.** Jacques Rouso, petitioner, *v.* First National Bank in Detroit et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Joshua R. H. Potts for the petitioner.

No. **1035.** Missouri Pacific Railroad Company, petitioner, *v.* R. L. Hanna. Petition for a writ of certiorari to the Supreme Court of the State of Arkansas submitted by Mr. Edward J. White and Mr. Thomas B. Pryor for the petitioner.

No. **1038.** G. S. Swanson et al., petitioners, *v.* Jack Sarja. Petition for a writ of certiorari to the Supreme Court of the State of Minnesota submitted by Mr. George Francis Williams, Mr. Henry C. Clark, Mr. G. S. Swanson, and Mr. H. A. Swanson for the petitioners.

No. **1039.** Clarence D. Keller et al., Doing Business as Hartford Windshield Company, petitioners, *v.* Adams-Campbell Company (Inc.) et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Charles E. Townsend for the petitioners.

No. **1043.** The Farmers' Loan & Trust Company of New York, petitioner, *v.* Wilcox County, Georgia. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. John R. F. Smith for the petitioner.

No. **1045.** T. R. Bennett, Superintendent of Banks for the State of Georgia, petitioner, *v.* John E. Schwarz et al. Petition for a writ

of certiorari to the Supreme Court of the State of Georgia submitted by Mr. George M. Napier and Mr. Paul E. Seabrook for the petitioner and by Mr. H. Wiley Johnson for the respondents.

No. **1046.** The London & Lancashire Indemnity Company of America, petitioner, *v.* Board of County Commissioners of Columbiana County, Ohio, et al. Petition for a writ of certiorari to the Supreme Court of the State of Ohio submitted by Mr. Bert W. Gearhart and Mr. George T. Farrell for the petitioner.

No. **1047.** The Aetna Casualty & Surety Company, petitioner. *v.* Board of County Commissioners of Columbiana County, Ohio, et al. Petition for a writ of certiorari to the Supreme Court of the State of Ohio submitted by Mr. Bert W. Gearhart and Mr. George T. Farrell for the petitioner.

No. **1056.** Grace Pemberton, petitioner, *v.* Morris Fertilizer Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. A. H. King, Mr. George C. Bedell, and Mr. Roswell King for the petitioner, and by Mr. Peter O. Knight, Mr. C. Fred Thompson, and Mr. A. G. Turner for the respondent.

No. **1062.** Morse Dry Dock & Repair Company, petitioner, *v.* John Danielson, an Infant, etc. Petition for a writ of certiorari to the Supreme Court of the State of New York submitted by Mr. Charles J. McDermott for the petitioner, and by Mr. Harold R. Medina for the respondent.

No. **1063.** Morse Dry Dock & Repair Company, petitioner, *v.* Eilen S. Warren, Administratrix, etc. Petition for a writ of certiorari to the Supreme Court of the State of New York submitted by Mr. Charles J. McDermott for the petitioner, and by Mr. Harold R. Medina for the respondent.

No. **1064.** Morse Dry Dock & Repair Company, petitioner, *v.* William J. Connelly. Petition for a writ of certiorari to the Supreme Court of the State of New York submitted by Mr. Charles J. McDermott for the petitioner, and by Mr. Harold R. Medina for the respondent.

No. **1065.** Benjamin F. Zucker, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Samuel S. Koenig and Mr. Elijah N. Zoline for the petitioner, and by Mr. Solicitor General Beck and Assistant Attorney General Willebrandt for the respondent.

No. **1071.** Edward Fox et al., petitioners, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr.

Charles B. Stafford for the petitioners, and by Mr. Solicitor General Beck and Assistant Attorney General Willebrandt for the respondent.

No. 1075. Rudolph Schliefer, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Frank A. Harrigan for the petitioner.

No. 1076. The New York Central Railroad Company, petitioner, *v.* Florence M. Cuddeback, as Administratrix, etc. Petition for a writ of certiorari to the Supreme Court of the State of New York submitted by Mr. Daniel M. Beach for the petitioner, and by Mr. Arthur E. Sutherland for the respondent.

No. 478. Charles G. Binderup, plaintiff in error, *v.* Pathe Exchange (Inc.) et al. Motion to dismiss submitted by Mr. Saul E. Rogers, Mr. William M. Seabury, and Mr. Arthur F. Mullen for the defendants in error in support of the motion, and by Mr. Irving F. Baxter, Mr. Norris Brown, and Mr. Dana B. Van Dusen for the plaintiff in error in opposition thereto.

Adjourned until Monday, June 4 next, at 12 o'clock.

SUPREME COURT OF THE UNITED STATES.

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

Charles J. Mahoney, of Newport, R. I.; O. A. Cargill, of Oklahoma City, Okla.; Charles R. Loomis, of El Paso, Tex.; Earl S. Wood, of Pine Bluff, Ark.; Samuel Blumberg, of New York City; William Harden Keith, of Doniphan, Mo.; Sam M. Levine, of Pine Bluff, Ark.; George J. Gulotta, of New Orleans, La.; Abraham Hugo Rubenstein, of New York City; Sam L. Cohen, of New York City; Joseph Cromwell Sampson, of Denver, Colo.; Harry Behm, of Brighton, Colo.; A. K. Hunt, of Sherman, Tex.; Harold D. Roberts, of Denver, Colo.; Leonard H. Shipman, of Troy, Ohio; Alan C. Van Fleet, of San Francisco, Calif.; Lloyd T. Everett, of Washington, D. C.; and F. I. Brown, of Washington, D. C., were admitted to practice.

No. 235. Madera Sugar Pine Company, plaintiff in error, *v.* Industrial Accident Commission of the State of California et al.; and

No. 296. Madera Sugar Pine Company, plaintiff in error, *v.* Industrial Accident Commission of the State of California et al. In error to the Supreme Court of the State of California. Judgments affirmed with costs. Opinion by Mr. Justice Sanford.

No. 209. Willard, Sutherland & Company, appellant, *v.* The United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Butler.

No. 218. William C. Atwater & Company (Inc.), appellant, *v.* The United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Butler.

