

SUPREME COURT OF THE UNITED STATES

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

John P. Beale, of San Francisco, Calif.; Thomas W. Phillips, of Miami, Fla.; Isaac Jacob Silin, of Erie, Pa.; Joseph B. McKeon, of San Francisco, Calif.; Philemon S. Karshner, of Adelphi, Ohio; Hiram S. Hunn, of Des Moines, Iowa; Thomas J. Tingley, of Baltimore, Md.; Henry H. Waters, of Baltimore, Md.; Solomon J. Rosenblum, of New York City; Philip H. Treacy, of Chicago, Ill.; Leslie L. Conner, of Oklahoma City, Okla.; Hugh Lamar Stone, of Houston, Tex.; John E. Green, jr., of Houston, Tex.; Ambrose Shief, jr., of Washington, D. C.; Cyrus Walker Rice, of Grand Rapids, Mich.; William Cyrus Rice, of Grand Rapids, Mich.; Jose F. Dimayuga, of Manila, P. I.; Alfredo Bonus Guazon, of Manila, P. I.; James Lewis Quackenbush, of New York City; Howard A. Adams, of Seattle, Wash.; Irwin Untermyer, of New York City; Raymond Jones, of Washington, D. C.; and James J. Walker, of New York City, were admitted to practice.

No. 25. Adelaide F. Chapman, petitioner, *v.* The United States. On writ of certiorari to the Court of Claims. Judgment vacated and the cause remanded to the Court of Claims with directions to enter judgment for the petitioner, with interest, on motion of Mr. Solicitor General Mitchell for the respondent. and mandate granted.

No. 46. The United States, petitioner, *v.* Cambridge Loan and Building Company. Motion to remand submitted by Mr. Solicitor General Mitchell for the petitioner in support of the motion, and by Mr. L. L. Hamby for the respondent in opposition thereto.

No. 174. Verde River Irrigation & Power Company, petitioner, *v.* Hubert Work, Secretary of the Interior, et al., etc. Roy O. West, Secretary of the Interior, substituted as a party respondent, in place of Hubert Work, former Secretary of the Interior, on motion of Mr. Solicitor General Mitchell in that behalf.

No. 376. Firemen's Insurance Company of Newark, New Jersey, appellant, *v.* James A. Beha, as Superintendent, etc. Motion to advance submitted by Mr. Wendell P. Barker for the appellant.

No. 344. Mark Dowell, petitioner, *v.* The People of the State of California. On petition for a writ of certiorari to the Supreme Court of the State of California. Petition for writ of certiorari dismissed on motion of Mr. Joseph I. McMullen for the petitioner.

No. 14, original. The State of Colorado, complainant, *v.* The State of Kansas et al. Leave granted to file reply brief of defendants, on motion of Mr. Peter Q. Nyce in that behalf.

No. 230. Jorgensen-Bennett Manufacturing Company, appellant, *v.* Will S. Knight, Sheriff, et al. Motion for leave to file substituted record submitted by Mr. Harry H. Semmes for the appellant.

No. 393. John G. Rouse, Executor of the Will of William C. Rouse, petitioner, *v.* The United States. Leave granted to file brief of the State of Maryland, as *amicus curiae*, on motion of Mr. Herbert Levy in that behalf.

No. 393. John G. Rouse, Executor of the Will of William C. Rouse, petitioner, *v.* The United States. Leave granted to file brief of the State of Connecticut, as *amicus curiae*, on motion of Mr. Herbert Levy in that behalf.

No. 393. John G. Rouse, Executor of the Will of William C. Rouse, petitioner, *v.* The United States. Leave granted to file brief of State of Florida as *amicus curiae* within two weeks, on motion of Mr. Edwin A. Harriman in that behalf.

No. 159. John F. Gilchrist, Leon G. Godley, and Charles C. Lockwood, constituting the Transit Commission, appellants, *v.* Interborough Rapid Transit Company and Manhattan Railway Company. Motion to reassign case for October 15 granted, and motion to fix time for argument submitted by Mr. Irwin Untermyer for the appellants.

No. 159. John F. Gilchrist et al., etc., appellants, *v.* Interborough Rapid Transit Company et al. Order: The Court, after reading the statements made by the counsel in this case, assigns four hours to be occupied by the appellants—three hours in the opening and one hour in the closing. The counsel for the Transit Commission will open the case, occupying one hour and one-half, to be followed by the counsel for the city, occupying one hour and one-half. The appellees will follow the opening arguments with three hours of argument, to be divided between their two counsel as they may agree. The argument for the appellees will be followed by one-half hour in closing by the same counsel for the city of New York and one-half hour in closing by the same counsel for the Transit Commission. This will close the case.

Argument will be permitted from only two counsel for the appellants—one for the Transit Commission and one for the city of New York—and from two counsel for the appellees combined.

The Court has divided the time of argument allowed to the appellants because their counsel have been unable to agree.

No. —, original. *Ex parte*: In the matter of The Bakelite Corporation, petitioner. Motion for leave to file petition for writ of prohibition submitted by Mr. Albert MacC. Barnes, jr., for the petitioner.

No. 71. Hubert Work, Secretary of the Interior, petitioner, *v.* Standard Oil Company. Roy O. West, Secretary of the Interior, substituted as party petitioner in place of Hubert Work, former Secretary of the Interior, on motion of Mr. Harry J. Underood in that behalf.

No. 121. Mary Roxburghe, petitioner, *v.* The United States. Leave granted to file brief of Francis V. Barstow and Harold S. Davis, as *amici curiae*, on motion of Mr. Frank Davis, jr., in that behalf.

No. 274. George J. J. Mackay, plaintiff in error, *v.* The State of Ohio. Leave granted to withdraw the appearances of Mr. Frank Davis, jr., and Mr. Robert T. Scott as counsel for the plaintiff in error, on motion of Mr. Frank Davis, jr., in that behalf.

No. —, original. *Ex parte*: In the matter of the Public National Bank of New York, petitioner. Motion for leave to file petition for a writ of *mandamus* submitted by Mr. Edward F. Colladay, Mr. Henry L. Moses, Mr. Martin Saxe, Mr. Robert C. Beatty, and Mr. Herman G. Kopald for the petitioner in support of the motion. Statement on behalf of Andrew B. Keating, as receiver of taxes of the city of New York, and William Reid, jr., as city collector, submitted by Mr. William H. King, Mr. George P. Nicholson, and Mr. Eugene Fay in that behalf.

No. —, original. *Ex parte*: In the matter of the Public National Bank of New York, petitioner. Leave granted to file brief of the State of New York in support of the motion for leave to file petition for writ of *mandamus*, on motion of Mr. Edward F. Colladay, on behalf of Mr. Albert Ottinger, for the State of New York.

No. 174. Verde River Irrigation & Power Company, petitioner, *v.* Roy O. West. Submission of petition for writ of *certiorari* postponed for ninety days pending ratification of agreement to settle case, on motion of Mr. James W. Beller for the petitioner with leave to the respondent to file brief within twenty days from the date of submission of the petition, on motion of Mr. Solicitor General Mitchell for the respondent.

No. 237. The New River Collieries Company, a corporation, et al., petitioners, *v.* The United States. Motion to remand submitted by Mr. Charles L. Guerin for the petitioners.

No. 5. City of Philadelphia, *ex relatione* Dahiel J. Furey, taxpayer, et al., appellants, *v.* Philadelphia Rapid Transit Company, Wm. D. B. Ainey, James S. Benn, et al., etc. Appeal from the District Court of the United States for the Eastern District of Pennsylvania. Dismissed with costs, on motion of counsel for the appellants.

No. 6. Miller & Lux, Incorporated, plaintiff in error, *v.* Railroad Commission of the State of California, H. W. Brundige, C. L. Seavey, et al., etc. In error to the Supreme Court of the State of California. Dismissed with costs, per stipulation of counsel.

No. 9. The State of Wisconsin, *ex rel.* Walter J. Berger, plaintiff in error, *v.* Wm. J. Carey, as County Clerk of the County of Milwaukee and Wm. J. Carey, as Clerk, etc.; and

No. 10. The State of Wisconsin, *ex rel.* Mathilda W. Berger, plaintiff in error, *v.* Wm. J. Carey, as County Clerk of the County of Milwaukee, and Wm. J. Carey, as Clerk, etc. In error to the Supreme Court of the State of Wisconsin. Dismissed with costs, per stipulation of counsel.

No. 66. Stanley Yale Beach, plaintiff in error, *v.* Margaret A. Beach and The First National Bank of Bridgeport. In error to the Supreme Court of Errors of the State of Connecticut. Dismissed with costs, under paragraph 2 of rule 13.

No. 112. The State of Montana *ex rel.* Janet T. Ingersoll, plaintiff in error, *v.* Charles H. Clapp, as President of the State University at Missoula, Montana, et al. In error to the Supreme Court of the State of Montana. Dismissed with costs, under paragraph 2 of rule 13.

No. 116. Isom Grayson, Macey Keys, et al., plaintiffs in error, *v.* James A. Harris, William H. Harris, et al. Motion to dismiss submitted by Mr. Robert F. Blair for the defendant in error, in support of the motion, and by Mr. Robert M. Rainey and Mr. Streeter B. Flynn for the plaintiffs in error, in opposition thereto.

No. 116. Isom Grayson, Macey Keys, et al., petitioners, *v.* James A. Harris, William H. Harris, et al. Motion by petitioner for a writ of certiorari ancillary to the writ of error under section 237 (c) of the Judicial Code as amended by the act of February 13, 1925, submitted by Mr. Robert M. Rainey and Mr. Streeter B. Flynn for the petitioners.

No. 292. General Refractories Company, petitioner, *v.* Ashland Fire Brick Company. On petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. Petition for writ of certiorari dismissed on motion of counsel for the petitioner.

No. 295. Norman Breaux Lumber Company, plaintiff in error and appellant, *v.* W. H. Reed, Tax Collector, etc. Motion to dismiss or affirm submitted by Mr. L. T. Kennedy for the defendant in error and appellee, in support of the motion, and by Mr. R. C. Milling for the plaintiff in error and appellant, in opposition thereto.

No. 178. Mrs. J. B. Ellis, petitioner, *v.* Associated Industries Insurance Corporation. Motion for leave to proceed *in forma pauperis* submitted by Mr. A. H. Carrigan for the petitioner.

No. 284. Lee Hawkins, petitioner, *v.* F. P. Pulley and C. L. Davis, Trustees. Motion for leave to proceed *in forma pauperis* submitted by Mr. L. Melendez King for the petitioner.

No. 380. Mrs. Widow Wilfred Guillet, plaintiff in error, and appellant, *v.* Louisiana Railway and Navigation Company. Motion for leave to proceed *in forma pauperis* submitted by Mrs. Widow Wilfred Guillet, *pro se*.

No. 390. Gladys Anderson and her husband Chet Anderson, petitioners, *v.* McGill Club. Motion for leave to proceed *in forma pauperis* submitted by Gladys Anderson, *pro se*.

No. 120. Paul Schainman, petitioner, *v.* W. E. Dean, as Trustee of the Estate of Isidore Lichtenberg, a bankrupt. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Clarence A. Linn for the petitioner.

No. 121. Mary Roxburghe, petitioner, *v.* The United States. Petition for a writ of certiorari to the Court of Claims submitted by Mr. Roger Hinds and Mr. Edward F. Clark for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Galloway, and Mr. Fred K. Dyar for the respondent.

No. 122. Dollar Steamship Line, owner of the S. S. "Melville Dollar," petitioner, *v.* Matson Navigation Co., owner of the S. S. "Mauna Ala." Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Ira S. Lillick for the petitioner, and by Mr. William Denman for the respondent.

No. 123. The Victor-American Fuel Company, petitioner, *v.* Huerfano Agency Company, The Brennan Coal Mining Company, et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Kenaz Huffman for the petitioner, and by Mr. Jesse G. Northcutt for the respondents.

No. 124. Ben S. Thurlow, Mary Thurlow, et al., petitioners, *v.* Waite Phillips Company, et al.;

No. 125. A. P. Douthit, petitioner, *v.* Waite Phillips Company, et al.; and

No. 126. Ike E. Nelson, Hattie Nelson, et al., petitioners, *v.* Waite Phillips Company, et al. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Chester I. Long, Mr. F. Dumont Smith, Mr. Austin M. Cowan, and Mr. W. E. Stanley for the petitioners, and by Mr. Samuel W. Hayes, Mr. David A. Richardson, Mr. Wm. H. Zurick, Mr. John H. Brennan, Mr. R. B. F. Hummer, and Mr. T. A. Nottzger for the respondents.

No. 127. Grattan D. Phillips, Jr., petitioner, *v.* Margaret A. Phillips, Individually and as Administratrix, etc. Petition for a writ of certiorari to the Supreme Court of the State of California submitted by Mr. William Grant for the petitioner, and by Mr. John L. McNab for the respondent.

No. 128. Sanitary Refrigerator Co., petitioner, *v.* Alexander F. Winters and Basil C. Crampton. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. E. Hayward Fairbanks for the petitioner, and by Mr. John Boyle, Jr., for the respondents.

No. 133. The Chesapeake and Ohio Railway Company, petitioner, *v.* Tobe Stapleton, by his statutory guardian, Marion Stapleton. Petition for a writ of certiorari to the Court of Appeals of the State of Kentucky submitted by Mr. LeWright Browning for the petitioner, and by Mr. George B. Martin for the respondent.

No. 134. John Henderson, 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. John Henderson, *pro se*, and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, and Mr. John J. Byrne for the respondent.

No. 136. Abe Washington, petitioner, *v.* The State of Florida. Petition for a writ of certiorari to the Supreme Court of the State of Florida submitted by Mr. Louis Marshall for the petitioner, and by Mr. Fred H. Davis for the respondent.

No. 137. The People of the State of New York on the relation of Thomas H. Hayes, petitioner, *v.* George V. McLaughlin, as Police Commissioner 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. Harold Harper and Mr. Ben A. Matthews for the petitioner, and by Mr. Joab H. Banton and Mr. George Gordon Battle for the respondent.

No. 138. Samuel Zemurray, petitioner, *v.* The United States. Petition for a writ of certiorari to the Court of Claims submitted by Mr. Monte M. Lemann, Mr. Edward B. Burling, and Mr. Spencer

Gordon for the petitioner, and by Mr. Solicitor General Mitchell and Mr. Assistant Attorney General Galloway for the respondent.

No. 139. Nellie Bartlett Chase, petitioner, *v.* Charles W. Bartlett, Guardian. Petition for a writ of certiorari to the Supreme Court of the State of North Carolina submitted by Mr. Karl D. Loos for the petitioner, and by Mr. Henry S. Conrad and Mr. L. E. Durham for the respondent.

No. 140. California Wine Association of New York, Inc., petitioner, *v.* The United States. Petition for a writ of certiorari to the Court of Claims submitted by Mr. Joseph A. Cantrel and Mr. Stanleigh P. Friedman for the petitioner, and by Mr. Solicitor General Mitchell and Mr. Assistant Attorney General Galloway for the respondent.

No. 141. John Irving, petitioner, *v.* Alexander Barker. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. W. J. Waguespack for the petitioner.

No. 142. The Belt Railway Company of Chicago, petitioner, *v.* Ola Pfeifer, Administratrix, etc. Petition for a writ of certiorari to the Appellate Court of the State of Illinois, First District, submitted by Mr. Allen G. Mills for the petitioner, and by Mr. Charles C. Spencer for the respondent.

No. 143. James A. Hewes and Frank W. Potter, petitioners, *v.* S. Deiches & Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Charles F. Perkins for the petitioners, and by Mr. George P. Fisher for the respondent.

No. 144. Alex Mudd, petitioner, *v.* Samuel A. Perry, Charles B. Rogers, and Jasper S. Martin, Administrator, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Orion L. Rider, Mr. A. R. Serven, Mr. John Barry, and Mr. W. R. Bleakmore for the petitioner, and by Mr. N. E. McNeill and Mr. Charles B. Rogers for the respondents.

No. 145. Hubert F. Laugharn, as Trustee, etc., petitioner, *v.* Celia Chandler. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Louis J. Canepa for the petitioner.

No. 146. Union Pacific Railroad Company, petitioner, *v.* Frank K. Bowers. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Henry W. Clark for the petitioner, and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, Mr. J. Louis

Monarch, Mr. C. M. Charest, and Mr. Ralph E. Smith for the respondent.

No. 149. Tyler County, Texas, G. C. Bradfield, et al., petitioners, *v. F. P. Town*. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. W. D. Gordon for the petitioners, and by Mr. W. S. Hunt for the respondent.

No. 150. Cudahy Packing Company, petitioner, *v. City of Omaha and Metropolitan Utilities District, et al.* Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. J. A. C. Kennedy and Mr. Geo. T. Buckingham for the petitioner, and by Mr. John Lee Webster and Mr. Dana B. Van Dusen for the respondents.

No. 152. Lydia M. Green, individually, etc., petitioner, *v. Victor Talking Machine Company*. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Joseph F. Murray for the petitioner, and by Mr. George W. Schurman for the respondent.

No. 153. Albert Pick & Company, petitioner, *v. W. K. Holt, J. B. McCoy, et al.* Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. Samuel E. Hirsch and Mr. Frank P. Hobgood, jr., for the petitioner, and by Mr. W. Cleveland Davis for the respondents.

No. 154. Roberta T. Lyon, petitioner, *v. The Travellers' Protective Association of America*. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. Charles A. Hines for the petitioner, and by Mr. Robert A. Holland, jr., for the respondent.

No. 155. Rice and Adams Corporation, petitioner, *v. Harry D. Lathrop*. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Charles J. Staples and Mr. William P. Conley for the petitioner, and by Mr. Joshua R. H. Potts for the respondent.

No. 156. American Surety Company of New York, petitioner, *v. Cove Irrigation District*. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Sterling M. Wood for the petitioner, and by Mr. William M. Johnston for the respondent.

No. 158. Nevada-California-Oregon Railway Company, petitioner, *v. The United States*. Petition for a writ of certiorari to the Court of Claims submitted by Mr. M. C. Elliott for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Galloway, and Mr. Sydney F. Andrews for the respondent.

No. 160. The Virginian Railway Company, petitioner, *v.* J. E. Kirk. Petition for a writ of certiorari to the Supreme Court of the State of West Virginia submitted by Mr. W. H. T. Loyall and Mr. H. T. Hall for the petitioner, and by Mr. Wm. Cody Fletcher and Mr. John R. Pendleton for the respondent.

No. 162. United States Fidelity & Guaranty Company, petitioner, *v.* William Blankenhorn, Ford Motor Company, et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Maxwell McNutt for the petitioner, and by Mr. W. F. Williamson for the respondents.

No. 163. Harold F. Reed, petitioner, *v.* National Surety Company. Petition for a writ of certiorari to the Superior Court for Suffolk County, State of Massachusetts, submitted by Mr. Franklin F. Phillips for the petitioner, and by Mr. George H. Brown for the respondent.

No. 164. County of Spokane and County of Whitman, Washington, petitioners, *v.* The United States of America. Petition for a writ of certiorari to the Supreme Court of the State of Washington submitted by Mr. Charles W. Greenough and Mr. A. O. Colburn for the petitioners, and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, and Mr. J. Louis Monarch for the respondent.

No. 165. Andrew Jackson, petitioner, *v.* W. C. Evans. Petition for a writ of certiorari to the Supreme Court of the State of Louisiana submitted by Mr. J. D. Wilkinson for the petitioner.

No. 167. The District of Columbia, petitioner, *v.* Oscar Wilkinson. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia submitted by Mr. William W. Bride and Mr. Robert L. Williams for the petitioner, and by Mr. Wm. Meyer Lewin for the respondent.

No. 168. James E. Brady and Arthur J. Baxter, 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. Clyde Taylor for the petitioners, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Luhning, and Mr. Harry S. Ridgely for the respondent.

No. 170. Paul Gappa, 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. Clarence J. Hartley for the petitioner, and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, and Mr. J. Louis Monarch for the respondent.

No. 171. Capital Traction Company, petitioner, *v.* Alvin L. Newmyer, administrator, etc. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia submitted by Mr. Frank J. Hogan and Mr. Edmund L. Jones for the petitioner, and by Mr. Alvin L. Newmyer for the respondent.

No. 172. Kate W. Rosenberger, petitioner, *v.* Blakely D. McCaughn, Collector of Internal Revenue. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Bynum E. Hinton for the petitioner, and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, and Mr. J. Louis Monarch for the respondent.

No. 175. Fourth and Central Trust Company, Sole Surviving Executor of the Estate of James E. Mooney, deceased, petitioner, *v.* The United States. Petition for a writ of certiorari to the Court of Claims submitted by Mr. S. C. Williams for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Galloy, and Mr. Ralph C. Williamson for the respondent.

No. 176. Abraham P. Waxman, petitioner, *v.* Channing Pollock, Edgar Selwyn, and Arch Selwyn. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Abraham P. Waxman for the petitioner, and by Mr. Arthur F. Driscoll for the respondent.

No. 177. Southern Surety Company of Des Moines, Iowa, 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. L. H. Salinger for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Luhning, and Mr. Harry S. Ridgeley for the respondent.

No. 180. The United States of America *ex rel.* James A. Jordan, petitioner, *v.* John H. Glass, United States Marshal. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Reese H. Harris for the petitioner, and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, and Mr. John J. Byrne for the respondent.

No. 188. The United States of America *ex rel.* Jacob Mayer, petitioner, *v.* John H. Glass, United States Marshal. Petition for a writ or certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Reese H. Harris for the petitioner, and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, and Mr. John J. Byrne for the respondent.

No. 202. The United States of America *ex rel.* William A. Quinn, petitioner, *v.* John H. Glass, United States Marshal. Petition for a writ of certiorari to the United States Circuit Court of Appeals for

the Third Circuit submitted by Mr. Clarence Balentine for the petitioner, and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, and Mr. John J. Byrne for the respondent.

No. 206. The United States of America ex rel. William V. Loughran, petitioner, *v.* John H. Glass, United States Marshal. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. W. J. Martin for the petitioner, and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, and Mr. John J. Byrne for the respondent.

No. 207. United States of America ex rel. Lester Lord, Jr., petitioner, *v.* John H. Glass, United States Marshal. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. W. J. Martin for the petitioner, and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, and Mr. John J. Byrne for the respondent.

No. 181. Jacob Schliff and Abraham Schliff, copartners, etc., petitioners, *v.* Eagle and Star British Dominions Insurance Company, Ltd. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Benjamin Rease and Mr. Louis Marshall for the petitioners, and by Mr. Jacob B. Engel for the respondent.

No. 182. Allie E. Lewis and William Lloyd Lewis, 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. Finis E. Riddle for the petitioners, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Luhring, and Mr. Harry S. Ridgely for the respondent.

No. 183. Henry Leonard, petitioner, *v.* The United States. Petition for a writ of certiorari to the Court of Claims submitted by Mr. George A. King, Mr. William B. King, and Mr. George R. Shields for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Galloway, Mr. Alfred A. Wheat, and Mr. William W. Scott for the respondent.

No. 184. Southern Pacific Company, petitioner, *v.* Industrial Commission of Utah and Joseph Surrage. Petition for a writ of certiorari to the Supreme Court of the State of Utah submitted by Mr. Emmett M. Bagley and Mr. Paul H. Ray for the petitioner, and by Mr. Harvey H. Cluff for the respondent.

No. 185. K. C. Lee and Chew Fook Gum, 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 J. Hennessy and Mr. Marshall B. Woodworth

for the petitioners, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Farnum, and Mr. John T. Fowler, jr., for the respondent.

No. 199. Henry Kuhn, 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. Harold C. Faulkner for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Farnum, and Mr. John T. Fowler, jr., for the respondent.

No. 359. Leong Duck, 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. Harry Gottesfeld for the petitioner, and by Mr. Solicitor General Mitchell and Mr. Assistant Attorney General Farnum for the respondent.

No. 187. T. Hogan & Sons, Inc., petitioner, *v.* L. Boyers' Sons Co. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Eli J. Blair for the petitioner, and by Mr. E. C. Sherwood for the respondent.

No. 217. L. Boyers' Sons Company, petitioner, *v.* T. Hogan & Sons, Inc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. E. C. Sherwood for the petitioner, and by Mr. Eli J. Blair for the respondent.

No. 189. Paul T. McFarland, as County Treasurer, etc., petitioners, *v.* The Central National Bank of Topeka, Kansas. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Eugene S. Quinton and Mr. Alfred B. Quinton for the petitioners, and by Mr. S. M. Brewster and Mr. J. L. Hunt for the respondent.

No. 190. Chin Thyn, petitioner, *v.* Victor Loisel, U. S. Marshal. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Alex W. Swords for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Luhning, and Mr. Harry S. Ridgely for the respondent.

No. 191. Joseph U. Barnes, 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. M. H. Boutelle and Mr. A. H. David for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Luhning, and Mr. Harry S. Ridgely for the respondent.

No. 192. County of Delaware, Pennsylvania, petitioner, *v.* United States Shipping Board Emergency Fleet Corporation; and

No. 193. School District of Tinicum Township, Pennsylvania, petitioner, *v.* United States Shipping Board Emergency Fleet Corporation. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Donald S. Edmonds for the petitioners, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Farnum, and Mr. J. Frank Staley for the respondent.

No. 195. The United States of America, petitioner, *v.* Oscar Edwin Ferdinand Persson. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Solicitor General Mitchell for the petitioner.

No. 196. The United States of America, petitioner, *v.* Marco Nicolich. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Solicitor General Mitchell for the petitioner.

No. 197. P. N. Salisbury, petitioner, *v.* The Atchison, Topeka & Santa Fe Railway Company. Petition for a writ of certiorari to the Supreme Court of the State of Kansas submitted by Mr. J. H. Brady, Mr. T. F. Railsback, and Mr. J. Francis O'Sullivan for the petitioner.

No. 198. Arthur J. Karnuth, United States Director of Immigration et al., petitioners, *v.* United States of America, on the petition of Preston M. Albro, an Attorney, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Solicitor General Mitchell for the petitioner, and by Mr. Charles D. Council for the respondent.

No. 200. John W. LeCrone, Receiver, petitioner, *v.* The United States. Petition for a writ of certiorari to the Court of Claims submitted by Mr. George N. Baxter and Mr. Thomas Sterling for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Galloway, and Mr. P. M. Cox for the respondent.

No. 201. United States Fire Insurance Company of the City of New York, petitioner, *v.* Joseph B. Sullivan. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Frederick D. Silber for the petitioner, and by Mr. Clement L. Waldron, Mr. Harry Silverman, and Mr. L. Ross Newkirk for the respondent.

No. 203. Chin Mon *ex rel.* Chin Yuen, petitioner, *v.* Anna C. M. Tillinghast, United States Commissioner of Immigration. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit submitted by Mr. E. F. Damon for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Luhring, and Mr. Harry S. Ridgely for the respondent.

No. 204. U. S. Industrial Chemical Co., Inc., and Sterno Corporation, petitioners, *v.* The Theroz Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. Charles E. Hughes, Mr. T. P. Warfield, Mr. Hersey Egginton, and Mr. Lawrence Bristol for the petitioners, and by Mr. Livingston Gifford for the respondent.

No. 211. The State of Oregon *ex rel.* I. H. Van Winkle, Attorney General, petitioner, *v.* John C. Siegmund, County Judge, etc., et al. Petition for a writ of certiorari to the Supreme Court of the State of Oregon submitted by Mr. I. H. Van Winkle and Mr. Willis S. Moore for the petitioner, and by Mr. Irvine L. Lenroot, Mr. John H. Carson, and Mr. Guy Cordon for the respondents.

No. 212. Leo J. Wallenstein and Paul Comora, 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. Edward P. Stout for the petitioners, and by Mr. Solicitor General Mitchell and Assistant Attorney General Willebrandt for the respondent.

No. 213. John Steidle, as Administrator, etc., et al., petitioners, *v.* Reading Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Charles A. Ludlow for the petitioners, and by Mr. Edward L. Katzenbach for the respondent.

No. 214. F. W. Mattheissen, Jr., petitioner, *v.* The United States. Petition for a writ of certiorari to the Court of Claims submitted by Mr. S. M. Rinaker and Mr. M. F. Gallagher for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Galloway, Mr. Gardner P. Lloyd, and Mr. Fred K. Dyar for the respondent.

No. 215. James A. Sackley Company, petitioner, *v.* The United States. Petition for a writ of certiorari to the Court of Claims submitted by Mr. William M. Williams and Mr. Matthias Con-cannon for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Galloway, and Mr. Fred K. Dyar for the respondent.

No. 216. C. B. Cottrell & Sons Company, petitioner, *v.* Claybourn Process Corporation. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. E. C. Seward for the petitioner, and by Mr. Louis Quarles for the respondent.

No. 218. Sol Rubin, petitioner, *v.* Samuel Midlinsky. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Jacob G. Grossberg for the petitioner, and by Mr. Frederick D. Silber for the respondent.

No. 219. The Delaware, Lackawanna and Western Railroad Company, petitioner, *v.* John Koske. Petition for a writ of certiorari to the Court of Errors and Appeals of the State of New Jersey submitted by Mr. Frederic B. Scott for the petitioner, and by Mr. I. Faerber Goldenhorn and Mr. Saul Nemser for the respondent.

No. 220. John Johnson, petitioner, *v.* United States Shipping Board Emergency Fleet Corporation. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Silas B. Axtell and Mr. Charles A. Ellis for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Farnum, Mr. Chauncey G. Parker, and Mr. J. Frank Staley for the respondent.

No. 221. Alexander Eccles & Company, petitioner, *v.* Strachan Shipping Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Edward C. Brennan for the petitioner, and by Mr. Samuel B. Adams and Mr. A. Pratt Adams for the respondent.

No. 222. Pan American Petroleum & Transport Company, petitioner, *v.* Steamship "Virginia," Texas Steamship Company, et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Chauncey I. Clark and Mr. Frederic Conger for the petitioner, and by Mr. James K. Symmers for the respondents.

No. 223. Washington and Old Dominion Railway, a corporation, petitioner, *v.* Arthur W. McPherson. Petition for a writ of certiorari to the Court of Appeals for the District of Columbia submitted by Mr. Wilton J. Lambert for the petitioner, and by Mr. Crandal Mackey for the respondent.

No. 224. Northern Oklahoma Railways, Guy Patten, et al., petitioners, *v.* Missouri-Kansas-Texas Railroad Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Guy Patten for the petitioners, and by Mr. Joseph M. Bryson, Mr. Charles S. Burg, and Mr. Maurice D. Green for the respondent.

No. 225. Atlantic Coast Line Railroad Company, petitioner, *v.* Marcella Driggers, as Administratrix, etc. Petition for a writ of certiorari to the Supreme Court of the State of South Carolina submitted by Mr. Thomas W. Davis and Mr. Simeon Hyde for the petitioner, and by Mr. J. D. E. Meyer for the respondent.

No. 226. Raul Rogerio Gonzalez, by his Guardian, etc., petitioner, *v.* The Roman Catholic Archbishop of Manila. Petition for a writ of certiorari to the Supreme Court of the Philippine Islands submitted by Mr. Howard Thayer Kingsbury, Mr. Frederic R. Coudert, and Mr. Allison D. Gibbs for the petitioner.

No. 227. Ballard & Ballard Co., petitioner, *v.* Munson Steamship Line. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. James Garnett for the petitioner, and by Mr. Cletus Keating for the respondent.

No. 228. Robert W. Johnson, Jr., John S. Johnson et al., petitioners, *v.* The United States. Petition for a writ of certiorari to the Court of Claims submitted by Mr. Paul F. Myers for the petitioners, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Galloway, and Mr. Dwight E. Rorer for the respondent.

No. 229. Angelo Benese, 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. John E. Jackson for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Luhring, and Mr. Harry S. Ridgely for the respondent.

No. 231. T. B. Hord Grain Company, petitioner, *v.* David H. Blair, Commissioner, etc. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia submitted by Mr. Earle W. Wallick and Mr. Ben Jenkins for the petitioner, and Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, Mr. J. Louis Monarch, and Mr. C. M. Charest for the respondent.

No. 232. Frank H. Mesce, petitioner, *v.* The United States. Petition for a writ of certiorari to the Court of Claims submitted by Mr. Maclay Hoyne for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Luhring, and Mr. Fred K. Dyar for the respondent.

No. 233. Consolidated Gas Electric Light and Power Company of Baltimore, petitioner, *v.* The United States. Petition for a writ of certiorari to the Court of Claims submitted by Mr. Charles Markell for the petitioner, and by Mr. Solicitor General Mitchell and Mr. Assistant Attorney General Galloway for the respondent.

No. 234. The Western & Atlantic Railroad, petitioner, *v.* Mrs. Nora E. Hughes, Administratrix of the Estate of Ira L. Hughes, deceased. Petition for a writ of certiorari to the Court of Appeals of the State of Georgia submitted by Mr. Fitzgerald Hall, Mr. Frank Slemmons, and Mr. John R. Arnold for the petitioner, and by Mr. Reuben R. Arnold for the respondent.

No. 235. Hallie Burton and R. I. Burton, Heirs at Law of John W. Burton, deceased, petitioners, *v.* John W. Haas, John C. Trichel, et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Frank S. Quinn for the petitioners.

No. 236. J. R. Poste, petitioner, *v.* The United States. Petition for a writ of certiorari to the Court of Claims submitted by Mr. Edward B. Burling, Mr. Spencer Gordon, and Mr. Henry Gumble for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Galloway, Mr. Gardner P. Lloyd, and Mr. McClure Kelley for the respondent.

No. 237. The New River Collieries Company et al., petitioners, *v.* The United States. Petition for a writ of certiorari to the Court of Claims submitted by Mr. Ira Jewell Williams, Mr. Ira Jewell Williams, jr., Mr. Charles L. Guerin, and Mr. Francis Shunk Brown for the petitioners, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Galloway, and Mr. James J. Lenihan for the respondent.

No. 238. The United States, petitioner, *v.* The New York Central Railroad Company, Lessee of the Boston & Albany Railroad. Petition for a writ of certiorari to the Court of Claims submitted by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Galloway, and Mr. John Stewart for the petitioner, and by Mr. Ben B. Cain and Mr. George H. Fernald, jr., for the respondent.

No. 239. Emilio Gorbea, Trustee, et al., petitioners, *v.* Credito Y Ahorro Ponceno. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit submitted by Mr. Hugh R. Francis for the petitioners, and by Mr. Jose A. Poventud, Mr. Hollis R. Bailey, and Mr. Alberto S. Poventud for the respondent.

No. 240. Albert Marco and Antonio Bruno, 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. Thomas P. White and Mr. Harold C. Faulkner for the petitioners, and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, and Mr. John J. Byrne for the respondent.

No. 241. The People of the State of California, petitioner, *v.* William M. Mouse. Petition for a writ of certiorari to the Supreme Court of the State of California submitted by Mr. U. S. Webb for the petitioner.

No. 242. The New York, Chicago and St. Louis Railroad Company, petitioner, *v.* Christian Biermacher. Petition for a writ of certiorari to the Supreme Court of the State of Ohio submitted by Mr. W. T. Kinder for the petitioner, and by Mr. David F. Anderson for the respondent.

No. 243. Missouri Southern Railroad Company, petitioner, *v.* The United States. Petition for a writ of certiorari to the Court of

Claims submitted by Mr. Horace S. Whitman and Mr. George H. Parker for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Galloway, and Mr. Louis R. Mehlinger for the respondent.

No. 244. Presley M. Ireland, petitioner, *v.* John W. Keister et al. Petition for a writ of certiorari to the Supreme Court of Appeals of the State of West Virginia submitted by Mr. P. M. Ireland, *pro se.*

No. 245. Tom Ung Chai, *alias* Tom Gum Hin, petitioner, *v.* A. E. Burnett, as Immigration Inspector, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. A. G. M. Robertson for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Luhring, and Mr. George C. Buttle for the respondent.

No. 246. Stout Lumber Company, petitioner, *v.* H. R. Hayes. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. J. D. Wilkinson, Mr. W. S. Wilkinson, and Mr. C. H. Lewis for the petitioner.

No. 247. Ernest L. Benway, petitioner, *v.* People of the State of Michigan. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Charles A. Meyer for the petitioner, and by Mr. Wilbur M. Brucker for the respondent.

No. 248. The Baker & Taylor Co., petitioner, *v.* The United States of America; and

No. 249. The Baker & Taylor Co., petitioner, *v.* Frank K. Bowers, individually, etc. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. William E. Russell for the petitioner, and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, and Mr. J. Louis Monarch for the respondent.

No. 250. Wyoming National Bank of Casper, Wyoming, petitioner, *v.* The Omaha National Bank of Omaha, Nebraska, et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Edgar M. Morsman, jr., for the petitioner, and by Mr. Halleck F. Rose, Mr. Arthur R. Wells, and Mr. Paul L. Martin for the respondents.

No. 251. Juan Posadas, Jr., as Collector of Internal Revenue of the Philippine Islands, petitioner, *v.* Warner, Barnes & Co., Ltd.; and

No. 252. Juan Posadas, Jr., as Collector of Internal Revenue of the Philippine Islands, petitioner, *v.* J. M. Menzi. Petition for writs of certiorari to the Supreme Court of the Philippine Islands submit-

ted by Mr. William Cattron Rigby and Mr. J. A. Hull for the petitioner, and by Mr. Clyde Alton DeWitt and Mr. Eugene Arthur Perkins for the respondents.

No. 254. Orville E. Babcock et al., petitioners, *v.* James H. Wilkerson, District Judge. 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, and by Mr. Horace K. Tenney and Mr. James M. Sheean for the respondent.

No. 255. Orenstein and Koppel Aktiengesellschaft et al., petitioners, *v.* Koppel Industrial Car & Equipment Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Arthur Garfield Hays for the petitioners, and by Mr. Albert Stickney and Mr. Robert J. Dodds for the respondent.

No. 256. Terminal Railroad Association of St. Louis, petitioner, *v.* Pearl Lena Potterfield, administratrix of the estate of Earl Wade Potterfield, deceased. Petition for a writ of certiorari to the Supreme Court of the State of Missouri submitted by Mr. J. L. Howell for the petitioner, and by Mr. Sidney Thorne Able for the respondent.