No. 463. Georgia Railway & Power Company et al., plaintiffs in error, *v.* The Town of Decatur. In error to the Supreme Court of the State of Georgia. Judgment reversed with costs, and cause remanded for further proceedings not inconsistent with the opinion

of this court. Petition for a writ of certiorari herein denied. Opinion by Mr. Justice Sutherland.

No. 464. Georgia Railway & Power Company et al., plaintiffs in error, *v.* The Mayor and Council of the City of College Park. In error to the Supreme Court of the State of Georgia. Judgment reversed with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court. Petition for a writ of certiorari herein denied. Opinion by Mr. Justice Sutherland.

No. 179. Brush Electric Company, appellant, *v.* The City of Galveston et al. Appeal from the District Court of the United States for the Southern District of Texas. Decree affirmed with costs. Opinion by Mr. Justice Sutherland.

No. 24, original. The Commonwealth of Massachusetts, complainant, *v.* Andrew W. Mellon, Secretary of the Treasury, et al. Bill of complaint dismissed for the want of jurisdiction. Opinion by Mr. Justice Sutherland.

No. 962. Harriet A. Frothingham, appellant, *v.* Andrew W. Mellon, Secretary of the Treasury, et al. Appeal from the Court of Appeals of the District of Columbia. Decree affirmed with costs. Opinion by Mr. Justice Sutherland.

No. 724. Atlantic Coast Line Railroad Company, appellant, *v.* R. A. Daughton, Commissioner of Revenue of the State of North Carolina, et al.;

No. 727. Norfolk Southern Railroad Company, appellant, *v.* R. A. Daughton, Commissioner of Revenue, et al.;

No. 744. Seaboard Air Line Railway Company, appellant, *v.* R. A. Daughton, as Commissioner of Revenue of the State of North Carolina, et al.; and

No. 756. Southern Railway Company, appellant, *v.* R. A. Daughton, as Commissioner of Revenue of the State of North Carolina, et al. Appeals from the District Court of the United States for the Eastern District of North Carolina. Decrees affirmed with costs. Opinion by Mr. Justice Brandeis.

No. 880. Charles Glen Collins, appellant, *v.* Victor Loisel, United States Marshal for the Eastern District of Louisiana. Appeal from the District Court of the United States for the Eastern District of Louisiana. Opinion by Mr. Justice Brandeis on judgment entered on May 4, 1923, filed.

No. 365. Houston Coal Company, plaintiff in error, *v.* The United States of America. In error to the District Court of the United States for the Southern District of Ohio. Judgment reversed, and cause remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice McReynolds.

No. 276. The First National Bank of San Jose, plaintiff in error, *v.* The State of California et al. In error to the Supreme Court of the State of California. Judgment reversed with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice McReynolds.

No. 307. The United States of America, appellant, *v.* American Linseed Oil Company et al. Appeal from the District Court of the United States for the Northern District of Illinois. Decree reversed, and cause remanded with instructions to issue an injunction as prayed, and for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice McReynolds.

No. 325. Robert T. Meyer, plaintiff in error, *v.* The State of Nebraska. In error to the Supreme Court of the State of Nebraska. Judgment reversed with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice McReynolds. Dissenting: Mr. Justice Holmes and Mr. Justice Sutherland.

No. 134. August Bartels, plaintiff in error, *v.* The State of Iowa. In error to the Supreme Court of the State of Iowa;

No. 181. H. H. Bohning, plaintiff in error, *v.* The State of Ohio. In error to the Supreme Court of the State of Ohio;

No. 182. Emil Pohl, plaintiff in error, *v.* The State of Ohio. In error to the Supreme Court of the State of Ohio; and

No. 440. Nebraska District of Evangelical Lutheran Synod of Missouri, Ohio, and other States, et al., plaintiffs in error, *v.* Samuel R. McKelvie et al. In error to the Supreme Court of the State of Nebraska. In Nos. 134, 181, and 182, judgments reversed with costs. In No. 440, writ of error dismissed as to Samuel R. McKelvie and Clarence A. Davis, formerly Governor and Attorney General of the State of Nebraska; judgment reversed as to Otto F. Walter, County Attorney. And causes remanded for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice McReynolds. Dissenting: Mr. Justice Holmes and Mr. Justice Sutherland.

The Chief Justice announced the following orders of the court:

No. —, original. *Ex parte* in the matter of The United States, Owner, etc., petitioner. Motion for leave to file petition for a writ of mandamus and/or prohibition herein granted, and a rule to show cause ordered to issue returnable on Monday, October 1 next.

No. —, original. *Ex parte* in the matter of Henry Woodhouse, petitioner. Motions for leave to file petitions for writ of mandamus herein denied.

No. 27. The Wichita Railroad & Light Company, appellant, *v.* The Public Utilities Commission of the State of Kansas et al. Motion to recall the mandate in this cause denied.

No. 469. The City of Newark, plaintiff in error, *v.* The State of New Jersey. Motion to stay mandate pending petition for rehearing denied.

No. 552. Guaranty Title & Trust Corporation, Receiver of Vue de L'Eau Company, appellant, *v.* The United States. Motion of Norfolk Hampton Roads Company for leave to intervene as a party appellee in this case granted. The appellant to give bond in the amount of \$3,000, bond to run in the name of The United States for the benefit of the Norfolk Hampton Roads Company to secure the payment of costs of the appeal as well as interest on \$33,000, constituting that part of the judgment recovered by the Norfolk Hampton Roads Company, payment of which has been withheld in consequence of the appeal.

No. 574. Lion Bonding & Surety Company, petitioner, *v.* A. H. Karatz; and

No. 467. Department of Trade and Commerce of the State of Nebraska et al., petitioners, *v.* A. J. Hertz et al., etc., Receivers, etc. Motion to modify decree denied.

No. 995. Galveston Causeway Construction Company et al., petitioners, *v.* Galveston, Harrisburg & San Antonio Railway Company et al. The per curiam announced in this case Monday, April 30, is modified by striking out all therein contained after the words "the petition for certiorari in this case is denied," for the reason that the criticism of the petitioner for a failure to file a statement in accordance with paragraph 3 of rule 37 was undeserved.

No. —, original. Ex parte in the matter of Jesse C. Rumsey, petitioner. Motion for leave to file a petition for a writ of habeas corpus herein denied.

No. 1036. The United States of America, appellant, *v.* Roger B. Wood, Trustee in Bankruptcy, etc. Motion to advance denied.

No. 1073. The United States of America, appellant, *v.* New York Coffee & Sugar Exchange (Inc.), et al. Motion to advance granted, and cause assigned for argument on Monday, November 12 next.

No. 1072. Dayton-Goose Creek Railway Company, appellant, *v.* The United States of America. Motion to advance granted, and cause assigned for argument on Monday, November 12 next, after the case heretofore assigned for that day.

No. 1044. Peoria & Pekin Union Railway Company, appellant, *v.* The United States of America et al. Motion to advance granted, and cause assigned for argument on Monday, November 12 next, after the cases heretofore assigned for that day.

No. 876. James C. Davis, as Agent, etc., plaintiff in error, *v.* W. M. Scroggins. In error to the United States Circuit Court of Appeals for the Fifth Circuit. Per curiam: Dismissed for the want of jurisdiction, upon the authority of section 3 of the act of September 6, 1916, c. 448, 39 Stat. 726, 727.

No. 478. Charles G. Binderup, plaintiff in error, *v.* Pathe Exchange (Inc.) et al. Further consideration of the motion to dismiss postponed to the hearing of the cause on the merits.

No. 1018. Erie Railroad Company, petitioner, *v.* Martin Kirkendall. Petition for a writ of certiorari to the Court of Appeals, Eighth Judicial District of the State of Ohio, granted.

No. 1031. Great Northern Railway Company, petitioner. *v.* Galbreath Cattle Company et al. Petition for a writ of certiorari to the Supreme Court of the State of Montana granted.

No. 1035. Missouri Pacific Railroad Company, petitioner, *v.* R. L. Hanna. Petition for a writ of certiorari to the Supreme Court of the State of Arkansas granted.

No. 1039. Clarence D. Keller et al., etc., petitioners, *v.* Adams-Campbell Company (Inc.) et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted.

No. 887. The Brownwell Brush & Wire Goods Company, plaintiff in error, *v.* The State Board of Charities and Corrections of Kentucky. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 964. Albert Eickel, Bankrupt, petitioner, *v.* A. Robinson, Trustee of the Estate of Albert Eickel, Bankrupt. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 1005. J. L. Lancaster et al., Receivers of Texas & Pacific Railway Company, petitioner, *v.* Ben E. Fitch. Petition for a writ of certiorari to the Supreme Court of the State of Texas denied.

No. 1033. The Lilley Building & Loan Company, petitioner, *v.* Newton M. Miller, as Collector, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 1034. Jacques Rousso, petitioner, *v.* First National Bank in Detroit et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 1038. G. S. Swanson et al., petitioners, *v.* Jack Sarja. Petition for a writ of certiorari to the Supreme Court of the State of Minnesota denied.

No. 1040. The United States of America, petitioner, *v.* Guiseppe Ganci. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 1043. The Farmers' Loan & Trust Company of New York, petitioner, *v.* Wilcox County, Georgia. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 1046. The London & Lancashire Indemnity Company of America, petitioner, *v.* Board of County Commissioners of Columbiana County, Ohio, et al. Petition for a writ of certiorari to the Supreme Court of the State of Ohio denied.

No. 1047. The Aetna Casualty & Surety Company, petitioner *v.* Board of County Commissioners of Columbiana County, Ohio, et al. Petition for a writ of certiorari to the Supreme Court of the State of Ohio denied.

No. 1053. Goldwyn Pictures Corporation et al., petitioners, *v.* Howells Sales Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 1056. Grace Pemberton, petitioner, *v.* Morris Fertilizer Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 1062. Morse Dry Dock & Repair Company, petitioner, *v.* John Danielson, an Infant, etc. Petition for a writ of certiorari to the Supreme Court of the State of New York denied.

No. 1063. Morse Dry Dock & Repair Company, petitioner, *v.* Eilen S. Warren, Administratrix of Francis J. Warren, deceased. Petition for a writ of certiorari to the Supreme Court of the State of New York denied.

No. 1064. Morse Dry Dock & Repair Company, petitioner, *v.* William J. Connelly. Petition for a writ of certiorari to the Supreme Court of the State of New York denied.

No. 1065. Benjamin F. Zucker, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 1071. Edward Fox et al., petitioners, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 1075. Rudolph Schliefer, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 1076. The New York Central Railroad Company, petitioner, *v.* Florence M. Cuddeback, as Administratrix, etc. Petition for a

writ of certiorari to the Supreme Court of the State of New York denied.

No. 1077. St. Louis Southwestern Railway Company of Texas, petitioner, *v.* John Hosey. Petition for a writ of certiorari to the Court of Civil Appeals for the Sixth Supreme Judicial District of the State of Texas denied.

No. 918. The United States of America *ex rel.* The Baldwin Company, appellant, *v.* Thomas E. Robertson, Commissioner of Patents. Further consideration of the petition for a writ of certiorari herein postponed until the hearing of the case on the appeal.

No. 963. Missouri Pacific Railroad Company, plaintiff in error, *v.* Mrs. T. V. Prude. Further consideration of the petition for a writ of certiorari herein postponed until the hearing of the case on the writ of error.

No. 1045. T. R. Bennett, Superintendent of Banks for the State of Georgia, petitioner, *v.* John E. Schwarz et al. Petition for a writ of certiorari to the Supreme Court of the State of Georgia denied for lack of a final decree.

No. 1060. Willis A. Murray, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia denied, and motion for leave to proceed *in forma pauperis* in this case granted as to costs incurred.

No. 543. John Maynard Harlan, appellant, *v.* James S. Harlan. Further consideration of the motion to dismiss or affirm in this cause postponed until the hearing of the case on its merits.