No. 257. City and County of Denver, petitioner, *v.* The Denver Tramway Corporation. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Thomas H. Gibson for the petitioner, and by Mr. Gerald Hughes and Mr. Clayton C. Dorsey for the respondent.

No. 258. Charles L. Overlander, petitioner, *v.* Jesse L. Overlander and Federal Trust Company of Lincoln, Nebraska. Petition for a writ of certiorari to the Supreme Court of the State of Kansas and/or District Court of the State of Kansas, Doniphan County, Twenty-second Judicial District, submitted by Mr. Jacob A. Overlander for the petitioner.

No. 259. Elizabeth J. Sugrue and Margaret McKay, petitioners, *v.* Sheldon W. Crilley, otherwise known as Sheldon W. Cook, Jr. Petition for a writ of certiorari to the Supreme Court of the State of Illinois submitted by Mr. George R. Sherriff, Mr. James Hamilton Lewis, and Mr. Andrew R. Sherriff for the petitioners, and by Mr. Werner W. Schroeder for the respondent.

No. 261. Newell B. Wallace, petitioner, *v.* Motor Products Corporation et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Alfred Lucking and Mr. Howell Van Auken for the petitioner, and by Mr. Charles B. Warren and Mr. Sherwin A. Hill for the respondents.

No. 262. Edouard Saadi, petitioner, *v.* Walter E. Carr. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. William H. Wylie for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Luhring, and Mr. Harry S. Ridgely for the respondent.

No. 263. Triumph Trap Company, Inc., petitioner, *v.* Walter A. Gibbs. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Charles H. Wilson and Mr. Louis Marshall for the petitioner, and by Mr. H. A. Howson and Mr. Hubert Howson for the respondent.

No. 264. The Davenport Oil Company, petitioner, *v.* Charles G. Davenport. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Levi Cooke for the petitioner.

No. 265. Charles Paridy and Anna McLatchie, petitioners, *v.* The Caterpillar Tractor Company, substituted as defendant for the Holt Manufacturing Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Edward E. Longan for the petitioners, and by Mr. Frank T. Miller and Mr. Allen L. Chickering for the respondent.

No. 266. Christine Hopkins, petitioner, *v.* The State of Washington. Petition for a writ of certiorari to the Supreme Court of the State of Washington submitted by Mr. Charles H. Miller for the petitioner.

No. 267. Ithaca Trust Company, Sole Surviving Executor, etc., petitioner, *v.* The United States. Petition for a writ of certiorari to the Court of Claims submitted by Mr. Simon Lyon and Mr. R. B. H. Lyon for the petitioner, and by Mr. Solicitor General Mitchell and Mr. Gardner P. Lloyd for the respondent.

No. 268. Walker Manufacturing Company, petitioner, *v.* The United States. Petition for a writ of certiorari to the Court of Claims submitted by Mr. Marvin Farrington for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Galloway, and Mr. Ralph C. Williamson for the respondent.

No. 269. Pettibone-Mulliken Company, petitioner, *v.* Guaranty Trust Company, Minneapolis Steel & Machinery Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Nathan L. Miller, Mr. Kemper K. Knapp, and Mr. J. H. Hershberger for the petitioner, and by Mr. Edwin S. S. Sunderland and Mr. Warren S. Carter for the respondents.

No. 270. Osaka Shosen Kaisha, petitioner, *v.* Olivier Straw Goods Corporation. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. John W. Crandall for the petitioner, and by Mr. Henry M. Longley for the respondent.

No. 271. Max Gordon, 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. David V. Cahill and Mr. Louis Halle for the petitioner, and by Mr. Solicitor General Mitchell and Assistant Attorney General Willebrandt for the respondent.

No. 301. "Lefty" Clayton, *alias* John Doucett, 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. Louis Halle for the petitioner, and by Mr. Solicitor General Mitchell and Assistant Attorney General Willebrandt for the respondent.

No. 272. W. A. Marshall & Co., Inc., petitioner, *v.* Steamship "President Arthur," her engines, boilers, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. George Wright Hinckley for the petitioner, and by Mr. John M. Woolsey, Mr. Chauncey E. Treadwell, and Mr. William J. Hughes for the respondent.

No. 275. William C. Atwater & Company, Inc., petitioner, *v.* The United States. Petition for a writ of certiorari to the Court of Claims submitted by Mr. J. Harry Covington, Mr. John L. Steinbugler, and Mr. Spencer Gordon for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Galloway, and Mr. James J. Lenihan for the respondent.

No. 276. Daniel Machin and Austin A. Cooper, petitioners, *v.* Nicollet Hotel, Incorporated, Glen S. Dixson, et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. M. H. Boutelle for the petitioners, and by Mr. J. B. Faegre for the respondents.

No. 277. H. Leslie Parker, petitioner, *v.* Harry F. Sinclair. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Peter Q. Nyce, Mr. Dudley W. Strickland, Mr. Joseph D. Houston, and Mr. Chester I. Long for the petitioner, and by Mr. Martin W. Littleton, Mr. G. T. Stanford, Mr. Edward H. Chandler, and Mr. R. W. Rayland for the respondent.

No. 280. Harry Shellenbarger, petitioner, *v.* The State of Ohio. Petition for a writ of certiorari to the Supreme Court of the State of Ohio submitted by Mr. James A. White for the petitioner, and by Mr. Edward C. Turner for the respondent.

No. 281. H. J. Bosler, Hal H. Pell, 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. Arthur L. Adams for the petitioners, and by Mr. Solicitor General Mitchell and Mr. Assistant Attorney General Farnum for the respondent.

No. 282. Nicholas Colla and G. De Cola, partners, etc., petitioners, *v.* Bank of Italy. Petition for a writ of certiorari to the Supreme Court of the State of Ohio submitted by Mr. Osborne Mitchell for the petitioners, and by Mr. L. A. Manchester for the respondent.

No. 283. W. C. Tucker, petitioner, *v.* Acel C. Alexander, as Collector, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Charles H. Garnett for the petitioner, and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, Mr. C. M. Char-est, and Mr. T. J. Lewis, jr., for the respondent.

No. 285. Sound Motor Boat Service, Inc., 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. Louis Halle for the petitioner, and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, and Mr. Arthur W. Henderson for the respondent.

No. 286. Sam Seldin, petitioner, *v.* The Threadneedle Insurance Company (1923), Ltd. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Wendell P. Barker and Mr. Frank I. Tierney for the petitioner, and by Mr. Jacob B. Engel for the respondent.

No. 287. Beaumont, Sour Lake & Western Railway Company, petitioner, *v.* Magnolia Provision Company;

No. 288. Texas & New Orleans Railroad Company et al., petitioners, *v.* Magnolia Provision Company; and

No. 289. Texas & New Orleans Railroad Company, petitioner, *v.* Houston Packing Company. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. W. L. Cook, Mr. W. M. Streetman, Mr. H. M. Garwood, and Mr. J. H. Tallichet for the petitioners, and by Mr. R. C. Fulbright for the respondents.

No. 290. The United States of America, petitioner, *v.* William Henry Woolen. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Solicitor General Mitchell and Mr. Assistant Attorney General Farnum for the petitioner.

No. 291. Zenith-Detroit Corporation, petitioner, *v.* Stromberg Motor Devices Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Joseph H. Choate, jr., Mr. William J. Belknap, and Mr. Earle L. Parmelee for the petitioner, and by Mr. Wm. Houston Kenyon and Mr. Charles A. Brown for the respondent.

No. 293. E. B. Barton, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. E. B. Barton, *pro se*, and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, and Mr. Mahlon D. Kiefer for the respondent.

No. 294. Kansas City Southern Railway Company, petitioner, *v.* J. L. Nectaux. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. George Janvier for the petitioner, and by Mr. S. P. Jones for the respondent.

No. 297. Southern Pacific Company, petitioner, *v.* Nelita Franklin. Petition for a writ of certiorari to the Supreme Court of the State of California submitted by Mr. Henley C. Booth for the petitioner.

No. 298. Murray G. Brady, 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. Roy L. Daily for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Luhring, and Mr. Harry S. Ridgely for the respondent.

No. 299. Andrew Flink, petitioner, *v.* Attilio Paladini et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. H. W. Hutton for the petitioner, and by Mr. Ira S. Lillick for the respondent.

No. 300. James S. McCandless, petitioner, *v.* United States Board of Tax Appeals. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia submitted by Mr. Tracy L. Jeffords and Mr. Edwin C. Dutton for the petitioner, and by Mr. Solicitor General Mitchell and Assistant Attorney General Willebrandt for the respondent.

No. 302. Freddie Thomas, petitioner, *v.* J. McD. Trimble, C. A. Braley, et al. Petition for a writ of certiorari to the Supreme Court of the State of Oklahoma submitted by Mr. Claude A. Niles and Mr. Creekmore Wallace for the petitioner, and by Mr. T. J. Flannely and Mr. F. B. Burford for the respondents.

No. 303. Furness, Withy & Company, Limited, petitioner, *v.* Howard Sutherland, Alien Property Custodian, etc., et al. Petition for a writ of certiorari to the Court of Appeals of the District of

Columbia submitted by Mr. John M. Woolsey, Mr. Charles Henry Butler, Mr. Charles T. Cowenhoven, jr., Mr. John A. Kratz, and Mr. Delbert M. Tibbetts for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Farnum, Mr. Thomas E. Rhodes, and Mr. Harvey D. Jacob for the respondents.

No. 304. The United States, petitioner, *v.* Nevada County Narrow Gauge Railroad Company. Petition for a writ of certiorari to the Court of Claims submitted by Mr. Solicitor General Mitchell and Mr. Assistant Attorney General Galloway for the petitioner, and by Mr. George H. Fernald, jr., and Mr. Ben B. Cain for the respondent.

No. 307. Thomas Carlo, petitioner, *v.* Bessemer & Lake Erie Railroad Company. Petition for a writ of certiorari to the Supreme Court of the State of Pennsylvania submitted by Mr. J. Thomas Hoffman for the petitioner, and by Mr. William A. Seifert for the respondent.

No. 308. Cora A. Poindexter, as Administratrix, etc., petitioner, *v.* Cleveland, Cincinnati, Chicago & St. Louis Railway Company. Petition for a writ of certiorari to the Supreme Court of the State of Missouri submitted by Mr. Patrick Henry Cullen and Mr. Thomas T. Fauntleroy for the petitioner, and by Mr. Charles A. Houts, Mr. H. N. Quigley, and Mr. S. W. Baxter for the respondent.

No. 309. Bertha Wilson, as Administratrix of the Estate of Luther C. Wilson, deceased, petitioner, *v.* Missouri Pacific Railroad Company. Petition for a writ of certiorari to the Supreme Court of the State of Missouri submitted by Mr. Patrick Henry Cullen for the petitioner, and by Mr. Edward J. White and Mr. Harry R. Stocker for the respondent.

No. 310. Illinois State Trust Company, petitioner, *v.* Missouri Pacific Railroad Company. Petition for a writ of certiorari to the Supreme Court of the State of Missouri submitted by Mr. Patrick Henry Cullen and Mr. Thomas T. Fauntleroy for the petitioner, and by Mr. Edward J. White and Mr. Merrit U. Hayden for the respondent.

No. 311. Indiana Quartered Oak Company, petitioner, *v.* Federal Trade Commission. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Charles Neave and Mr. F. Granville Munson for the petitioner, and by Mr. Solicitor General Mitchell for the respondent.

No. 312. Charles L. Douglas, petitioner, *v.* The New York, New Haven and Hartford Railroad Company. Petition for a writ of certiorari to the Supreme Court of the State of New York submitted by Mr. Thomas J. O'Neill for the petitioner, and by Mr. John M. Gibbons for the respondent.

No. 314. Bank Line, Limited, petitioner, *v.* Harry G. Porter, trading as H. & L. Chase et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. Charles R. Hickox, Mr. Edward R. Baird, jr., and Mr. John M. Woolsey for the petitioner, and by Mr. D. Roger Englar, Mr. T. Catesby Jones, Mr. Henry H. Little, and Mr. Henry M. Longley for the respondents.

No. 315. Aktieselskabet Dea, petitioner, *v.* Walter Wrightson, as managing owner of American Schooner "Copperfield." Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. John W. Griffin for the petitioner, and by Mr. Alex T. Howard for the respondent.

No. 316. C. W. Trickett and Justus N. Baird, petitioners, *v.* The Kaw Valley Drainage District and The City of Kansas City, Kansas. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Fred Robertson for the petitioners, and by Mr. Thomas A. Pollock and Mr. L. S. Harvey for the respondents.

No. 317. The Citizens' Wholesale Supply Company, petitioner, *v.* The Welber Company. Petition for a writ of certiorari to the Supreme Court of the State of Ohio submitted by Mr. Simeon Nash for the petitioner, and by Mr. James I. Boulger for the respondent.

No. 318. McPherson Brothers Company, petitioner, *v.* Okanogan-Douglas Inter-County Bridge Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Peter McPherson for the petitioner, and by Mr. Sam R. Sumner and Mr. John P. Hartman for the respondent.

No. 319. George M. Emmanuel, 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. N. B. K. Pettingill for the petitioner, and by Mr. Solicitor General Mitchell for the respondent.

No. 320. American Baptist Home Mission Society, petitioner, *v.* Jackson Barnett, a Mental Incompetent, etc., and 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. P. P. Campbell for the petitioner, and by Mr. Solicitor General, Mr. Assistant Attorney General Parmenter, Mr. Carroll G. Walter, and Mr. Almond D. Cochran for the respondent.

No. 323. W. L. Slayton & Company, of Toledo, Ohio, petitioner, *v.* Winston County, Alabama, et al. Petition for a writ of certiorari

to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Lewis R. Graham for the petitioner.

No. **324.** John S. Hunter, petitioner, *v.* Harry E. Baker et al. Petition for a writ of certiorari to the Court of Appeals of the State of Maryland submitted by Mr. Harvey R. Spessard for the petitioner.

No. **325.** Pampanga Sugar Mills, petitioner, *v.* Wenceslao Trinidad, as Collector, etc. Petition for a writ of certiorari to the Supreme Court of the Philippine Islands submitted by Mr. Quinton Paredes and Mr. Felipe Buencamino, jr., for the petitioner, and by Mr. William Cattron Rigby and Mr. John A. Hull for the respondent.

No. **326.** Harold E. Engemoen, petitioner, *v.* Charles L. Rea et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Glendy B. Arnold for the petitioner, and by Mr. Xenophon P. Wilfley, Mr. Fred L. Williams, and Mr. Earl F. Nelson for the respondents.

No. **327.** Daniel A. Stapleton, petitioner, *v.* Reading Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Charles A. Ludlow for the petitioner, and by Mr. Edward L. Katzenbach for the respondent.

No. **328.** S. A. Apple and Jake L. Hamon, Administrators, etc., petitioners, *v.* American National Bank of Ardmore, Oklahoma. Petition for a writ of certiorari to the Supreme Court of the State of Oklahoma submitted by Mr. W. D. Potter for the petitioners, and by Mr. William B. Johnson for the respondent.

No. **329.** The Auxiliary Schooner "Mistinguette," her Engine, etc., petitioner, *v.* The United States of America;

No. **330.** 416 Cases, G. T. Whiskey, etc., petitioner, *v.* The United States of America; and

No. **331.** 63 Kegs of Malt, containing approximately 16 Gallons each, etc., petitioner, *v.* The United States of America. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. David V. Cahill and Mr. Louis Halle for the petitioners, and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, and Mr. Arthur W. Henderson for the respondent.

No. **332.** Samuel G. Wetzler and Joseph B. Bloom, doing business as Blue Seal Chemical Company, petitioners, *v.* Edward R. Tolfree, doing business as "X" Laboratories. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. F. Gwynn Gardiner for the petitioners,

and by Mr. Frederick P. Fish and Mr. Henry R. Ashton for the respondent.

No. **333.** Malissie B. Dawson, Administratrix, etc., petitioners, *v.* Reading Company. Petition for a writ of certiorari to the Supreme Court of the State of Pennsylvania submitted by Mr. William L. Houston for the petitioner.

No. **334.** Northern Life Insurance Company, petitioner, *v.* Alice Edith Schwartz. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. F. Eldred Boland and Mr. Samuel Knight for the petitioner.

No. **335.** Compania General de Tabacos de Filipinas, petitioner, *v.* Collector of Internal Revenue. Petition for a writ of certiorari to the Supreme Court of the Philippine Islands submitted by Mr. Clyde A. DeWitt and Mr. E. Arthur Perkins for the petitioner, and by Mr. William Catron Rigby and Mr. John A. Hull for the respondent.

No. **336.** United States Shipping Board Emergency Fleet Corporation, petitioner, *v.* Jacob Telfair Smith; and

No. **337.** United States Shipping Board Emergency Fleet Corporation, petitioner, *v.* Catz American Shipping Company, Inc. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Farnum, Mr. J. Frank Staley, Mr. Chauncey G. Parker, and Mr. Arthur M. Boal for the petitioners, and by Mr. John C. Prizer for the respondent.

No. **338.** Gabriel Benitez, petitioner, *v.* The People of the Philippine Islands. Petition for a writ of certiorari to the Supreme Court of the Philippine Islands submitted by Mr. Gabriel Benitez, *pro se*, and by Mr. William Catron Rigby and Mr. John A. Hull for the respondent.

No. **339.** The Chesapeake & Ohio Railway Company, petitioner, *v.* John Waid. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. C. W. Strickling for the petitioner.

No. **340.** Jay A. Heidbrink and The Heidbrink Company, petitioners, *v.* Charles W. Hardessen Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Frank A. Whiteley for the petitioners, and by Mr. George E. Kirk for the respondent.

No. **341.** James R. Hatmaker, petitioner, *v.* The Dry Milk Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. James R. Hatmaker, *pro se*, and by Mr. Hans V. Briesen for the respondent.

No. 342. Great American Insurance Company, petitioner, *v.* Raymond W. Johnson and Noah S. Parks. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. Philip P. Steptoe and Mr. Louis A. Johnson for the petitioner.

No. 343. Clifton L. Richards, 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. Ralph A. Smith for the petitioner, and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, and Mr. C. M. Charest for the respondent.

No. 345. Montgomery Ward & Co., Incorporated, petitioner, *v.* Walter A. Gibbs. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. Charles H. Wilson and Mr. Louis Marshall for the petitioner, and by Mr. H. A. Howson and Mr. Hubert Howson for the respondent.

No. 346. Cook-O'Brien Construction Company, petitioner, *v.* L. L. Crawford. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Louis H. Chalmers and Mr. Thomas G. Navin for the petitioner, and by Mr. James P. Lavin for the respondent.

No. 347. John Martin Riehle, as Receiver in Equity of the Morosco Holding Company, Inc., petitioner, *v.* Edward Margolies. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Harry F. White for the petitioner, and by Mr. Nathan Burkan for the respondent.

No. 348. Kate R. Bondurant et al., petitioners, *v.* Mutual Life Insurance Company of New York;

No. 349. Kate R. Bondurant et al., petitioners, *v.* Massachusetts Mutual Life Insurance Company of Springfield, Massachusetts; and

No. 350. Kate R. Bondurant et al., petitioners, *v.* Lilburn Phelps, as Clerk, etc. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. W. V. Gregory for the petitioners, and by Mr. Solicitor General Mitchell and Mr. Assistant Attorney General Farnum for the respondents.

No. 351. National Surety Company of New York et al., petitioners, *v.* George Jarvis, Treasurer, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Henderson Stockton and Mr. Thomas A. Flynn for the petitioners, and by Mr. Isaac Barth for the respondent.

No. 353. Porto Rican American Tobacco Company of Porto Rico, petitioner, *v.* Juan G. Gallardo, Treasurer of Porto Rico. Petition

for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit submitted by Mr. J. Granville Meyers for the petitioner, and by Mr. William Catron Rigby and Mr. John A. Hull for the respondent.

No. 354. Augustine C. Sanford, petitioner, *v.* American Seating Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. James Hamilton Lewis for the petitioner, and by Mr. William E. Hann for the respondent.

No. 360. State of Missouri, at the relation and to the use of the Missouri Pacific Railroad Company, petitioner, *v.* C. M. Danuser, J. T. Waddill, et al. Petition for a writ of certiorari to the Supreme Court of the State of Missouri submitted by Mr. Edward J. White and Mr. Harry R. Stocker for the petitioner.

No. 361. Shanker Laxman Gokhale, 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. Meyer Kraushaar, Mr. Emanuel Celler, and Mr. Louis Marshall for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Luhring, and Mr. Harry S. Ridgely for the respondent.

No. 362. State of Missouri, at the relation of Charles M. Hurst and C. J. Steffen, petitioner, *v.* Charles H. Daues et al. Petition for a writ of certiorari to the Supreme Court of the State of Missouri submitted by Mr. Charles M. Hurst and Mr. C. H. Steffen *pro se*.

No. 363. Federal Trade Commission, petitioner, *v.* Alfred Klesner, doing business, etc. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia submitted by Mr. Solicitor General Mitchell for the petitioner.

No. 365. C. E. Hunn, Executor of the Estate of F. L. Miner, deceased, F. L. Townsend et al., petitioners, *v.* E. A. Lewis et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Irwin R. Blaisdell for the petitioners, and by Mr. H. H. Stipp for the respondent.

No. 366. The Consolidation Coal Company, Incorporated, petitioner, *v.* Societa Commerciale di Navigazione, owner, etc. 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. Russell T. Mount for the petitioner, and by Mr. Floyd Hughes for the respondent.

No. 367. Harry L. Reed, petitioner, *v.* Louisiana Oil Refining Corporation. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr.

J. D. Wilkinson and Mr. Huey P. Long for the petitioner, and by Mr. Elias Goldstein for the respondent.

No. 368. St. Louis Merchants Bridge Terminal Railway Company, petitioner, *v.* William Van Loon. Petition for a writ of certiorari to the Supreme Court of the State of Missouri submitted by Mr. J. L. Howell for the petitioner, and by, Mr. Sidney Thorne Able for the respondent.

No. 369. Lancaster Iron Works, Inc., petitioner, *v.* J. C. Penney-Gwinn Corporation et al.; and

No. 370. Lancaster Iron Works, Inc., petitioner, *v.* J. C. Penney-Gwinn Corporation et al. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. John P. Stokes, Mr. Scott M. Loftin, and Mr. James E. Calkins for the petitioner, and by Mr. William E. Kay and Mr. Thomas B. Adams for the respondent.

No. 372. The United States Printing and Lithograph Company, petitioner, *v.* Griggs, Cooper & Company. Petition for a writ of certiorari to the Supreme Court of the State of Ohio submitted by Mr. Frank F. Dinsmore and Mr. Walter F. Murray for the petitioner, and by Mr. Orris P. Cobb for the respondent.

No. 373. Wabash Railway Company, petitioner, *v.* J. E. Westover. Petition for a writ of certiorari to the Supreme Court of the State of Missouri submitted by Mr. Homer Hall and Mr. N. S. Brown for the petitioner, and by Mr. Wm. H. Douglass for the respondent.

No. 374. Warner Moore and Thomas L. Moore, copartners, etc., petitioners, *v.* The United States of America, as owner, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Ira A. Campbell and Mr. D. Roger Englar for the petitioners, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Farnum, Mr. J. Frank Staley, and Mr. Joseph Larocque for the respondent.

No. 375. The United States of America, petitioner, *v.* California Cooperative Canneries. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia submitted by Mr. Solicitor General Mitchell and Mr. Assistant to the Attorney General Donovan for the petitioner, and by Mr. Frank J. Hogan for the respondent.

No. 378. Paul C. Keyes, Receiver, etc., petitioner, *v.* First National Bank of Aberdeen, South Dakota. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Charles O. Bailey, Mr. John H. Voorhees, Mr. Theodore M. Bailey, and Mr. Ray F. Bruce for the petitioner, and by Mr. John Junell and Mr. Egbert S. Oakley for the respondent.

No. 379. Daniel J. Shields, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia submitted by Mr. M. M. Doyle and Mr. Frederick A. Thuee for the petitioner, and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, and Mr. John J. Byrne for the respondent.

No. 381. Societa Nazionale Di Navigazione, claimant, etc., petitioner, *v.* The Rheinstrom Brothers Co. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Homer L. Loomis for the petitioner, and by Mr. Oscar R. Houston and Mr. Ezra G. Benedict Fox for the respondent.

No. 382. Humphreys Oil Company and The Pure Oil Company, petitioners, *v.* Joe Will Tatum and wife Lizzie Tatum, L. C. Puckett, et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Clyde A. Sweeton for the petitioners, and by Mr. J. D. Williamson for the respondents.

No. 383. Chicago, Indianapolis and Louisville Railway Company, petitioner, *v.* Aven H. Stierwalt. Petition for a writ of certiorari to the Appellate Court of the State of Indiana submitted by Mr. Edmund F. Trabue and Mr. Alfred Evens for the petitioner, and by Mr. Tom Davis and Mr. Ernest A. Michel for the respondent.

No. 384. William H. Haar, 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. A. Lawrence, Mr. T. M. Cunningham, jr., and Mr. P. P. Campbell for the petitioner, and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, Mr. White B. Miller, Mr. C. M. Charest, and Mr. Sewall Key for the respondent.

No. 386. Maryland Casualty Company, petitioner, *v.* School District No. 1 of the City of Hayward, Wisconsin. Petition for a writ of certiorari to the Supreme Court of the State of Wisconsin submitted by Mr. Francis E. McGovern for the petitioner, and by Mr. W. T. Doar for the respondent.

No. 387. E. Machlett & Son, petitioner, *v.* Claude Neon Lights, Inc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. S. E. Darby, jr., and Mr. Dean S. Edmonds for the petitioner, and by Mr. Edwin J. Prindle, Mr. Thomas Ewing, and Mr. William Bohleber for the respondent.

No. 388. Order of the United Commercial Travelers of America, petitioner, *v.* Minnie Garbush. Petition for a writ of certiorari to the Supreme Court of the State of Minnesota submitted by Mr. A. V.

Rieke for the petitioner, and by Mr. George H. Sullivan for the respondent.

No. 389. Bakelite Corporation, petitioner, *v.* Frischer & Co., Inc., Randes Importing Company, et al. Petition for a writ of certiorari to the United States Court of Customs Appeals submitted by Mr. Albert MacC. Barnes, jr., for the petitioner, and by Mr. Meyer Kraushaar for the respondent.

No. 391. Henry Leroy Lewis, petitioner, *v.* Lewis Jones, Administrator of the Estate of Tom Chapman, deceased. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. Robert H. Talley and Mr. David Meade White for the petitioner, and by Mr. S. S. P. Patteson for the respondent.

No. 392. Anaconda Copper Mining Company, petitioner, *v.* Carson Investment Company and John Henry Miller, Trustee. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Charles E. Hughes, Mr. L. O. Evans, Mr. Arthur A. Olson, and Mr. William Wallace, jr., for the petitioner, and by Mr. Frank H. Hitchcock, Mr. George W. Wickersham, Mr. John H. Miller, and Mr. A. W. Boyken for the respondents.

No. 394. I. H. Nakdimen, petitioner, *v.* First National Bank and Merchants National Bank. Petition for a writ of certiorari to the Supreme Court of the State of Arkansas submitted by Mr. James B. McDonough for the petitioner, and by Mr. John P. Woods for the respondents.

No. 395. Ruth B. DeHanas and Jesse L. DeHanas, petitioners, *v.* Cortez-King Brand Mines Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Joseph W. Howell for the petitioners.

No. 396. Ernest A. Moross and Mary Kathryn Moross, petitioners, *v.* Hillsdale County, State of Michigan. Petition for a writ of certiorari to the Supreme Court of the State of Michigan submitted by Mr. Amariah F. Freeman for the petitioners, and by Mr. Clare Retan for the respondent.

No. 397. Michael Gillam, as Master and Claimant of Schooner "Vinces" and her cargo, 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. Frank D. Moore and Mr. Carl E. Whitney for the petitioner, and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, and Mr. Arthur W. Henderson for the respondent.

No. 398. Francis L. Klinge, petitioner, *v.* The State of Minnesota. Petition for a writ of certiorari to the Supreme Court of the State of Minnesota submitted by Mr. Harlan E. Leach for the petitioner.

No. 401. Lau Ah Leong, petitioner, *v.* Fung Dai Kim Ah Leong. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Harry Irwin, Mr. S. Hasket Derby, and Mr. A. G. M. Robertson for the petitioner, and by Mr. Ira L. Ewers for the respondent.

No. 402. Lottie C. Conklin, as Administratrix, etc., petitioner, *v.* The United States of America and Sadie Mae Deavenport, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Charles H. Sooy for the petitioner, and by Mr. Solicitor General Mitchell and Mr. Assistant Attorney General Farnum for the respondents.

No. 404. W. R. Grace & Company, petitioner, *v.* New Orleans and South American Steamship Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Ezra G. Benedict Fox and Mr. D. Roger Englar for the petitioner, and by Mr. Russell T. Mount for the respondent.

No. 405. Edgar J. Phillips and Earl A. Darr, as executors, etc., petitioners, *v.* Edward E. Gnichtel, as Collector, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Earl A. Darr, *pro se*, and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, and Mr. S. Dee Hanson and Mr. C. M. Charest for the respondent.

No. 406. Sixto Talag, petitioner, *v.* C. E. Nathorst. Petition for a writ of certiorari to the Supreme Court of the Philippine Islands submitted by Mr. José Abad Santos for the petitioner, and by Mr. William Catron Rigby and Mr. John A. Hull for the respondent.

No. 407. Commissioner of Internal Revenue, petitioner, *v.* Old Colony Railroad. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit submitted by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, and Mr. C. M. Charest for the petitioner, and by Mr. James S. Y. Ivins, and Mr. Kingman Brewster for the respondent.

No. 410. Stanley's Incorporated Store No. Three, petitioner, *v.* H. R. Earl, Bankrupt. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Aubrey Lawrence for the petitioner.

No. 412. Joseph Chernik, petitioner, *v.* Clyde Steamship Company. Petition for a writ of certiorari to the Court of Appeals of the State of New York submitted by Mr. Joseph Townsend England for the petitioner, and by Mr. Ray Rood Allen for the respondent.

No. 413. W. R. Freeman and C. Boettcher, as Receivers, etc., petitioners, *v.* Bonnie E. Frasher, Administratrix, etc. Petition for a writ of certiorari to the Supreme Court of the State of Colorado submitted by Mr. Milton Smith, Mr. Elmer L. Brock, and Mr. E. R. Campbell for the petitioners.

No. 416. The United States of America, *ex rel.* Niels Peter Clausen, petitioner, *v.* Hon. Benjamin M. Day, Commissioner of Immigration. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Silas B. Axtell and Mr. Charles A. Ellis for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Luhring, and Mr. Harry S. Ridgely for the respondent.

No. 417. Glenn Stineman, petitioner, *v.* Peninsula State Steamship Corporation, as owner, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. Jacob Louis Morewitz for the petitioner.

No. 418. Freda Bergeron, petitioner, *v.* The Travelers Insurance Company of Hartford, Conn. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Karl J. Knoepfler for the petitioner, and by Mr. J. A. C. Kennedy for the respondent.

No. 421. Federal Telephone & Telegraph Company, petitioner, *v.* Caroline Wilks, as Administratrix, etc. Petition for a writ of certiorari to the Supreme Court of the State of New York, County of Erie, submitted by Mr. Welles V. Moot for the petitioner, and by Mr. Ernest W. McIntyre for the respondent.

No. 427. Simon F. Williams, as Administrator, etc., petitioner, *v.* Penn Mutual Life Insurance Company; and

No. 428. Simon F. Williams, as Administrator, etc., petitioner, *v.* Penn Mutual Life Insurance Company. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. George C. Bedell and Mr. Isaac A. Stewart for the petitioner, and by Mr. P. O. Knight, Mr. C. Alfred Thompson, Mr. A. G. Turner, and Mr. James F. Glen for the respondent.

No. 447. B. E. Quinn, petitioner, *v.* Rozina P. Davis, et vir. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. J. Austin Barnes for the petitioner, and by Mr. Will E. Orgain for the respondents.

The Chief Justice announced the following order:

It will have been noted that since the close of last term there have been filed petitions for certiorari to the number of 244. This has thrown something of a burden upon the court, an anticipated result of the act of February 13, 1925, in the orderly accomplishment of its purpose. The members of the Court have therefore during the vacation, as opportunity offered, devoted much time to the consideration of the records and briefs filed with these petitions in order that they may be disposed of in the early days of this term.

It was the purpose of the Court to hear one case—the Gilchrist 5-cent fare case—from New York City, to-day and to-morrow, and to devote the rest of the week to conference upon the certioraris. By reason the illness of counsel, the Gilchrist case has now been postponed for two weeks. This leaves open to us, after we have, in accordance with custom, paid the respects of the Court to the President of the United States, the entire week for the consideration of the pending petitions for certiorari, and will enable us on each of the next four Mondays to dispose of these petitions by granting or rejecting them.

The Court will now adjourn until Monday, October 8, to begin the hearing of cases set for that day, and the regular calendar following.

Adjourned until Monday next, at 12 o'clock.

The day call for Monday, October 8, will be as follows: Nos. 9, original, 34, 3, 11, 13, 16 (and 17), 18, 20, 22 (and 23), and 24 (and 54).

SUPREME COURT OF THE UNITED STATES

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

Roland Becsey, of San Francisco, Calif.; Gerard Brandon, of Natchez, Miss.; Rufus Creekmore, of Jackson, Miss.; Henry A. Schweinhaut, of Washington, D. C.; Victor W. Gilbert, of Meridian, Miss.; Morton P. Fisher, of Baltimore, Md.; Stuart Arthur Culbertson, of Meadville, Pa.; C. F. Miller, of Oklahoma City, Okla.; Leigh L. Nettleton, of Washington, D. C.; Theodore B. Chancellor, of Brooklyn, N. Y.; Reginald L. Vaughan, of San Francisco, Calif.; Herman Mohr, of Los Angeles, Calif.; Woodward M. Taylor, of Los Angeles, Calif.; John W. Eggleston, of Norfolk, Va.; Robert W. Brown, of Washington, D. C.; Jerome Walsh, of Kansas City, Mo.; William Otis Russell, of Los Angeles, Calif.; G. R. Lipscomb, of Fort Worth, Tex.; and Charles H. Sachs, of Pittsburgh, Pa., were admitted to practice.

The Chief Justice announced the following orders of the Court:

No. —, original. *Ex parte*: In the matter of the Bakelite Corporation, petitioner. The motion for leave to file petition for writ of prohibition is granted and a rule to show cause is ordered to issue returnable on Monday, October 29 next.

No. —, original. *Ex parte*: In the matter of The Public National Bank of New York, petitioner. The motion for leave to file petition for a writ of mandamus is granted and a rule to show cause is ordered to issue returnable on Monday, October 29, next.

No. 46. The United States, petitioner, *v.* The Cambridge Loan and Building Company. Further consideration of the motion to remand is postponed until the hearing of the case on its merits.

No. 116. Isom Grayson, Macey Keys, et al., plaintiffs in error, *v.* James A. Harris, William H. Harris, et al. In error to the Supreme Court of the State of Oklahoma. *Per curiam*: The writ of error is dismissed on the authority of section 237 of the Judicial Code, as amended by the act of February 13, 1925 (43 Stat. 936, 937), for lack of jurisdiction. Treating the writ of error as an application for certiorari, the same is granted.

No. 295. Norman Breaux Lumber Company, plaintiff in error, and appellant, *v.* W. H. Reed, Tax Collector of Adams County, Mississippi, and his successor in office. In error to and appeal from the Supreme Court of the State of Mississippi. *Per curiam*: The motion to dismiss is granted for the reason that the judgment of the State court sought here to be reviewed was based on a non-Federal ground adequate to support it. *Bilby v. Stewart*, 246 U. S. 255, 257; *Farson, Son & Co. v. Bird*, 248 U. S. 268, 271.

No. 376. Firemens' Insurance Company of Newark, New Jersey, appellant, *v.* James A. Beha, as Superintendent, etc. The motion to advance this case is granted and the case assigned for argument on Monday, January 7, next.

No. 230. Jorgensen-Bennett Manufacturing Company, appellant, *v.* Will S. Knight, Sheriff, et al. The motion to substitute a stipulated record in this case is granted.

No. 284. Lee Hawkins, petitioner, *v.* F. P. Pulley and C. L. Davis, Trustees. On petition for a writ of certiorari to the Supreme Court of Appeals of the State of Virginia. *Per curiam*: The motion for leave to proceed further herein *in forma pauperis* is denied for the reason that the Court, upon examination of the unprinted record herein submitted, finds that there is no Federal question upon which certiorari can be issued, application for which is therefore also denied. The costs already incurred herein by direction of the Court shall be paid by the clerk from the special fund in his custody, as provided in the order of October 29, 1926.

No. 380. Mrs. Wid Wilfred Guillot, plaintiff in error and appellant, *v.* Louisiana Railway and Navigation Company. In error to and appeal from the Supreme Court of the State of Louisiana. *Per curiam*: The writ of error and appeal heretofore allowed in this cause must be dismissed for the want of jurisdiction.

The motion for leave to proceed further herein *in forma pauperis* is denied for the reason that the Court, upon examination of the unprinted record herein submitted, finds that, even if the same be treated as an application for a writ of certiorari, there is no Federal question upon which such a writ can be issued, application for which is therefore also denied.

The costs already incurred herein by direction of the Court shall be paid by the clerk from the special fund in his custody, as provided in the order of October 29, 1926.

No. 390. Gladys Anderson and her husband, Chet Anderson, petitioners, *v.* McGill Club. On petition for a writ of certiorari to the Supreme Court of the State of Nevada. *Per curiam*: The motion for leave to proceed further herein *in forma pauperis* is denied for the reason that the Court, upon examination of the unprinted record

herein submitted, finds that there is no Federal question upon which certiorari can be issued, application for which is therefore also denied. The costs already incurred herein by direction of the Court shall be paid by the clerk from the special fund in his custody, as provided in the order of October 29, 1926.

No. 133. The Chesapeake and Ohio Railway Company, petitioner, *v.* Tobe Stapleton, by his statutory guardian, Marion Stapleton. Petition for writ of certiorari to the Court of Appeals of the State of Kentucky granted.

No. 155. Rice and Adams Corporation, petitioner, *v.* Harry D. Lathrop. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 160. The Virginian Railway Company, petitioner, *v.* J. E. Kirk. Petition for writ of certiorari to the Supreme Court of the State of West Virginia granted.

No. 164. County of Spokane and County of Whitman, Washington, petitioners, *v.* The United States of America. Petition for writ of certiorari to the Supreme Court of the State of Washington granted.

No. 183. Henry Leonard, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims granted.

No. 195. The United States of America, petitioner, *v.* Oscar Edwin Ferdinand Persson. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit granted.

No. 196. The United States of America, petitioner, *v.* Marco Nicolich. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit granted.

No. 203. Chin Mon *ex rel.* Chin Yuen, petitioner, *v.* Anna C. M. Tillinghast, United States Commissioner of Immigration. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit granted.

No. 219. The Delaware, Lackawanna and Western Railroad Company, petitioner, *v.* John Koske. Petition for writ of certiorari to the Court of Errors and Appeals of the State of New Jersey granted.

No. 220. John Johnson, petitioner, *v.* United States Shipping Board Emergency Fleet Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 182. Allie E. Lewis and William Lloyd Lewis, petitioners, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit is granted, but the argument is to be limited to the question of jurisdiction and the determination whether the trial took place in accord-

ance with the act of February 16, 1925, and section 59 of the Judicial Code, properly construed, and whether the right of petitioner under the sixth amendment to the Constitution was infringed thereby.

No. 165. Andrew Jackson, petitioner, *v.* W. C. Evans. On petition for writ of certiorari to the Supreme Court of the State of Louisiana. Dismissed with costs.

No. 120. Paul Schainman, petitioner, *v.* W. E. Dean, as Trustee of the Estate of Isidore Lichtenberg, a bankrupt. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 121. Mary Roxburghe, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 122. Dollar Steamship Line, owner of the S. S. "Mellville Dollar," petitioner, *v.* Matson Navigation Co., owner of the S. S. "Mauna Ala." Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 123. The Victor-American Fuel Company, petitioner, *v.* Huerfano Agency Company, The Brennan Coal Mining Company, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 124. Ben S. Thurlow, Mary Thurlow, et al., petitioners, *v.* Waite Phillips Company, Independent Oil & Gas Company, et al.;

No. 125. A. P. Douthit, petitioner, *v.* Waite Phillips Company, Independent Oil & Gas Company, et al.; and

No. 126. Ike E. Nelson, Hattie Nelson, et al., petitioners, *v.* Waite Phillips Company, Independent Oil & Gas Company, et al. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 127. Grattan D. Phillips, jr., petitioner, *v.* Margaret A. Phillips, Individually, etc. Petition for writ of certiorari to the Supreme Court of the State of California denied.

No. 128. Sanitary Refrigerator Co., petitioner, *v.* Alexander F. Winters and Basil C. Crampton. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 134. John Henderson, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 136. Abe Washington, petitioner, *v.* The State of Florida. Petition for writ of certiorari to the Supreme Court of the State of Florida denied.

No. 137. The People of the State of New York on the relation of Thomas H. Hayes, petitioner, *v.* George V. McLaughlin, as Police

Commissioner, etc. Petition for writ of certiorari to the Supreme Court of the State of New York denied.

No. 138. Samuel Zemurray, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 139. Nellie Bartlett Chase, petitioner, *v.* Charles W. Bartlett, Guardian. Petition for writ of certiorari to the Supreme Court of the State of North Carolina denied.

No. 140. California Wine Association of New York, Inc., petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 141. John Irving, petitioner, *v.* Alexander Barker. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 142. The Belt Railway Company of Chicago, petitioner, *v.* Ola Pfeifer, Administratrix, etc. Petition for writ of certiorari to the Appellate Court of the State of Illinois, First District, denied.

No. 143. James A. Hewes and Frank W. Potter, petitioners, *v.* S. Deiches & Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 144. Alex Mudd, petitioner, *v.* Samuel A. Perry, Charles B. Rogers, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 145. Hubert F. Laugharn, as Trustee, etc., petitioner, *v.* Celia Chandler. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 146. Union Pacific Railroad Company, petitioner, *v.* Frank K. Bowers. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 149. Tyler County, Texas; G. C. Bradfield, County Judge, et al., petitioners, *v.* F. P. Town. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 150. Cudahy Packing Company, petitioner, *v.* City of Omaha and Metropolitan Utilities District, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 152. Lydia M. Green, individually and as Executrix, etc., petitioner, *v.* Victor Talking Machine Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 153. Albert Pick & Company, petitioner, *v.* W. K. Holt, J. B. McCoy, and David A. Rendleman, Trustees, etc. Petition for writ

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

No. 154. Roberta T. Lyon, petitioner, *v.* The Travellers' Protective Association of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 156. American Surety Company of New York, petitioner, *v.* Cove Irrigation District. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 158. Nevada-California-Oregon Railway Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 162. United States Fidelity & Guaranty Company, petitioner, *v.* William Blankenhorn, Ford Motor Company, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 163. Harold F. Reed, petitioner, *v.* National Surety Company. Petition for writ of certiorari to the Superior Court for the County of Suffolk, State of Massachusetts denied.

No. 167. The District of Columbia, petitioner, *v.* Oscar Wilkinson. Petition for writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 168. James E. Brady and Arthur J. Baxter, petitioners, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 170. Paul Gappa, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 171. Capital Traction Company, petitioner, *v.* Alvin L. Newmyer, administrator, etc. Petition for writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 172. Kate W. Rosenberger, petitioner, *v.* Blakely D. McCaughn, Collector of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 175. Fourth and Central Trust Company, Sole Surviving Executor, etc., petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 176. Abraham P. Waxman, petitioner, *v.* Channing Pollock, Edgar Selwyn, and Arch Selwyn. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 177. Southern Surety Company of Des Moines, Iowa, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eight Circuit denied.

No. 180. The United States of America *ex rel.* James A. Jordan, petitioner, *v.* John H. Glass, United States Marshal, etc.;

No. 188. The United States of America *ex rel.* Jacob Mayer, petitioner, *v.* John H. Glass, United States Marshal, etc.;

No. 202. The United States of America *ex rel.* William A. Quinn, petitioner, *v.* John H. Glass, United States Marshal, etc.;

No. 206. The United States of America *ex rel.* William V. Loughran, petitioner, *v.* John H. Glass, United States Marshal, etc.; and

No. 207. United States of America *ex rel.* Lester Lord, jr., petitioner, *v.* John H. Glass, United States Marshal, etc. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 181. Jacob Schliff and Abraham Schliff, copartners, doing business under the firm name and style of Schliff Bros., petitioners, *v.* Eagle and Star British Dominions Insurance Company, Ltd. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 184. Southern Pacific Company, petitioner, *v.* Industrial Commission of Utah and Joseph Surrage. Petition for writ of certiorari to the Supreme Court of the State of Utah denied.

No. 185. K. C. Lee and Chew Fook Gum, petitioners, *v.* The United States of America;

No. 199. Henry Kuhn, petitioner, *v.* The United States of America; and

No. 359. Leon Duck, petitioner, *v.* The United States of America. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 187. T. Hogan & Sons, Inc., petitioner, *v.* L. Boyers' Sons Co.; and

No. 217. L. Boyers' Sons Company, petitioner, *v.* T. Hogan & Sons, Inc. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 189. Paul T. McFarland, as County Treasurer of Shawnee County, Kansas, et al., petitioners, *v.* The Central National Bank of Topeka, Kansas. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 190. Chin Thyn, petitioner, *v.* Victor Loisel, U. S. Marshal. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 191. Joseph U. Barnes, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 192. County of Delaware, Pennsylvania, petitioner, *v.* United States Shipping Board Emergency Fleet Corporation; and

No. 193. School District of Tinicum Township, Pennsylvania, petitioner, *v.* United States Shipping Board Emergency Fleet Corporation. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 197. P. N. Salisbury, petitioner, *v.* The Atchison, Topeka & Santa Fe Railway Company. Petition for writ of certiorari to the Supreme Court of the State of Kansas denied.

No. 198. Arthur J. Karnuth, United States Director of Immigration, et al., petitioners, *v.* United States of America, on the petition of Preston M. Albro, an Attorney, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 200. John W. LeCrone, Receiver, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 201. United States Fire Insurance Company of the City of New York, petitioner, *v.* Joseph B. Sullivan. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 204. U. S. Industrial Chemical Co., Inc., and Sterno Corporation, petitioners, *v.* The Theroz Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 211. The State of Oregon *ex rel.* I. H. Van Winkle, Attorney General, petitioner, *v.* John C. Siegmund, County Judge, substituted, etc. Petition for writ of certiorari to the Supreme Court of the State of Oregon denied.

No. 212. Leo J. Wallenstein and Paul Comora, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 213. John Steidle, as Administrator of the Goods, etc., petitioner *v.* Reading Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 214. F. W. Mattheissen, jr., petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 215. James A. Sackley Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 216. C. B. Cottrell & Sons Company, petitioner, *v.* Claybourn Process Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 218. Sol Rubín, petitioner, *v.* Samuel Midlinsky. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 221. Alexander Eccles & Company, petitioner, *v.* Strachan Shipping Company. Petition for writ of certiorari to the United States Circuit Court of Appeals denied.

No. 222. Pan American Petroleum & Transport Company, petitioner, *v.* Steamship "Virginia," Texas Steamship Company, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 223. Washington and Old Dominion Railway, a corporation, petitioner, *v.* Arthur W. McPherson. Petition for writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 224. Northern Oklahoma Railways, Guy Patten and M. E. Gaskill, petitioners, *v.* Missouri-Kansas-Texas Railroad Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 351. National Surety Company of New York and Fidelity & Deposit Company of Maryland, petitioners, *v.* George Jarvis, Treasurer of the County of Apache, State of Arizona, etc. The petition for a writ of certiorari to a decree of the United States Circuit Court of Appeals for the Ninth Circuit is denied. The brief of counsel for the respondent in this case contains language of which complaint is made by opposing counsel for the petitioner. The brief for the respondent betrayed great impatience at the language and claims of the petitioner's brief, and urged penalty for delay thereby caused. An examination of petitioner's brief shows no words like those complained of, and yet the respondent characterizes them most severely. Because no page references are made by respondent's counsel to the record in accord with the rules, to sustain his criticism, and because the brief of petitioner complained of does not contain the words criticized, we deem it proper to animadvert upon the bad temper and recklessness of respondent's counsel in making such unsupported statements. We must insist that arguments in this Court, either oral or written, though often properly in sharp controversy, shall be gracious and respectful to both the Court and opposing coun-

sel, and be in such words as may be properly addressed by one gentleman to another.

The brief of respondent in this case is ordered to be stricken from the files as not printed in accordance with the rules, and also for the reasons stated.

Suggestion has been made that there should be issued against the author of the offending brief in this case a rule to show cause why he should not be committed for contempt, but it is thought that this expression of the Court will be sufficient to prevent recurrence.

No. 33. Surplus Trading Company, plaintiff in error, *v.* J. M. Haynie, as Sheriff, etc. Motion to amend record submitted by Mr. Tom Poe for the defendant in error.

No. 34. Louis K. Liggett Company, appellant, *v.* The Honorable Thomas J. Baldrige, Attorney General of the Commonwealth of Pennsylvania, et al. Leave granted to file brief of Sol M. Stroock, as *amicus curiae*, on motion of Mr. C. C. Carlin in that behalf.

No. 421. Federal Telephone & Telegraph Company, petitioner, *v.* Caroline Wilks, as Administratrix, etc. Leave granted to file reply brief for the petitioner within two days, on motion of Mr. Joseph C. Colquitt in behalf of Mr. Welles V. Moot for the petitioner.

No. 34. Louis K. Liggett Company, appellant, *v.* The Honorable Thomas J. Baldrige, Attorney General of the Commonwealth of Pennsylvania, et al. Leave granted to file brief of Charles H. Sachs and Louis Kaplan for the May Drug Company, as *amicus curiae*, on motion of Mr. Charles H. Sachs in that behalf.

Report of the clerk of action taken pursuant to the order of the Court of February 20, 1928, with respect to the funds on hand representing balances due litigants in cases decided prior to October term, 1922, submitted by the clerk and ordered to be filed.

No. 33. Surplus Trading Company, plaintiff in error, *v.* J. M. Haynie, as Sheriff, etc. Motion to dismiss submitted by Mr. H. W. Applegate, Mr. Sam T. Poe, and Mr. Tom Poe for the defendant in error, in support of the motion, and by Mr. G. B. Rose, Mr. D. H. Cantrell, Mr. J. H. Loughborough, Mr. A. W. Dobyons, and Mr. A. F. House, for the plaintiff in error, in opposition thereto.

No. 241. The People of the State of California, appellant, *v.* William M. Mouse. Appeal from the Supreme Court of the State of California. Dismissed with costs on motion of counsel for the appellant.

No. 253. G. A. Oyster and W. A. Watson, partners, etc., plaintiffs in error, *v.* The Public Utilities Commission of Ohio. Statement as to jurisdiction submitted by Mr. John W. Bricker for the plaintiffs in error.

No. 260. Ivy L. Leonard and Thomas B. Leonard, copartners, etc., plaintiffs in error and appellants, *v.* Swepson Earle, Conservation Commissioner, etc. Statement as to jurisdiction submitted by Mr. William L. Rawls for the plaintiffs in error and appellants.

No. 273. The Ann Arbor Railroad Company et al., appellants, *v.* The United States of America et al. Statement as to jurisdiction submitted by Mr. Herman Phleger and Mr. Frederic D. McKenney for the appellants.

No. 274. George J. J. Mackay, plaintiff in error, *v.* The State of Ohio. Statement as to jurisdiction submitted, by Mr. George J. J. Mackay, *pro se.*

No. 278. The Cudahy Packing Company, a corporation, appellant, *v.* Jay Grant Hinkle, Secretary, etc. Statement as to jurisdiction submitted by Mr. J. Harry Covington, Mr. Thomas M. Askren, and Mr. Edward B. Palmer for the appellant.

No. 279. Wm. O. Bohnefeld, plaintiff in error and appellant, *v.* Security National Bank. Statement as to jurisdiction submitted by Mr. E. G. Wilson and Mr. J. M. Springer for the plaintiff in error and appellant.

No. 296. James R. Helson and Clyde Randolph, doing business, etc., plaintiffs in error, *v.* Commonwealth of Kentucky, by Milton Board, Revenue Agent, etc. Statement as to jurisdiction submitted by Mr. Charles K. Wheeler for the plaintiffs in error.

No. 305. The United States of America, appellant, *v.* Fruit Growers Express Company. Statement as to jurisdiction submitted by Mr. Solicitor General Mitchell and Mr. Assistant to the Attorney General Donovan for the appellant.

No. 306. Carson Petroleum Company, plaintiff in error and appellant, *v.* Leon C. Vial, Sheriff, etc., et al. Statement as to jurisdiction submitted by Mr. William E. Leahy for the plaintiff in error and appellant.

No. 313. M. B. Garris Properties, Inc., and W. L. Shoemaker, appellants, *v.* John W. Martin, as Governor, et al. Statement as to jurisdiction submitted by Mr. Charles R. Pierce for the appellants in support thereof, and by Mr. Fred H. Davis for the appellees in opposition thereto.

No. 321. Leon Sampere, plaintiff in error and appellant, *v.* The City of New Orleans. Statement as to jurisdiction submitted by Mr. William Winans Wall for the plaintiff in error and appellant.

No. 322. John A. McKay, appellant, *v.* Hector McInnes, Stuart Jenks, et al. Statement as to jurisdiction submitted by Mr. Paul B. Cromelin and Bolitha J. Laws for the appellant.

No. 352. Abraham Braunstein, plaintiff in error and appellant, *v.* The People of the State of New York on the complaint of Gertrude E. McCarthy. Statement as to jurisdiction submitted by Mr. Jay Leo Rothschild for the plaintiff in error and appellant.

No. 385. Era W. Moore (formerly Era W. Cobb), joined by her husband, C. G. Moore, A. N. Green, et al., appellants, *v.* A. H. Downing, Tax Collector, etc. Statement as to jurisdiction submitted by Mr. J. Walter Cocke for the appellants.

No. 409. Charles Noyes and Joe Babb, petitioners, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. E. R. Mason for the petitioners, and by Mr. Solicitor General Mitchell and Assistant Attorney General Willebrandt for the respondent.

No. 411. American Surety Company of New York, petitioner, *v.* James A. Dick Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Francis C. Wilson for the petitioner, and by Mr. C. J. Roberts for the respondent.

No. 414. Louisville & Nashville Railroad Company, petitioner, *v.* Aaron A. B. Chatters. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Harry McCall, Mr. A. M. Warren, Mr. George Denegre, Mr. Victor Leovy, Mr. Henry H. Chaffe, and Mr. James Bruns for the petitioner.

No. 415. Southern Railway Company et al., petitioners, *v.* Aaron A. B. Chatters. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. H. O'B. Cooper, Mr. J. Blanc Monroe, Mr. Monte M. Lemann, Mr. Walter J. Suthon, jr., Mr. L. E. Jeffries, and Mr. S. R. Prince for the petitioners.

No. 419. George E. Mayor, petitioner, *v.* Central Vermont Railway Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Paul Koch for the petitioner, and by Mr. John W. Redmond for the respondent.

No. 420. Patrick F. Ryan, as Administrator of the Estate of William J. Smith, deceased, et al., petitioners, *v.* John E. Cormany, et al., as heirs, etc. Petition for writ of certiorari to the Supreme Court of the State of Tennessee submitted by Mr. J. A. Fowler and Mr.

Malcolm McDermott for the petitioners, and by Mr. Robert Burrow for the respondents.

No. 425. Mar Fow Lun, petitioner, *v.* John D. Nagle, as Commissioner, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Clarence Wood for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Luhring, and Mr. Harry S. Ridgely for the respondent.

No. 434. Leonard Goodwin Husar, 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. Milton T. U'Ren, and Mr. Leo R. Friedman for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Luhring, and Mr. Harry S. Ridgely for the respondent.

No. 435. Emil W. Schmutz, petitioner, *v.* The People of the State of Illinois *ex rel.* The Chicago Bar Association. Petition for writ of certiorari to the Supreme Court of the State of Illinois submitted by Mr. John T. Murray for the petitioner.

No. 443. The Texas Company, petitioner, *v.* Gulf Refining Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Livingston Gifford for the petitioner, and by Mr. John E. Green, jr., Mr. Melville Church, and Mr. Alfred M. Houghton for the respondent.

No. 445. J. E. Ratliffe, L. Siess, R. D. McMahan, et al., petitioners, *v.* Joe E. Meyers, Unity Oil Company, et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. W. D. Gordon for the petitioners, and by Mr. Will E. Orgain and Mr. Beeman Strong for the respondents.

No. 449. George W. Heintz and American Electric Racing Association, Inc., petitioners, *v.* Owen P. Smith. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Paul Bakewell for the petitioners, and by Mr. E. Howard McCaleb for the respondent.

No. 455. New York Central Railroad Company, petitioner, *v.* Edward H. Johnson; and

No. 456. New York Central Railroad Company, petitioner, *v.* Myrtle J. Johnson. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Sidney C. Murray and Mr. Albert S. Marley for the petitioner, and by Mr. John H. Atwood and Mr. Oscar S. Hill for the respondents.

No. 9, original. The State of Louisiana, complainant, *v.* The State of Mississippi. Three hours allowed for the argument of this case. Argument commenced by Mr. Gerald Brandon for the complainant. Argument suspended. Case to be referred to a special master to be appointed by the Court.

No. 34. Louis K. Liggett Company, appellant, *v.* The Honorable Thomas J. Baldrige, Attorney General, etc. Argued by Mr. Owen J. Roberts and Mr. Roy M. Sterne for the appellant, and by Mr. Paul C. Wagner for the appellee.

No. 3. J. Smylie Herkness, appellant, *v.* Valentine K. Irion, Commissioner, etc. Argued by Mr. John W. Davis for the appellant, and submitted by Mr. Percy Saint for the appellees.

No. 11. Standard Pipe Line Company, Inc., et al., petitioners, *v.* Commissioners of Index Sulphur Drainage District. Argument commenced by Mr. William H. Arnold for the petitioners, and continued by Mr. Henry Moore, jr., for the respondent.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, October 9, will be as follows: Nos. 11, 13, 16 (and 17), 18, 20, 22 (and 23), 24 (and 54), 27, 28, and 29.

SUPREME COURT OF THE UNITED STATES

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

Everett Brown, jr., of Philadelphia, Pa.; Franklin P. Jackson, of Los Angeles, Calif.; and Bruno V. Bitker, of Milwaukee, Wis., were admitted to practice.

No. **33**. Surplus Trading Co., plaintiff in error, *v.* J. M. Haynie, as Sheriff, etc. Leave granted plaintiff in error to file brief in opposition to motion to amend record within 10 days, on motion of Mr. Robert B. Cogswell in that behalf.

No. **11**. Standard Pipe Line Co., Inc., et al., petitioners, *v.* Commissioners of Index Sulphur Drainage District. Argument continued by Mr. Henry Moore, jr., for the respondents. The Court declined to hear further argument.

No. **13**. Frank C. Jordan, Secretary of State, and Robert V. Jordan, Deputy Secretary, etc., plaintiffs in error and petitioners, *v.* K. Tashiro, M. D., et al. Argument commenced by Mr. U. S. Webb for the plaintiffs in error and petitioners. The Court declined to hear further argument.

No. **16**. Elizabeth C. Taft, petitioner, *v.* Frank K. Bowers, Collector of Internal Revenue, etc.; and

No. **17**. Gilbert C. Greenway, Jr., petitioner, *v.* Frank K. Bowers, Collector of Internal Revenue, etc. Reargument commenced by Mr. Henry W. Taft for the petitioners in No. **16**, continued by Mr. E. G. Davis for the respondents, and by Mr. Henry W. Taft for the petitioner in No. **16**, and concluded by Mr. Hiram C. Todd for the petitioner in No. **16**.

No. **18**. Morimura, Arai & Co., petitioner, *v.* Nathan Taback et al. Argued by Mr. James D. Carpenter, jr., for the petitioner, and by Mr. Frederic M. P. Pearse for the respondents.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, October 10, will be as follows: Nos. **20, 22 (and 23), 24 (and 54), 27, 28, 29, 30, 32, 38, and 39.**

SUPREME COURT OF THE UNITED STATES

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

Duane E. Minard, of Newark, N. J.; Edward Pokorny, of Detroit, Mich.; John Edward Pokorny, of Detroit, Mich.; Emanuel van Dernoot, of New York City; Samuel A. Wright, of Seattle, Wash.; Anton C. Van Soelen, of Seattle, Wash.; and O. B. Buchanan, of Wilkesburg, Pa., were admitted to practice.

No. 15, original. The United States of America, complainant, *v.* The State of Utah. Leave granted to file answer of the defendant on motion of Mr. Harvey C. Cluff for the defendant.

No. 20. Chicago, St. Paul, Minneapolis and Omaha Ry. Co., plaintiff in error, *v.* August E. Holmberg. Argued by Mr. Wymer Dressler for the plaintiff in error, and by Mr. O. S. Spillman and Mr. Hugh La Master for the defendant in error.

No. 22. Charles Warner Co., petitioner, *v.* Independent Pier Co.; and

No. 23. Charles Warner Co., petitioner, *v.* Steamship "Gulftrade," whereof Gulf Refining Co. is claimant. Argument commenced by Mr. E. H. Brown, jr., for the petitioner, continued by Mr. Chauncey I. Clark for the respondent in No. 23, and by Mr. Howard M. Long for the respondent in No. 22, and concluded by Mr. E. H. Brown, jr., for the petitioners.

No. 24. Lehigh Valley R. R. Co., appellant, *v.* Board of Public Utility Commissioners et al.; and

No. 54. Lehigh Valley R. R. Co., appellant, *v.* Board of Public Utility Commissioners et al. Argument commenced by Mr. Duane E. Minard for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, October 11, will be as follows: Nos. 24 (and 54), 27, 28, 29, 30, 32, 38, 39, 40, and 41.

SUPREME COURT OF THE UNITED STATES

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

Vail E. Purdy, of Sioux City, Iowa; Harold G. Baker, of East St. Louis, Ill.; Ralph F. Lesemann, of East St. Louis, Ill.; and John R. Beeching, of Hutchinson, Kans., were admitted to practice.

No. 24. Lehigh Valley R. R. Co., appellant, *v.* Board of Public Utility Commissioners, Joseph Autenrieth, et al., etc.; and

No. 54. Lehigh Valley R. R. Co., appellant, *v.* Board of Public Utility Commissioners et al. Argued by Mr. Duane E. Minard and Mr. George S. Hobart for the appellant, and by Mr. John O. Bigelow for the appellees.

No. 27. Annie Marie Maney, petitioner, *v.* The United States of America. Argued by Mr. Bruno V. Bitker and Mr. Louis Marshall for the petitioner, and by Mr. Solicitor General Mitchell for the respondent.

No. 28. Jackson & Eastern Railway Co., W. I. Luke and S. A. Neville, plaintiffs in error, *v.* W. W. Burns, E. B. Nettleton, et al. Argument commenced by Mr. George B. Neville for the plaintiffs in error. The Court declined to hear further argument. Papers on writ of error to be treated as an application for certiorari.

No. 29. The State of Washington on the Relation of Seattle Title Trust Co., as Trustee, etc., plaintiff in error, *v.* George W. Roberge, as Superintendent, etc. Argument commenced by Mr. Corwin S. Shank for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, October 12, will be as follows: Nos. 29, 30, 32, 38, 39, 41, and 42.

SUPREME COURT OF THE UNITED STATES

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

Charles H. Segerstrom, of Sonora, Calif.; Michael J. Quan, of Chicago, Ill.; Mortimer Levitan, of Madison, Wis.; Charles B. Quarles, of Milwaukee, Wis.; and Irving F. Wixon, of Washington, D. C., were admitted to practice.

No. 29. The State of Washington on the relation of Seattle Title Trust Co., as Trustee, etc., plaintiff in error, *v.* George W. Roberge, as Superintendent of Building of the City of Seattle. Argument continued by Mr. Corwin S. Shank for the plaintiff in error, by Mr. A. C. Van Soelen for the defendant in error, and concluded by Mr. Corwin S. Shank for the plaintiff in error.

No. 30. The Consolidated Flour Mills Co., plaintiff in error, *v.* A. Muegge, M. F. Porter, and D. N. Porter. Argued by Mr. E. F. Colladay for the plaintiff in error, and by Mr. Lunsford L. Hamner for the defendant in error.

No. 32. Security Mortgage Co., petitioner, *v.* Charles A. Powers, Trustee, etc. Argued by Mr. John E. Benton for the petitioner and by Mr. Walter S. Dillon for the respondent.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, October 15, will be as follows: Nos. 4 (and 1), 159, 15, 35 (and 36), 37, 38, 39, 40, 41, and 42.

SUPREME COURT OF THE UNITED STATES

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

J. Calvin Brown, of Los Angeles, Calif.; Edward Walbridge, of Miami, Fla.; William Dean Embree, of New York City; James P. Plunkett, of St. Paul, Minn.; Paul M. Beach, of Eau Claire, Wis.; Sigurd A. Emerson, of Elizabeth, N. J.; Louis Ossinsky, of Daytona Beach, Fla.; Michael H. Feldman, of Elizabeth, N. J.; James I. Bowers, of Somerville, N. J.; James A. Meredith, of Fairmont, W. Va.; Walter Burgwyn Jones, of Montgomery, Ala.; Truman R. Hawley, of New York City; Braden Vandeventer, of Norfolk, Va.; and Hans Hanson, of Black River Falls, Wis., were admitted to practice.

No. 68. Fostern-Fountain Packing Company, Inc., and Sea Food Company, appellants, *v.* E. J. Haydel, Fred Schouest, L. R. Cabriac, et al. Appeal from the District Court of the United States for the Eastern District of Louisiana. Decree reversed with costs, and cause remanded to said District Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Butler. Dissenting opinion by Mr. Justice McReynolds.

No. 69. L. O. Johnson, Jr., and Sea Food Company, Tanas Hebert, et al., appellants, *v.* E. J. Haydel, Fred Schouest, L. R. Cabriac, et al. Appeal from the District Court of the United States for the Eastern District of Louisiana. Decree reversed with costs, and cause remanded to said District Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Butler.

The Chief Justice announced the following orders of the Court:

ORDER

The Court has considered the report of the clerk respecting the action taken under its order of February 20, 1928, relating to the balances in his hands aggregating \$7,403.49 and composed of monies

paid in to meet anticipated costs in cases which, although pending when the payments were made, were finally disposed of before the opening of the October term, 1922;

And it appearing that the clerk forthwith after the making of that order gave public notice by publication, as directed therein, to the effect that all persons claiming to be entitled to any part of such monies were required to present their claims on or before the 15th day of May, 1928, and that all such monies to which no valid claim was presented before that date would be disposed of as provided in such order;

And it appearing that after the making of the order of February 20, 1928, the clerk ascertained and found the true claimants to items aggregating \$1,914.58 of the monies described in such order and duly paid the same to such claimants as shown in his report;

And it appearing, as shown in the clerk's report, that two further items of such monies—that is to say, an item of \$381.80 in the case of *State of Louisiana v. State of Mississippi*, No. 11, original, October term, 1905, and an item of \$2,612.26 in the case of *State of North Carolina v. State of Tennessee*, No. 4, original, October term, 1916—are in a situation which may enable the clerk, if given further time, to pay the same to the true claimants;

And it appearing that apart from the two items last above specified there remains in the clerk's hands an aggregate of \$2,494.85 of the monies described in such report, that no claim to any part of this sum has been made or asserted pursuant to such order and that the clerk, although making diligent effort to ascertain and find the true claimants to the same, has been unable to ascertain and find any claimants thereto;

It is therefore considered and ordered by the Court:

1. The payment by the clerk to various claimants of items aggregating \$1,914.58 is approved and the clerk shall have credit accordingly in his accounts.

2. The clerk shall retain for the time being the two items of \$381.80 and \$2,612.26 before specified and shall continue his efforts looking to the ultimate payment of these items to the rightful claimants. A further report on these two items shall be made by the clerk before the close of the present term.

3. The clerk is directed to pay the sum of \$2,494.85, being the aggregate of unclaimed items, into the Treasury of the United States, to be there held and disposed of as is now or may be hereafter provided by law. Such payment into the Treasury shall be accompanied by a certified copy of the order of February 20, 1928, of the clerk's report thereunder, and of this order; and when such payment is made the clerk shall be entitled to credit accordingly in his accounts.

No. 128. Sanitary Refrigerator Co., petitioner, *v.* Alexander F. Winters and Basil C. Crampton. The petition for a rehearing in this case is granted. The order entered October 8, 1928, denying the petition for a writ of certiorari herein is revoked and a writ of certiorari in this case is granted.

No. 237. The New River Collieries Company et al., petitioners, *v.* The United States. The motion to remand this case to the Court of Claims is denied.

No. 178. Mrs. J. B. Ellis, petitioner, *v.* Associated Industries Insurance Corporation. *Per curiam:* The motion for leave to proceed further herein *in forma pauperis* is granted. The clerk is hereby directed to have the record and petition printed forthwith and to pay the costs thereof, as well as the costs already incurred herein, from the special fund in his custody, as provided in the order of October 29, 1926.

No. 9, original. The State of Louisiana, complainant, *v.* The State of Mississippi. It is ordered that this case be referred to Thomas G. Haight as the special master, with directions and authority to report the same to the Court with his findings of fact, his conclusions of law, and his recommendations for a decree, all subject to examination, consideration, approval, modification, or other disposal by the Court.

The special master shall have authority to employ competent stenographic and clerical assistants, to fix the times and place of argument, to issue subpoenas to secure the attendance of witnesses, and to administer oaths when this may be necessary. When his report shall be completed the clerk of the Court shall cause the same to be printed, and when it is presented to the Court in printed form the parties shall be accorded a reasonable time to be fixed by the Court within which to present exceptions.

The special master shall be allowed his actual expenses and a reasonable compensation for his services to be fixed hereafter by the Court. The allowances to him, the compensation paid to his stenographic and clerical assistants, and the cost of printing his report shall be charged against and be borne by the parties in such proportion as the Court may hereafter direct. If the appointment herein made of a special master is not accepted, or if the place becomes vacant during the recess of the Court, the Chief Justice shall have authority to make a new designation, which shall have the same effect as if originally made by the Court herein.

No. 11. Standard Pipe Line Company, Inc., et al., petitioners, *v.* Commissioners of Index Sulphur Drainage District. On writ of certiorari to the Supreme Court of the State of Arkansas. *Per curiam:* The writ of certiorari is dismissed for the reason that the decree of

the State court sought here to be reviewed was based on a non-Federal ground adequate to support it. *Bilby v. Stewart*, 246 U. S. 255, 257; *Farson, Son & Co. v. Bird*, 248 U. S. 268, 271.

No. 30. The Consolidated Flour Mills Company, plaintiff in error, *v. A. Muegge, M. F. Porter, and D. N. Porter*. In error to the Supreme Court of the State of Oklahoma. *Per curiam*: Reversed on the authority of *Wuchter v. Pizzutti*, No. 142, October term 1927, opinion announced February 20, 1928.

No. 225. Atlantic Coast Line Railroad Company, petitioner, *v. Marcella Driggers, as Administratrix, etc.* Petition for writ of certiorari to the Supreme Court of the State of South Carolina granted.

No. 226. Raul Rogerio Gonzalez, by his guardian, etc., petitioner, *v. The Roman Catholic Archbishop of Manila*. Petition for writ of certiorari to the Supreme Court of the Philippine Islands granted.

No. 234. The Western & Atlantic Railroad, petitioner, *v. Mrs. Nora E. Hughes, Administratrix, etc.* Petition for writ of certiorari to the Court of Appeals of the State of Georgia granted.

No. 238. The United States, petitioner, *v. The New York Central Railroad Company, Lessee of the Boston & Albany Railroad; and*

No. 304. The United States, petitioner, *v. Nevada County Narrow Gauge Railroad Company*. Petitions for writs of certiorari to the Court of Claims granted.

No. 251. Juan Posadas, Jr., as Collector, etc., petitioner, *v. Warner, Barnes & Co., Ltd.; and*

No. 252. Juan Posadas, Jr., as Collector, etc., petitioner, *v. J. M. Menzi*. Petition for writs of certiorari to the Supreme Court of the Philippine Islands granted.

No. 261. Newell B. Wallace, petitioner, *v. Motor Products Corporation et al.* Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit granted.

No. 267. Ithaca Trust Company, Sole Surviving Executor, etc., petitioner, *v. The United States*. Petition for writ of certiorari to the Court of Claims granted.

No. 272. W. A. Marshall & Co., Inc., petitioner, *v. Steamship "President Arthur," her engines, boilers, etc.* Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 290. The United States of America, petitioner, *v. William Henry Woolen*. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit granted.

No. 299. Andrew Flink, petitioner, *v.* Attilio Paladini et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted.

No. 312. Charles L. Douglas, petitioner, *v.* The New York, New Haven and Hartford Railroad Company. Petition for writ of certiorari to the Supreme Court of the State of New York granted.

No. 414. Louisville & Nashville Railroad Company, petitioner, *v.* Aaron A. B. Chatters; and

No. 415. Southern Railway Company et al., petitioners, *v.* Aaron A. B. Chatters. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit granted.

No. 455. New York Central Railroad Company, petitioner, *v.* Edward H. Johnson; and

No. 456. New York Central Railroad Company, petitioner, *v.* Myrtle J. Johnson. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit granted, but the argument is to be limited to the question whether the alleged misconduct of counsel for the plaintiffs in their arguments to the jury was so unfairly prejudicial to the defendant as to justify a new trial.

No. 227. Ballard & Ballard Co., petitioner, *v.* Munson Steamship Line. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 228. Robert W. Johnson, Jr., John S. Johnson, and Evangeline B. Johnson, petitioners, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 229. Angelo Benese, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 231. T. B. Hord Grain Company, petitioner, *v.* David H. Blair, Commissioner of Internal Revenue. Petition for writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 232. Frank H. Mesce, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 233. Consolidated Gas Electric Light and Power Company of Baltimore, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 235. Hallie Burton and R. I. Burton, Heirs at Law of John W. Burton, deceased, petitioners, *v.* John W. Haas, John C. Trichel, and John H. Bird. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 236. J. R. Poste, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 237. The New River Collieries Company, a corporation, et al., petitioners, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 239. Emilio Gorbea, Trustee, Barrionuevo, Zeno & Co., Bankrupts, petitioners, *v.* Credito y Ahorro Ponceno. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 240. Albert Marco and Antonio Bruno, petitioners, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 241. The People of the State of California, appellant, *v.* William M. Mouse. Petition for writ of certiorari to the Supreme Court of the State of California denied.

No. 242. The New York, Chicago and St. Louis Railroad Company, petitioner, *v.* Christian Biermacher. Petition for writ of certiorari to the Supreme Court of the State of Ohio denied.

No. 243. Missouri Southern Railroad Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 244. Presley M. Ireland, petitioner, *v.* John W. Keister, Apex Coal Company, a corporation, et al. Petition for writ of certiorari to the Supreme Court of Appeals of the State of West Virginia denied.