No. 18, original. The State of Oklahoma, complainant, *v.* The State of Texas, defendant; The United States, intervener. The commissioners heretofore designated herein to run, locate, and mark portions of the boundary between the States of Texas and Oklahoma on and along the south bank of Red River are hereby ordered and directed also to survey and run upon the ground and to delineate upon a suitable plat the medial line between such State boundary and the northerly bank of such river for a total length of 3 miles at and in the vicinity of the river bed oil wells. In so surveying, running, and platting such medial line the commissioners shall conform to the fifth paragraph of the decree entered herein March 12, 1923, entitled "Supplement to partial decree of June 5, 1922," and shall ascertain and show on such plat the exact location of all oil wells which are within 300 feet of such medial line. The commissioners shall make a separate report of their action under this order, and shall include therein a statement of the time employed and the expenses incurred in that work. The work and report of the commissioners hereunder shall be subject to the approval of the court. Copies of the report shall be promptly delivered to the two States

and the United States, and exceptions or objections thereto, if there be such, on the part of either State, the United States, or any private intervener herein, shall be presented to the court or, if it be not in session, filed with the clerk within 40 days after the report is made. The cost of executing this order shall be borne and paid as part of the expenses of the receivership.

ORDER.

The court will adjourn for the term on Monday, June 11 next.

No. —, original. The United States, complainant, *v.* The State of Oklahoma. Motion for leave to file a bill of complaint herein mitted by Mr. Alfred A. Wheat for the complainant.

No. —, original. The United States, complainant, *v.* The State of Oklahoma. Motion for leave to file a bill of complaint herein submitted by Mr. Alfred A. Wheat for the complainant.

No. 404. Thomas D. McCarthy, United States Marshal, appellant, *v.* Jules W. Arndstein. Leave granted to present petition for rehearing within 60 days, on motion of Mr. Alfred A. Wheat for the appellant.

No. 1085. The United States of America, Owner, etc., petitioner, *v.* Morris E. Henderson et al., etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Alfred A. Wheat, Mr. Solicitor General Beck, and Mr. F. R. Conway for the petitioner, and by Mr. Otto Wolff, jr., for the respondents.

No. 1086. The United States of America, Owner, etc., petitioner, *v.* Morris E. Henderson et al., etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Alfred A. Wheat, Mr. Solicitor General Beck, and Mr. F. R. Conway for the petitioner, and by Mr. Otto Wolff, jr., for the respondents.

No. 1087. The United States of America, Owner, etc., petitioner, *v.* Morris E. Henderson et al., etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Alfred A. Wheat, Mr. Solicitor General Beck, and Mr. F. R. Conway for the petitioner, and by Mr. Otto Wolff, jr., for the respondents.

No. 1088. The United States of America, Owner, etc., petitioner, *v.* Morris E. Henderson et al., etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Alfred A. Wheat, Mr. Solicitor General Beck, and Mr. F. R. Conway for the petitioner, and by Mr. Otto Wolff, jr., for the respondents.

No. 1089. The United States of America, Owner, etc., petitioner, *v.* Morris E. Henderson et al., etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Alfred A. Wheat, Mr. Solicitor General Beck, and Mr. F. R. Conway for the petitioner, and by Mr. Otto Wolff, jr., for the respondents.

No. 1079. Federal Trade Commission, petitioner, *v.* The Mennen Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Alfred A. Wheat, Mr. Solicitor General Beck, Mr. W. H. Fuller, and Mr. Adrien F. Busick for the petitioner, and by Mr. Gilbert H. Montague for the respondent.

No. 18, original. The State of Oklahoma, complainant, *v.* The State of Texas, defendant; The United States, intervener. Leave granted Mr. Alfred A. Wheat to file suggestion herein on or before Wednesday next.

No. 656. Eighth Avenue Railroad Company, appellant, *v.* Job E. Hedges, as Receiver, etc. Motion to dismiss submitted by Mr. Walter Howe and Mr. Bronson Winthrop for the appellee in support of the motion, and by Mr. Michel Kirkland for the appellant in opposition thereto.

No. 657. Ninth Avenue Railroad Company, appellant, *v.* Job E. Hedges, as Receiver, etc. Motion to dismiss submitted by Mr. Walter Howe and Mr. Bronson Winthrop for the appellee in support of the motion, and by Mr. Michel Kirkland for the appellant in opposition thereto.

No. 87. McLane Tilton, appellant, *v.* Felix M. Drennen, as Receiver, etc. Stipulation to reinstate appeal and to reverse on confession of error submitted by Mr. Forney Johnson in that behalf.

No. —, original. R. Lee Makely, Trading as Makely Motor Company, plaintiff, *v.* Victor P. Gauthey et al. Motion for leave to file declaration in assumpsit submitted by Mr. Lloyd T. Everett and Mr. Frank I. Brown for the plaintiff.

No. 907. Lucy Tom, née Bigpond, et al., plaintiffs in error, *v.* C. C. Mills. Motion to dismiss submitted by Mr. Ray S. Fellows for the defendant in error in support of the motion.

No. 919. First National Bank in St. Louis, plaintiff in error, *v.* The State of Missouri at the information of Jesse W. Barrett, Attorney General. Motion to advance submitted by Mr. Otto Schlobohm in behalf of counsel.

No. 1114. J. W. Russell, plaintiff in error, *v.* James E. Seargeant, Trustee in Bankruptcy, etc. In error to the Supreme Court of the State of Washington. Docketed and dismissed with costs and mandate granted on motion of Mr. J. W. Cox for the defendant in error.

No. 424. American Railway Express Company, petitioner, *v.* Lucius P. Levee. Motion to dismiss submitted by Mr. Robert Ash in behalf of Mr. Charles T. Wortham for the respondent in support of the motion, and by Mr. Hunter C. Leake and Mr. A. M. Hartung for the petitioner in opposition thereto.

No. 984. Railroad Commission of the State of California, petitioner, *v.* Southern Pacific Company et al.;

No. 985. Railroad Commission of the State of California, petitioner, *v.* The Atchison, Topeka & Santa Fe Railway Company; and

No. 986. Railroad Commission of the State of California, petitioner, *v.* Los Angeles & Salt Lake Railroad Company. Motions to advance submitted by Mr. Robert Ash in behalf of counsel for petitioner.

No. 1111. National Association of Window Glass Manufacturers et al., appellants, *v.* The United States of America. Motion to advance submitted by Mr. Robert Ash in behalf of Mr. John W. Davis for the appellants.

No. 274. William Randall et al., plaintiffs in error, *v.* The Board of Commissioners of Tippecanoe County, Indiana. Motion for leave to file petition for a writ of error to the Appellate Court of the State of Indiana submitted by Mr. Robert Ash in behalf of counsel.

No. 1105. The United States of America, ex rel. Joseph Feld, etc., petitioner, *v.* Robert L. Bullard, Major General, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. B. B. Pettus in behalf of Mr. F. H. Prendergast for the petitioner, and by Mr. Walter C. Clephane and Mr. J. William Latimer for the respondent.

No. 409. Union Stock Yards Company of Omaha Ltd., plaintiff in error, *v.* Mayhall & Neible et al., etc. Motion to reinstate petition for a writ of certiorari submitted by Mr. B. B. Pettus in that behalf.

No. 770. Benjamin Gitlow, plaintiff in error, *v.* The People of the State of New York. Motion to advance submitted by Mr. B. B. Pettus in that behalf.

No. 918. The United States of America ex rel. The Baldwin Company, appellant, *v.* Thomas E. Robertson, Commissioner, etc. Motion to dismiss or affirm submitted by Mr. Samuel S. Watson for the appellee in support of the motion, and by Mr. John E. Cross, John S. Flannery, and Mr. Frederic D. McKenney for the appellant in opposition thereto.

No. 1067. National Surety Company, petitioner, *v.* Edward H. Childs, Trustee in Bankruptcy, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. William J. Griffin, Mr. George Pfeil, and Mr. Frank M. White for the petitioner, and by Mr. Moses Cohen for the respondent.

No. 498. James K. Cochran and Harris Kobey, plaintiffs in error, *v.* Coulton M. Becker. Motion to rescind judgment and for stay of mandate, submitted by Mr. Harris Kobey *pro se*.

No. 640. The United States of America *ex rel.* Catoni Tisi, alias Lista Cortina, appellant, *v.* Robert E. Tod, Commissioner of Immigration, etc. Motion to reinstate case on the docket submitted by Mr. Isaac Shorr for the appellant.

No. 955. Kansas City Southern Railway Company et al., plaintiffs in error, *v.* Road Improvement District No. 3, of Sevier County, Arkansas, et al. Petition for a writ of certiorari herein submitted by Mr. S. F. Taliaferro for the plaintiff in error in support of the petition.

No. 1113. Thomas A. Delaney, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Michael M. Doyle and Mr. Laurence M. Fine for the petitioner.

No. 1112. Merl B. Inks, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. C. P. R. Macaulay for the petitioner.

No. —. W. J. Blair, plaintiff in error, *v.* F. Rorer's Administrator et al. Motion for leave to file petition for a writ of error to the Supreme Court of Appeals of the State of Virginia submitted by Mr. Aubrey E. Strode for the petitioner.

No. 1054. James C. Davis, Agent, etc., petitioner, *v.* J. M. Currie. Petition for a writ of certiorari to the Supreme Court of the State of South Carolina submitted by Mr. Thomas W. Davis and Mr. Douglas McKay for the petitioner.

No. 1059. James C. Davis, Agent, etc., petitioner, *v.* John O'Hara. Petition for a writ of certiorari to the Supreme Court of the State of Nebraska submitted by Mr. A. A. McLaughlin, Mr. N. H. Loomis, and Mr. C. A. Magaw for the petitioner, and by Mr. Benjamin S. Baker for the respondent.

No. 1066. Simon A. Miller, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Joseph H. Stewart for the petitioner.

No. 1069. William B. Moses, petitioner, *v.* Lalime & Partridge (Inc.) et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit submitted by Mr. Frederic P. Warfield for the petitioner, and by Mr. Marcus B. May for respondents.

No. 1078. Sunrise Pictures Corporation, petitioner, *v.* Isaac Silverman. Petition for a writ of certiorari to the United States Circuit

Court of Appeals for the Second Circuit submitted by Mr. J. Joseph Lilly for the petitioner, and by Mr. Joseph B. Kaufman for the respondent.

No. 1082. Herman G. Gerdes, as Trustee in Bankruptcy, etc., petitioner, *v.* Abraham Lustgarten. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Moses Cohen for the petitioner.

No. 1093. The Sandusky Cement Company, petitioner, *v.* A. R. Hamilton & Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Alton C. Dustin and Mr. C. M. Horn for the petitioner.

No. 1101. Jose Taya's Sons Company, claimant, etc., petitioner, *v.* Jean B. M. Duche et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. John M. Woolsey and Mr. Robert S. Erskine for the petitioner, and by Mr. D. Roger Englar and Mr. T. Catesby Jones for the respondents.

No. 1094. Mary E. McCampbell, petitioner, *v.* New York Life Insurance Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Hal Browne and Mr. Henry P. Burney for the petitioner.

No. 1110. The People of the State of New York, petitioner, *v.* Louis Jersawit, as Trustee in Bankruptcy of the Ajax Dress Company (Inc.). Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Robert P. Beyer for the petitioner, and by Mr. Harry D. Singer for the respondent.

No. 1098. Locomotive Stoker Company, petitioner, *v.* The Elvin Mechanical Stoker Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Frederic D. McKenney, Mr. Louis K. Gillson, and Mr. Paul Synnestvedt for the petitioner, and by Mr. J. Snowden Bell, Mr. Drury W. Cooper, and Mr. Frederick P. Whitaker for the respondent.

No. 865. Adams Express Company, plaintiff in error, *v.* W. W. Darden. Motion to dismiss or affirm submitted by Mr. J. S. Laurent, Mr. John A. Pitts, and Mr. K. T. McConnico for the defendant in error in support of the motion, and by Mr. William L. Granbery for the plaintiff in error in opposition thereto.

No. 835. Joseph Phipps et al., petitioners, *v.* Chicago, Rock Island & Pacific Railway Company. On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Dismissed, per stipulation.