No. 245. Tom Ung Chai, alias Tom Gum Hin, petitioner, *v.* A. E. Burnett, as Immigration Inspector of the United States for the Territory of Hawaii. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 246. Stout Lumber Company, petitioner, *v.* H. R. Hayes. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 247. Ernest L. Benway, petitioner, *v.* People of the State of Michigan. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 248. The Baker & Taylor Co., petitioner, *v.* The United States of America; and

No. 249. The Baker & Taylor Co., petitioner, *v.* Frank K. Bowers, individually, etc. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 250. Wyoming National Bank of Casper, Wyoming, petitioner, *v.* The Omaha National Bank of Omaha, Nebraska, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 254. Orville E. Babcock et al., petitioners, *v.* James H. Wilkerson, District Judge. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 255. Orenstein and Koppel Aktiengesellschaft et al., petitioners, *v.* Koppel Industrial Car & Equipment Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 256. Terminal Railroad Association of St. Louis, petitioner, *v.* Pearl Lena Potterfield, administratrix of the estate of Earl Wade Potterfield, deceased. Petition for writ of certiorari to the Supreme Court of the State of Missouri denied.

No. 257. City and County of Denver, petitioner, *v.* The Denver Tramway Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 258. Charles L. Overlander, petitioner, *v.* Jesse L. Overlander and Federal Trust Company, of Lincoln, Nebraska. Petition for writ of certiorari to the Supreme Court of the State of Kansas and/or District Court of the State of Kansas, Doniphan County, 22d Judicial District, denied.

No. 259. Elizabeth J. Sugrue and Margaret McKay, petitioners, *v.* Sheldon W. Crilley, otherwise known as Sheldon W. Cook, Jr. Petition for writ of certiorari to the Supreme Court of the State of Illinois denied.

No. 262. Edouard Saadi, petitioner, *v.* Walter E. Carr. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 263. Triumph Trap Company, Inc., petitioner, *v.* Walter A. Gibbs. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 264. The Davenport Oil Company, petitioner, *v.* Charles G. Davenport. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 265. Charles Paridy and Anna McLatchie, petitioners, *v.* The Caterpillar Tractor Company, substituted as defendant for the Holt Manufacturing Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 266. Christine Hopkins, petitioner, *v.* The State of Washington. Petition for writ of certiorari to the Supreme Court of the State of Washington denied.

No. 268. Walker Manufacturing Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 269. Pettibone-Mulliken Company, petitioner, *v.* Guaranty Trust Company, Minneapolis Steel & Machinery Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 270. Osaka Shosen Kaisha, petitioner, *v.* Olivier Straw Goods Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 271. Max Gordon, petitioner, *v.* The United States of America; and

No. 301. "Lefty" Clayton, *alias* John Doucett, petitioner, *v.* The United States of America. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 275. William C. Atwater & Company, Inc., petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 276. Daniel Machin and Austin A. Cooper, petitioners, *v.* Nicollet Hotel, Incorporated, Glen S. Dixson et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 277. H. Leslie Parker, petitioner, *v.* Harry F. Sinclair. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 280. Harry Shellenbarger, petitioner, *v.* The State of Ohio. Petition for writ of certiorari to the Supreme Court of the State of Ohio denied.

No. 281. H. J. Bosler, Hal H. Pell, et al., petitioners, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 282. Nicholas Colla and G. De Cola, partners, trading as Colla and DeCola, petitioners, *v.* Bank of Italy. Petition for writ of certiorari to the Supreme Court of the State of Ohio denied.

No. 283. W. C. Tucker, petitioner, *v.* Acel C. Alexander, as Collector of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 285. Sound Motor Boat Service, Inc., petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 286. Sam Seldin, petitioner, *v.* The Threadneedle Insurance Company (1923), Limited. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 287. Beaumont, Sour Lake & Western Railway Company, petitioner, *v.* Magnolia Provision Company;

No. 288. Texas & New Orleans Railroad Company et al., petitioners, *v.* Magnolia Provision Company; and

No. 289. Texas & New Orleans Railroad Company, petitioner, *v.* Houston Packing Company. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 291. Zenith-Detroit Corporation, petitioner, *v.* Stromberg Motor Devices Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 293. E. B. Barton, petitioner, *v.* The United States. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 294. Kansas City Southern Railway Company, petitioner, *v.* J. L. Nectaux. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 297. Southern Pacific Company, petitioner, *v.* Nelita Franklin. Petition for writ of certiorari to the Supreme Court of the State of California denied.

No. 298. Murray G. Brady, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 300. James S. McCandless, petitioner, *v.* United States Board of Tax Appeals. Petition for writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 302. Freddie Thomas, petitioner, *v.* J. McD. Trimble, C. A. Braley, et al. Petition for writ of certiorari to the Supreme Court of the State of Oklahoma denied.

No. 303. Furness, Withy & Company, Ltd., petitioner, *v.* Howard Sutherland, Alien Property Custodian, as Trustee, etc., et al. Petition for writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 307. Thomas Carlo, petitioner, *v.* Bessemer & Lake Erie Railroad Company. Petition for writ of certiorari to the Supreme Court of the State of Pennsylvania denied.

No. 308. Cora A. Poindexter, as Administratrix of the Estate of Harry Grant Poindexter, deceased, petitioner, *v.* Cleveland, Cincinnati, Chicago & St. Louis Railway Company. Petition for writ of certiorari to the Supreme Court of the State of Missouri denied.

No. 309. Bertha Wilson, as Administratrix of the Estate of Luther C. Wilson, deceased, petitioner, *v.* Missouri Pacific Railroad Company. Petition for writ of certiorari to the Supreme Court of the State of Missouri denied.

No. 310. Illinois State Trust Company, petitioner, *v.* Missouri Pacific Railroad Company. Petition for writ of certiorari to the Supreme Court of the State of Missouri denied.

No. 311. Indiana Quartered Oak Company, petitioner, *v.* Federal Trade Commission. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 314. Bank Line, Limited, petitioner, *v.* Harry G. Porter, trading as H. & L. Chase, Riegel Sack Company, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 315. Aktieselskabet Dea, petitioner, *v.* Walter Wrightson, as managing owner of American Schooner "Copperfield." Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 316. C. W. Trickett and Justus N. Baird, petitioners, *v.* The Kaw Valley Drainage District and The City of Kansas City, Kansas. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 317. The Citizens' Wholesale Supply Company, petitioner, *v.* The Welber Company. Petition for writ of certiorari to the Supreme Court of the State of Ohio denied.

No. 318. McPherson Brothers Company, petitioner, *v.* Okanogan-Douglas Inter-County Bridge Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 409. Charles Noyes and Joe Babb, petitioners, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 411. American Surety Company of New York, petitioner, *v.* James A. Dick Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 419. George E. Mayor, petitioner, *v.* Central Vermont Railway Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 420. Patrick F. Ryan, as Administrator, etc., et al., petitioners, *v.* John E. Cormany et al. as heirs at law of William J. Smith, deceased. Petition for writ of certiorari to the Supreme Court of the State of Tennessee denied.

No. 425. Mar Fow Lun, petitioner, *v.* John D. Nagle, as Commissioner of Immigration for the Port of San Francisco, California. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 434. Leonard Goodwin Husar, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 435. Emil W. Schmutz, petitioner, *v.* The People of the State of Illinois *ex rel.* The Chicago Bar Association. Petition for writ of certiorari to the Supreme Court of the State of Illinois denied.

No. 443. The Texas Company, petitioner, *v.* Gulf Refining Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 445. J. E. Ratliffe, L. Siess, R. D. McMahan, et al., petitioners, *v.* Joe E. Meyers, Unity Oil Company, W. P. H. McFaddin, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 449. George W. Heintz and American Electric Racing Association, Inc., petitioners, *v.* Owen P. Smith (Hannah M. Smith, Administratrix of the Estate of Owen P. Smith, deceased). Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

ORDER

By acts of Congress January 31, 1928, and April 26, 1928, the issuing of writs of error by this Court was abolished and such cases are now made reviewable by appeal but under the same restrictions and limitations as formerly required on writs of error. To meet the legislative changes in this and other respects new rules were adopted and made effective July 1, 1928. In order to prevent baseless appeals for which there is no jurisdiction, before they are reached for hearing, appellant is required to file a printed statement disclosing the basis upon which jurisdiction of the appeal is asserted, including the statutory provisions on which it is based, the pertinent pages of the record, the nature of the case, and other specifications required by the rule. The appellee is given time in which to file an opposing statement. On the second motion day after the expiration of the period for filing the statements as fixed in the rule, they are to be submitted by the clerk to the Court. If the Court find that the statements indicate probable jurisdiction, an entry showing this will be made in each case. Should the Court find that there is no showing of jurisdiction by appeal, the case will be dismissed. If the appeal is from a final judgment or decree of a state court, and under section 237 (c) the would-be appellant is entitled to have his appeal treated as a petition for certiorari, the Court will consider the petition and make proper order thereon.

Upon the printed statements submitted on October 8 under rule 12 the following notations and orders are made:

No. 260. Ivy L. Leonard and Thomas B. Leonard, copartners, trading as I. L. Leonard Company, plaintiffs in error and appellants, *v.* Swepson Earle, Conservation Commissioner, etc.;

No. 273. The Ann Arbor Railroad Company et al., appellants, *v.* The United States of America et al.;

No. 278. The Cudahy Packing Company, a corporation, appellant, *v.* Jay Grant Hinkle, Secretary, etc.;

No. 296. James R. Helson and Clyde Randolph, doing business, etc., *v.* Commonwealth of Kentucky, by Milton Board, Revenue Agent, etc.;

No. 305. The United States of America, appellant, *v.* Fruit Growers Express Company;

No. 321. Leon Sampere, plaintiff in error and appellant, *v.* The City of New Orleans;

No. 322. John A. McKay, appellant, *v.* Hector McInnes, Stuart Jenks, et al.; and

No. 352. Abraham Braunstein, plaintiff in error and appellant, *v.* The People of the State of New York on the complaint of Gertrude E. McCarthy. In all these cases the Court find that probable jurisdiction has been shown.

No. 253. G. A. Oyster and W. A. Watson, partners, doing business as Sebring-Alliance Bus Line, plaintiffs in error, *v.* The Public Utilities Commission of Ohio. In error to the Supreme Court of the State of Ohio. *Per curiam:* The writ of error is dismissed on the authority of section 237 of the Judicial Code, as amended by the act of February 13, 1925 (43 Stat. 936, 937), for lack of jurisdiction. Treating the writ of error as an application for certiorari, the same is denied.

No. 274. George J. J. Mackay, plaintiff in error, *v.* The State of Ohio. In error to the Supreme Court of the State of Ohio. *Per curiam:* The writ of error is dismissed on the authority of section 237 of the Judicial Code, as amended by the act of February 13, 1925 (43 Stat. 936, 937), for lack of jurisdiction. Treating the writ of error as an application for certiorari, the same is denied. The mandate of the Court is directed to issue forthwith.

No. 279. Wm. O. Bohnefeld, plaintiff in error and appellant, *v.* Security National Bank. In error to and appeal from the Supreme Court of the State of Oklahoma. *Per curiam:* The writ of error and appeal are dismissed on the authority of section 237 of the Judicial Code, as amended by the act of February 13, 1925 (43 Stat. 936, 937), for lack of jurisdiction. Treating the appeal as an application for certiorari, the same is denied.

No. 306. Carson Petroleum Company, plaintiff in error and appellant, *v.* Leon C. Vial, Sheriff and Tax Collector of the Parish of

St. Charles, R. A. DeBroca, Assessor for the Parish of St. Charles, et al. In error to and appeal from the Supreme Court of the State of Louisiana. *Per curiam*: The writ of error and appeal are dismissed on the authority of section 237 of the Judicial Code, as amended by the act of February 13, 1925 (43 Stat. 936, 937), for lack of jurisdiction, with leave to file a brief supporting an application for certiorari within 15 days, with 10 days for opposing counsel to reply.

No. 313. M. B. Garris Properties, Inc., and W. L. Shoemaker, appellants, *v.* John W. Martin, as Governor, Ernest Amos, as Comptroller, John C. Luning, as Treasurer. Appeal from the Supreme Court of the State of Florida. *Per curiam*: The appeal is dismissed on the authority of section 237 of the Judicial Code, as amended by the act of February 13, 1925 (43 Stat. 936, 937), for lack of jurisdiction, on the ground that the decree sought to be reviewed is not a final one. *Schlosser v. Hemphill*, 198 U. S. 173, 175; *Arnold v. United States*, for the use of Guimarin & Co., 263 U. S. 427, 434.

No. 385. Era W. Moore (formerly Era W. Cobb), joined by her husband, C. G. Moore, A. N. Green, et al., appellants, *v.* A. H. Downing, Tax Collector of Stephens County, Texas, T. C. Hefner, Tax Assessor, etc., et al. Appeal from the Court of Civil Appeals, Eleventh Supreme Judicial District, State of Texas. *Per curiam*: The appeal is dismissed on the authority of section 237 of the Judicial Code, as amended by the act of February 13, 1925 (43 Stat. 936, 937), for lack of jurisdiction, with leave to file a brief supporting an application for certiorari within 15 days, with 10 days for opposing counsel to reply.

No. 393. John G. Rouse, Executor of the will of William C. Rouse, petitioner, *v.* The United States. Leave granted to file brief of the State of Rhode Island, as *amicus curiae*, on motion of Mr. E. A. Harriman in that behalf.

No. 58. Benjamin Russell, J. M. Steverson, et al., petitioners, *v.* The United States of America. Leave granted to file brief of Louis O. Van Doren, William R. Conklin, and Edward S. Bentley, as *amici curiae*, on motion of Mr. Edward S. Bentley in that behalf.

No. —, original. Commonwealth of Kentucky, complainant, *v.* The State of Indiana, and James Duane Duncan, Claude F. Johnson, et al. Motion for leave to file bill of complaint submitted by Mr. Clifford E. Smith for the complainant.

No. 47. Oliver Cadillac Company, plaintiff in error, *v.* Edward E. Christopher, Building Commissioner of the City of St. Louis, Mis-

souri, et al. In error to the Supreme Court of the State of Missouri. Dismissed with costs on motion of counsel for the plaintiff in error.

No. 113. Mrs. Marie Doucet et al., plaintiffs in error, *v.* Louis Fontenot, Sheriff, and Jules Menou. Motion to dismiss or affirm submitted by Mr. Joseph George Medlenka for the defendants in error, in support of the motion, and by Mr. Harry P. Sneed for the plaintiffs in error, in opposition thereto.

No. 355. The United States of America and The Interstate Commerce Commission, appellants, *v.* Anchor Coal Company et al. Statement as to jurisdiction submitted by Mr. Solicitor General Mitchell, Mr. Blackburn Esterline, and Mr. Daniel W. Knowlton for the appellants.

No. 356. Barton Coal Company et al., appellants, *v.* Anchor Coal Company et al. Statement as to jurisdiction submitted by Mr. Ernest S. Ballard and Mr. Frank E. Harkness for the appellants.

No. 357. Pittsburgh Operators' Lake Rate Committee et al., appellants, *v.* Anchor Coal Company et al. Statement as to jurisdiction submitted by Mr. August G. Gutheim for the appellants.

No. 358. Baltimore & Ohio Railroad Company et al., appellants, *v.* Anchor Coal Company et al. Statement as to jurisdiction submitted by Mr. F. D. McKenney, Mr. Andrew P. Martin, Mr. Atlee Pomerehne, Mr. W. N. King, and Mr. C. F. Taplin for the appellants.

No. 376. Firemens' Insurance Company of Newark, New Jersey, appellant, *v.* James A. Beha, as Superintendent, etc. Statement as to jurisdiction submitted by Mr. John W. Davis for the appellant.

No. 429. W. D. Manley, appellant, *v.* The State of Georgia. Statement as to jurisdiction submitted by Mr. Arthur Gray Powell, Mr. Marion Smith, and Mr. Walter T. Colquitt for the appellant.

No. 28. Jackson Eastern Railway Company et al., petitioners, *v.* W. W. Burns, E. B. Nettleton, et al. Petition for a writ of certiorari to the Supreme Court of the State of Mississippi submitted by Mr. George B. Neville for the petitioners, and by Mr. Victor W. Gilbert for the respondents.

No. 393. John G. Rouse, Executor of the will of William C. Rouse, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims submitted by Mr. Charles Markell for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Galloway, and Mr. Dwight E. Rorer for the respondent.

No. 437. W. H. Baugh, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. James H. Hawley for the petitioner, and by Mr. Solicitor General Mitchell,

Mr. Assistant Attorney General Luhring, and Mr. Harry S. Ridgely for the respondent.

No. 441. Elizabeth Beck, Katherine Ferneding, et al., petitioners, *v.* Milwaukee County, Wisconsin, et al; and

No. 442. Elizabeth Beck, Katherine Ferneding, et al., petitioners, *v.* State of Wisconsin. Petition for writs of certiorari to the Supreme Court of the State of Wisconsin submitted by Mr. Louis Quarles and Mr. Malcolm K. Whyte for the petitioners, and by Mr. John W. Reynolds, Mr. Franklin E. Bump, Mr. Eugene Wengert, and Mr. Daniel W. Sullivan for the respondents.

No. 444. The Robert Dollar Company, petitioner, *v.* American Asiatic Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Ira S. Lillick for the petitioner, and by Mr. R. M. Fitzgerald for the respondent.

No. 446. Eulahmae Reed, petitioner, *v.* Mary Narcomery, néé Leader, et al. Petition for writ of certiorari to the Supreme Court of the State of Oklahoma submitted by Mr. R. J. Roberts for the petitioners, and by Mr. J. B. Campbell and Mr. W. W. Pryor for the respondents.

No. 448. John J. Satterthwait and P. J. Hurley, Receivers, etc., petitioners, *v.* McMan Oil and Gas Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Charles E. Hughes, Mr. T. R. Boone, Mr. John H. Stone, Mr. J. M. McCormick, Mr. Robert H. Richards, and Mr. John B. King for the petitioners, and by Mr. R. L. Batts, Mr. A. H. Carrigan, Mr. Harry H. Rogers, Mr. John Rogers, and Mr. A. H. Britain for the respondent.

No. 450. Morris Company et al., petitioners, *v.* Skandinavia Insurance Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. John M. Lee, Mr. Marcellus Green, Mr. Garner Wynn Green, and Mr. Chalmers Potter for the petitioners, and by Mr. Palmer Pillans for the respondent.

No. 452. Mrs. A. E. Caswell, individually, etc., petitioners, *v.* Magnolia Petroleum Company et al. Petition for writ of certiorari to the Supreme Court of the State of Texas submitted by Mr. A. D. Lipscomb and Mr. C. W. Howth for the petitioners, and by Mr. W. H. Francis, Mr. Wallace Hawkins, and Mr. Barry Mohun for the respondents.

No. 453. The Board of Trustees of the Anton Chico Land Grant, petitioner, *v.* Robert L. Brown, Thomas Carson, et al. Petition for writ of certiorari to the Supreme Court of the State of New Mexico

submitted by Mr. Stephen B. Davis and Mr. C. J. Roberts for the petitioner.

No. 463. Mrs. M. M. Brice, Administratrix, etc., petitioner, *v.* The Texas Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. K. T. McConnico and Mr. John A. Pitts for the petitioner.

No. 468. Mobile and Ohio Railroad Company, petitioner, *v.* Illinois Fuel Company. Petition for writ of certiorari to the Supreme Court of the State of Missouri submitted by Mr. Carl Fox for the petitioner, and by Mr. Daniel W. Kirby and Mr. Donald C. Strachan for the respondent.

No. 471. J. Pleasant Harris, petitioner, *v.* The State of Louisiana. Petition for writ of certiorari to the Supreme Court of the State of Louisiana submitted by Mr. Loys Charbonnet for the petitioner, and by Mr. Percy Saint and Mr. Eugene Stanley for the respondent.

No. 4. United Fuel Gas Company, appellant, *v.* The Public Service Commission of West Virginia, I. Wade Coffman, et al.; and

No. 1. The United Fuel Gas Company, a Corporation, and Warfield Natural Gas Company, a Corporation, appellants, *v.* The Railroad Commission of Kentucky, Frank N. Burns, et al., etc. Four hours allowed for the argument of these cases. Argument commenced by Mr. John W. Davis for the appellants, and continued by Mr. Robert S. Spillman for the appellees in No. 4.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, October 16, will be as follows: Nos. 4 (and 1), 159, 15, 35 (and 36), 37, 38, 39, 40, 41, and 42.

SUPREME COURT OF THE UNITED STATES

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

Dion R. Holm, of San Francisco, Calif.; Stephen B. Christian, of Oklahoma City, Okla.; Henry Elliott, jr., of Seattle, Wash.; Harry J. Dunbaugh, of Chicago, Ill.; and Martin J. Lund, of Seattle, Wash., were admitted to practice.

No. 4. United Fuel Gas Company, appellant, *v.* Public Service Commission of West Virginia et al.; and

No. 1. United Fuel Gas Company, a corporation, and Warfield Natural Gas Co., a corporation, appellants, *v.* The Railroad Commission of Kentucky, Frank N. Burns, et al. Argument continued by Mr. Robert S. Spillman for the appellees in No. 4 and concluded by Mr. John T. Diederich for the appellees in No. 1. Leave granted appellants to file reply brief within one week on motion of Mr. John W. Davis.

No. 159. John F. Gilchrist, Leon G. Godley, and Charles C. Lockwood, constituting the Transit Commission, etc., et al., appellants, *v.* Interborough Rapid Transit Co. and Manhattan Ry. Co. Argument commenced by Mr. Irwin Untermeyer for the appellant, the Transit Commission of New York, and continued by Mr. Charles L. Craig for appellant, the City of New York.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, October 17, will be as follows: Nos. 159, 15, 35 (and 36), 37, 38, 39, 40, 41, 42, and 43.

SUPREME COURT OF THE UNITED STATES

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

Arthur H. Van Horn, of Cleveland, Ohio, and Howard C. Kelly, of New York City, were admitted to practice.

No. 159. John F. Gilchrist, Leon G. Godley, and Charles C. Lockwood, constituting the Transit Commission, etc., et al., appellants, *v.* Interborough Rapid Transit Co. and Manhattan Ry. Co. Argument continued by Mr. Charles L. Craig for the appellant, the city of New York; by Mr. William L. Ransom and Mr. George W. Wickersham for the appellees; and by Mr. Charles L. Craig for the appellant, the city of New York. Leave granted to appellees to file an additional brief within four days and to appellants to reply thereto within three days thereafter.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, October 18, will be as follows: Nos. 159, 15, 35 (and 36), 37, 38, 39, 40, 41, 42, and 43.

SUPREME COURT OF THE UNITED STATES

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

Rodney Bedell, of St. Louis, Mo.; John A. Bressnahan, of Washington, D. C.; Charles C. Eidler, of Washington, D. C.; Margaret P. Gross, of San Francisco, Calif.; James R. Burdge, of Washington, D. C.; E. Russell Kennedy, jr., of Washington, D. C.; Robert E. L. Lewis, of New York City; and Alden B. Howland, of Des Moines, Iowa, were admitted to practice.

No. 16, original. *Ex parte*: In the matter of The Public National Bank of New York, petitioner. Leave granted to file brief in behalf of the city of New York, and motion for leave to present oral argument submitted by Mr. Eugene Fay in that behalf.

No. 159. John F. Gilchrist, Leon G. Godley, and Charles C. Lockwood, constituting the Transit Commission, etc., et al., appellants, *v.* Interborough Rapid Transit Co. and Manhattan Ry. Co. Argument continued by Mr. Charles L. Craig for the appellant, the city of New York, and concluded by Mr. Irwin Untermyer for the appellant, the Transit Commission of New York.

No. 15. Boston Sand & Gravel Co., petitioner, *v.* The United States of America. Reargued by Mr. John W. Davis for the petitioner and by Mr. Assistant Attorney General Farnum for the respondent.

No. 35. Westinghouse Electric & Manufacturing Co., petitioner, *v.* De Forest Radio Telephone & Telegraph Co.; and

No. 36. Westinghouse Electric & Manufacturing Co. and Edward H. Armstrong, petitioners, *v.* United States of America, Alexander Meissner, et al. Three hours allowed for the argument of these cases. Argument commenced by Mr. Frederick H. Wood for the petitioners.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, October 19, will be as follows: Nos. 35 (and 36), 37, 38, 39, 40, 41, 42, 43, 44, and 45.

SUPREME COURT OF THE UNITED STATES

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

Harry E. Dunham, of Schenectady, N. Y.; Harry Levine, of New York City; and R. F. Burdine, of Miami, Fla., were admitted to practice.

No. 35. Westinghouse Electric & Manufacturing Co., petitioner, *v.* De Forest Radio Telephone & Telegraph Co.; and

No. 36. Westinghouse Electric & Manufacturing Co. and Edward H. Armstrong, petitioners, *v.* United States of America, Alexander Meissner, et al. Argument continued by Mr. Frederick H. Wood for the petitioners, continued by Mr. Charles E. Hughes for the respondents, and concluded by Mr. Frederick H. Wood for the petitioners.

No. 37. C. A. Hansen, plaintiff in error, *v.* Stirrat & Goetz Investment Co. Argued by Mr. Martin J. Lund for the plaintiff in error, and by Mr. Henry Elliott, jr., for the defendant in error.

No. 38. Richard Crane, petitioner, *v.* Commonwealth of Virginia and County of Charles City. Argued by Mr. A. W. Patterson for the petitioner, and by Mr. Leon M. Bazile for the respondents.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, October 22, will be as follows: Nos. 72, 110 (and 111), 12, 39, 40, 41, 42, 43, 44, and 45.

SUPREME COURT OF THE UNITED STATES

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

C. Earl Hovey, of Kansas City, Mo.; Norman I. Miller, of Atlanta, Ga.; Benjamin B. Taylor, of Baton Rouge, La.; Theodore R. Jaffe, of New York City; Powell C. Groner, of New York City; George C. Spence, of Atlanta, Ga.; Curtis M. Shetler, of Canton, Ohio; and Jeremiah A. O'Leary, of New York City, were admitted to practice.

No. 27. Anna Marie Maney, petitioner, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Decree affirmed and the cause remanded to the District Court of the United States for the Eastern District of Wisconsin. Opinion by Mr. Justice Holmes.

The Chief Justice announced the following orders of the Court:

No. 113. Mrs. Marie Doucet et al., plaintiffs in error, *v.* Louis Fontenot, Sheriff, and Jules Menou. In error to the Supreme Court of the State of Louisiana. *Per curiam*: The motion to dismiss is granted for the reason that under section 237 of the Judicial Code, as amended by the act of February 13, 1925 (43 Stat. 936, 937), the case is not properly before this Court on writ of error. There is, however, a Federal question, as shown by *Wadkins v. Producers Oil Co.*, 227 U. S. 368, and *McCune v. Essig*, 199 U. S. 382, and the proper method of review would be by application for a writ of certiorari. Treating the writ of error as an application for certiorari the same is denied.

No. —, original. The State of Kentucky, complainant, *v.* The State of Indiana and James Duane Duncan, Claude F. Johnson, et al. Rule ordered to issue upon the defendants to show cause, returnable Monday, November 19 next, why leave to file the bill of complaint herein should not be granted.

No. 37. C. A. Hansen, plaintiff in error, *v.* Stirrat & Goetz Investment Company. In error to the Supreme Court of the State of

Washington. *Per curiam*: The writ of error is dismissed for want of a substantial Federal question on the authority of *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. 38. Richard Craine, petitioner, *v.* Commonwealth of Virginia and County of Charles City. On writ of certiorari to the Supreme Court of Appeals of the State of Virginia. *Per curiam*: Reversed on the authority of *Brooke v. City of Norfolk*, No. 229, October term, 1927, opinion announced April 23, 1928.

No. 305. The United States of America, appellant, *v.* Fruit Growers Express Company;

No. 182. Allie E. Lewis and William Lloyd Lewis, petitioners, *v.* The United States of America;

No. 352. Abraham Braunstein, plaintiff in error and appellant, *v.* The People of the State of New York on the complaint of Gertrude E. McCarthy; and

No. 429. W. D. Manley, appellant, *v.* The State of Georgia. These criminal cases upon the docket are advanced and assigned for argument on Monday, December 3 next, after the case heretofore assigned for that day.

No. 355. The United States of America and The Interstate Commerce Commission, appellants, *v.* Anchor Coal Company et al.;

No. 356. Barton Coal Company et al., appellants, *v.* Anchor Coal Company et al.;

No. 357. Pittsburgh Operators' Lake Rate Committee et al., appellants, *v.* Anchor Coal Company et al.;

No. 358. Baltimore & Ohio Railroad Company et al., appellants, *v.* Anchor Coal Company et al.;

No. 376. Firemens' Insurance Company of Newark, New Jersey, appellant, *v.* James A. Beha. as Superintendent, etc.; and

No. 429. W. D. Manley, appellant, *v.* The State of Georgia. In these cases the Court find that probable jurisdiction has been shown.

No. 325. Pampanga Sugar Mills, petitioner, *v.* Wenceslao Trinidad, as Collector, etc. Petition for writ of certiorari to the Supreme Court of the Philippine Islands granted.

No. 335. Compania General de Tabacos de Filipinas, petitioner, *v.* Collector of Internal Revenue. Petition for writ of certiorari to the Supreme Court of the Philippine Islands granted.

No. 347. John Martin Riehle, as Receiver, etc., petitioner, *v.* Edward Margolies. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 361. Shanker Laman Gokhale, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 363. Federal Trade Commission, petitioner, *v.* Alfred Klesner, doing business under the name "Shade Shop," Hooper & Klesner. Petition for writ of certiorari to the Court of Appeals of the District of Columbia granted.

No. 372. The United States Printing and Lithograph Company, petitioner, *v.* Griggs, Cooper & Company. Petition for writ of certiorari to the Supreme Court of the State of Ohio granted.

No. 375. The United States of America, petitioner, *v.* California Cooperative Canneries. Petition for writ of certiorari to the Court of Appeals of the District of Columbia granted.

No. 407. Commissioner of Internal Revenue, petitioner, *v.* Old Colony Railroad. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit granted.

No. 416. The United States of America *ex rel.* Niels Peter Clausen, petitioner, *v.* Hon. Benjamin M. Day, Commissioner of Immigration. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 450. Morris & Company et al., petitioners, *v.* Skandinavia Insurance Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit granted.

No. 320. American Baptist Home Mission Society, petitioner, *v.* Jackson Barnett, a Mental Incompetent, by Elmer S. Bailey, his *Prochein Ami*, and United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 323. W. L. Slayton & Company, of Toledo, Ohio, petitioner, *v.* Winston County, Alabama, et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 324. John S. Hunter, petitioner, *v.* Harry E. Baker et al. Petition for writ of certiorari to the Court of Appeals of the State of Maryland denied.

No. 326. Harold E. Engemoen, petitioner, *v.* Charles L. Rea et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 327. Daniel A. Stapleton, petitioner, *v.* Reading Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 328. S. A. Apple and Jake L. Hamon, Administrators of the Estate of Jake L. Hamon, deceased, petitioners, *v.* American National

Bank of Ardmore, Oklahoma. Petition for writ of certiorari to the Supreme Court of the State of Oklahoma denied.

No. 329. The Auxiliary Schooner "Mistinguette," her Engine, Tackle, Apparel, Furniture, etc., petitioner, *v.* The United States of America;

No. 330. 416 Cases G. T. Whiskey, 290 Cases H. & L. Whiskey, etc., ex. French Schooner "Mistinguette," etc., petitioner, *v.* The United States of America; and

No. 331. 63 Kegs of Malt, containing approximately 16 Gallons each, etc., petitioners, *v.* The United States of America. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 332. Samuel G. Wetzler and Joseph B. Bloom, doing business as Blue Seal Chemical Company, petitioners, *v.* Edward R. Tolfree, doing business as "X" Laboratories. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 333. Malissie B. Dawson, Administratrix of the Estate of Joseph Dawson, deceased, petitioner, *v.* Reading Company. Petition for writ of certiorari to the Supreme Court of the State of Pennsylvania denied.

No. 334. Northern Life Insurance Company, petitioner, *v.* Alice Edith Schwartz. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 336. United States Shipping Board Emergency Fleet Corporation, petitioner, *v.* Jacob Telfair Smith; and

No. 337. United States Shipping Board Emergency Fleet Corporation, petitioner, *v.* Catz American Shipping Company, Inc. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Second District denied.

No. 338. Gabriel Benitez, petitioner, *v.* The People of the Philippine Islands. Petition for writ of certiorari to the Supreme Court of the Philippine Islands denied.

No. 339. The Chesapeake & Ohio Railway Company, petitioner, *v.* John Waid. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 340. Jay A. Heidbrink and The Heidbrink Company, petitioners, *v.* Charles W. Hardessen Company. Petition for writ of certiorari to the United States Circuit of Appeals for the Seventh Circuit denied.

No. 341. James R. Hatmaker, petitioner, *v.* The Dry Milk Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 342. Great American Insurance Company, petitioner, *v.* Raymond W. Johnson and Noah S. Parks. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 343. Clifton L. Richards, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 345. Montgomery Ward & Co., Incorporated, petitioner, *v.* Walter A. Gibbs. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 346. Cook-O'Brien Construction Company, petitioner, *v.* L. L. Crawford. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 348. Kate R. Bondurant, Chester Reid Bondurant, a Minor, First National Bank of Mayfield, Kentucky, et al., etc., et al., petitioners, *v.* Mutual Life Insurance Company of New York;

No. 349. Kate R. Bondurant, Chester Reid Bondurant, a Minor, First National Bank of Mayfield, Kentucky, et al., etc., et al., petitioners, *v.* Massachusetts Mutual Life Insurance Company of Springfield, Massachusetts; and

No. 350. Kate R. Bondurant and Chester R. Bondurant, petitioners, *v.* Lilburn Phelps, as Clerk of the United States District Court for the Western District of Kentucky. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 353. Porto Rican American Tobacco Company of Porto Rico, petitioner, *v.* Juan G. Gallardo, Treasurer of Porto Rico. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 354. Augustine C. Sanford, petitioner, *v.* American Seating Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 360. State of Missouri, at the relation and to the use of the Missouri Pacific Railroad Company, petitioner, *v.* C. M. Danuser, J. T. Waddill, et al. Petition for writ of certiorari to the Supreme Court of the State of Missouri denied.

No. 362. State of Missouri, at the relation of Charles M. Hurst and C. J. Steffen, petitioner, *v.* Charles H. Daues, Wm. Dee Becker, et al. Petition for writ of certiorari to the Supreme Court of the State of Missouri denied.

No. 365. C. E. Hunn, Executor of the Estate of F. L. Miner, deceased, F. L. Townsend, George C. Carpenter, et al., petitioners, *v.*

E. A. Lewis et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 366. The Consolidation Coal Company, Incorporated, petitioner, *v.* Societa Commerciale di Navigazione, owner and claimant of S. S. "Valtellina." Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 367. Harry L. Reed, petitioner, *v.* Louisiana Oil Refining Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 368. St. Louis Merchants Bridge Terminal Railway Company, petitioner, *v.* William Van Loon. Petition for writ of certiorari to the Supreme Court of the State of Missouri denied.

No. 369. Lancaster Iron Works, Inc., petitioner, *v.* J. C. Penney-Gwinn Corporation, Robert H. McArdle, et al.; and

No. 370. Lancaster Iron Works, Inc., petitioner, *v.* J. C. Penney-Gwinn Corporation et al. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 373. Wabash Railway Company, petitioner, *v.* J. E. Westover. Petition for writ of certiorari to the Supreme Court of the State of Missouri denied.

No. 374. Warner Moore and Thomas L. Moore, copartners doing business under the firm name and style of Warner Moore & Company, petitioner, *v.* The United States of America, as owner and claimant of the steamship "Milwaukee Bridge," et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 378. Paul C. Keyes, Receiver of the First National Bank of Eureka, South Dakota, petitioner, *v.* First National Bank of Aberdeen, South Dakota. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 379. Daniel J. Shields, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 381. Societa Nazionale Di Navigazione, claimant of the steamship "Ansaldo San Giorgia I," her engines, boilers, etc., petitioner, *v.* The Rheinstrom Brothers Co. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 382. Humphreys Oil Company and The Pure Oil Company, petitioners, *v.* Joe Will Tatum and wife, Lizzie Tatum, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 383. Chicago, Indianapolis and Louisville Railway Company, petitioner, *v.* Aven H. Stierwalt. Petition for writ of certiorari to the Appellate Court of the State of Indiana denied.

No. 384. William H. Haar, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 386. Maryland Casualty Company, petitioner, *v.* School District No. 1 of the City of Hayward, Wisconsin. Petition for writ of certiorari to the Supreme Court of the State of Wisconsin denied.

No. 387. E. Machlett & Son, petitioner, *v.* Claude Neon Lights, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 388. Order of the United Commercial Travelers of America, petitioner, *v.* Minnie Garbush. Petition for writ of certiorari to the Supreme Court of the State of Minnesota denied.

No. 391. Henry Leroy Lewis, petitioner, *v.* Lewis Jones, Administrator of the Estate of Tom Chapman, deceased. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 392. Anaconda Copper Mining Company, petitioner, *v.* Carson Investment Company and John Henry Miller, Trustee. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 394. I. H. Nakdimen, petitioner, *v.* First National Bank and Merchants National Bank. Petition for writ of certiorari to the Supreme Court of the State of Arkansas denied.

No. 395. Ruth B. DeHanas and Jesse L. DeHanas, petitioners, *v.* Cortez-King Brand Mines Company, H. B. Church, Jr., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 396. Ernest A. Moross and Mary Kathryn Moross, petitioners, *v.* Hillsdale County, State of Michigan. Petition for writ of certiorari to the Supreme Court of the State of Michigan denied.

No. 397. Michael Gillam, as Master and Claimant of Schooner "Vinces" and her cargo, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 398. Francis L. Klinge, petitioner, *v.* The State of Minnesota. Petition for writ of certiorari to the Supreme Court of the State of Minnesota denied.

No. 401. Lau Ah Leong, petitioner, *v.* Fung Dai Kim Ah Leong. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 402. Lottie C. Conklin, as Administratrix of the Estate of George Heizman, deceased, petitioner, *v.* The United States of America and Sadie Mae Deavenport, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 404. W. R. Grace & Company, petitioner, *v.* New Orleans and South American Steamship Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 405. Edgar J. Phillips and Earl A. Darr, as Executors of the last will and testament of Henry P. Draft, deceased, petitioners, *v.* Edward E. Gnichtel, as Collector of Internal Revenue, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 406. Sixto Talag, petitioner, *v.* C. E. Nathorst. Petition for writ of certiorari to the Supreme Court of the Philippine Islands denied.