No. 1091. James C. Davis, Director General of Railroads, etc., plaintiff in error, *v.* Michael J. Hanlon. In error to the Supreme Court of the State of Pennsylvania. Dismissed with costs, on motion of counsel for the plaintiff in error.

No. 967. A. J. Hillegass and William H. Miller, petitioners, *v.* Bertha Rohm, Administratrix, etc. Petition for a writ of certiorari to the Supreme Court of the State of Pennsylvania submitted by Mr. Jo V. Morgan for the petitioners, and by Mr. A. J. Hillegass, *pro se*.

Adjourned until Monday, June 11 next.

SUPREME COURT OF THE UNITED STATES.

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

Henry Miller, of Washington, D. C.; Allan G. Ritter, of Los Angeles, Calif.; Willis M. Isbell, of Indianapolis, Ind.; R. E. L. Allen, of Morgantown, W. Va.; W. H. Caldwell, of Wichita Falls, Tex.; Perry V. Hammon, of Los Angeles, Calif.; Everett W. Mattoon, of Los Angeles, Calif.; Laurence C. Cobb, of Los Angeles, Calif.; Gertrude R. Chamberlin, of Los Angeles, Calif.; Harry A. Chamberlin, of Los Angeles, Calif.; Karl Greenham, of Harrison, Ark.; Benjamin M. Stansbury, of Los Angeles, Calif.; Charles Fertsch, of Hallettsville, Tex.; Sarah Cory Menezes, of Dallas, Tex.; Burton R. Cole, of Lewistown, Mont.; Arthur L. Smith, of Siloam Springs, Ark.; J. Sherman Lilly, of Charleston, W. Va.; P. H. Camp, of Charleston, W. Va.; George Williams, of Rapid City, S. Dak.; Anthony Yuen Seto, of Honolulu, Hawaii; William J. Mead, of Fremont, Ohio; L. I. Litzler, of Cleveland, Ohio, were admitted to practice.

No. 237. Rindge Company et al., plaintiffs in error, *v.* The County of Los Angeles. In error to the District Court of Appeals, Second Appellate District, of the State of California. Judgment affirmed with costs. Opinion by Mr. Justice Sanford. Mr. Justice Sutherland took no part in the consideration or decision of this case.

No. 791. Mary L. Milheim et al., plaintiffs in error, *v.* The Moffat Tunnel Improvement District et al. In error to the Supreme Court of the State of Colorado. Judgment affirmed with costs. Motion to dismiss denied. Opinion by Mr. Justice Sanford.

No. 256. Bluefield Water Works and Improvement Company, plaintiff in error, *v.* Public Service Commission of the State of West Virginia et al. In error to the Supreme Court of Appeals of the State of West Virginia. Judgment reversed with costs; and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Butler. Mr. Justice Brandeis concurs in the judgment. Motion to dismiss denied.

No. 309. The City National Bank of El Paso, Texas, petitioner, *v. El Paso & Northeastern Railroad Company et al.* On writ of certiorari to the Court of Civil Appeals, Eighth Supreme Judicial District of the State of Texas. Judgment affirmed with costs. Opinion by Mr. Justice Butler.

No. 219. Joslin Manufacturing Company, plaintiff in error, *v. The City of Providence et al.*;

No. 220. Scituate Light & Power Company, plaintiff in error, *v. The City of Providence et al.*; and

No. 221. Theresa B. Joslin, plaintiff in error, *v. The City of Providence et al.* In error to the Superior Court of the State of Rhode Island. Judgments affirmed with costs. Opinion by Mr. Justice Sutherland.

No. 298. Georgia Railway and Power Company et al., appellants, *v. Railroad Commission of the State of Georgia et al.* Appeal from the District Court of the United States for the Northern District of Georgia. Decree affirmed with costs. Opinion by Mr. Justice Brandeis. Dissenting: Mr. Justice McKenna.

No. 574. Lion Bonding & Surety Company, petitioner, *v. A. H. Karatz*; and

No. 467. Department of Trade and Commerce of the State of Nebraska et al., petitioners, *v. A. J. Hertz et al., etc., Receivers, etc.* On writs of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Opinion, on motion to modify decree heretofore denied, by Mr. Justice Brandeis.

No. 717. American Bank & Trust Company et al., appellants, *v. Federal Reserve Bank of Atlanta et al.* Appeal from the United States Circuit Court of Appeals for the Fifth Circuit. Decree affirmed with costs. Opinion by Mr. Justice Brandeis.

No. 823. Farmers and Merchants Bank of Monroe, North Carolina et al., petitioners, *v. Federal Reserve Bank of Richmond, Virginia.* On writ of certiorari to the Supreme Court of the State of North Carolina. Judgment reversed with costs; and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Brandeis. Dissenting: Mr. Justice Van Devanter and Mr. Justice Sutherland.

No. 17. Kentucky Finance Corporation, plaintiff in error, *v. Paramount Auto Exchange Corporation.* In error to the Supreme Court of the State of Wisconsin. Judgment reversed with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Van Devanter. Dissenting: Mr. Justice Brandeis and Mr. Justice Holmes.

No. 15, Original. The Commonwealth of Pennsylvania, complainant, *v.* The State of West Virginia; and

No. 16, Original. The State of Ohio, complainant, *v.* The State of West Virginia. These suits having been heretofore submitted on the pleadings and the evidence, and the court being now fully advised in the premises, it is considered, ordered, and decreed as follows:

1. That the act passed by the legislature of the defendant State February 10, 1919, which is set forth in the bills of complaint in these suits and known as chapter 71 of the West Virginia Acts of 1919, is a void and inoperative enactment because it contravenes the limitations which the Constitution of the United States places upon State action in respect of commerce among the several States;

2. That the defendant State and her several officers, agents, and servants are hereby severally enjoined from enforcing or attempting to enforce that act;

3. That the aggregate costs in these suits be apportioned among and paid by the parties thereto as follows: The State of West Virginia, one-half; the Commonwealth of Pennsylvania, one-fourth; and the State of Ohio, one-fourth.

4. That Levi Cooke, Esquire, the commissioner by whom the evidence in these suits was taken and reported to this court, shall receive and be paid the sum of six thousand dollars in full compensation for the services rendered and the expenses incurred by him in that connection, and that this sum be taxed as part of the aggregate costs in the two suits and be paid by the parties in the proportions just named;

5. That the clerk of this court transmit to the Chief Magistrates of the Commonwealth of Pennsylvania and the States of Ohio and West Virginia copies of this decree only, authenticated under the seal of this court. Opinion by Mr. Justice Van Devanter. Dissenting: Mr. Justice Holmes, Mr. Justice McReynolds, and Mr. Justice Brandeis.

No. 20. Sonneborn Brothers, a firm composed of Ferdinand Sonneborn, Sigmund B. Sonneborn, and Julius Roten, appellants, *v.* Walter A. Keeling, Attorney General of the State of Texas, and Lon A. Smith, Comptroller of the State of Texas. Appeal from the District Court of the United States for the Western District of Texas. Decree affirmed with costs. Opinion by Mr. Chief Justice Taft. Concurring: Mr. Justice McReynolds.

No. 739. Chas. Wolff Packing Company, plaintiff in error, *v.* Court of Industrial Relations of the State of Kansas. In error to the Supreme Court of the State of Kansas. Judgment reversed with costs. Opinion by Mr. Chief Justice Taft.

The Chief Justice also announced the following orders of the court:

No. —, original. The United States, complainant, *v.* The State of Minnesota. Motion for leave to file bill of complaint herein granted; and process ordered to issue returnable on Monday, October 1 next.

No. —, original. The United States, complainant, *v.* The State of Oklahoma. Motion for leave to file bill of complaint herein denied.

No. —, original. R. Lee Makely, etc., plaintiff, *v.* Victor P. Gauthey et al. On consideration of the motion for leave to file declaration in *assumpsit* herein. It is ordered that a rule issue against petitioner to show cause why he should be permitted to begin in this court the action of *assumpsit*.

No. —. W. J. Blair, plaintiff in error, *v.* F. Rorer's Administrator et al. Motion for leave to file a petition for a writ of error herein to the Supreme Court of Appeals of the State of Virginia denied.

No. 274. William Randall et al., plaintiffs in error, *v.* The Board of Commissioners of Tippecanoe County, Indiana. Motion for leave to file a petition for a writ of error to the Appellate Court of the State of Indiana denied.

No. 409. Union Stock Yards Company of Omaha, plaintiff in error, *v.* Mayhall & Neible et al., etc. Motion to reinstate petition for a writ of *certiorari* herein denied.

No. 498. James K. Cochran and Harris Kobey, plaintiffs in error, *v.* Coulton M. Becker. Motion to rescind judgment and for stay of mandate herein denied.

No. 640. The United States of America ex rel. Catoni Tisi, alias Lista Cortina, appellant, *v.* Robert E. Tod, Commissioner of Immigration at the Port of New York. Motion to reinstate this case on the docket granted.

No. 87. McLane Tilton, appellant, *v.* Felix M. Drennen, as Receiver, etc. On consideration of the stipulation to reinstate this cause on the docket and reverse on confession of error, it is now here ordered that said cause be reinstated on the docket; and that the decree be reversed upon such confession of error.

No. 919. First National Bank in St. Louis, plaintiff in error, *v.* The State of Missouri at the information of Jesse W. Barrett, Attorney General. Motion to advance granted; and cause assigned for argument on Monday, November 12 next, after the cases heretofore assigned for that day.

No. 984. Railroad Commission of the State of California, petitioner, *v.* Southern Pacific Company et al.;

No. 985. Railroad Commission of the State of California, petitioner, *v.* The Atchison, Topeka & Santa Fe Railway Company; and

No. 986. Railroad Commission of the State of California, petitioner, *v.* Los Angeles & Salt Lake Railroad Company. Motion to advance granted; and cases assigned for argument on Monday, November 12 next, after the cases heretofore assigned for that day.

No. 1111. National Association of Window Glass Manufacturers et al., appellants, *v.* The United States of America. Motion to advance granted; and cause assigned for argument on Monday, November 12, next, after the cases heretofore assigned for that day.

No. 770. Benjamin Gitlow, plaintiff in error, *v.* The People of the State of New York. Motion to advance granted; and cause assigned for argument on Monday, November 12, next, after the cases heretofore assigned for that day.

No. 656. Eighth Avenue Railroad Company, appellant, *v.* Job E. Hedges, as Receiver of the New York Railways Company; and

No. 657. Ninth Avenue Railroad Company, appellant, *v.* Job E. Hedges, as Receiver of the New York Railways Company. Appeals from the United States Circuit Court of Appeals for the Second Circuit. *Per curiam*: Dismissed for the want of jurisdiction, on authorities cited.

No. 907. Lucy Tom, nee Bigpond, et al., plaintiffs in error, *v.* C. C. Mills. Further consideration of the motion to dismiss postponed until the hearing of the cause on the merits.

No. 424. American Railway Express Company, petitioner, *v.* Lucius P. Levee. Further consideration of the motion to dismiss postponed until the hearing of the cause on the merits.

No. 865. Adams Express Company, plaintiff in error, *v.* W. W. Darden. Further consideration of the motion to dismiss or affirm postponed until the hearing of the cause on the merits.

No. 1054. James C. Davis, Agent, etc., petitioner, *v.* J. M. Currie, Petition for a writ of certiorari to the Supreme Court of the State of South Carolina granted.

No. 1059. James C. Davis, Agent, etc., petitioner, *v.* John O'Hara. Petition for a writ of certiorari to the Supreme Court of the State of Nebraska granted.

No. 1082. Herman G. Gerdes, as Trustee in Bankruptcy of Abraham Lustgarten, Bankrupt, petitioner, *v.* Abraham Lustgarten. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 1110. The People of the State of New York, petitioner, *v.* Louis Jersawit, as Trustee in Bankruptcy of Ajax Dress Company

(Inc.). Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 1113. Thomas A. Delaney, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted.