No. 410. Stanley's Incorporated Store No. Three, petitioner, *v.* H. R. Earl, Bankrupt. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 412. Joseph Chernik, petitioner, *v.* Clyde Steamship Company. Petition for writ of certiorari to the Court of Appeals of the State of New York denied.

No. 413. W. R. Freeman and C. Boettcher, as Receivers of The Denver & Salt Lake Railroad Company, petitioners, *v.* Bonnie E. Frasher, Administratrix of the Estate of Harry E. Frasher, deceased. Petition for writ of certiorari to the Supreme Court of the State of Colorado denied.

No. 417. Glen Stineman, petitioner, *v.* Peninsula State Steamship Corporation, as owner of the Steamship "Lake Galewood." Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 418. Freda Bergeron, petitioner, *v.* The Travelers Insurance Company of Hartford, Conn. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 421. Federal Telephone & Telegraph Company, petitioner, *v.* Caroline Wilks, as Administratrix of the Goods, Chattels and Estate of Joseph Wilks, deceased. Petition for writ of certiorari to the Supreme Court of the State of New York, County of Erie, denied.

No. 427. Simon F. Williams, as Administrator of the Estate of Martha S. Painter, deceased, petitioner, *v.* Penn Mutual Life Insurance Company; and

No. 428. Simon F. Williams, as Administrator of the Estate of Martha S. Painter, deceased, petitioner, *v.* Penn Mutual Life Insurance Company. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 447. B. E. Quinn, petitioner, *v.* Rozina P. Davis, et vir. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 28. Jackson & Eastern Railway Company, W. I. Luke, and S. A. Neville, plaintiffs in error, *v.* W. W. Burns, E. B. Nettleton, A. S. McClendon, etc., et al. In error to the Supreme Court of the State of Mississippi. Writ of error dismissed for want of jurisdiction. Petition for writ of certiorari denied.

No. 393. John G. Rouse, executor of the will of William C. Rouse, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 437. W. H. Baugh, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 441. Elizabeth Beck, Katherine Ferneding, Waldemar Helmholtz et al., petitioners, *v.* Milwaukee County, Wisconsin, Henry Bulder, and John Rutkowski; and

No. 442. Elizabeth Beck, Katherine Ferneding, Waldemar Helmholtz et al., petitioners, *v.* State of Wisconsin. Petition for writs of certiorari to the Supreme Court of the State of Wisconsin denied.

No. 444. The Robert Dollar Company, petitioner, *v.* American Asiatic Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 446. Eulahmae Reed, petitioner, *v.* Mary Narcomery, née Leader, Lucy Bruner, née Leader, et al. Petition for writ of certiorari to the Supreme Court of the State of Oklahoma denied.

No. 448. John J. Satterthwait and P. J. Hurley, Receivers of the Gilliland Oil Company, petitioners, *v.* McMan Oil and Gas Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 452. Mrs. A. E. Caswell, individually and as Executrix, etc., George W. Caswell, Mrs. Elizabeth Edwards, et al., petitioners, *v.* Magnolia Petroleum Company et al. Petition for writ of certiorari to the Supreme Court of the State of Texas denied.

No. 453. The Board of Trustees of the Anton Chico Land Grant, petitioner, *v.* Robert L. Brown, Thomas Carson, et al. Petition for writ of certiorari to the Supreme Court of the State of New Mexico denied.

No. 463. Mrs. M. M. Brice, Administratrix of Mason M. Brice, deceased, petitioner, *v.* The Texas Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 468. Mobile and Ohio Railroad Company, petitioner, *v.* Illinois Fuel Company. Petition for writ of certiorari to the Supreme Court of the State of Missouri denied.

No. 471. J. Pleasant Harris, petitioner, *v.* The State of Louisiana. Petition for writ of certiorari to the Supreme Court of the State of Louisiana denied.

ORDER

The Court will take a recess from Monday, October 29, until Monday, November 19 next.

No. 87. Albert Barbee Wick, Schuyler J. Gray, and Dora Gray, plaintiffs in error, *v.* The Superior Court of the State of Washington in and for the County of Chelan, et al. Motion to pass and to consolidate submitted by Mr. J. D. Sullivan for the plaintiffs in error, in support of the motion, and by Mr. Frank T. Post, Mr. Charles S. Albert, Mr. F. G. Dorety, Mr. Thomas Balmer, and Mr. Edwin C. Matthias for the defendants in error in opposition thereto.

No. —, original. John L. Shevenell and Helmar G. Josephson, Trustees, petitioners, *v.* James M. Morton, Jr., U. S. District Judge for the District of Massachusetts. Motion for leave to file petition for writ of mandamus submitted by Mr. John Boyle, jr., for the petitioner, in that behalf, with leave to respondent to file brief in opposition thereto within 10 days, on motion of Mr. Marcus B. May.

No. 481. Robert H. Lucas, Collector of Internal Revenue for the District of Kentucky, petitioner, *v.* A. J. A. Alexander. Leave granted to file brief for the respondent within 10 days on motion of Mr. George V. Triplett in that behalf.

No. 253. G. A. Oyster and W. A. Watson, partners, etc., plaintiffs in error, *v.* The Public Utilities Commission of Ohio. Mandate granted on motion of Mr. Curtis M. Shetler for the defendant in error.

No. 364. Serverino Alberto, petitioner, *v.* Bonifacio Nicolas. Petition for writ of certiorari to the Supreme Court of the Philippine Islands submitted by Mr. William Catron Rigby and Mr. J. A. Hull for the petitioner.

No. 377. Cole Storage Battery Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims sub-

mitted by Mr. Marvin Farrington and Mr. Harry C. Kinne for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Galloway, and Mr. Ralph C. Williamson for the respondent.

No. 431. The Mantle Lamp Company of America, Inc., of Chicago, Illinois, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims submitted by Mr. Marvin Farrington for the petitioner, and by Mr. Solicitor General Mitchell and Mr. Assistant Attorney General Galloway for the respondent.

No. 436. Thomas D. Taylor, petitioner, *v.* The Burr Printing Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Henry A. Craig for the petitioner, and by Mr. Lucius F. Robinson for the respondent.

No. 440. The United States, petitioner, *v.* The Galveston, Harrisburg & San Antonio Railway Company. Petition for writ of certiorari to the Court of Claims submitted by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Galloway, and Mr. Louis R. Mehlinger for the petitioner, and by Mr. William R. Harr and Mr. Charles H. Bates for the respondent.

No. 451. Dr. T. E. Dreher and Mrs. Ada Bonner Le Boeuf, petitioners, *v.* The State of Louisiana. Petition for writ of certiorari to the Supreme Court of the State of Louisiana submitted by Mr. Eldon S. Lazarus for the petitioners.

No. 454. Minneapolis, St. Paul & Sault Ste. Marie Railway Company, petitioner, *v.* John Rock. Petition for writ of certiorari to the Appellate Court of the State of Illinois, First District, and/or Supreme Court of the State of Illinois submitted by Mr. John E. Palmer and Mr. Henry S. Mitchell for the petitioner, and by Mr. Herbert H. Patterson for the respondent.

No. 457. Jessie Margaret Wilson Budlong, petitioner, *v.* Milton J. Budlong; and

No. 458. Jessie Margaret Budlong, petitioner, *v.* Milton J. Budlong. Petitions for writs of certiorari to the Superior Court of Newport County, State of Rhode Island, submitted by Jessie M. W. Budlong, *pro se*, and by Mr. Arthur M. Allen for the respondent.

No. 467. Texas & New Orleans Railroad Company, petitioner, *v.* Guy Tilley. Petition for writ of certiorari to the Supreme Court of the State of Texas submitted by Mr. Charles H. Bates and Mr. J. H. Tallichet for the petitioner, and by Mr. Charles M. Smithdeal and Mr. Alexander W. Spence for the respondent.

No. 470. Frank N. Eich, petitioner, *v.* Joseph Czervonko, Anna Czervonko and Home Bank and Trust Company. Petition for writ of certiorari to the Supreme Court of the State of Illinois submitted

by Mr. Harry W. Standindge, and Mr. Justus Chancellor for the petitioner, and by Mr. Sherman C. Spitzer and Mr. George Gillette for the respondents.

No. 476. John L. Shevenell and Helmar G. Josephson, Trustees, petitioners, *v.* George J. Kelly, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit submitted by Mr. John Boyle, jr., for the petitioners, and by Mr. Marcus B. May for the respondent.

No. 479. Hugh W. Grant, Receiver, etc., petitioner, *v.* A. B. Leach & Company, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. James P. Wilson for the petitioner, and by Mr. William L. Day, Mr. Conrad H. Poppenhusen, Mr. Edward R. Johnston, and Mr. Henry Jackson Darby for the respondent.

No. 481. Robert H. Lucas, Collector, etc., petitioner, *v.* A. J. A. Alexander. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, Mr. C. M. Charest, and Mr. Edward H. Horton for the petitioner.

No. 482. Harry H. Weiss, Collector of Internal Revenue, petitioner, *v.* J. Harry Wiener; and

No. 483. C. F. Routzahn, Collector of Internal Revenue, petitioner, *v.* J. Harry Wiener. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, Mr. C. M. Charest, and Mr. Thomas H. Lewis, jr., for the petitioners.

No. 485. Lawrence Copley Thaw, petitioner, *v.* Mary Copley Thaw by Matthew C. Fleming, her guardian *ad litem*. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. John W. Davis, Mr. David H. Taylor, and Mr. Robert B. Knowles for the petitioner, and by Mr. David A. Reed, and Mr. Matthew C. Fleming for the respondent.

No. 488. Percy McGeorge, petitioner, *v.* Island Development Company and Atlantic-Brigantine Bridge Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. James Mercer Davis for the petitioner, and by Mr. Albert E. Steinem for the respondent.

No. 495. Atlanta and Charlotte Air Line Railway Company et al., petitioners, *v.* R. F. Green. Petition for writ of certiorari to the Supreme Court of the State of South Carolina submitted by Mr. S. R. Prince, Mr. F. G. Tompkins, Mr. H. O'B. Cooper, and Mr. L. E. Jeffries for the petitioners, and by Mr. Horace L. Bomar for the respondent.

No. 72. Journeymen Stone Cutters Association of North America, Michael W. Mitchell, et al., appellants, *v.* The United States of America. Argument commenced by Mr. Jeremiah A. O'Leary for the appellants. Argument suspended, and counsel afforded opportunity to consider the effect upon this appeal of a failure to serve a summons and severance on certain defendants.

No. 110. Talbert W. Hughes, plaintiff in error, *v.* The State Board of Medical Examiners; and

No. 111. Nathan A. Hughes, plaintiff in error, *v.* The State Board of Medical Examiners. Argument commenced by Mr. Norman I. Miller for the plaintiffs in error and continued by Mr. George C. Spence for the plaintiffs in error. The Court declined to hear further argument.

No. 12. International Shoe Company, plaintiff in error. *v.* I. Pinkus, George Franklin, et al. Reargued by Mr. J. D. Williamson for the plaintiff in error and submitted by Mr. Lamar Williamson for the defendants in error. Leave granted to file brief for plaintiff in error by Thursday next.

No. 39. Francis Beidler II and George Engelking, as Executors, etc., plaintiffs in error, *v.* South Carolina Tax Commission. Argued by Mr. P. F. Henderson for the plaintiffs in error, and by Mr. J. Fraser Lyon for the defendant in error.

No. 40. Remington Arms Union Metallic Cartridge Company, Inc., petitioner, *v.* The United States. Argument commenced by Mr. William Wallace, jr., for the petitioner.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, October 23, will be as follows: Nos. 40, 41, 42, 43, 44, 45, 46, 48, 49, and 71.

SUPREME COURT OF THE UNITED STATES

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

Thomas T. C. Gregory, of San Francisco, Calif.; Allin H. Pierce, of Chicago, Ill.; Horace Dawson, of Chicago, Ill.; Joseph G. Myerson, of New York City; Horace M. Street, of San Francisco, Calif.; William R. Coley, of Wilkinsburg, Pa.; Harold B. Teegarden, of Washington, D. C.; and Harry Ellsworth Foster, of Seattle, Wash., were admitted to practice.

No. 46. The United States, petitioner, *v.* Cambridge Loan and Building Co. Leave granted to file brief of Cleveland R. Cross and Herbert W. Nauts, as *amici curiae*, on motion of Mr. L. L. Hamby in that behalf.

No. 72. Journeymen Stone Cutters Association of North America et al., appellants, *v.* The United States of America. Leave granted appellants to file brief within one week as to the effect upon this appeal of a failure to serve a summons and severance on certain defendants, on motion of Mr. Jeremiah A. O'Leary in that behalf.

No. 40. Remington Arms Union Metallic Cartridge Co., Inc., petitioner, *v.* The United States. Argument continued by Mr. William Wallace, jr., for the petitioner. The Court declined to hear further argument.

No. 41. Northern Coal & Dock Co. and General Accident, Fire & Life Assurance Corporation, Ltd., of Perth, Scotland, petitioners, *v.* Emma Strand and Industrial Commission of Wisconsin. Argued by Mr. Charles Quarles for the petitioners, and by Mr. Mortimer Levitan for the respondent.

No. 42. Daniel Kellher, appellant, *v.* G. T. French. Argument commenced by Mr. W. R. C. Cocke for the appellant. The Court declined to hear further argument.

No. 43. The Kansas City Southern Railway Co. and Texarkana & Fort Smith Ry. Co., petitioners, *v.* Roy Hooper, Tax Collector, etc. Argued by Mr. Frank H. Moore for the petitioner, and submitted by Mr. E. C. Lake for the respondent.

No. 44. George W. P. Hunt, as Governor of the State of Arizona, et al., etc., appellants, *v.* The United States of America. Argued by Mr. Earl Anderson for the appellants and by Mr. Solicitor General Mitchell for the appellee. Counsel to agree if possible upon a modification of the decree to be submitted to the Court.

No. 45. Fairbanks, Morse & Co., Inc., plaintiff in error, *v.* Baton Rouge Rice Mill, Inc., et al., etc. Argument commenced by Mr. Walter J. Suthon, jr., for the plaintiff in error. The Court declined to hear further argument.

No. 46. The United States, petitioner, *v.* Cambridge Loan and Building Co. Argument commenced by Mr. T. H. Lewis, jr., for the petitioner.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, October 24, will be as follows: Nos. **46, 48, 49, 71, 52 (and 53), 55 (and 56 and 57), 59, 62, 67, and 70.**

SUPREME COURT OF THE UNITED STATES

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

Frank J. Foley, of New York City; Virgil H. Gibbs, of Columbus, Ohio; and Ivan F. Phipps, of Portland, Oreg., were admitted to practice.

No. 46. The United States, petitioner, *v.* Cambridge Loan and Building Co. Argument continued by Mr. T. H. Lewis, jr., for the petitioner, and concluded by Mr. L. L. Hamby for the respondent.

No. 48. The United States, petitioner, *v.* Robert H. Lenson. Argued by Mr. Solicitor General Mitchell for the petitioner, and by Mr. George A. King for the respondent.

No. 49. Pacific Steamship Co., petitioner, *v.* Carl G. Peterson. Argued by Mr. W. C. Morrow for the petitioner, and by Mr. Harry E. Foster for the respondent.

No. 71. Roy O. West, Secretary of the Interior, petitioner, *v.* Standard Oil Co. Argument commenced by Mr. W. C. Morrow for the petitioner.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, October 25, will be as follows: Nos. 71, 52 (and 53), 55 (and 56 and 57), 59, 62, 67, and 70.

SUPREME COURT OF THE UNITED STATES

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

Guy H. Burnside, of Clarksburg, W. Va.; Adam H. Moss, of Orangeburg, S. C.; and William C. Wolfe, of Orangeburg, S. C., were admitted to practice.

No. 71. Roy O. West, Secretary of the Interior, petitioner, *v.* Standard Oil Co. Argument continued by Mr. W. C. Morrow for the petitioner, by Mr. Oscar Sutro and Mr. Louis Titus for the respondent, and concluded by Mr. W. C. Morrow for the petitioners.

No. 52. Mary Myers Parker, John C. Myers, et al., plaintiffs in error, *v.* The Tax Commission of Ohio; and

No. 53. Mary Myers Parker, John C. Myers, et al., plaintiffs in error, *v.* The Tax Commission of Ohio. Argued by Mr. Horace Andrews for the plaintiffs in error, and by Mr. Virgil H. Gibbs for the defendant in error.

No. 55. The State Road Commission of West Virginia et al., plaintiffs in error, *v.* Monongahela West Penn Public Service Co. et al.;

No. 56. The State Road Commission of West Virginia and Reynolds Taxi Co., plaintiffs in error, *v.* Baltimore & Ohio R. R. Co. et al.; and

No. 57. State Road Commission of West Virginia et al., plaintiffs in error, *v.* Baltimore & Ohio R. R. Co., et al. Argument commenced by Mr. Fred O. Blue for the plaintiffs in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, October 26, will be as follows: Nos. 55 (and 56 and 57), 59, 62, 67, and 70.

SUPREME COURT OF THE UNITED STATES

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

Louis L. Babcock, of Buffalo, N. Y.; Lionel K. Legge, of Charleston, S. C.; John P. Grace, of Charleston, S. C.; and Thomas A. Lynch, of Chicago, Ill., were admitted to practice.

No. 454. Minneapolis, St. Paul & Sault Ste. Marie Railway Company, petitioner, *v.* John Rock. Leave granted to file supplemental brief for the petitioner on motion of Mr. George F. Snyder in that behalf.

No. 55. The State Road Commission of West Virginia et al., plaintiffs in error, *v.* Monongahela West Penn Public Service Co. et al.;

No. 56. The State Road Commission of West Virginia and Reynolds Taxi Co., plaintiffs in error, *v.* Baltimore & Ohio R. R. Co. et al.; and

No. 57. State Road Commission of West Virginia et al., plaintiffs in error, *v.* Baltimore & Ohio R. R. Co. et al. Argument continued by Mr. Fred O. Blue for the plaintiffs in error. The Court declined to hear further argument.

No. 59. A. Leo Weil and Charles M. Thorp, doing business under the firm name and style of Weil & Thorp, petitioners, *v.* Edward M. Neary. Argued by Mr. A. Leo Weil for the petitioners, and by Mr. Louis Marshall for the respondent.

No. 62. Atlantic Coast Line R. R. Co., petitioner, *v.* C. M. Tyner, as Adm'r. of George A. Marshall, deceased. Argued by Mr. Thomas W. Davis for the petitioner, and by Mr. Lionel K. Legge and Mr. John P. Grace for the respondent.

No. 67. William Douglas Moore, as Executor, etc., plaintiff in error, *v.* Newton A. K. Bugbee, Comptroller of the Treasury, etc. Submitted by Mr. Andrew Foulds, jr., for the plaintiff in error, and by Mr. Edward L. Katzenbach for the defendant in error.

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 Butler, Mr. Justice Sutherland, Mr. Justice Sanford, and Mr. Justice Stone.

Paysoff Tinkoff, of Chicago, Ill.; Fred Buerstetta, of Lincoln, Nebr.; S. Robert Young, jr., of Washington, D. C.; Harrell O. Hoagland, of Worthington, Ind.; Daniel Stryker, of New York City; James H. Durbin, of New York City; A. Campbell Turner, of Washington, D. C.; Donald C. O'Regan, of Washington, D. C.; Charles D. Lewis, of White Plains, N. Y.; and Henry S. Manley, of Jamestown, N. Y., were admitted to practice.

The Chief Justice announced the following orders of the Court:

No. 33. Surplus Trading Company, plaintiff in error, *v.* J. M. Haynie, as Sheriff and Ex Officio Collector of Taxes for Pulaski County, Arkansas. Further consideration of the motion to dismiss is postponed to the hearing of the case on its merits. The motion to amend the record in this case is denied.

No. 87. Albert Barbee Wick, Schuyler J. Gray, et al., plaintiffs in error, *v.* The Superior Court of the State of Washington, etc. The motion to pass and to consolidate is denied.

No. 35. Westinghouse Electric & Manufacturing Company, petitioner, *v.* De Forest Radio Telephone & Telegraph Company; and

No. 36. Westinghouse Electric & Manufacturing Company and Edward H. Armstrong, petitioners, *v.* The United States of America, Alexander Meissner, General Electric Company, et al. On writs of certiorari to the United States Circuit Court of Appeals for the Third Circuit. *Per curiam*: Affirmed on the authority of *Morgan v. Daniels*, 153 U. S. 120; *Victor Talking Machine Co. v. Brunswick Balke Collender Co.*, 273 U. S. 670.

No. 110. Talbert W. Hughes, plaintiff in error, *v.* The State Board of Medical Examiners; and

No. 111. Nathan A. Hughes, plaintiff in error, *v.* The State Board of Medical Examiners. In error to the Supreme Court of the State of Georgia. *Per curiam:* The writs of error are dismissed for want of a substantial federal question on the authority of *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. 40. Remington Arms Union Metallic Cartridge Company, Inc., petitioner, *v.* The United States. On writ of certiorari to the Court of Claims. *Per curiam:* Affirmed on the authority of Sec. 177 of the Judicial Code.

No. 42. Daniel Kelleher, appellant, *v.* G. T. French. Appeal from the District Court of the United States for the District of West Virginia. *Per curiam:* Affirmed on the authority of *Miller v. Schoene*, 276 U. S. 272.

No. 43. The Kansas City Southern Railway Company and Texarkana & Fort Smith Railway Company, petitioners, *v.* Roy Hooper, Tax Collector of Sevier County, Arkansas. On writ of certiorari to the Supreme Court of the State of Arkansas. *Per curiam:* Reversed on the authority of *Montana National Bank v. Yellowstone County*, 276 U. S. 499; *Oklahoma Operating Co. v. Love*, 252 U. S. 331; *St. Louis Iron Mountain & Southern Ry. v. Williams*, 251 U. S. 63; *Wadley Southern Ry. v. Georgia*, 235 U. S. 651; *Ex Parte Young*, 209 U. S. 123.

No. 55. The State Road Commission of West Virginia and Reynolds Taxi Company, plaintiffs in error, *v.* Monongahela West Penn Public Service Company et al.;

No. 56. The State Road Commission of West Virginia and Reynolds Taxi Company, plaintiffs in error, *v.* The Baltimore & Ohio Railroad Company et al.; and

No. 57. The State Road Commission of West Virginia and James W. Bartlett et al., plaintiffs in error, *v.* The Baltimore & Ohio Railroad Company et al. In error to the Supreme Court of Appeals of the State of West Virginia. *Per curiam:* The writs of error are dismissed for want of a substantial federal question on the authority of *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. 45. Fairbanks, Morse & Company, Inc., plaintiff in error, *v.* Baton Rouge Rice Mill, Inc., Mrs. Eudora S. Day, Sheriff, etc. In error to the Supreme Court of the State of Louisiana. *Per curiam:* The writ of error is dismissed for want of a substantial federal question on the authority of *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. 62. Atlantic Coast Line Railroad Company, petitioner, *v.* C. M. Tyner, as Administrator of George A. Marshall, deceased. On writ of certiorari to the Supreme Court of the State of South Carolina. *Per curiam*: Reversed and remanded for a new trial on the authority of (1) Chicago, Milwaukee & St. Paul Ry. *v.* Coogan, 271 U. S. 472; (2) Southern Pacific Co. *v.* Berkshire, 254 U. S. 415; Chesapeake & Ohio Ry. *v.* Leitch, 276 U. S. 429; (3) Gulf, Colorado & Santa Fe Ry. *v.* Moser, 275 U. S. 133.

No. 67. William Douglas Moore, as Executor of the Last Will and Testament of Charles E. W. Harvey, deceased, plaintiff in error, *v.* Newton A. K. Bugbee, Comptroller of the Treasury of the State of New Jersey. In error to the Court of Errors and Appeals of the State of New Jersey. *Per curiam*: The writ of error is dismissed for want of a properly presented substantial federal question on the authority of St. Louis & San Francisco R. R. *v.* Shephard, 240 U. S. 240; Missouri Pacific R. R. *v.* Hanna, 226 U. S. 184.

No. 364. Severino Alberto, petitioner, *v.* Bonifacio Nicolas. Petition for writ of certiorari to the Supreme Court of the Philippine Islands granted.

No. 440. The United States, petitioner, *v.* The Galveston, Harrisburg & San Antonio Railway Company. Petition for writ of certiorari to the Court of Claims granted.

No. 454. Minneapolis, St. Paul & Sault Ste. Marie Railway Company, petitioner, *v.* John Rock. Petition for writ of certiorari to the Appellate Court of the State of Illinois, First District and/or Supreme Court of the State of Illinois granted.

No. 479. Hugh W. Grant, Receiver of The Struthers Furnace Company, petitioner, *v.* A. B. Leach & Company, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit granted.

No. 482. Harry H. Weiss, Collector of Internal Revenue, petitioner, *v.* J. Harry Wiener; and

No. 483. C. F. Routzahn, Collector of Internal Revenue, petitioner, *v.* J. Harry Wiener. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit granted.

No. 495. Atlanta and Charlotte Air Line Railway Company and Southern Railway Company, petitioners, *v.* R. F. Green. Petition for writ of certiorari to the Supreme Court of the State of South Carolina granted.

No. 377. Cole Storage Battery Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 389. Bakelite Corporation, petitioner, *v.* Frischer & Co., Inc., Randes Importing Company, et al. Petition for writ of certiorari to the United States Court of Customs Appeals denied.

No. 431. The Mantle Lamp Company of America, Inc., of Chicago, Illinois, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 436. Thomas D. Taylor, petitioner, *v.* The Burr Printing Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 451. Dr. T. E. Dreher and Mrs. Ada Bonner Le Boeuf, petitioners, *v.* The State of Louisiana. Petition for writ of certiorari to the Supreme Court of the State of Louisiana denied.

No. 457. Jessie Margaret Wilson Budlong, petitioner, *v.* Milton J. Budlong; and

No. 458. Jessie Margaret Budlong, petitioner, *v.* Milton J. Budlong. Petitions for writs of certiorari to the Superior Court of Newport County, State of Rhode Island, denied.

No. 467. Texas & New Orleans Company, petitioner, *v.* Guy Tilley. Petition for writ of certiorari to the Supreme Court of the State of Texas denied.

No. 470. Frank N. Eich, petitioner, *v.* Joseph Czervonko, Anna Czervonko, and Home Bank and Trust Company. Petition for writ of certiorari to the Supreme Court of the State of Illinois denied.

No. 485. Lawrence Copley Thaw, petitioner, *v.* Mary Copley Thaw, by Matthew C. Fleming, her guardian *ad litem*. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 488. Percy McGeorge, petitioner, *v.* Island Development Company and Atlantic-Brigantine Bridge Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 6, original. The State of Oklahoma, complainant, *v.* The State of Texas, defendant, The United States, Intervenor.

ORDER

It is ordered that the State of Oklahoma, the State of Texas, and the United States severally show cause, if any there be, why the books of account, records, and files of the receivership in this cause heretofore stored with the Security Storage Company of Washington, D. C., as provided in the order entered herein May 11, 1925, should not be destroyed or otherwise disposed of in a manner which will relieve the Court of their further custody. Such showing shall be made and filed with the Clerk on or before the fif-

teenth day of November next. The Clerk shall forthwith transmit a copy of this order to the Attorney General of each of the two States before named and to the Attorney General of the United States.

No. 16, original. *Ex Parte*: In the matter of Public National Bank of New York, petitioner. Return to rule to show cause presented by Mr. Solicitor General Mitchell in behalf of the respondents.

No. 17, original. *Ex Parte*: In the matter of The Bakelite Corporation, petitioner. Return to rule to show cause presented by Mr. Solicitor General Mitchell and oral argument on the rule assigned for Wednesday, January 2, 1929, after the cases heretofore assigned for that day.

No. 17, original. *Ex Parte*: In the matter of The Bakelite Corporation, petitioner. Leave granted to intervene and present oral argument on behalf of Frischer & Co., Inc., Randes Importing Co., Transatlantic Clock & Watch Co., Inc., and Western Briar Pipe Co., on motion of Mr. Meyer Kraushaar in that behalf.

No. 58. Benjamin Russell, J. M. Steverson, et al., petitioners, *v.* The United States of America. Leave granted to file brief of John E. Hughes, as *amicus curiae* on motion of Mr. John E. Lewis in that behalf.

No. 312. Charles L. Douglas, petitioner, *v.* The New York, New Haven and Hartford Railroad Company. Motion to advance submitted by Mr. Charles D. Lewis in behalf of Mr. Thomas J. O'Neill for the petitioner.

No. 400. Everlastik, Inc., petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims submitted by Mr. Raymond M. Hudson for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Galloway, and Mr. Dwight E. Rorer for the respondent.

No. 433. Edward P. Lupper and Frederick N. Remich, a copartnership, etc., petitioners, *v.* The United States. Petition for writ of certiorari to the Court of Claims submitted by Mr. Louis Titus, Mr. Geo. V. Triplett, jr., and Mr. J. Barrett Carter for the petitioners.

No. 465. Harold E. West, Chairman, et al., petitioners, *v.* The United Railways and Electric Company of Baltimore. Petition for writ of certiorari to the Court of Appeals of the State of Maryland submitted by Mr. Raymond S. Williams and Mr. Thomas J. Tingley for the petitioners.

No. 472. The Fajardo Sugar Company of Porto Rico, petitioner, *v.* Frederick G. Holcomb, Auditor of Porto Rico. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit submitted by Mr. David A. Buckley, jr., and Mr. Dean Hill Stanley for the petitioner.

No. 475. Hyman Huebschman, doing business under the name and style of Ritz Perfume Company, petitioner, *v.* Pinaud, Incorporated. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Marion Butler and Mr. Alexander J. Feild for the petitioner, and by Mr. Daniel L. Morris for the respondent.

No. 478. Puget Sound Power & Light Company, petitioner, *v.* J. G. Von Herberg, City of Seattle, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. James B. Howe for the petitioner.

No. 480. Grace C. Mitchell Johnson, as Administratrix, etc., petitioner, *v.* Terminal Railroad Association of St. Louis. Petition for writ of certiorari to the Supreme Court of the State of Missouri submitted by Mr. Sidney Thorne Able for the petitioner.

No. 484. The United States of America, petitioner, *v.* Rosika Schwimmer. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Solicitor General Mitchell for the petitioner.

No. 486. The New York Trust Company and John F. Downing, trustees, petitioners, *v.* Continental and Commercial Trust and Savings Bank et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. John W. Davis and Mr. Edwin S. S. Sunderland for the petitioners, and by Mr. Henry Russell Platt, Mr. Richard J. Higgins, Mr. Silas H. Strawn, Mr. Powell C. Groner, Mr. Walter H. Jacobs, Mr. Gilbert E. Porter, and Mr. Buell McKeever for the respondents.

No. 487. William M. Le Moyne, petitioner, *v.* W. Espy Curtis. Petition for writ of certiorari to the Appellate Court of the State of Illinois, First District, submitted by Mr. Philip H. Treacy for the petitioner, and by Mr. Alfred T. Carton for the respondent.

No. 489. F. W. Woolworth Co., petitioner, *v.* Clifford W. Calkins. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Frederick H. Stinchfield for the petitioner.

No. 493. W. & J. Sloane Manufacturing Company, petitioner, *v.* Armstrong Cork Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Emerson R. Newell, Mr. Frederick P. Fish, and Mr. Owen J. Roberts for the petitioner, and by Mr. Clarence P. Byrnes and Mr. George E. Stebbins for the respondent.

No. 494. Erie Railroad Company, petitioner, *v.* Pillsbury Flour Mills Company. Petition for writ of certiorari to the Supreme Court of the State of New York submitted by Mr. William C. Cannon and Mr. Theodore Kiendl for the petitioner.

No. 403. Sutter Butte Canal Co., plaintiff in error, *v.* The Railroad Commission of the State of California. Statement as to jurisdiction submitted by Mr. Douglas Brookman for the plaintiff in error.

No. 408. The Coast Lumber Company, Lillian Dunn, and Jess Dunn, appellants, *v.* M. W. Johnson, C. A. Phillips, et al. Statement as to jurisdiction submitted by Mr. James H. Hawley for the appellants.

No. 464. The United Railways and Electric Company of Baltimore, appellant, *v.* Harold E. West, Chairman, et al. Statement as to jurisdiction submitted by Mr. Charles McHenry Howard, Mr. Charles Markell, Mr. W. W. Willoughby, and Mr. Henry H. Waters for the appellant.

No. 465. Harold E. West, Chairman, et al., appellants, *v.* Thé United Railways and Electric Company of Baltimore. Statement as to jurisdiction submitted by Mr. Raymond S. Williams and Mr. Thomas J. Tingley for the appellants.

No. 209. Arthur E. Roberts and West End Lumber Company, plaintiffs in error, *v.* The City of Detroit, The Common Council for the City of Detroit, Philip A. Callahan, et al. In error to the Supreme Court of the State of Michigan. Motion to dismiss, affirm, or advance submitted by Mr. Clarence E. Wilcox and Mr. Paul T. Dwyer for the defendants in error in support of the motion, and by Mr. S. Homer Ferguson for the plaintiffs in error in opposition thereto.

No. 16, original. *Ex Parte*: In the matter of The Public National Bank of New York, petitioner. Argued on the return to the rule to show cause by Mr. William H. King for Andrew B. Keating as Receiver of Taxes of the City of New York et al., by Mr. Martin Saxe for the petitioner and by Mr. Henry S. Manley for Albert Ottinger, as Attorney General of the State of New York, with leave to file additional brief within three days, and submitted on printed return by Hon. Learned Hand and Hon. Augustus N. Hand, United States Circuit Judges, and Hon. William Bondy, District Judge of the United States for the Southern District of New York, respondents.

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

The day call for Monday, November 19, will be as follows: Nos. 19, 89, 31, 91 (and 92), 33, 50, 51, 58, 61, and 63.

SUPREME COURT OF THE UNITED STATES

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

David W. Oyler, of Denver, Colo.; Henry W. Sohon, of Washington, D. C.; Charles A. Rogers, of Cleveland, Ohio; William Stanley Paxson, of Washington Court House, Ohio; Ray R. Maddox, of Washington Court House, Ohio; John J. Monahan, of New York City; John Joseph Galbo, of Erie, Pa.; Sylvan H. Kohn, of Newark, N. J.; Charles F. McLaughlin, of Omaha, Nebr.; George B. Thummel, of Omaha, Nebr.; J. C. Murphy, of Atlanta, Ga.; Connor D. Ross, of Indianapolis, Ind.; and Elmer Ellsworth Beach, of Chicago, Ill., were admitted to practice.

No. 13. Frank C. Jordan, Secretary of State, and Robert V. Jordan, Deputy Secretary of State, petitioners, *v.* K. Tashiro, M. D.; Isami Sekiyama, M. D.; Paul K. Ito, M. D., et al. On writ of certiorari to the Supreme Court of the State of California. Judgment affirmed with costs. Opinion by Mr. Justice Stone.

No. 29. The State of Washington on the relation of Seattle Title Trust Company, as Trustee under the last will and testament of Caroline Kline Galland, deceased, plaintiff in error, *v.* George W. Roberge, as Superintendent of Buildings of the City of Seattle. In error to the Supreme Court of the State of Washington. Judgment reversed with costs, and the cause remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Butler.

No. 44. George W. P. Hunt, as Governor of the State of Arizona; D. E. Pettis, as Game Warden of the State of Arizona; Frank Harrison, etc., appellants, *v.* The United States of America. Appeal from the District Court of the United States for the District of Arizona. Decree modified and affirmed. Opinion by Mr. Justice Sutherland.

No. 16, original. *Ex Parte*: In the Matter of the Public National Bank of New York. Petition dismissed and rule discharged. Opinion by Mr. Justice Sutherland.

No. 34. Louis K. Liggett Company, appellant, *v.* The Honorable Thomas J. Baldrige, Attorney General of the Commonwealth of Pennsylvania; Charles C. Campbell, Charles F. Kramer, et. al., etc., et al. Appeal from the District Court of the United States for the Eastern District of Pennsylvania. Decree reversed with costs, and the cause remanded to said District Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Sutherland. Dissenting opinion by Mr. Justice Holmes, concurred in by Mr. Justice Brandeis.

No. 3. J. Smylie Herkness, appellant, *v.* Valentine K. Irion, Commissioner of Conservation of the State of Louisiana, and Percy Saint, Attorney General of the State of Louisiana. Appeal from the District Court of the United States for the Eastern District of Louisiana. Decree reversed with costs, and the cause remanded to said District Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Brandeis.

No. 22. Charles Warner Company, petitioner, *v.* Independent Pier Company; and

No. 23. Charles Warner Company, petitioner, *v.* Steamship "Gulf-trade," whereof Gulf Refining Company is Claimant. On writs of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Decree of the United States Circuit Court of Appeals for the Third Circuit reversed with costs and the decree of the District Court affirmed, and the cause remanded to the District Court of the United States for the Eastern District of Pennsylvania for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice McReynolds.

No. 2. The People of the State of New York *ex rel.* George C. Bryant, plaintiff in error, *v.* Charles F. Zimmerman, Chief of Police of Buffalo, New York; Frank W. Tyler and Deputy Sheriff Wahl. In error to the Supreme Court of the State of New York. Judgment affirmed with costs. Opinion by Mr. Justice Van Devanter. Separate opinion by Mr. Justice McReynolds.

No. 15. Boston Sand & Gravel Company, petitioner, *v.* United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit. Decree affirmed, and the cause remanded to the District Court of the United States for the District of Massachusetts. Opinion by Mr. Justice Holmes. Dissenting opinion by Mr. Justice Sutherland, in which Mr. Justice Butler, Mr. Justice Sanford, and Mr. Justice Stone concur.

No. 46. The United States, petitioner, *v.* The Cambridge Loan and Building Company. On writ of certiorari to the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Holmes.