No. 967. A. J. Hillegass et al., petitioners, *v.* Bertha Rohm, Administratrix of M. J. Rohm, deceased. Petition for a writ of certiorari to the Supreme Court of the State of Pennsylvania denied.

No. 1066. Simon A. Miller, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 1067. National Surety Company, petitioner, *v.* Edward H. Childs, Trustee in Bankruptcy of J. Menist Company (Inc.). Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 1069. William B. Moses, petitioner, *v.* Lalime & Partridge (Inc.) et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 1078. Sunrise Pictures Corporation, petitioner, *v.* Isaac Silverman. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 1079. Federal Trade Commission, petitioner, *v.* The Mennen Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 1085 to 1089, inclusive. The United States of America, Owner, etc., petitioner, *v.* Morris E. Henderson et al., Trading as Phoenix Paint & Varnish Company. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 1093. The Sandusky Cement Company, petitioner, *v.* A. R. Hamilton & Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 1094. Mary E. McCampbell, petitioner, *v.* New York Life Insurance Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 1098. Locomotive Stoker Company, petitioner, *v.* The Elvin Mechanical Stoker Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 1101. Jose Taya's Sons Company, Claimant of the Steamship *Asuarca*, etc., petitioner, *v.* Jean B. M. Duche et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 1105. The United States of America ex rel. Joseph Feld, by next friend, Samuel Feld, petitioner, *v.* Robert L. Bullard, Major General, United States Army. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 1112. Merl B. Inks, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 955. Kansas City Southern Railway Company et al., plaintiffs in error, *v.* Road Improvement District No. 3 of Sevier County, Arkansas, et al. Further consideration of the petition for a writ of certiorari herein postponed to the hearing of the cause on the writ of error.

No. 18, original. The State of Oklahoma, complainant, *v.* The State of Texas, defendant; The United States, intervener. On consideration of the motion of the United States for a release from the existing receivership of the following-described lands lying on the north side of the medial line of Red River, that is to say:

(1) Lot 4 of section 34 in township 4 south of range 14 west embraced in allotment No. 3385, Comanche, 1910, to Day Tah-Too-Ah-Ni-Pah;

(2) Lot 1 of section 33 in township 4 south of range 14 west embraced in allotment No. 3303, Kiowa, 1910, to Ray Do-Yah;

(3) Lot 6 of section 5 in township 5 south of range 14 west embraced in allotment No. 3293, Kiowa, 1910, to Maggie Turtle Mountain Reid; and

(4) Lot 5 of section 5 and lot 3 of section 8 in township 5 south of range 14 west embraced in allotment No. 3413, Comanche, 1910, to Robert To-Quothy,

It is ordered as to each of these tracts that the same, including so much of the bed of Red River as lies in front thereof and north of the medial line of the river, be released from the receivership and the possession be surrendered by the receiver upon fulfillment as to such tract of the following conditions, and not otherwise:

(a) The execution and presentation to the receiver of satisfactory agreements, approved by the Secretary of the Interior, establishing the side lines from the surveyed upland on the north bank to such medial line between such tract and the adjoining tracts on either side; and

(b) The payment to the receiver of such sum or balance as may at the time be owing to the receiver on account of oil wells (whether productive or otherwise) drilled or completed on such tract and within such side lines under the supervision or administration of the receiver—such sum or balance to include all expenditures and

advancements of the receiver, whether for materials, labor, receiver-ship expenses, or otherwise, in respect of such wells.

ORDER.

In the cases in which opinions have been handed down to-day, as follows, to wit: Nos. **237, 791, 256, 309, 219, 220, 221, 298, 467, 574, 717, 823, 17, 15** and **16** original, **20, 739**, ten days shall elapse before the mandates go down; and leave is given to the parties to file such motions within that period as they may be advised, which shall have the same effect as if filed this day.

No. —. Shooter's Island Shipyard Company, appellant, *v.* Standard Shipbuilding Corporation;

No. —. The United States of America, appellant, *v.* Standard Shipbuilding Corporation; and

No. —. The United States of America, appellant, *v.* Standard Shipbuilding Corporation. Motion for leave to file petition for appeals to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Alfred A. Wheat for the petitioner.

No. —, original. The United States of America, petitioner, *v.* Edwin L. Garvin, District Judge of the District Court of the United States for the Eastern District of New York. Motion for leave to file petition for writ of prohibition or mandamus submitted by Mr. Alfred A. Wheat for the petitioner.

No. **6.** John Connors, plaintiff in error, *v.* The People of the State of Illinois;

No. **7.** Edward O'Donnell, plaintiff in error, *v.* The People of the State of Illinois;

No. **8.** Leonard Banks et al., plaintiffs in error, *v.* The People of the State of Illinois;

No. **9.** Frank Bender, plaintiff in error, *v.* The People of the State of Illinois;

No. **10.** John Boone, plaintiff in error, *v.* The People of the State of Illinois;

No. **11.** William Taglia, plaintiff in error, *v.* The People of the State of Illinois;

No. **23.** Abe Schaffner, plaintiff in error, *v.* The People of the State of Illinois;

No. **57.** George Moran, plaintiff in error, *v.* The People of the State of Illinois;

No. **241.** David H. Conrad, plaintiff in error, *v.* The People of the State of Illinois;

No. 272. William F. Krell, plaintiff in error, *v.* The People of the State of Illinois;

No. 537. Frank Dillon, plaintiff in error, *v.* The People of the State of Illinois; and

No. 89. Walter Stephens, plaintiff in error, *v.* The People of the State of Illinois. Motion for leave to present petitions for rehearing within sixty days submitted by Mr. Philip P. Campbell in behalf of counsel for the plaintiffs in error, and motion denied.

No. 1010. Perkins Glue Company, petitioner, *v.* The Standard Furniture Company. Motion for leave to present petition for a rehearing at the next term submitted by Mr. Thomas Ewing and Mr. Gorham Crosby for the petitioner, and motion denied.

ORDER.

It is now here ordered by this court that all cases on the docket not decided, and all other business of the term not disposed of, be, and the same are hereby, continued to the next term.

Adjourned to the time and place appointed by law.