No. 48. The United States, petitioner, *v.* Robert H. Lenson. On writ of certiorari to the Court of Claims. Judgment reversed, and the cause remanded to the Court of Claims for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Holmes.

No. 24. Lehigh Valley Railroad Company, appellant, *v.* Board of Public Utility Commissioners, Joseph F. Autenrieth, Frederick W. Gnichtel, Charles Browne, as Members, etc., et al.; and

No. 54. Lehigh Valley Railroad Company, appellant, *v.* Board of Public Utility Commissioners, Joseph F. Autenrieth, Frederick W. Gnichtel, et al. Appeals from the District Court of the United States for the District of New Jersey. Decrees affirmed with costs. Opinion by Mr. Chief Justice Taft. Dissenting opinion by Mr. Justice McReynolds.

The Chief Justice announced the following orders of the Court:

No. —, original. John L. Shevenell and Helmar G. Josephson, Trustees, petitioners, *v.* James M. Morton, Jr., U. S. District Judge for the District of Massachusetts. The motion for leave to file petition for writ of mandamus is denied.

No. 209. Arthur E. Roberts and West End Lumber Company, plaintiffs in error, *v.* The City of Detroit, The Common Council for the City of Detroit, Philip A. Callahan, et al. In error to the Supreme Court of the State of Michigan. *Per curiam:* The motion to dismiss is granted on the authority of *Meyer v. Richmond*, 172 U. S. 82. Treating the writ of error as an application for certiorari the same is denied.

No. 312. Charles L. Douglas, petitioner, *v.* The New York, New Haven and Hartford Railroad Company. The motion to advance this case is granted and the case assigned for argument on Monday, January 14, next.

No. 159. John F. Gilchrist, Leon G. Godley, et al., appellants, *v.* Interborough Rapid Transit Company et al. It is ordered by the Court that this case be restored to the docket for reargument on January 14, 1929, with the same limitations as to the time of argument and the number of counsel as in the original hearing; that complete new briefs be filed, and that the old briefs heretofore filed shall not be used; that the new briefs shall conform to the rules of this Court, be compact, logically arranged with proper headings, concise, and free from burdensome, irrelevant, and immaterial matter; the appellants shall prepare and file their briefs on or before December 17, 1928. The appellees shall prepare and file their briefs on or before January 2, 1929, and the appellants shall file reply briefs on or before January 9, 1929.

No. 72. Journeymen Stone Cutters Association of North America, Michael W. Mitchell, and Joseph Wall, 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:* The appeal is dismissed for lack of a showing of service of summons and severance upon those defendants in the court below who did not join in the appeal. *Masterson v. Herndon*, 10 Wall. 416; *Downing v. McCartney*, 131 U. S. 98 App'x.; *Hardee v. Wilson*, 146 U. S. 179; *Garcia v. Vela*, 216 U. S. 598.

No. 52. Mary Myers Parker, John C. Myers, Helen Myers Miller, et al., etc., plaintiffs in error, *v.* The Tax Commission of Ohio; and

No. 53. Mary Myers Parker, John C. Myers, Helen Myers Miller, et al., etc., plaintiffs in error, *v.* The Tax Commission of Ohio. In error to the Supreme Court of the State of Ohio. *Per curiam:* The writs of error are dismissed for want of a properly presented substantial Federal question, on the authority of (1) *St. Louis & San Francisco R. R. Co. v. Shephard*, 240 U. S. 240; *Jett Bros. Distilling Co. v. City of Carrollton*, 252 U. S. 1; (2) *Consolidated Turnpike Co. v. Norfolk & Ocean View Ry.*, 228 U. S. 326; *Marvin v. Trout*, 199 U. S. 212.

No. 403. Sutter Butte Canal Co., plaintiff in error, *v.* The Railroad Commission of the State of California. The Court find that probable jurisdiction has been shown.

No. 408. The Coast Lumber Company, Lillian Dunn, and Jess Dunn, appellants, *v.* M. W. Johnson, C. A. Phillips, R. L. Mohler, et al., etc. Appeal from the Supreme Court of the State of Idaho, *Per curiam:* The appeal is dismissed on the authority of sec. 237 of the Judicial Code, as amended by the act of February 13, 1925 (43 Stat. 936, 937), for lack of jurisdiction. Treating the appeal as an application for certiorari, the same is denied for want of a substantial Federal question on the authority of *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. 464. The United Railways and Electric Company of Baltimore, appellant, *v.* Harold E. West, Chairman, and J. Frank Harper and Steuart Purcell, members, constituting the Public Service Commission of Maryland; and

No. 465. Harold E. West, Chairman, and J. Frank Harper and Steuart Purcell, members, constituting the Public Service Commission of Maryland, appellants, *v.* The United Railways and Electric Company of Baltimore. Appeals from the Court of Appeals of the State of Maryland. *Per curiam:* The appeals are dismissed on the authority of sec. 237 (a) of the Judicial Code, as amended by the act of February 13, 1925 (43 Stat. 936, 937), for lack of juris-

diction, on the ground that the decree sought to be reviewed is not a final one. *Haseltine v. Central Bank of Springfield* (No. 1), 183 U. S. 130, 131; *Schlosser v. Hemphill*, 198 U. S. 173, 175; *Arnold v. United States for the use of Guimarin & Co.*, 263 U. S. 427, 434. The petition for certiorari in No. 465 is denied for the same reason.

No. 198. Arthur J. Karnuth, United States Director of Immigration, et al., petitioners, *v. United States of America*, on the petition of Preston M. Albro, an Attorney for Mary Cook and Antonio Danelon. The petition for a rehearing is granted. The order heretofore entered denying the petition for a writ of certiorari in this case is revoked and a writ of certiorari herein is granted.

No. 481. Robert H. Lucas, Collector of Internal Revenue for the District of Kentucky, petitioner, *v. A. J. A. Alexander*. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit granted.

No. 484. The United States of America, petitioner, *v. Rosika Schwimmer*. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted.

No. 319. George M. Emmanuel, petitioner, *v. The United States of America*. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 476. John L. Shevenell and Helmar G. Josephson, Trustees, petitioner, *v. George J. Kelly, Inc.* Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 400. Everlastik, Inc., petitioner, *v. The United States*. Petition for writ of certiorari to the Court of Claims denied.

No. 433. Edward P. Lupfer and Frederick N. Remich, a copartnership doing business as Lupfer and Remich, petitioners, *v. The United States*. Petition for writ of certiorari to the Court of Claims denied.

No. 472. The Fajardo Sugar Company of Porto Rico, petitioner, *v. Frederick G. Holcomb*, Auditor of Porto Rico. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 475. Hyman Huebschman, doing business under the name and style of Ritz Perfume Company, petitioner, *v. Pinaud, Incorporated*. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 478. Puget Sound Power & Light Company, petitioner, *v. J. G. Von Herberg*, City of Seattle, Ed L. Terry, as Treasurer, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 480. Grace C. Mitchell Johnson, as Administratrix of the Estate of James E. F. Nexsen, deceased, petitioner, *v.* Terminal Railroad Association of St. Louis. Petition for writ of certiorari to the Supreme Court of the State of Missouri denied.

No. 486. The New York Trust Company and John F. Downing, Trustees, petitioners, *v.* Continental and Commercial Trust and Savings Bank, and Edward F. Swinney, Trustees, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 487. William M. LeMoynes, petitioner, *v.* W. Espy Curtis. Petition for writ of certiorari to the Appellate Court of the State of Illinois, First District, denied.

No. 489. F. W. Woolworth Co., petitioner, *v.* Clifford W. Calkins. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 493. W. & J. Sloane Manufacturing Company, petitioner, *v.* Armstrong Cork Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 494. Erie Railroad Company, petitioner, *v.* Pillsbury Flour Mills Company. Petition for writ of certiorari to the Supreme Court of the State of New York denied.

The Chief Justice also announced the following order:

No. 6, original. The State of Oklahoma, complainant, *v.* The State of Texas, defendant, The United States, intervenor. It appearing that the clerk duly transmitted a copy of the order of October 29, 1928, to the Attorney General of each of the States of Oklahoma and Texas and to the Attorney General of the United States;

And the State of Oklahoma and the United States having severally responded to the said order by showing that they have no objection to the destruction of the books of accounts, records, and files of the receivership in this cause heretofore stored with the Security Storage Company, of Washington, D. C., and the State of Texas having failed to make any response to said order or to show cause against such proposed destruction;

It is now ordered that the clerk of this Court shall destroy all the books of account, records, and files of the receivership in this cause heretofore stored with the Security Storage Company, of Washington, D. C., under the order of May 11, 1925, and that the clerk report to the Court the fact of such destruction.

It is also ordered that the clerk pay any expense incurred in effecting such destruction and also pay any accrued charge owing to

the Security Storage Company on account of the storage of such books, records, and files up to the time of such destruction—such payments to be made out of the special fund in his custody established and maintained under the general order of October 29, 1926.

No. 548. Amos Farris, appellant, *v.* The United States of America. Appeal from the District Court of the United States for the District of Idaho. Docketed and dismissed and mandate granted on motion of Mr. Solicitor General Mitchell for the appellee.

No. 361. Shanker Laxman Gokhale, petitioner, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. The judgments of the District Court of the United States for the Northern District of New York and of the United States Circuit Court of Appeals for the Second Circuit in this cause vacated and set aside, and the cause remanded to the District Court of the United States for the Northern District of New York with direction to dismiss the bill of complaint, pursuant to stipulation filed herein, and on motion of Mr. Solicitor General Mitchell in that behalf.

No. 375. The United States of America, petitioner, *v.* California Cooperative Canneries. Motion to advance submitted by Mr. Solicitor General Mitchell for the petitioner.

No. 513. The United States of America, appellant, *v.* American Livestock Commission Company, Lewis Barefoot, etc. Motion to advance submitted by Mr. Solicitor General Mitchell for the appellant.

No. 499. Ida Rosoff and Lena Schultz, petitioners, *v.* The United States of America. Submission of petition for certiorari deferred for one week on motion of Mr. Solicitor General Mitchell in that behalf.

No. 14. T. Tomich, Harry F. Scott, and H. Mulberger, appellants, *v.* Union Trust Company, a corporation, Spokane & Eastern Trust Company, a corporation. Motion for further extension of time to comply with paragraph 2 of rule 13 per stipulation of counsel submitted by Mr. T. J. Walsh in behalf of Mr. John A. Shelton.

No. 58. Benjamin Russell, J. M. Steverson, T. C. Russell, et al., petitioners, *v.* The United States of America. Leave granted to file brief of Clarence N. Goodwin, as *amicus curiæ*, on motion of Mr. Godfry L. Munter in that behalf.

No. 278. The Cudahy Packing Company, a corporation, appellant, *v.* Jay Grant Hinkle, Secretary, etc. Motion to advance submitted by Mr. Dean G. Acheson for the appellant.

No. 58. Benjamin Russell, J. M. Steverson, T. C. Russell, et al., petitioners, *v.* The United States of America. Leave granted to file

brief of J. C. Murphy, as *amicus curiæ*, on motion of Mr. J. C. Murphy in that behalf.

No. 63. Katherine C. Roe, plaintiff in error, *v.* The State of Kansas on the relation of William A. Smith, Attorney General, Lincoln and Lee University of Kansas City, et al. Motion to dismiss writ of error as to defendant the Lincoln and Lee University of Kansas City submitted by Mr. Leslie J. Lyons in that behalf.

No. 131. The St. Louis and O'Fallon Railway Company et al., appellants, *v.* The United States of America et al.; and

No. 132. The United States of America et al., appellants, *v.* The St. Louis and O'Fallon Railway Company et al. Motion for leave to file brief of National Conference on Valuation of American Railroads and to participate in the oral argument as *amicus curiæ*, submitted by Mr. Donald R. Richberg in support of the motion and by Mr. Robert H. Kelley for the St. Louis and O'Fallon Railway Co. in opposition thereto.

No. —. *In re* Disbarment of John H. Adriaans. Motion to vacate order of disbarment entered June 1, 1926, submitted by Mr. John H. Adriaans *pro se*.

No. —, original. Commonwealth of Kentucky, complainant, *v.* State of Indiana et al. Return to rule to show cause of James Duane Duncan, Claude F. Johnson, Walter L. Brandt, et al., submitted by Frank D. Hatfield in that behalf.

No. —, original. Commonwealth of Kentucky, complainant, *v.* State of Indiana et al. Return to rule to show cause of State of Indiana submitted by Mr. Arthur L. Gilliom in that behalf.

No. —, original. Commonwealth of Kentucky, complainant, *v.* State of Indiana et al. Motion for leave to file amended bill of complaint submitted by Mr. Clifford E. Smith for the complainant and leave granted complainant to file brief in reply to the returns to the rule to show cause within 10 days.

No. —. John Brosnan, Jr., petitioner, *v.* George E. Martin, Chief Justice of the Court of Appeals of the District of Columbia, et al. Motion for leave to file petition for a writ of mandamus and for leave to proceed *in forma pauperis* submitted by Mr. John Brosnan, jr., *pro se*.

No. 424. Security National Bank of Watertown, South Dakota, appellant, *v.* Iver Twinde et al. Statement as to jurisdiction submitted by Mr. Perce L. Louchs for the appellant.

No. 430. Theodore J. Dimitry, A. T. Pattison, et al., appellants, *v.* Mrs. Lillian Lewis et al. Statement as to jurisdiction submitted by Mr. R. A. Wallace for the appellants.

No. 438. McPherson Brothers Company, plaintiff in error, *v.* Okanogan-Douglas Inter-County Bridge Company. Statement as to jurisdiction submitted by Mr. Peter McPherson for the plaintiff in error.

No. 81. Inter-City Coach Company, appellant, *v.* Abram L. Atwood, Frederick A. H. Bodington, John W. Hanley, et al. Appeal from the District Court of the United States for the District of Rhode Island. Dismissed with costs, on motion of counsel for the appellant.

No. 531. Joseph Mayes, petitioner, *v.* The Industrial Accident Board of the State of Michigan et al. Motion for leave to proceed *in forma pauperis* submitted by Mr. Joseph Mayes, *pro se*.

No. 538. Robert Percy Lofton, petitioner, *v.* The State of Mississippi. Motion for leave to proceed *in forma pauperis* submitted by Mr. S. Robert Young, jr., for the petitioner.

No. 178. Mrs. J. B. Ellis, petitioner, *v.* Associated Industries Insurance Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. A. H. Carrigan for the petitioner.

No. 306. Carson Petroleum Company, petitioner, *v.* Leon C. Vial, Sheriff and Tax Collector, etc., et al. Petition for writ of certiorari to the Supreme Court of the State of Louisiana submitted by Mr. William E. Leahy for the petitioner, and by Mr. Harry P. Sneed for the respondents.

No. 371. Hardware Underwriters and National Hardware Service Corporation, petitioners, *v.* The United States. Petition for writ of certiorari to the Court of Claims submitted by Mr. Joseph S. Brooks and Mr. Daniel V. Howell for the petitioners, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Galloway, Mr. E. G. Davis, and Mr. Charles R. Pollard for the respondent.

No. 385. Era W. Moore (formerly Era W. Cobb) joined by her husband C. G. Moore, et al., petitioners, *v.* A. H. Downing, Tax Collector of Stephens County, Texas, et al. Petition for writ of certiorari to the Court of Civil Appeals of the State of Texas, Eleventh Supreme Judicial District, submitted by Mr. J. Walter Cooke for the petitioners.

No. 432. Nels S. Nyberg, as Administrator of the Estate of Peter Bergman, deceased, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims submitted by Mr. Marvin Farrington and Mr. Harry Faber White for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Galloway, and Mr. Dwight E. Rorer for the respondents.

No. 473. Leona Ramos y Fajardo et al., petitioners, *v.* Francisco Icasiano y Bello et al. Petition for writ of certiorari to the Supreme Court of the Philippine Islands submitted by Mr. Jose Abad Santos for the petitioners.

No. 496. Cline Electric Manufacturing Co. et al., petitioners, *v.* G. A. Edward Kohler. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Wesley G. Carr and Mr. Drury W. Cooper for the petitioners, and by Mr. Silas H. Strawn, Mr. Edw. W. Everett, and Mr. Donald M. Carter for the respondent.

No. 497. The Chesapeake & Ohio Railway Company, petitioner, *v.* Kelly Webb. Petition for writ of certiorari to the Supreme Court of Appeals of the State of West Virginia submitted by Mr. C. W. Strickling for the petitioner, and by Mr. A. A. Lilly for the respondent.

No. 498. H. D. Brown, E. W. Allison, et al., petitioners, *v.* A. J. Veigel, as Commissioner of Banks of the State of Minnesota. Petition for writ of certiorari to the Supreme Court of the State of Minnesota submitted by Mr. Monteville J. Brown and Mr. William H. Oppenheimer for the petitioners.

No. 500. Ideal Cup Corporation, petitioner, *v.* Tulip Cup Corporation and United States Machine Mfg. Co. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Hans v Briesen for the petitioner, and by Mr. J. Austin Stone for the respondent.

No. 501. Powers-Kennedy Contracting Corporation and Anthony G. Fleck, petitioners, *v.* Concrete Mixing and Conveying Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. John D. Morgan and Mr. Alan M. Johnson for the petitioners, and by Mr. Stephen J. Cox and Mr. Lynn A. Williams for the respondent.

No. 502. Dallas W. Dietrich, doing business under the firm name and style of Atlantic Seaboard Flour Mills, petitioner, *v.* United States Shipping Board Merchant Fleet Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Richard B. Cavanagh for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Farnum, and Mr. J. Frank Staley for the respondent.

No. 503. Randolph M. Valz, Arthur Valz, et al., petitioners, *v.* Sheepshead Bay Bungalow Corporation et al. Petition for writ of certiorari to the Supreme Court of the State of New York submitted by Mr. Louis Marshall for the petitioners, and by Mr. George

E. Brower, Mr. Morgan J. O'Brien, and Mr. John Vance Hewitt for the respondents.

No. 505. Central Railroad Company of New Jersey, owner of the Ferryboat "Cranford," petitioner, *v.* Eastern Steamship Liner, as owner of the S. S. "Cumberland." Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Pierre M. Brown and Mr. Horace L. Cheyney for the petitioner, and by Mr. Clarence Bishop Smith and Mr. Henry M. Hewitt for the respondent.

No. 506. Gulf Refining Company, petitioner, *v.* Atlantic Mutual Insurance Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Ira A. Campbell for the petitioner, and by Mr. J. M. Richardson Lyeth for the respondent.

No. 507. Winford P. Larson, petitioner, *v.* David Crowther. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Amasa C. Paul for the petitioner, and by Mr. F. A. Whiteley for the respondent.

No. 508. Radio Corporation of America, petitioner, *v.* Arthur D., Lord, Receiver in Equity for the DeForest Radio Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Thurlow M. Gordon, Mr. Frederick P. Fish, Mr. John W. Davis, and Mr. James P. Sheffield for the petitioner, and by Mr. Samuel E. Darby, jr., for the respondents.

No. 509. Guaranty Trust Company of New York, petitioner, *v.* Aachen & Munich Fire Insurance Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. William C. Cannon for the petitioner, and by Mr. Hartwell Cabell for the respondent.

No. 510. International Indemnity Company, petitioner, *v.* C. C. Lehman and C. W. Lehman. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Weymouth Kirkland and Mr. Robert N. Golding for the petitioner, and by Mr. Franklin D. Jones for the respondents.

No. 516. H. C. Huckaby, petitioner, *v.* W. H. Clark, Receiver in Bankruptcy of the Kramer Mercantile Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Finis E. Riddle for the petitioner.

No. 520. Societe Anonyme D'Armement D'Industrie et de Commerce as Owner and Claimant of the steamship "Sunoco," petitioner, *v.* James McWilliams Blue Line, Inc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the

Second Circuit submitted by Mr. T. Catesby Jones and Mr. Leonard J. Matteson for the petitioner, and by Mr. Anthony V. Lynch, jr., and Mr. W. H. McGrann for the respondents.

No. 525. The United States of America, petitioner, *v.* Harry Whyel and George Whyel. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Solicitor General Mitchell for the petitioner.

No. 19. The United States of America, Interstate Commerce Commission, and Fort Smith, Subiaco & Rock Island Railroad Company, appellants, *v.* Missouri Pacific Railroad Company. Argument commenced by Mr. Daniel W. Knowlton for the Interstate Commerce Commission, and continued by Mr. H. H. Larrimore for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, November 20, will be as follows: Nos. 19, 89, 31, 91 (and 92), 33, 50, 51, 58, 61, and 63.

SUPREME COURT OF THE UNITED STATES

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

P. E. Boslaugh, of Hastings, Nebr.; Clifford Shoemaker, of Washington, D. C.; Clarence F. Corner, of Brooklyn, N. Y.; Albert Williams, of Lebanon, Tenn.; Samuel H. Riggs, of Ann Arbor, Mich.; Rush H. Williamson, of Washington, D. C.; John Bucerzan, of East Chicago, Ill.; W. F. Barry, jr., of Nashville, Tenn.; G. Denison Cherry, of Little Rock, Ark.; and L. D. Smith, of Knoxville, Tenn., were admitted to practice.

No. 19. The United States of America, Interstate Commerce Commission, and Fort Smith, Subiaco & Rock Island Railroad Company, appellants, *v.* Missouri Pacific Railroad Company. Argument continued by Mr. H. H. Larrimore for the appellee, and concluded by Mr. James B. McDonough for appellant Fort Smith, Subiaco and Rock Island R. R. Co.

No. 89. J. Robert Cogen, petitioner, *v.* The United States of America. Argument commenced by Mr. Sanford H. Cohen for the petitioner. The Court declined to hear further argument.

No. 31. Botany Worsted Mills, petitioner, *v.* The United States. Reargued by Mr. Nathan A. Smyth for the petitioner, and by Mr. Solicitor General Mitchell for the respondent.

No. 91. Samuel Prael, trading as Selwell Blouse Company, petitioner, *v.* Louis Hubshman, Trustee in Bankruptcy of Samuel Prael, trading as Selwell Blouse Company; and

No. 92, Harry Oriel and Joseph Confino, individually and as members of the firm of Oriel, Confino & Co., petitioners, *v.* William E. Russell, Trustee in Bankruptcy of Oriel, Confino & Co. Argument commenced by Mr. Archibald Palmer for the petitioner in No. 91, continued by Mr. George L. Cohen for the respondent in No. 91, and by Mr. Hugo Levy for the petition in No. 92.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, November 21, will be as follows: Nos. 91 (and 92), 33, 50, 51, 58, 61, 63, 64, 65, and 70.

SUPREME COURT OF THE UNITED STATES

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

Waldron M. Ward, of Newark, N. J., and David F. Lee, of Binghamton, N. H., were admitted to practice.

No. 91. Samuel Praela, trading as Selwell Blouse Co., petitioner, *v.* Louis Hubshman, Trustee, etc.; and

No. 92. Harry Oriel and Joseph Confino, individually, etc., petitioners, *v.* William E. Russell, Trustee, etc. Argument continued by Mr. Hugo Levy for the petitioner in No. 92, and concluded by Mr. Benjamin Siegel for the respondent in No. 92.

No. 33. Surplus Trading Company, plaintiff in error, *v.* J. M. Haynie, as Sheriff, etc. Argued on motion to dismiss by Mr. Charles D. Cherry for the plaintiff in error, and by Mr. Sam T. Poe for the defendant in error. Motion to dismiss denied. Argued by Mr. Charles D. Cherry for the plaintiff in error, and by Mr. Sam T. Poe for the defendant in error.

No. 50. Missouri Pacific Railroad Corporation in Nebraska and E. P. Boyer Lumber Company & Coal Company, et al., plaintiffs in error, *v.* Nebraska State Railway Commission. Argument commenced by Mr. Charles F. McLaughlin for the plaintiffs in error, and continued by Mr. Anan Raymond for certain plaintiffs in error, and by Mr. Hugh La Master for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, November 22, will be as follows: Nos. 50, 51, 58, 61, 63, 64, 65, 70, 73, and 74.

SUPREME COURT OF THE UNITED STATES

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

E. V. Littlefield, of Portland, Oreg.; Edwin Sawyer Hall, of New York City; and Philip U. Gayaut, of Washington, D. C., were admitted to practice.

No. 74. Joe Tin Lun, etc., et al., plaintiffs in error, *v.* W. F. Bond, State Sup't. of Education, et al. Continued until March 1, 1929.

No. 50. Missouri Pacific Railroad Corporation in Nebraska et al., plaintiffs in error, *v.* Nebraska State Railway Commission. Argument continued by Mr. Charles L. McLaughlin for the plaintiffs in error on the question of jurisdiction. The Court declined to hear further argument.

No. 51. John W. Gleason, etc., petitioner, *v.* Seaboard Air Line Railway Co. Argued by Mr. Edward Brennan for the petitioner and by Mr. E. Ormonde Hunter for the respondent.

No. 58. Benjamin Russell et al., petitioners, *v.* The United States of America. Argued by Mr. Douglas Arant and Mr. William S. Pritchard for the petitioners and by Mr. E. G. Davis for the respondent.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, November 23, will be as follows: Nos. 61, 63, 64, 65, 70, 73, 75, 76, 77, and 78.

SUPREME COURT OF THE UNITED STATES

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

Frank O. Chavez, of Shreveport, La.; H. O. Brown, of Punta Gorda, Fla.; Charles B. McInnis, of Repton, Ala.; L. Karlton Mosteller, of Washington, D. C.; Sidney C. Brown, jr., of Lakeland, Fla.; Philip M. Payne, of New York City; David Ezzell McRae, of Washington, D. C.; Ernest W. Clemens, of San Antonio, Tex.; James C. Connell, of Cleveland, Ohio; and Albert F. Block, of Davenport, Iowa, were admitted to practice.

No. 550. Floyd Kelsey, plaintiff in error, *v.* The State of Ohio. In error to the Supreme Court of the State of Ohio. Docketed and dismissed with costs, and mandate granted, on motion of Mr. James C. Connell in that behalf.

No. 61. John Slaker, Administrator, etc., appellant, *v.* Charles O'Connor et al. Argument commenced by Mr. P. E. Boslaugh for the appellant. The Court declined to hear further argument.

No. 63. Katherine C. Roe, plaintiff in error, *v.* The State of Kansas on the relation of William A. Smith, Attorney General, et al. Argument commenced by Mr. T. F. Railsback for the plaintiff in error. The Court declined to hear further argument.

No. 64. Albert S. Williams, Commissioner, etc., appellants, *v.* The Standard Oil Company of Louisiana; and

No. 65. Albert S. Williams, Commissioner, etc., appellants, *v.* The Texas Company. Argument commenced by Mr. Charles T. Cates, jr., for the appellants; continued by Mr. John W. Davis and Mr. H. Dent Minor for the appellee in No. 64; by Mr. John B. Keeble for the appellee in No. 65; and concluded by Mr. James J. Lynch for the appellants.

No. 70. Atlantic Coast Line Railroad Company, petitioner, *v.* Morgan L. Davis, as Administrator, etc. Argued by Mr. Thomas W. Davis and Mr. Henry E. Davis for the petitioner, and by Mr. William C. Wolfe for the respondent.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, November 26, will be as follows: Nos. 14, original, 60, 73, 75, 76, 77, 78, 79, 80, and 82.

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, Mr. Justice Sanford, and Mr. Justice Stone.

Norman A. Emery, of Youngstown, Ohio; William Henry O'Brien, of New York City; Bartlett E. Cushing, of Marion, Mass.; Rees H. Davis, of Cleveland, Ohio; James N. Sabin, of Denver, Colo.; and Harvey A. Basham, of Shawnee, Okla., were admitted to practice.

No. 49. Pacific Steamship Company, petitioner, *v.* Carl G. Peterson. On writ of certiorari to the Supreme Court of the State of Washington. Judgment affirmed with costs. Opinion by Mr. Justice Sanford.

The Chief Justice announced the following orders of the Court:

No. 21. The United States of America, as Owner of the Steam Collier "Proteus," petitioner, *v.* Commonwealth and Dominion Line, Ltd. It is ordered that this case be assigned for argument on Wednesday, January 2, 1929, after the cases heretofore assigned for that day.

No. 14. T. Tomich, Harry F. Scott, and H. Mulberger, appellants, *v.* Union Trust Company et al. The motion to extend time to comply with paragraph 2 of rule 13 is granted until January 2, 1929.

No. 355. The United States of America and The Interstate Commerce Commission, appellants, *v.* Anchor Coal Co. et al.;

No. 356. Barton Coal Co. et al., appellants, *v.* Anchor Coal Co. et al.;

No. 357. Pittsburgh Operators' Lake Rate Committee et al., appellants, *v.* Anchor Coal Co. et al.; and

No. 358. Baltimore & Ohio R. R. Co. et al., appellants, *v.* Anchor Coal Co. et al. It is ordered that these cases be advanced and assigned for argument on Monday, February 18, 1929.

No. 273. The Ann Arbor R. R. Co. et al., appellants, *v.* The United States of America et al. It is ordered that this case be advanced and assigned for argument on Monday, February 25, 1929.

No. 278. The Cudahy Packing Co., appellant, *v.* Jay Grant Hinkle, Secretary, etc. The motion to advance this case is granted and the case assigned for argument on Monday, January 7, 1929, after the case heretofore assigned for that day.

No. 375. The United States of America, petitioner, *v.* California Cooperative Canneries. The motion to advance this case is granted and the case assigned for argument on Monday, March 11, 1929.

No. 513. The United States of America, appellant, *v.* American Livestock Commission Co. et al. The motion to advance this case is granted and the case assigned for argument on Tuesday, March 5, 1929.

No. 131. The St. Louis and O'Fallon Railway Co. et al., appellants, *v.* The United States of America et al.; and

No. 132. The United States of America et al., appellants, *v.* The St. Louis and O'Fallon Railway Co. et al. Order the motion submitted by Mr. Donald R. Richberg for leave to file a brief and to make oral argument as *amicus curiae* is granted, the time of the argument to be fixed by the Court when the case is called.

No. —. In Re Disbarment of John H. Adriaans. Motion to revoke order of disbarment denied.

No. —, original. John J. Brosnan *v.* George E. Martin, Judge. The motion for leave to file petition for a writ of mandamus and the motion for leave to proceed *in forma pauperis* are denied.

No. 531. Joseph Mayes, petitioner, *v.* The Industrial Accident Board of the State of Michigan and The Consolidated Paper Co. On petition for writ of certiorari to the Supreme Court of the State of Michigan. *Per curiam:* The motion for leave to proceed further herein *in forma pauperis* is denied for the reason that the Court, upon examination of the unprinted record herein submitted, finds that there is no federal question upon which certiorari can be issued, application for which is therefore also denied. The costs already incurred herein by direction of the Court shall be paid by the Clerk from the special fund in his custody as provided in the order of October 29, 1926.

No. 538. Robert Percy Lofton, petitioner, *v.* The State of Mississippi. On petition for writ of certiorari to the Supreme Court of the State of Mississippi. *Per curiam:* The motion for leave to proceed further herein *in forma pauperis* is denied for the reason that the court, upon examination of the unprinted record herein submitted, finds that there is no federal question upon which certiorari can be issued, application for which is therefore also denied. The costs already incurred herein by direction of the Court shall be paid by the Clerk from the special fund in his custody as provided in the order of October 29, 1926.

No. 50. Missouri Pacific Railroad Corporation in Nebraska and E. P. Boyer Lumber Co. & Coal Co. et al., plaintiffs in error, *v.* Nebraska State Railway Commission. In error to the Supreme Court of the State of Nebraska. *Per curiam*: The writ of error is dismissed for want of a properly presented substantial federal question, on the authority of *St. Louis & San Francisco R. R. v. Sheppard*, 240 U. S. 240; *Jett Bros. Distilling Co. v. City of Carrollton*, 252 U. S. 1; *Consolidated Turnpike Co. v. Norfolk & Ocean View Ry.*, 228 U. S. 326.

No. 424. Security National Bank of Watertown, South Dakota, appellant, *v.* Iver Twinde, Pat Walsh, J. A. Kiley, et al., etc., et al. Appeal from the Supreme Court of the State of South Dakota. *Per curiam*: The appeal is dismissed for the reason that the judgment of the state court sought here to be reviewed was based on a non-Federal ground adequate to support it. *Bilby v. Stewart*, 246 U. S. 255, 257; *Farson Son & Co. v. Bird*, 248 U. S. 268, 271.

No. 430. Theodore J. Dimitry, A. T. Pattison, and H. P. Dart, Senior, Trustees, etc., appellants, *v.* Mrs. Lillian Lewis et al. Appeal from the Supreme Court of the State of Mississippi. *Per curiam*: The appeal is dismissed for the reason that the judgment of the state court sought here to be reviewed was based on a non-Federal ground adequate to support it. *Bilby v. Stewart*, 246 U. S. 255, 257; *Farson Son & Co. v. Bird*, 248 U. S. 268, 271.

No. 438. Etamar A. Mower, appellant, *v.* The State Department of Health for the State of Connecticut. Appeal from the Supreme Court of Errors of the State of Connecticut. *Per curiam*: The appeal is dismissed for want of a substantial Federal question on the authority of *Pittsburgh, C., C. & St. L. Ry. v. Backus*, 154 U. S. 421, 426; *Capital Traction Co. v. Hof*, 174, U. S. 1, 45; *Bragg v. Weaver*, 251, U. S. 57, 59.

No. 306. Carson Petroleum Company, petitioner, *v.* Leon C. Vial, Sheriff, etc. Petition for writ of certiorari to the Supreme Court of the State of Louisiana granted.

No. 506. Gulf Refining Company, petitioner, *v.* Atlantic Mutual Insurance Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 371. Hardware Underwriters and National Hardware Service Corporation, petitioners, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 385. Era W. Moore (formerly Era W. Cobb) joined by her husband C. G. Moore, A. N. Green, et al., petitioners, *v.* A. H. Downing, Tax Collector of Stephens County, Texas, et al. Petition for

writ of certiorari to the Court of Civil Appeals, 11th Supreme Judicial District, State of Texas, denied.

No. 432. Nels S. Nyberg, as Administrator of the Estate of Peter Bergman, deceased, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 473. Leona Ramos y Fajardo, Bernardino Ramos y Fajardo, et al., petitioners, *v.* Francisco Icasiano y Bello et al. Petition for writ of certiorari to the Supreme Court of the Philippine Islands denied.

No. 496. Cline Electric Manufacturing Company et al., petitioners, *v.* G. A. Edward Kohler. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 497. The Chesapeake & Ohio Railway Company, petitioner, *v.* Kelly Webb. Petition for writ of certiorari to the Supreme Court of Appeals of the State of West Virginia denied.

No. 498. H. D. Brown, E. W. Allison, et al., petitioners, *v.* A. J. Veigel, as Commissioner of Banks of the State of Minnesota. Petition for writ of certiorari to the Supreme Court of the State of Minnesota denied.

No. 500. Ideal Cup Corporation, petitioner, *v.* Tulip Cup Corporation and United States Machine Mfg. Co. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 502. Dallas W. Dietrich, doing business under the firm name and style of Atlantic Seaboard Flour Mills, petitioner, *v.* United States Shipping Board Merchant Fleet Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 503. Randolph M. Valz, Arthur Valz, et al., petitioners, *v.* Sheepshead Bay Bungalow Corporation et al. Petition for writ of certiorari to the Supreme Court of the State of New York denied.

No. 505. Central Railroad Company of New Jersey, owner of the Ferryboat "Cranford," petitioner, *v.* Eastern Steamship Lines, as owner of the S. S. "Cumberland." Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 507. Winford P. Larson, petitioner, *v.* David Crowther. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 508. Radio Corporation of America, petitioner, *v.* Arthur D. Lord, Receiver in Equity for the De Forest Radio Company et al.

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

No. 509. Guaranty Trust Company of New York, petitioner, *v.* Aachen & Munich Fire Insurance Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 510. International Indemnity Company, petitioner, *v.* C. C. Lehman and C. W. Lehman. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 516. H. C. Huckaby, petitioner, *v.* W. H. Clark, Receiver in Bankruptcy of the Kramer Mercantile Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 520. Société Anonyme d'Armement d'Industrie et de Commerce as owner and claimant of the steamship "Sunoco," petitioner, *v.* James McWilliams Blue Line, Inc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 526. The United States of America, petitioner, *v.* The John Barth Company and United States Fidelity & Guaranty Company. Submission of petition for certiorari deferred for two weeks on motion of Mr. Solicitor General Mitchell in that behalf.

No. 90. Mabel G. Reinecke, Collector, etc., petitioner, *v.* The Northern Trust Company, as Executor, etc. Leave granted to file brief of Elihu Root, jr., as *amicus curiae* on motion of Mr. Elihu Root, jr., in that behalf.

No. —. The Bricton Manufacturing Company, a corporation, petitioner, *v.* H. E. Close, et al.;

No. —. The Bricton Manufacturing Company, a corporation, petitioner, *v.* Mark J. Rosso, et al.; and

No. —. The Bricton Manufacturing Company, a corporation, petitioner, *v.* H. E. Close et al. Motion for leave to file petition for writs of certiorari *in forma pauperis* submitted by Mr. Ben Jenkins for the petitioner.

No. 369. Lancaster Iron Works, Inc., petitioner, *v.* J. C. Penney-Gwinn Corporation et al.; and

No. 370. Lancaster Iron Works, Inc., petitioner, *v.* J. C. Penney-Gwinn Corporation et al. Motion for leave to file petition for rehearing out of time submitted by Mr. Walter E. Barton in behalf of counsel for the petitioner.

No. 109. Merwin F. Wooten, appellant, *v.* Brevard County, Florida. Motion to pass submitted by Mr. Henry C. Clark for the appellant in support of the motion, and by Mr. L. C. Crofton for the appellee in opposition thereto.

No. 499. Ida Roseff and Lena Schultz, petitioners, *v.* The United States of America. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Dismissed on motion of counsel for the petitioners.

No. 426. John T. Gale et al., appellants, *v.* Norfolk & Western Ry. Co. et al. Statement as to jurisdiction submitted by Mr. C. C. Williams, Mr. Simeon Nash, and Mr. James I. Boulger for the appellants in support thereof, and by Mr. F. M. Rivinus and Mr. J. Hamilton Cheston for the appellees in opposition thereto.

No. 439. McPherson Brothers Company, plaintiff in error, *v.* Okanogan-Douglas Inter-County Bridge Company. Statement as to jurisdiction submitted by Mr. Peter McPherson for the plaintiff in error in support thereof.

No. 459. Vermillion Mining Company, appellant, *v.* Irene V. Fraser. Statement as to jurisdiction submitted by Mr. Wm. P. Belden and Mr. Horace Andrews for the appellant in support thereof, and by Mr. A. L. Agatin for the appellee in opposition thereto.

No. 460. Crete Mining Company, appellant, *v.* Laura A. Day. Statement as to jurisdiction submitted by Mr. Wm. P. Belden for the appellant in support thereof, and by Mr. Fred W. Putnam for the appellee in opposition thereto.

No. 461. Inland Steel Company, appellant, *v.* Laura A. Day. Statement as to jurisdiction submitted by Mr. Wm. P. Belden for the appellant in support thereof, and by Mr. Fred W. Putnam for the appellee, in opposition thereto.

No. 462. Inland Steel Company, appellant, *v.* H. B. Fryberger. Statement as to jurisdiction submitted by Mr. Wm. P. Belden and Mr. Horace Andrews for the appellant in support thereof, and by Mr. Harvey Hoshour for the appellee in opposition thereto.

No. 466. The Atchison, Topeka and Santa Fe Ry. Co. et al., appellants, *v.* The United States of America et al. Statement as to jurisdiction submitted by Mr. Elmer Westlake for the appellants.

No. 469. Ex Parte: Worcester County National Bank of Worcester, appellant. Statement as to jurisdiction submitted by Mr. Newton D. Baker and Mr. Benj. F. Fiery for the appellant.

No. 474. Frank D. Theobald, Victor M. Harper, et al., plaintiffs in error, *v.* The Board of County Commissioners of Fayette County, Ohio, et al. Statement as to jurisdiction submitted by Mr. B. W. Gearheart for the plaintiffs in error and by Mr. Ray R. Maddox in opposition thereto.

No. 477. George Sambor and John J. Mullin, et al., etc., appellants, *v.* Philadelphia Rapid Transit Company et al. Statement as to jurisdiction submitted by Mr. James J. Regan, jr., for the appellants.

No. 491. London Guarantee and Accident Co., Ltd., appellant, *v.* Industrial Accident Commission of the State of California et al. Statement as to jurisdiction submitted by Mr. Leo C. Weiler for the appellant.

No. 492. Renee Noel, appellant, *v.* Washington Suburban Sanitary Commission et al. Statement as to jurisdiction submitted by Mr. Frederick D. McKenney for the appellant in support thereof, and by Mr. Charles W. Clagett and Mr. T. Howard Duckett for the appellees in opposition thereto.

No. 515. Dewey County, South Dakota, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Frank McNulty for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Parmenter, and Mr. Pedro Capo-Rodriguez for the respondent.

No. 518. St. Louis Merchants Bridge Terminal Railway Company, petitioner, *v.* Ivan F. Woods. Petition for writ of certiorari to the Supreme Court of the State of Missouri submitted by Mr. J. L. Howell for the petitioner, and by Mr. W. H. Douglass for the respondent.

No. 521. E. V. M. R. De Sousa et al., petitioners, *v.* Crocker First National Bank of San Francisco, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. T. T. C. Gregory for the petitioners, and by Mr. Edward Hohfeld and Mr. Herbert W. Clark for the respondent.

No. 522. Mike Vendetti, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Charles H. Miller for the petitioner, and by Mr. Solicitor General Mitchell and Assistant Attorney General Willebrandt for the respondent.

No. 523. Otto Kindlund and Mary Kindlund, petitioners, *v.* The State of Washington. Petition for writ of certiorari to the Supreme Court of the State of Washington submitted by Mr. Charles H. Miller for the petitioners, and by Mr. Ewing D. Colvin for the respondent.

No. 527. Daniel B. Heiner, Collector of Internal Revenue, etc., petitioner, *v.* Henry Wilhelm Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Solicitor General Mitchell for the petitioner.

No. 547. Alexander F. Winters and Basil R. Crampton, petitioners, *v.* Dent Hardware Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. John Boyle, jr., for the petitioners.

No. 14, original. The State of Colorado, complainant, *v.* The State of Kansas et al. Argued on the motion to dismiss by Mr. F. Dumont Smith for the defendant the Finney County Water Users' Association; by Mr. John G. Egan for the defendant the State of Kansas; and by Mr. Fred A. Sabin and Mr. James G. Rogers for the complainant. Leave granted the State of Kansas to file supplemental brief by December 1.

No. 60. W. A. Frost, doing business, etc., appellant, *v.* Corporation Commission of the State of Oklahoma et al. Argued by Mr. Robert M. Rainey and Mr. Streeter B. Flynn for the appellant and by Mr. E. S. Ratliff for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, November 27, will be as follows: Nos. 73, 75, 76, 77, 78, 79, 80, 82, 83 (and 84, 85, and 86), and 87.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Holmes, Mr. Justice Reynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Sanford, and Mr. Justice Stone.

Alva Edgar Steadman, of Honolulu, Hawaii, and Wm. Victor Goldberg, of New York City, were admitted.

No. 77. The Chase National Bank, etc., et al. *v.* The United States. Leave granted to file brief of L. L. Hamby, as *amicus curiae*, on motion of Mr. L. L. Hamby in that behalf.

No. 73. Unadilla Valley Railway Company, petitioner, *v.* Ernest Caldine, as Adm'r, etc. Argued by Mr. H. Prescott Gatley for the petitioner and by Mr. D. F. Lee for the respondent.

No. 75. The Commercial Casualty Insurance Company *v.* The Consolidated Stone Company. Argued by Mr. Reese H. Davis for the Commercial Casualty Insurance Co., and by Mr. Norman A. Emery for the Consolidated Stone Co.

No. 76. E. Henry Wemme Company, plaintiff in error, *v.* Ben Selling et al. Argument commenced by Mr. Guy C. H. Corliss for the plaintiff in error and continued by Mr. Thomas Mannix for the plaintiff in error. The Court declined to hear further argument.

No. 77. The Chase National Bank, etc., et al. *v.* The United States. Argument commenced by Mr. Dallas S. Townsend for the Chase National Bank, etc., et al., continued by Mr. Alfred A. Wheat for the United States and by Mr. William Marshall Bullitt for the Chase National Bank, etc., et al.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, November 28, will be as follows: Nos. 77, 78, 79, 80, 82, 83 (and 84, 85, and 86), 87, 88, 90, and 93.

SUPREME COURT OF THE UNITED STATES

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

Bernard Meredith, of Richmond, Va., was admitted to practice.

No. 90. Mabel G. Reinecke, Collector, etc., petitioner, *v.* The Northern Trust Co. as Executor, etc. Leave granted to file brief of Edward H. Blanc and Russell L. Bradford as *amici curiae*, on motion of Mr. Russell L. Bradford in that behalf.

No. 88. Missouri-Kansas-Texas Railroad Company of Texas, plaintiff in error, *v.* William W. Marss et al. Submitted by Mr. Fred Wallace, Mr. Charles C. Huff, and Mr. Joseph H. Barwise for the plaintiff in error, and by Mr. James A. Templeton and Mr. Robert L. Carlock for the defendants in error.

No. 77. The Chase National Bank, etc., et al. *v.* The United States. Argument concluded by Mr. William Marshall Bullitt for the Chase National Bank, etc., et al.

No. 78. The United States, petitioner, *v.* Amos D. Carver et al. Argued by Mr. Solicitor General Mitchell for the petitioner, and by Mr. Frank E. Scott for the respondents.

No. 79. Leo Salomon et al., plaintiffs in error, *v.* State Tax Commission of New York; and

No. 80. Nettie I. Simonson et al., plaintiffs in error, *v.* State Tax Commission of New York. Argued by Mr. Charles Angulo for the plaintiffs in error in No. 79, by Mr. Abraham L. Gutman for the plaintiffs in error in No. 80, and by Mr. Seth T. Cole for the defendant in error.

No. 82. J. Royal Snyder, plaintiff in error, *v.* The New York, Chicago & St. Louis Railroad Company. Argued by Mr. Frederick Henry for the plaintiff in error, and by Mr. William H. Boyd and Mr. Thos. H. Hogsett for the defendant in error.

No. 83. American Railway Express Company, plaintiff in error, *v.* Fleishman, Morris & Co., Inc.;

No. 84. American Railway Express Company, plaintiff in error, *v.* Richmond Hardware Company;

No. 85. American Railway Express Company, plaintiff in error,
v. G. T. Elliott, Inc.; and

No. 86. American Railway Express Company, plaintiff in error,
v. L. M. Newcomb. Argument commenced by Mr. Wyndham R. Meredith for the plaintiff in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, December 3, will be as follows: Nos. 83 (and 84, 85, and 86), 99, 305, 182, 352, 429, 87, 90, 93, and 94.

SUPREME COURT OF THE UNITED STATES

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

R. L. Davidson, of Tulsa, Okla.; Fred A. Tillman, of Pawhuska, Okla.; Olive H. Rabe, of Chicago, Ill.; C. K. Quin, of San Antonio, Tex.; and Henry J. Walsh, of Brooklyn, N. Y., were admitted to practice.

The Chief Justice announced the following orders of the Court:

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

No. 369. Lancaster Iron Works, Inc., petitioner, *v.* J. C. Penney-Gwinn Corporation et al.; and

No. 370. Lancaster Iron Works, Inc., petitioner, *v.* J. C. Penney-Gwinn Corporation et al. The motion for leave to file a petition for rehearing beyond the time permitted by the rule is denied.

No. 109. Merwin F. Wooten, appellant, *v.* Brevard County, Florida. The motion to pass this case is granted until Monday, February 18 next, and the case is assigned for argument after the cases heretofore assigned for that day.

No. 555. Harry F. Sinclair *v.* The United States of America. This criminal case upon the docket is advanced and assigned for argument on Monday, January 7 next, after the cases heretofore assigned for that day.

No. —. The Britson Manufacturing Company, a corporation, petitioner, *v.* H. E. Close et al.;

No. —. The Britson Manufacturing Company, a corporation, petitioner, *v.* Mark J. Rosso et al.; and

No. —. The Britson Manufacturing Company, a corporation, *v.* H. E. Close et al. The motion for leave to file petition for writs of certiorari in these cases *in forma pauperis* is denied.

No. —, original. The State of Kentucky, complainant, *v.* The State of Indiana et al. On consideration of the returns to the rules to

show cause it is ordered that leave is granted to file the original bill of complaint and the amended bill of complaint herein and process is ordered to issue returnable on Monday, February 18, 1929.

No. 426. John T. Gale, Harry B. Snyder, Frederick L. Gardner, et al., appellants, *v.* Norfolk & Western Railway Company and Virginia Holding Corporation. Appeal from the Supreme Court of the State of Ohio. *Per curiam*: The appeal is dismissed on the authority of sec. 237 (a) of the Judicial Code, as amended by the act of February 13, 1925 (43 Stat. 936, 937), for lack of jurisdiction. Treating the appeal as an application for certiorari the same is denied for want of a substantial Federal question on the authority of *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. 439. McPherson Brothers Company, plaintiff in error, *v.* Okanogan-Douglas Inter-County Bridge Company. In error to the Supreme Court of the State of Washington. *Per curiam*: The writ of error is dismissed on the authority of sec. 237 (a) of the Judicial Code, as amended by the act of February 13, 1925 (43 Stat. 936, 937), for lack of jurisdiction. Treating the writ of error as an application for certiorari the same is denied for want of a substantial Federal question on the authority of *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. 459. Vermillion Mining Company, appellant, *v.* Irene V. Fraser;

No. 460. Crete Mining Company, appellant, *v.* Laura A. Day;

No. 461. Inland Steel Company, appellant, *v.* Laura A. Day; and

No. 462. Inland Steel Company, appellant, *v.* H. B. Fryberger. Appeals from the Supreme Court of the State of Minnesota. *Per curiam*: The appeals are dismissed on the authority of *Lake Superior Consolidated Iron Mines v. Lord*, 271 U. S. 577.

No. 474. Frank D. Theobald, Victor M. Harper, Ivah M. Harper, et al., plaintiffs in error, *v.* The Board of County Commissioners of Fayette County, Ohio, et al. In error to the Supreme Court of the State of Ohio. *Per curiam*: The writ of error is dismissed for want of a substantial Federal question on the authority of *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. 477. George Sambor and John J. Mullin et al., for themselves and on behalf of the City of Philadelphia, appellants, *v.* Philadelphia Rapid Transit Company and William D. B. Ainey et al., etc. Appeal from the District Court of the United States for the Eastern District of Pennsylvania. *Per curiam*: The appeal is dismissed for

want of a substantial Federal question on the authority of Maryland *v. Baltimore & Ohio R. R. Co.*, 3 How. 534, 552; *Pawhuska v. Pawhuska Oil Co.*, 250 U. S. 394, 399; *Trenton v. New Jersey*, 262 U. S. 182, 186; *Risty v. Chicago Ry. Co.*, 270 U. S. 378, 390.

No. 492. Renee Noel, appellant, *v. Washington Suburban Sanitary Commission and J. Forrest Walker*, Treasurer of Montgomery County. Appeal from the Court of Appeals of the State of Maryland. *Per curiam*: The appeal is dismissed for want of a substantial Federal question on the authority of *Wagner v. Baltimore*, 239 U. S. 207; *Seattle v. Kelleher*, 195 U. S. 351, 359; *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. 76. E. Henry Wemme Company, plaintiff in error, *v. Ben Selling, Dr. Allen F. Noyes, Edgar H. Sensenich, et al., etc.* In error to the Supreme Court of the State of Oregon. *Per curiam*: The writ of error is dismissed for want of a substantial Federal question on the authority of *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. 82. J. Royal Snyder, plaintiff in error, *v. The New York, Chicago & St. Louis Railroad Company*. In error to the Supreme Court of the State of Ohio. *Per curiam*: The writ of error is dismissed for want of a substantial Federal question on the authority of *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. 466. The Atchison, Topeka and Santa Fe Railway Company et al., appellants, *v. The United States of America et al.*;

No. 469. Ex parte: Worcester County National Bank of Worcester, appellant;

No. 491. London Guarantee and Accident Company, Ltd., appellant, *v. Industrial Accident Commission of the State of California et al.* In these cases the Court find that probably jurisdiction has been shown.

No. 14, original. The State of Colorado, complainant, *v. The State of Kansas et al.* The motion to dismiss is denied without prejudice to any question and with leave to the defendants to answer within ninety days.

No. 547. Alexander F. Winters and Basil Crampton, petitioners, *v. Dent Hardware Company*. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit granted.

No. 178. Mrs. J. B. Ellis, petitioner, *v. Associated Industries Insurance Corporation*. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 515. Dewey County, South Dakota, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 518. St. Louis Merchants Bridge Terminal Railway Company, petitioner, *v.* Ivan F. Woods. Petition for writ of certiorari to the Supreme Court of the State of Missouri denied.

No. 521. E. V. M. R. DeSousa and Leung Yan Po, doing business as copartners under the firm name and style of DeSousa & Co., petitioners, *v.* Crocker First National Bank of San Francisco, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 522. Mike Vendetti, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 523. Otto Kindlund and Mary Kindlund, petitioners, *v.* The State of Washington. Petition for writ of certiorari to the Supreme Court of the State of Washington denied.

ORDER

The Court will take a recess from Monday, December 10 next, to Wednesday, January 2, 1929.

No. 538. Robert Percy Lofton, petitioner, *v.* The State of Mississippi. The certified transcript of record in this cause temporarily withdrawn from the files to be transmitted to the clerk of the Supreme Court of the State of Mississippi, but to be returned to the files of this Court within one month from this date, on motion of Mr. Gregory Hankin in behalf of S. Robert Young for the petitioner.

No. 490. Hart Refineries, appellant, *v.* The State of Montana. Statement as to jurisdiction submitted by Mr. John E. Patterson for the appellant.

No. 513. The United States of America, appellant, *v.* American Livestock Commission Company et al. Statement as to jurisdiction submitted by Mr. Solicitor General Mitchell, Mr. Assistant to the Attorney General Donovan, and Mr. H. B. Teegarden for the appellant.

No. 517. Charles Sawyear, Oscar Waller, et al., petitioners, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit sub-

mitted by Mr. John J. Sullivan for the petitioners, and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, and Mr. J. Louis Monarch for the respondent.

No. 524. Maryland Casualty Company, petitioner, *v.* Millie R. Jones. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Walter L. Clark for the petitioner.

No. 528. Concrete Mixing & Conveying Company, petitioner, *v.* R. C. Storrie & Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Lynn A. Williams, Mr. Clifford C. Bradbury, Mr. Albert G. McCaleb, and Mr. Stephen J. Cox for the petitioner.

No. 542. Herbert Day, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Will Steel for the petitioner, and by Mr. Solicitor General Mitchell, and Assistant Attorney General Willebrandt for the respondent.

No. 83. American Railway Express Company, plaintiff in error, *v.* Fleishmann, Morris & Co., Inc.;

No. 84. American Railway Express Company, plaintiff in error, *v.* Richmond Hardware Company;

No. 85. American Railway Express Company, plaintiff in error, *v.* G. T. Elliott, Inc.; and

No. 86. American Railway Express Company, plaintiff in error, *v.* L. M. Newcomb. Argument continued by Mr. Wyndham R. Meredith for the plaintiff in error. The Court declined to hear further argument. Leave granted counsel for plaintiff in error to file petition for writs of certiorari within 10 days.

No. 99. J. F. Lawrence et al., appellants, *v.* St. Louis-San Francisco Railway Co. Argued by Mr. C. B. Ames for the appellants, and by Mr. C. B. Stuart for the appellee.

No. 305. The United States of America, appellant, *v.* Fruit Growers Express Company. Argued by Mr. Assistant to the Attorney General Donovan for the appellant, and by Mr. William S. Dalzell for the appellee.

No. 182. Allie E. Lewis et al., petitioners, *v.* The United States of America. Argument commenced by Mr. R. L. Davidson for the petitioners.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, December 4, will be as follows: Nos. 182, 352, 429, 87, 90, 93, 94, 95, 96, and 97.

SUPREME COURT OF THE UNITED STATES

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

Henry C. Eldert, of New York City; Joseph Gordon Collins, of Gainesville, Ga.; Alexander L. Strouse, of New York City; Albert L. Robb, of Indianapolis, Ind.; Benjamin Stewart Crow, of Los Angeles, Calif.; Maximilian Bader, of New York City; Ethel M. Proffitt, of Okemah, Okla.; J. A. Logan Stephenson, of Okemah, Okla.; Robert E. Steiner, jr., of Montgomery, Ala.; Rollin Browne, of New York City; and Solon J. Carter, of Indianapolis, Ind., were admitted to practice.

No. 182. Allie E. Lewis et al., petitioners, *v.* The United States of America. Argument continued by Mr. Solicitor General Mitchell for the respondent, and concluded by Mr. R. L. Davidson for the petitioners.

No. 352. Abraham Braunstein, plaintiff in error and appellant, *v.* The People of the State of New York on the complaint of Gertrude E. McCarthy. Argument commenced by Mr. Jay Leo Rothschild for the plaintiff in error and appellant. Argument temporarily suspended.

No. 429. W. D. Manley, appellant, *v.* The State of Georgia. Argued by Mr. Marion Smith and Mr. W. T. Colquitt for the appellant, and by Mr. Reuben R. Arnold for the appellee.

No. 352. Abraham Braunstein, plaintiff in error and appellant, *v.* The People of the State of New York on the complaint of Gertrude E. McCarthy. Argument resumed by Mr. Jay Leo Rothschild for the plaintiff in error and appellant. The Court declined to hear further argument.

No. 87. Alice Barbee Wick et al., plaintiffs in error, *v.* The Superior Court of the State of Washington, etc. Argument commenced by Mr. Joseph D. Sullivan for the plaintiff in error. The Court declined to hear further argument.

No. 87. Alice Barbee Wick et al., plaintiffs in error, *v.* The Superior Court of the State of Washington, etc. In error to the Supreme Court of the State of Washington. Writ of error dismissed with costs for want of a final judgment.

No. 90. Mabel G. Reinecke, Collector, etc., petitioner, *v.* The Northern Trust Co., as Executor, etc. Argument commenced by Mr. T. H. Lewis for the petitioner.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, December 5, will be as follows: Nos. 90, 93, 94, 95, 96, 97, 98, 100, and 104.

SUPREME COURT OF THE UNITED STATES

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

Edward A. Bosarge, of Bartow, Fla.; Luther C. Johnson, of Bartow, Fla.; Maurice Albert Barancik, of Chicago, Ill.; A. Harry Crane, of Topeka, Kans.; and Howard G. Fuller, of Pierre, S. Dak., were admitted to practice.

No. 15. Boston and & Gravel Company, petitioner, *v.* The United States of America. Mandate granted on motion of Mr. John T. Fowler in that behalf.

No. 90. Mabel G. Reinecke, Collector, etc., petitioner, *v.* The Northern Trust Co. as Executor, etc. Argument continued by Mr. T. H. Lewis for the petitioner, by Mr. J. F. Dammann, jr., for the respondent, and concluded by Mr. Wm. B. McIlvaine for the respondent.

No. 93. Seaboard Air Line Railway Co., petitioner, *v.* J. E. Johnson. Argued by Mr. Robert E. Steiner, jr., for the petitioner, and by Mr. Richard T. Rives for the respondent.

No. 94. George Van Camp & Sons Company *v.* American Can Company et al. Argument commenced by Mr. Solon J. Carter for George Van Camp & Sons Company, and continued by Mr. William H. Thompson for the American Can Company.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, December 6, will be as follows: Nos. 94, 95, 96, 97, 98, 100, and 104.

SUPREME COURT OF THE UNITED STATES

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

Margaret Lambie, of Washington, D. C.; James A. Greenwood, of Cheyenne, Wyo.; Harold H. Armstrong, of Detroit, Mich.; George H. Helm, of Detroit, Mich.; Craig S. Atkins, of Washington, D. C.; Marion A. Kline, of Cheyenne, Wyo.; John D. Long, of Union, S. C.; James F. Gilliland, of Honolulu, Hawaii; and Leo J. Carrigan, of Detroit, Mich., were admitted to practice.

No. 94. *George Van Camp & Sons Company v. American Can Company et al.* Argument continued by Mr. Henry H. Hornbrook for the Van Camp Packing Co., Inc., and concluded by Mr. Solon J. Carter for George Van Camp & Sons Co.

No. 95. *The New York, Chicago & St. Louis Railroad Co., petitioner, v. Edgar M. Granfell.* Argument commenced by Mr. W. T. Kinder for the petitioner. The court declined to hear further argument.

No. 96. *The State Highway Commission of Wyoming, etc., et al., petitioners, v. Utah Construction Company.* Argued by Mr. Marion A. Kline for the petitioners, and by Mr. Benjamin S. Crow for the respondent.

No. 97. *New York and New Jersey Water Co. et al., appellants, v. Passaic Consolidated Water Co.* Argument commenced by Mr. Robert H. McCarter for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, December 7, will be as follows: Nos. 97, 98, 100, and 104.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Holmes, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Sanford, and Mr. Justice Stone.

Francis M. Miller, of Miami, Fla.; Lloyd Thurston, of Osceola, Iowa; Charles H. Elgin, of Centerville, Iowa; Ramon P. Mitra, of Manila, P. I.; Franklin E. Hardy, of Pittsburgh, Pa.; James A. Branch, of Atlanta, Ga.; and Riley A. Gwynn, of Lovell, Wyo., were admitted to practice.

No. 97. New York and New Jersey Water Company and New Jersey Suburban Water Company, appellants, *v.* Passaic Consolidated Water Co. Argument continued by Mr. Robert H. McCarter for the appellants, and concluded by Mr. Frederic J. Faulks for the appellee.

No. 98. Lash's Products Company, petitioner, *v.* The United States. Argued by Mr. A. R. Serven for the petitioner, and by Mr. Solicitor General Mitchell for the respondent.

No. 100. David A. Wright, Administrator of the Estate of Douglas B. Ellis, deceased, petitioner, *v.* Grand Trunk Railroad Company. Argued by Mr. Harold W. Armstrong for the petitioner, and by Mr. Leo J. Carrigan for the respondent.

No. 104. The United States of America, petitioner, *v.* Florence E. Williams. Argued by Mr. Solicitor General Mitchell for the petitioner, and submitted by Mr. William Kaufman for the respondent.

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, Mr. Justice Sanford, and Mr. Justice Stone.

Anne M. Goodall, of Washington, D. C.; Lee Forrest Denton, of Washington, D. C.; Arthur Skarry, of Washington, D. C.; Joseph A. Gerardi, of Washington, D. C.; William Armstrong Hunter, of Washington, D. C.; James T. Brady, of Holbrook, Mass.; W. Clifton Stone, of Washington, D. C.; James F. Sikes, of Tarpon Springs, Fla.; Joseph E. Warner, of Taunton, Mass.; and Howard Hosmer, of Washington, D. C., were admitted to practice.

No. 32. Security Mortgage Company, petitioner, *v.* Charles A. Powers, Trustee in Bankruptcy for Florida Furniture Corporation, Bankrupt. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Decree reversed with costs, and the cause remanded to the District Court of the United States for the Northern District of Georgia for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Brandeis.

No. 41. Northern Coal & Dock Company and General Accident, Fire & Life Assurance Corporation, Ltd., of Perth, Scotland, petitioners, *v.* Emma Strand and Industrial Commission of Wisconsin. On writ of certiorari to the Supreme Court of the State of Wisconsin. Judgment reversed with costs, and the cause remanded to said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice McReynolds. Concurring opinion by Mr. Justice Stone, in which Mr. Justice Holmes and Mr. Justice Brandeis concur.

No. 73. Unadilla Valley Railway Company, petitioner, *v.* Ernest Caldine, as Administrator of the Goods, Chattels, and Credits of Harold E. Caldine, deceased. On writ of certiorari to the Court of Appeals of the State of New York. Judgment reversed with costs, and the cause remanded to the said Court of Appeals for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Holmes.

The Chief Justice announced the following orders of the Court:

No. 490. Hart Refineries, appellant, *v.* The State of Montana. Appeal from the Supreme Court of the State of Montana. *Per curiam*: On examination of the statement intended to show jurisdiction of this appeal, the Court finds that the claim of a Federal question upon which this cause and the appeal are based is frivolous and the appeal is dismissed upon the authority of *Raley & Bros. v. Richardson*, 264 U. S. 157, 159.

No. 513. The United States of America, appellant, *v.* American Livestock Commission Company, Lewis Barefoot, etc., et al. In this case the Court finds that probable jurisdiction has been shown.

No. 83. American Railway Express Company, plaintiff in error, *v.* Fleischmann, Morriss & Co., Inc.;

No. 84. American Railway Express Company, plaintiff in error, *v.* Richmond Hardware Company;

No. 85. American Railway Express Company, plaintiff in error, *v.* G. T. Elliott, Inc.; and

No. 86. American Railway Express Company, plaintiff in error, *v.* L. M. Newcomb. In error to the Supreme Court of Appeals of the State of Virginia. *Per curiam*: The writs of error are dismissed for want of a substantial Federal question on the authority of *Wuchter v. Pizzutti*, 276 U. S. 13.

No. 352. Abraham Braunstein, plaintiff in error and appellant, *v.* The People of the State of New York on the complaint of Gertrude E. McCarthy. In error to and appeal from the Court of Appeals of the State of New York. *Per curiam*: The writ of error and the appeal are dismissed for want of a properly presented Federal question on the authority of *Capital City Dairy Co. v. Ohio*, 183 U. S. 238, 246; *Marvin v. Trout*, 199 U. S. 213, 223; *Hiawassee Power Co. v. Carolina-Tennessee Power Co.*, 252 U. S. 341, 343.

No. 87. Albert Barbee Wick, Schuyler J. Gray, and Dora Gray, plaintiffs in error, *v.* The Superior Court of the State of Washington in and for the County of Chelan, et al. In error to the Supreme Court of the State of Washington. *Per curiam*: The writ of error is dismissed on the authority of section 237 (a) of the judicial code, as amended by the act of February 13, 1925 (43 Stat. 936, 937), because the judgment sought to be reviewed is not final within the meaning of this section, however it may be regarded in State procedure; *Grays Harbor Logging Co. v. Coates Fordney Logging Co.*, 243 U. S. 251; *Washington ex rel. McPherson Bros. Co. v. Superior Court*, 274 U. S. 726; *Washington ex rel. Terry v. Superior Court*, 276 U. S. 626.

No. 93. Seaboard Air Line Railway Company, petitioner, *v.* J. E. Johnson. On writ of certiorari to the Supreme Court of the State of Alabama. *Per curiam*: The Court finds that the writ of certiorari

heretofore issued in this case was improvidently granted, and it is dismissed.

No. 95. The New York, Chicago and St. Louis Railroad Company, petitioner, *v.* Edgar M. Granfell. On writ of certiorari to the Court of Appeals of the State of Ohio, Eighth Judicial District. *Per curiam*: The Court finds that the writ of certiorari heretofore issued in this case was improvidently granted, and it is dismissed.

No. 97. New York and New Jersey Water Company and New Jersey Suburban Water Company, appellants, *v.* Passaic Consolidated Water Company. Appeal from the Court of Errors and Appeals of the State of New Jersey. *Per curiam*: The appeal is dismissed for want of a substantial Federal question on the authority of *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. 501. Powers-Kennedy Contracting Corporation and Anthony G. Fleck, petitioners, *v.* Concrete Mixing and Conveying Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit; and

No. 528. Concrete Mixing & Conveying Company, petitioner, *v.* R. C. Storie & Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. The petitions for writs of certiorari in these cases are granted, the two cases to be heard as one.

No. 524. Maryland Casualty Company, petitioner, *v.* Millie R. Jones. The petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted, but the consideration of the cause shall be limited to the question whether the Circuit Court of Appeals erred in failing to review the rulings of the District Court in the progress of the trial, excepted to at the time and duly presented by a bill of exceptions.

No. 517. Charles Sawyear, Oscar Waller, George Andrae, et al., petitioners, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 542. Herbert Day, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 399. The United States of America *v.* The Maryland Casualty Company. On certificate from the United States Circuit Court of Appeals for the Ninth Circuit. Dismissed on motion of Mr. Solicitor General Mitchell in that behalf.

No. 545. Standard Oil Company and Sinclair Refining Company, petitioners, *v.* City of Marysville, L. N. Cole, as Mayor, et al. Leave granted to file suggestions in support of the petition for writ of certiorari and to file a brief as *amicus curiae* on the merits should the petition be granted, on motion of Mr. James M. Beck in behalf of the American Petroleum Institute.

No. 6, original. State of Oklahoma, complainant, *v.* State of Texas, defendant, the United States of America, Intervenor. Report of the clerk of the destruction of the receivership records in this case submitted pursuant to the order of this Court of November 19, 1928, and ordered to be filed.

No. 511. Exchange Drug Company, appellant, *v.* J. D. McNeel, as Chairman, etc. Statement as to jurisdiction submitted by Mr. Robert Benson Evins for the appellant in support thereof, and by Mr. Charlie C. McCall and Mr. Richard T. Rives for the appellee in opposition thereto.

No. 514. Ohio Oil Company, appellant, *v.* E. A. Conway, Supervisor of Public Accounts of the State of Louisiana. Statement as to jurisdiction submitted by Mr. S. L. Herold for the appellant.

No. 519. Western & Atlantic Railroad, appellant, *v.* Mrs. Mary E. Henderson and Maryland Casualty Company. Statement as to jurisdiction submitted by Mr. Fitzgerald Hall and Mr. John L. Tye for the appellant.

No. 512. A. J. Sartoris, petitioner, *v.* Utah Construction Company et al.; and

No. 543. Southern Pacific Company, petitioner, *v.* A. J. Sartoris. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Horace M. Street for the petitioner in No. 512 and respondent in No. 543, and by Mr. Thomas B. Dozier and Mr. Frank C. Cleary for the petitioner in No. 543 and respondent in No. 512.

No. 532. Central New England Railway Company, petitioner, *v.* Boston & Albany Railroad Company, assignor, etc. Petition for writ of certiorari to the Superior Court for Suffolk County, State of Massachusetts, submitted by Mr. John L. Hall for the petitioner, and by Mr. Lowell A. Mayberry and Mr. George H. Fernald, jr., for the respondent.

No. 533. Young & Glenn, Inc., et al., petitioner, *v.* New York & Cuba Mail Steamship Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Oscar R. Houston for the petitioners, and by Mr. Van Vechten Veeder for the respondent.

No. 539. Puritan Coal Mining Company and E. H. Suender et al., petitioners, *v.* J. P. McCormick, Collector, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. M. J. Martin for the petitioners, and by Mr. F. W. Magrady for the respondent.

No. 540. George R. Meek, petitioner, *v.* George A. Beezer et al.; and

No. 541. John S. Ginter et al., petitioners, *v.* George A. Beezer et al. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Ellis L. Orvis, Mr. Mortimer C. Rhone, and Mr. Arthur C. Dale for the petitioners.

No. 545. Standard Oil Company and Sinclair Refining Company, petitioners, *v.* City of Marysville, L. N. Cole, as Mayor, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Thomas F. Doran, Mr. Roy T. Osborn, Mr. Earle W. Evans, Mr. C. W. Martyn, and Mr. R. R. Vermillion for the petitioners.

Adjourned until Wednesday, January 2, 1929, at 12 o'clock.

The day call for Wednesday, January 2 next, will be as follows: Nos. 17, original, 131 (and 132), 21, 101, 102, 103, 105 (and 194), 106 (and 107), 108, and 114.

SUPREME COURT OF THE UNITED STATES

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

Warren H. Wagner, of Washington, D. C.; Arthur Fisher, of Chicago, Ill.; Ralph Bosch, of New York City; Cornelius Doremus, of Ridgewood, N. J.; Irvin Stalmaster, of Omaha, Nebr.; John M. Rose, of Little Rock, Ark.; Charles Shepard, II, of Rochester, N. Y.; and Kenneth F. Simpson, of New York, N. Y.; were admitted to practice.

No. 1. The United Fuel Gas Company, a corporation, and Warfield Natural Gas Company, a corporation, appellants, *v.* The Railroad Commission of Kentucky, Frank N. Burns, et al., etc., and Frank E. Daugherty, Attorney General of Kentucky. Appeal from the District Court of the United States for the Eastern District of Kentucky. Decree affirmed with costs. Opinion by Mr. Justice Stone. Concurring: Mr. Justice McReynolds.

No. 4. United Fuel Gas Company, appellant, *v.* The Public Service Commission of West Virginia, I. Wade Coffman, C. E. Nethken, et al. Appeal from the District Court of the United States for the Southern District of West Virginia. Decree affirmed with costs. Opinion by Mr. Justice Stone. Concurring: Mr. Justice McReynolds.

No. 77. The Chase National Bank of the City of New York, James K. Symmers, Grace B. Drake, et al., etc., *v.* The United States. On certificate from the Court of Claims. Both questions answered in the negative. Opinion by Mr. Justice Stone. Concurring: Mr. Justice McReynolds. Dissenting: Mr. Justice Sutherland and Mr. Justice Butler.

No. 90. Mabel G. Reinecke, Collector of Internal Revenue for the First District of Illinois, petitioner, *v.* The Northern Trust Company, as Executor under the last will and testament of A. C. Bartlett, deceased. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Judgment reversed in part and affirmed in part and the cause remanded to the District Court of the United States for the Northern District of Illinois for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Stone.

No. 51. John W. Gleason, doing business as John W. Gleason Cotton Company, petitioner, *v.* Seaboard Air Line Railway Company. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Judgment reversed with costs, and the cause remanded to the District Court of the United States for the Southern District of Georgia for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Stone. Concurring: Mr. Justice Sutherland.

No. 31. Botany Worsted Mills, petitioner, *v.* The United States. On writ of certiorari to the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Sanford. Concurring: Mr. Justice Holmes.

No. 78. The United States, petitioner, *v.* Amos D. Carver, S. E. Turner, Clifford N. Carver, et al. On writ of certiorari to the Court of Claims. Judgment reversed, and the cause remanded to the said Court of Claims for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Sanford.

No. 88. Missouri-Kansas-Texas Railroad Company of Texas, plaintiff in error, *v.* William W. Mars and C. Bert Mars. In error to the Supreme Court of the State of Texas. Judgment affirmed with costs. Opinion by Mr. Justice Butler.

No. 12. International Shoe Company, plaintiff in error, *v.* I. Pinkus, George Franklin, Sam Dessent, et al. In error to the Supreme Court of the State of Arkansas. Decree reversed with costs, and the cause remanded to said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Butler. Dissenting: Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Sanford.

No. 19. The United States of America, Interstate Commerce Commission, and Fort Smith, Subiaco & Rock Island Railroad Company, appellants, *v.* Missouri Pacific Railroad Company. Appeal from the District Court of the United States for the Western District of Arkansas. Decree affirmed. Opinion by Mr. Justice Butler.

No. 64. Albert S. Williams, Commissioner of Finance of the State of Tennessee; L. D. Smith, Attorney General of Tennessee; and R. M. Atkinson, etc., appellants, *v.* The Standard Oil Company of Louisiana; and

No. 65. Albert S. Williams, Commissioner of Finance of the State of Tennessee; L. D. Smith, Attorney General of the State of Tennessee; and R. M. Atkinson, etc., appellants, *v.* The Texas Company. Appeals from the District Court of the United States for the Middle District of Tennessee. Decrees affirmed with costs. Opinion by Mr. Justice Sutherland. Concurring: Mr. Justice Brandeis and Mr. Justice Stone. Dissenting: Mr. Justice Holmes.

No. 94. George Van Camp & Sons Company *v.* American Can Company and The Van Camp Packing Company, Inc. On certificate from the United States Circuit Court of Appeals for the Seventh Circuit. Both questions answered in the affirmative. Opinion by Mr. Justice Sutherland.

No. 104. The United States of America, petitioner, *v.* Florence E. Williams. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Judgment of the United States Circuit Court of Appeals reversed and the judgment of the District Court affirmed, and the cause remanded to the District Court of the United States for the Western District of Pennsylvania for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Sutherland.

No. 71. Hubert Work, Secretary of the Interior, petitioner, *v.* Standard Oil Company. On writ of certiorari to the Court of Appeals of the District of Columbia. Decree reversed with costs, and the cause remanded to the Court of Appeals of the District of Columbia for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Brandeis. Mr. Justice Stone took no part in the consideration or decision of this case.

No. 89. J. Robert Cogen, petitioner, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Decree affirmed, and the cause remanded to the District Court of the United States for the Southern District of New York. Opinion by Mr. Justice Brandeis.

No. 99. J. F. Lawrence, C. C. Taylor, Edwin Dabney, etc., et al., appellants, *v.* St. Louis-San Francisco Railway Company. Appeal from the District Court of the United States for the Northern District of Oklahoma. Decree affirmed with costs. Opinion by Mr. Justice Brandeis.

No. 58. Benjamin Russell, J. M. Steverson, T. C. Russell, et al., petitioners, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Decree reversed, and the cause remanded to the United States Circuit Court of Appeals for the Fifth Circuit for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice McReynolds.

No. 61. John Slaker, Administrator de bonis non of the estate of John O'Connor, deceased, appellant, *v.* Charles O'Connor, Edward O'Connor, Mary L. O'Connor, et al. Appeal from the United States Circuit Court of Appeals for the Eighth Circuit. Appeal dismissed. Damages of one hundred and fifty dollars payable to the appellees, together with all costs, will be taxed against the appellant. Opinion by Mr. Justice McReynolds.

No. 63. Katherine C. Roe, plaintiff in error, *v.* The State of Kansas, on the relation of William A. Smith, Attorney General. In error to the Supreme Court of the State of Kansas. Writ of error dismissed, and a penalty of two hundred dollars, payable to the defendants in error, together with all costs, will be taxed against the plaintiff in error. Opinion by Mr. Justice McReynolds.

No. 96. The State Highway Commission of Wyoming, consisting of Hiram Lingle, T. D. O'Neil, et al., petitioners, *v.* Utah Construction Company. On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Judgment of the Circuit Court of Appeals reversed with costs and the judgment of the District Court affirmed; and the cause remanded to the District Court of the United States for the District of Wyoming for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice McReynolds.

No. 75. The Commercial Casualty Insurance Company *v.* The Consolidated Stone Company. On certificate from the United States Circuit Court of Appeals for the Sixth Circuit. Question No. 1 answered in the negative. An answer to question No. 2 rendered unnecessary by the answer to question No. 1. Opinion by Mr. Justice Van Devanter.

No. 98. Lash's Products Company, petitioner, *v.* The United States. On writ of certiorari to the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Holmes.

No. 59. A. Leo Weil and Charles M. Thorp, doing business under the firm name and style of Weil & Thorp, petitioners, *v.* Edward M. Neary. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Decree reversed with costs, and the 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. Chief Justice Taft.

The Chief Justice announced the following orders of the Court:

No. 511. Exchange Drug Company, appellant, *v.* J. D. McNeel, as Chairman of the State Tax Commission of Alabama, W. L. Harrison, F. H. Moore, et al. Appeal from the Supreme Court of the State of Alabama. *Per curiam*: The appeal is dismissed on the authority of section 237 of the Judicial Code, as amended by the act of February 13, 1925 (43 Stat. 936, 937), for lack of jurisdiction, on the ground that the decree sought to be reviewed is not a final one. *Schlosser v. Hemphill*, 198 U. S. 173, 175; *Arnold v. United States for the use of Guimarin & Co.*, 263 U. S. 427, 434.

No. 519. Western & Atlantic Railroad, appellant, *v.* Mrs. Mary E. Henderson and Maryland Casualty Company. Appeal from the Supreme Court of the State of Georgia. *Per curiam*: The appeal is dismissed for want of a substantial Federal question on the authority of *Mobile, Jackson & Kansas City R. R. v. Turnipseed*, 219 U. S. 35.

No. 100. David A. Wright, Administrator of the Estate of Douglas B. Ellis, deceased, petitioner, *v.* Grand Trunk Railroad Company. On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. *Per curiam*: Affirmed on the authority of *Union Pacific Ry. Co. v. Wyler*, 158 U. S. 285.

No. 82. J. Royal Snyder, plaintiff in error, *v.* The New York, Chicago & St. Louis Railroad Company. In error to the Supreme Court of the State of Ohio. *Per curiam*: The judgment of dismissal, heretofore entered in this cause on the 3d day of December, 1928, is hereby vacated and set aside, and the following substituted therefor:

This case is affirmed, on the ground that section 407 of the Transportation Act of 1920, 41 Stat. 480 ch. 91, amending section 5 of the Interstate Commerce Act, has not as yet become applicable to cases like this.

No. 514. Ohio Oil Company, appellant, *v.* E. A. Conway, Supervisor of Public Accounts of the State of Louisiana. In this case the Court finds that probable jurisdiction has been shown.

No. 532. Central New England Railway Company, petitioner, *v.* Boston & Albany Railroad Company, assignor, etc. Petition for writ of certiorari to the Superior Court for Suffolk County, State of Massachusetts, granted.

No. 545. Standard Oil Company and Sinclair Refining Company, petitioners, *v.* City of Marysville, L. N. Cole, as Mayor, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit granted.

No. 512. A. J. Sartoris, petitioner, *v.* Utah Construction Company and Southern Pacific Company; and

No. 543. Southern Pacific Company, petitioner, *v.* A. J. Sartoris. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 533. Young & Glenn, Inc., et al., petitioners, *v.* New York & Cuba Mail Steamship Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 539. Puritan Coal Mining Company and E. H. Suender and Benjamin K. Focht, Receivers thereof, petitioners, *v.* J. P. McCormick, Collector of Taxes for Coal Township, Northumberland

County, Pa. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 540. George R. Meek, petitioner, *v.* George A. Beezer, George H. Yarnell, et al.; and

No. 541. John S. Ginter, John S. Dale, et al., petitioners, *v.* George A. Beezer, George H. Yarnell, et al. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 6, original. The State of Oklahoma, complainant, *v.* The State of Texas, The United States of America, intervenor. Order: On examination of the report presented by the clerk showing his compliance with the order of November 19, 1928, directing the destruction of the books of account, records, and files of the receivership therein specified, which were theretofore stored with the Security Storage Co., of Washington, D. C.; and it appearing from said report of the clerk and from the affidavits attached thereto and the attached schedules of the books, records, and files destroyed, that the clerk has fully complied with the order of November 19, 1928, and has paid the charge for storage and the expenses incident to such compliance amounting to \$151.35.

It is now ordered that the report of the clerk in that behalf be approved and that he be allowed a credit in his accounts for the sum so paid out.

ORDER

Mr. Justice Van Devanter is hereby designated as the Associate Justice of this Court to act as a member of the commission to be known as "The United States Supreme Court Building Commission," under section 1 of the act of Congress entitled "An act to provide for the submission to Congress of preliminary plans and estimates of costs for the construction of a building for the Supreme Court of the United States," approved December 21, 1928.

No. 555. Harry F. Sinclair *v.* The United States of America. Motion to bring up the entire record and cause submitted by Mr. Atlee Pomerene and Mr. Owen J. Roberts for the United States in support of the motion, and by Mr. George P. Hoover and Mr. Martin W. Littleton, for Sinclair, in opposition thereto.

No. 174. Verde River Irrigation and Power Company, petitioner, *v.* Roy O. West, Secretary of the Interior, et al. Leave granted to postpone submission of petition for writ of certiorari ninety days from this date, on motion of Mr. James M. Beller for the petitioner.

No. 128. Sanitary Refrigerator Co., petitioner, *v.* Alexander F. Winters et al.; and

No. 547. Alexander F. Winters et al., petitioners, *v.* Dent Hardware Company. Cases consolidated for argument and No. 128 passed to be argued with No. 547 as one case when the latter case is reached.

No. 584. Bricton Manufacturing Co., petitioners, *v.* H. E. Close et al.;

No. 585. Bricton Manufacturing Co., petitioner, *v.* Mark J. Rosse; and

No. 586. Bricton Manufacturing Co., petitioner, *v.* H. E. Close et al. Motion for leave to dispense with printing and that petition for writs of certiorari be considered on typewritten petitions and record submitted by Mr. Ben Jenkins for the petitioner.

No. 131. The St. Louis & O'Fallon Ry. Co. et al., appellants, *v.* The United States of America and The Interstate Commerce Commission; and

No. 132. The United States of America and The Interstate Commerce Commission, appellants, *v.* The St. Louis & O'Fallon Ry. Co. et al. Leave granted to file brief of the Great Northern Ry. Co. as *amicus curiæ* on motion of Mr. F. G. Dorety in that behalf.

No. 14. T. Tomich, Harry F. Scott, and H. Mulberger, appellants, *v.* Union Trust Co., Spokane & Eastern Trust Company. Appeal from the District Court of the United States for the District of Montana. Dismissed with costs pursuant to paragraph 2 of rule 13.

No. 109. Merwin F. Wooten, appellant, *v.* Brevard County, Florida. Motion to dismiss or affirm submitted by Mr. L. C. Crofton for the appellee in support of the motion, and by Mr. W. E. Kay and Mr. Thomas B. Adams for the appellant in opposition thereto.

No. 173. Arizona Superior Mining Co., plaintiff in error, *v.* John Carter Anderson. Motion to dismiss submitted by Mr. Francis M. Hartman for the defendant in error in support of the motion, and by Mr. James P. Lavin for the plaintiff in error, in opposition thereto.

No. 133. The Chesapeake and Ohio Ry. Co., petitioner, *v.* Tobe Stapleton, by his statutory guardian, Marion Stapleton. Submitted on printed briefs pursuant to the twenty-fifth rule by Mr. LeWright Browning for the petitioner, and by Mr. George B. Martin for the respondent.

No. 600. Henry Young, appellant, *v.* S. L. Staples, Edgar Smith, et al. Motion for leave to proceed *in forma pauperis* submitted by Mr. Henry Young, *pro se*.

No. 609. Eduarda K. Baltuff, petitioner, *v.* The United States of America. Motion for leave to proceed *in forma pauperis* submitted by Eduarda K. Baltuff, *pro se*.

No. 504. Percy W. Horton et al., appellants, *v.* William A. Prendergast, Commissioner of the Public Service Commission of the State of New York, etc., et al. Statement as to jurisdiction submitted by Mr. Allen S. Hubbard for the appellants, in support thereof, and by Mr. Albert Ottinger, Mr. Albert J. Danaher, and Mr. Henry Purcell for the appellees in opposition thereto.

No. 83. American Railway Express Company, petitioner, *v.* Fleischmann, Morris & Co., Inc.;

No. 84. American Railway Express Company, petitioner, *v.* Richmond Hardware Company;

No. 85. American Railway Express Company, petitioner, *v.* G. T. Elliott, Inc.; and

No. 86. American Railway Express Company, petitioner, *v.* L. M. Newcomb. Petition for writs of certiorari to the Supreme Court of Appeals of the State of Virginia submitted by Mr. Wyndham R. Meredith and Mr. Charles W. Stockton for the petitioner.

No. 526. The United States of America, petitioner, *v.* The John Barth Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, and Mr. J. Louis Monarch for the petitioner, and by Mr. Louis Quarles, Mr. Malcolm K. Whyte, Mr. Richard S. Doyle, and Mr. S. Sidney Stein for the respondents.

No. 544. George Kearns, Pete Dahl, 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. John F. Dore for the petitioners, and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, and Mr. John J. Byrne for the respondent.

No. 546. Central Argentine Railway, Ltd., petitioner, *v.* Yone Suzuki et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. John M. Woolsey for the petitioner, and by Mr. George C. Sprague, Mr. Charles C. Burlingham, and Mr. Peter S. Carter for the respondents.

No. 549. American Surety Company of New York, petitioner, *v.* H. Mullendore, as Receiver of Wibaux County Bank, Wibaux, Montana. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Sterling M. Wood for the petitioner, and by Mr. Charles H. Loud and Mr. William B. Leavitt for the respondent.

No. 551. James L. Boyle, Trustee in Bankruptcy of Frank H. Gordon, petitioner, *v.* Herbert Gray et al.; and

No. 552. James L. Boyle, Trustee in Bankruptcy of Frank H. Gordon, petitioner, *v.* Artemus Weatherbee et al. Petition for writs of certiorari to the United States Circuit Court of Appeals for the First Circuit submitted by Mr. Maurice E. Rosen and Mr. Joseph B. Jacobs for the petitioner, and by Mr. Joseph F. Gould for the respondents.

No. 553. O. E. Hotchkiss and Constance Lake, petitioners, *v.* Superior Court of the State of California, in and for the County of Alameda, et al. Petition for writ of certiorari to the Supreme Court of the State of California submitted by Eloise B. Cushing for the petitioner, and by Mr. R. M. Fitzgerald and Mr. Chas. A. Beardsley for the respondents.

No. 554. C. F. Childs and Company, petitioner, *v.* Harris Trust and Savings Bank. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Louis L. Dent and Mr. Charles Y. Freeman for the petitioner, and by Mr. Henry Fitts for the respondent.

No. 556. Goldye M. Dobson, Administratrix of the Estate of Rodney Hiram Dobson, deceased, petitioner, *v.* The United States of America, as Owner of the United States Submarine "S-51";

No. 557. Tempa Russell Egbert, Administratrix of the Estate of Edmund Webster Egbert, deceased, petitioner, *v.* The United States of America, as Owner of the United States Submarine "S-51"; and

No. 558. Lawrence B. Haselden, Executor of the Estate of James Dudley Haselden, Jr., deceased, petitioner, *v.* The United States of America, as Owner of the United States Submarine "S-51." Petition for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. T. Catesby Jones and Mr. James W. Ryan for the petitioners, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Farnum, and Mr. J. Frank Staley for the respondent.

No. 559. Edward Becher, petitioner, *v.* Contoure Laboratories, Inc., and Herbert Oppenheimer. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. O. Ellery Edwards for the petitioner, and by Mr. Robert Moers for the respondent.

No. 560. The United States of America and The People of Porto Rico, petitioners, *v.* Virgil Baker and Stella May Baker. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit submitted by Mr. William Catron Rigby, Mr. John A. Smith, and Mr. Edward A. Dreger for the petitioners, and by Mr. Frank Davis, jr., Mr. S. M. Stellwagen, Mr. Nelson Gamman, Mr. William D. Harris, and Mr. William J. Neale for the respondents.

No. 561. Bermuda & West Indies Steamship Company, Ltd., petitioner, *v.* Oceanic Steam Navigation Company, Ltd. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. W. H. McGrann for the petitioner, and by Mr. Chauncey I. Clark for the respondent.

No. 562. Standard Oil Company, petitioner, *v.* S. H. Cates, Sr., Administrator of S. H. Cates, Jr. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. C. W. Tillett and Mr. Charles W. Tillett, jr., for the petitioner.

No. 564. Raymond J. DeLano, petitioner, *v.* The City of Tulsa, H. F. Newblock, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. H. M. Langworthy, Mr. A. J. Biddison, Mr. Harry Campbell, and Mr. John H. Cantrell for the petitioner, and by Mr. John Rogers and Mr. Randolph Shirk for the respondents.

No. 566. Martha C. Codman, petitioner, *v.* Joshua W. Miles, Former Collector of Internal Revenue for the District of Maryland; and

No. 567. Martha C. Codman, petitioner, *v.* Galen L. Tait, Collector of Internal Revenue for the District of Maryland. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. John R. Lazenby for the petitioner, and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, Mr. S. Dee Hanson, Mr. C. M. Charest and Mr. Ottamar Hamele for the respondents.

No. 569. Thomas M. Swift, Jr., alleged bankrupt, petitioner, *v.* A. B. Mobley, State Superintendent of Banks, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Stephen C. Upson for the petitioner.

No. 570. Curtis C. Kimball, petitioner, *v.* Rathbone Company. Petition for writ of certiorari to the Supreme Court of the State of Nebraska submitted by Mr. O. S. Spillman for the petitioner.

No. 575. Kansas City Terminal Railway Company, Illinois Trust & Savings Bank, et al., petitioners, *v.* Central Union Trust Company of New York, Trustee, etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Samuel W. Sawyer. Mr. Edward J. White, Mr. N. H. Loomis, Mr. Bruce Scott, Mr. Gardiner Lathrop, and Mr. E. E. McInnis for the petitioners, and by Mr. Joseph M. Bryson, Mr. Arthur H. Van Brunt, Mr. Edward Cornell, Mr. Charles E. Hotchkiss, Mr. George H. Williams, Mr. Charles A. Houts, Mr. Charles P. Williams, Mr. Nicholas Kelley, Mr. H. C. McCollom, Mr.

Edw. H. Blanc, Mr. W. W. Miller, and Mr. Perry D. Trafford for the respondents.

No. 580. Hudson Trust Company and Fidelity Title & Mortgage Guaranty Company, petitioners, *v.* Joseph M. Davis, Trustee in Bankruptcy of Frances S. Dyer, Bankrupt. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. George W. Wickersham and Mr. Lionel P. Kristeller for the petitioners, and by Mr. Thomas G. Haight for the respondent.

No. 581. Mead-Morrison Manufacturing Company, petitioner, *v.* Russell B. Marchant, as Trustee in Bankruptcy, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Edward F. McClennen and Mr. Arthur P. French for the petitioner, and by Mr. George W. Wickersham and Mr. Kenneth M. Spencer for the respondent.

No. 582. General Electric Company, petitioner, *v.* The De Forest Radio Company and Robelen Piano Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Hubert Howson, Mr. Albert G. Davis, Mr. Frederick P. Fish, and Mr. Charles Neave for the petitioner, and by Mr. Thomas G. Haight and Mr. Samuel E. Darby, jr., for the respondents.

No. 17, original. *Ex Parte*: The Bakelite Corporation, petitioner. Argument on the return to the rule to show cause commenced by Mr. Solicitor General Mitchell for the judges of the United States Commerce Court.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, January 3, will be as follows: Nos. 17, original, 131 (and 132), 21, 101, 102, 103, 105 (and 194), 106 (and 107), 108, and 114.

SUPREME COURT OF THE UNITED STATES

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

A. F. Prescott, jr., of Washington, D. C.; Perley J. Rose, of Washington, D. C.; Joseph K. Moyer, of Washington, D. C.; Ray F. Drewry, of Pierre, S. Dak.; Max G. Dice, of Dayton, Ohio; Edwin E. Tait, of Pittsburgh, Pa.; William M. Potts, of Mabridge, S. Dak.; Patrick J. Melillo, of Youngstown, Ohio; and Chas. C. Cook, of Pampa, Tex., were admitted to practice.

No. 555. Harry F. Sinclair v. The United States of America. Motion to bring up the entire record and cause granted and the case reassigned for argument on February 18 next.

No. 321. Leon Sampere, plaintiff in error and appellant, v. The City of New Orleans. Joint motion to advance submitted by Mr. Riley J. Wilson in behalf of Mr. William Winans Wall for the plaintiff in error and appellant, and Mr. B. I. Cahn and Mr. Henry B. Curtis for the defendant in error and appellee.

No. 17, original. *Ex parte*: The Bakelite Corporation, petitioner. Argument on the return to the rule to show cause continued by Mr. Myer Kraushaar for Frischer & Co., Inc., et al., and concluded by Mr. Samuel M. Richardson for the petitioner.

No. 131. The St. Louis & O'Fallon Ry. Co. et al., appellants, v. The United States of America, and The Interstate Commerce Commission; and

No. 132. The United States of America and The Interstate Commerce Commission, appellants, v. The St. Louis & O'Fallon Ry. Co., et al. Argument commenced by Mr. Daniel N. Kirby for the St. Louis and O'Fallon Ry. Co., et al; continued by Mr. Frederick H. Wood for the St. Louis and O'Fallon Ry. Co., et al.; and by Mr. Donald Richberg for the National Conference on Valuation of American Railroads, as amicus curiae, by special leave of Court.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, January 4, will be as follows: Nos. 131 (and 132), 21, 101, 102, 103, 105 (and 194), 106 (and 107), 108, 114, and 115.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Holmes, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sanford, and Mr. Justice Stone.

Edward R. Brumley, of New York City; Harry LeRoy Jones, of Evanston, Ill.; William H. Kelley, jr., of Richmond, Ind.; H. C. Belt, of Seattle, Wash.; Peyre Gaillard, of Atlanta, Ga.; Loren Edmunds Souers, of Canton, Ohio; and Joseph L. Witte, of Cleveland, Ohio, were admitted to practice.

No. 131. The St. Louis and O'Fallon Ry. Co. et al., appellants, *v.* The United States of America and The Interstate Commerce Commission; and

No. 132. The United States of America and The Interstate Commerce Commission, appellants, *v.* the St. Louis and O'Fallon Ry. Co. et al. Argument continued by Mr. Donald R. Richberg for the National Conference on Valuation of American Railroads, as *amicus curiae*, by special leave of Court; by Mr. George W. Wickersham for the United States; by Mr. Walter L. Fisher for the Interstate Commerce Commission; and concluded by Mr. Frederick H. Wood for the St. Louis and O'Fallon Ry. Co. et al.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, January 7, will be as follows: Nos. 376, 278, 21, 101, 102, 103, 105 (and 194), 106 (and 107), 108, 114, and 115.

SUPREME COURT OF THE UNITED STATES

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

Charles Davis Frierson, of Jonesboro, Ark.; DuBose Boylston, of Allendale, S. C.; Levi Boyd Donley, of Olympia, Wash.; Stephen Warren Brethorst, of Seattle, Wash.; Andrew D. Sharpe, of Washington, D. C.; Francis W. Peterson, of La Grange, Ill.; Patrick J. Moore, of Pittsfield, Mass.; and Webster Atwell, of Dallas, Tex., were admitted to practice.

The Chief Justice announced the following orders of the Court:

No. 584. Brietson Manufacturing Company, petitioner, *v. H. E. Close, et al*;

No. 585. Brietson Manufacturing Company, petitioner, *v. Mark J. Rosso, et al*; and

No. 586. Brietson Manufacturing Company, petitioner, *v. H. E. Close et al*. On petition for writs of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. The motion for leave to dispense with printing and that petition for writs of certiorari be considered on typewritten petition and record is denied.

No. 173. Arizona Superior Mining Company, plaintiff in error, *v. John Carter Anderson*. In error to the Supreme Court of the State of Arizona. *Per curiam*: The motion to dismiss is granted for the reason that no federal question was raised below. *Godchaux Co. v. Estopinal*, 251 U. S. 179; *Wall v. Chesapeake & Ohio Ry.*, 256 U. S. 125.

No. 321. Leon Sampere, plaintiff in error and appellant, *v. The City of New Orleans*. The motion to advance this case is denied.

No. 600. Henry Young, appellant, *v. S. L. Staples, Edgar Smith, T. J. Butler et al*. Appeal from the District Court of the United States for the Western District of Texas. *Per curiam*: The motion for leave to proceed further herein *in forma pauperis* is denied for the reason that the Court, upon examination of the unprinted record

herein submitted, finds that there is no jurisdiction for the appeal, and it is accordingly dismissed on the authority of section 238 of the Judicial Code, as amended by the act of February 13, 1925 (43 Stat. 938).

The costs already incurred herein by direction of the Court shall be paid by the Clerk from the special fund in his custody as provided in the order of October 29, 1926.

No. 609. Eduarda K. Baltuff, petitioner, *v.* The United States of America. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. *Per curiam:* The motion for leave to proceed further herein *in forma pauperis* is denied for the reason that the Court, upon examination of the unprinted record herein submitted, finds that there is no basis for certiorari, application for which is therefore also denied.

The costs already incurred herein by direction of the Court shall be paid by the Clerk from the special fund in his custody as provided in the order of October 29, 1926.

No. 504. Percy W. Horton, Chace F. Horton, and Fannie L. Horton, appellants, *v.* William A. Prendergast, Commissioner of the Public Service Commission of the State of New York and Chairman thereof, et al., etc., et al. Appeal from the Court of Appeals of the State of New York. *Per curiam:* The appeal is dismissed for want of a substantial federal question on the authority of *Offield v. New York, New Haven and Hartford R. R.*, 203 U. S. 372, 375; *Mt. Vernon-Woodberry Cotton Duck Co. v. Alabama Interstate Power Co.*, 240 U. S. 30, 32.

No. 526. The United States of America, petitioner, *v.* The John Barth Company and United States Fidelity & Guaranty Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted.

No. 559. Edward Becher, petitioner, *v.* Contoure Laboratories, Inc., and Herbert Oppenheimer. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 83. American Railway Express Company, plaintiff in error, *v.* Fleischmann, Morriss & Co., Inc.;

No. 84. American Railway Express Company, plaintiff in error, *v.* Richmond Hardware Company;

No. 85. American Railway Express Company, plaintiff in error, *v.* G. T. Elliott, Inc.;

No. 86. American Railway Express Company, plaintiff in error, *v.* L. M. Newcomb. Petition for writs of certiorari to the Supreme Court of Appeals of the State of Virginia denied.

No. 544. George Kearns, Pete Dahl, Ed Graham, et al., petitioners, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 546. Central Argentine Railway, Ltd., petitioner, *v.* Yone Suzuki et al., Gano Moore Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 549. American Surety Company of New York, petitioner, *v.* H. Mullendore, as Receiver of Wibaux County Bank, Wibaux, Montana. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 551. James L. Boyle, Trustee in Bankruptcy of Frank H. Gordon, petitioner, *v.* Herbert Gray et al; and

No. 552. James L. Boyle, Trustee in Bankruptcy of Frank H. Gordon, petitioner, *v.* Artemus Weatherbee et al. Petition for writs of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 553. O. E. Hotchkiss and Constance Lake, petitioners, *v.* Superior Court of the State of California, in and for the County of Alameda, and the Honorable T. W. Harris, Judge. Petition for writ of certiorari to the Supreme Court of the State of California denied.

No. 554. C. F. Childs and Company, petitioner, *v.* Harris Trust and Savings Bank. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 556. Goldye M. Dobson, Administratrix of the Estate of Rodney Hiram Dobson, deceased, petitioner, *v.* The United States of America, as Owner of the United States Submarine "S-51";

No. 557. Tempa Russell Egbert, Administratrix of the Estate of Edmund Webster Egbert, deceased, petitioner, *v.* The United States of America as Owner of the United States Submarine "S-51"; and

No. 558. Lawrence B. Haselden, Executor of the Estate of James Dudley Haselden, Jr., deceased, petitioner, *v.* The United States of America, as Owner of the United States Submarine "S-51". Petition for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 561. Bermuda & West Indies Steamship Company, Ltd., petitioner, *v.* Oceanic Steam Navigation Company, Ltd. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 562. Standard Oil Company, petitioner, *v.* S. H. Cates, Sr., administrator of S. H. Cates, Jr. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 564. Raymond J. DeLano, petitioner, *v.* The City of Tulsa, H. F. Newblock, Mayor, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 566. Martha C. Codman, petitioner, *v.* Joshua W. Miles, Former Collector of Internal Revenue for the District of Maryland; and

No. 567. Martha C. Codman, petitioner, *v.* Galen L. Tait, Collector of Internal Revenue for the District of Maryland. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 569. Thomas M. Swift, Jr., alleged bankrupt, petitioner, *v.* A. B. Mobley, State Superintendent of Banks, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 570. Curtis C. Kimball, petitioner, *v.* Rathbone Company. Petition for writ of certiorari to the Supreme Court of the State of Nebraska denied.

No. 575. Kansas City Terminal Railway Company, Illinois Trust & Savings Bank, et al., petitioners, *v.* Central Union Trust Company of New York, Trustee, etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 580. Hudson Trust Company and Fidelity Title & Mortgage Guaranty Company, petitioners, *v.* Joseph M. Davis, Trustee in Bankruptcy of Frances S. Dyer, Bankrupt. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 581. Mead-Morrison Manufacturing Company, petitioner, *v.* Russell B. Marchant, as Trustee in Bankruptcy of Bear Tractors, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 582. General Electric Company, petitioner, *v.* The DeForest Radio Company and Robelen Piano Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 119. John Y. Fauntleroy, Former Collector of Internal Revenue for the Collection District of Louisiana, petitioner, *v.* Elmer

Candy Company, Inc. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Judgment reversed, on confession of error, and cause remanded for further proceedings, on motion of Mr. Solicitor General Mitchell in behalf of Mr. W. Parker Jones and Mr. Henry W. Robinson for the respondent.

No. 525. The United States of America, petitioner, *v.* Harry Whyel and George Whyel. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Dismissed, on motion of Mr. Solicitor General Mitchell for the petitioner.

No. 527. Daniel B. Heiner, Collector of Internal Revenue for the Twenty-Third District of Pennsylvania, petitioner, *v.* Henry Wilhelm Company. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Dismissed, on motion of Mr. Solicitor General Mitchell for the petitioner.

No. 514. Ohio Oil Company, appellant, *v.* E. A. Conway, Supervisor of Public Accounts of the State of Louisiana. Joint motion to advance submitted by Mr. L. H. Cake in behalf of Mr. S. L. Herold for the appellant and by Mr. Percy Saint for the appellee.

No. 376. Firemens' Insurance Company of Newark, New Jersey, appellant, *v.* James A. Beha, as Superintendent of Insurance of the State of New York. Albert Conway, present superintendent of insurance of the State of New York, substituted as party appellee in place of James A. Beha, former superintendent of insurance of the State of New York, on motion of Mr. John W. Davis in that behalf.

No. 534. Erling Brauti and Opal E. Brauti, copartners doing business under the firm name and style of Wheeler Pharmacy, plaintiffs in error, *v.* Westwood Lumber Company. In error to the District Court of the United States for the District of Oregon. Dismissed with costs, for failure to comply with rule 12.

No. 535. Edward L. Howell and Marie E. Howell, plaintiffs in error, *v.* Westwood Lumber Company. In error to the District Court of the United States for the District of Oregon. Dismissed with costs, for failure to comply with rule 12.

No. 536. Richard A. Owen and Bert S. Kingsley, copartners doing business under the firm name and style of O. K. Trading Company. In error to the District Court of the United States for the District of Oregon, plaintiffs in error, *v.* Westwood Lumber Company. Dismissed with costs, for failure to comply with rule 12.

No. 537. Kenneth Bannister, a sole trader doing business under the firm name and style of Wheeler Furniture-Hardware Company, plaintiff in error, *v.* Westwood Lumber Company. In error to the District Court of the United States for the District of Oregon. Dismissed with costs, for failure to comply with rule 12.

No. 529. Geo. B. Williams, William J. Finn, M. L. Myers, et al., appellants, *v.* Ray L. Riley, as State Controller of the State of California. Statement as to jurisdiction submitted by Mr. Edwin C. Ewing and Mr. W. R. Crawford for the appellants.

No. 530. Bekins Van Line, Inc., Chew Chick, et al., appellants, *v.* Ray L. Riley, as State Controller of the State of California. Statement as to jurisdiction submitted by Mr. William Sea, jr., for the appellants.

No. 573. Potomac Electric Power Company, petitioner, *v.* Cuno H. Rudolph et al.; and

No. 574. Washington Railway & Electric Company, petitioner, *v.* Cuno H. Rudolph et al. Petition for writs of certiorari to the Court of Appeals of the District of Columbia submitted by Mr. S. R. Bowen and Mr. John S. Barbour for the petitioners, and by Mr. William W. Bride and Mr. F. H. Stephens for the respondents.

No. 577. Galliher & Huguely, Inc., and Jarrett G. Huddleston, trading as M. C. Huddleston & Co., petitioners, *v.* George T. Harper, E. G. Schafreer & Co., Inc., et al. Petition for writ of certiorari to the Court of Appeals of the District of Columbia submitted by Mr. H. Winship Wheatley and Mr. James A. O'Shea for the petitioners, and by Mr. L. A. Bailey for the respondents.

No. 595. O. E. Sutter, H. H. Birkett, et al., petitioners, *v.* Midland Valley Railroad Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Harry William Hart for the petitioners, and by Mr. O. E. Swan for the respondent.

No. 376. Firemen's Insurance Company of Newark, New Jersey, appellant, *v.* Albert Conway, as Superintendent of Insurance of the State of New York. Argued by Mr. John W. Davis for the appellant, and by Mr. Henry S. Manley for the appellee.

No. 278. The Cudahy Packing Company, a corporation, appellant, *v.* Jay Grant Hinkle, Secretary of State, etc., et al. Argued by Mr. J. Harry Covington and Mr. S. W. Brethorst for the appellant, and by Mr. Levi B. Donley for the appellees.

No. 21. United States of America as Owner of the Steam Collier "Proteus", petitioner, *v.* Commonwealth and Dominion Line, Ltd., etc. Argued by Mr. Assistant Attorney General Farnum for the petitioner, and by Mr. Allan B. A. Bradley for the respondent.

No. 101. White River Lumber Co., plaintiff in error, *v.* State of Arkansas ex rel. H. W. Applegate, Attorney General. Argument commenced by Mr. Thomas S. Buzbee for the plaintiff in error, and continued by Mr. John M. Rose for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, January 8, 1929, will be as follows: Nos. **101, 102, 103, 105** (and **194**), **106** (and **107**), **108, 114, 115, 116**, and **117**.

SUPREME COURT OF THE UNITED STATES

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

Preston M. Albro, of Buffalo, N. Y., and Carl J. Stephens, of Des Moines, Iowa, were admitted to practice.

No. 101. White River Lumber Co., plaintiff in error, *v.* The State of Arkansas *ex rel.*, H. W. Applegate, Attorney General. Argument continued by Mr. John M. Rose for the defendant in error, and concluded by Mr. George Vaughn for the defendant in error.

No. 102. Captain John Larson, appellant, *v.* The State of South Dakota. Argument commenced by Mr. Wm. M. Potts for the appellant. The Court declined to hear further argument.

No. 103. Empire Gas & Fuel Co. et al., petitioners, *v.* J. M. Saunders et al. Argued by Mr. Charles C. Cook for the respondents, and submitted by Mr. David B. Trammell, Mr. J. W. Finley, and Mr. Warren T. Spies for the petitioners.

No. 105. Eastern & Western Lumber Co. et al., plaintiffs in error, *v.* Isaac L. Patterson, Governor of the State of Oregon et al.; and

No. 194. Eastern and Western Lumber Co. et al., appellants, *v.* Isaac L. Patterson, Governor of the State of Oregon et al. Argued by Mr. James G. Wilson for the plaintiffs in error and appellants, and by Mr. Willis S. Moore for the defendants in error and appellees. Hal E. Hoss, present Secretary of State, substituted as a party defendant in error and appellee in place of Sam A. Kozer, former Secretary of State, on motion of Mr. Willis S. Moore in that behalf.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, January 9, will be as follows: Nos. 106 (and 107), 108, 114, 115, 116, 117, 118, 129 (and 130), 135 (and 169), and 147.

SUPREME COURT OF THE UNITED STATES

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

Thomas Allen, of Brookline, Mass.; Robert Mayer, of Philadelphia, Pa.; and Edward W. Fearing, of Baldwin, N. Y., were admitted to practice.

No. 106. Great Northern Railway Co., plaintiff in error, *v.* The State of Minnesota; and

No. 107. Great Northern Railway Co., plaintiff in error, *v.* The State of Minnesota. Argued by Mr. F. G. Dorety for the plaintiff in error and appellant, and by Mr. G. A. Youngquist for the defendant in error and appellee.

No. 108. State Trust & Savings Bank, petitioner, *v.* C. A. Dunn, Trustee of the Investment Bond & Mortgage Co. Argued by Mr. Webster Atwell for the petitioner. No brief filed for the respondent.

No. 114. Exchange Trust Co., executor of the Estate of Roy Rice, deceased, plaintiff in error, *v.* Drainage District No. 7, Poinsett County, Arkansas, et al. Argued by Mr. Arthur L. Adams and Mr. J. A. Tellier for the plaintiff in error, and by Mr. R. B. McCulloch for the defendant in error, St. Francis levee district. Counsel to prepare and submit a proposed form of judgment on or before January 18 next.

No. 115. Jens C. Nielson, administrator, petitioner, *v.* R. E. Johnson, Treasurer of State. Argument commenced by Mr. Nelson Miller for the petitioner.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, January 10, will be as follows: Nos. 115, 116, 117, 118, 129 (and 130), 135 (and 169), 147, 148, 151, and 155.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Holmes, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Butler, Mr. Justice Sanford, and Mr. Justice Stone.

Thos. J. Horsley, of Wewoka, Okla.; Claibourne G. Perry, of Bridgeport, Nebr.; and Charles Radley Webber, of Baltimore, Md., were admitted to practice.

No. 114. Exchange Trust Company, Executor of the estate of Roy Rice, deceased, plaintiff in error, *v.* Drainage District No. 7, Poinsett County, Arkansas, and its Commissioners, et al. In error to the Supreme Court of the State of Arkansas. This cause came on to be heard at this term, and was argued by counsel; and thereupon, upon consideration thereof, counsel for defendant in error, St. Francis Levee District, consenting, it was ordered, adjudged, and decreed as follows, viz:

That the prayer of the complaint for cancellation of decrees of foreclosure in favor of defendant in error, St. Francis Levee District, is granted, and said decrees are cancelled and held for naught as clouds upon the title to said lands; and said St. Francis Levee District is forever enjoined from taxing or attempting to tax said lands to pay for improvements made or administrative or other expenses incurred prior to issuing of final certificate by the United States; that said lands are subject to tax for the cost of improvements, administrative, or other expenses of said St. Francis Levee District contracted for subsequent to the issuing of final certificate from the United States and the Supreme Court of Arkansas is reversed in so far as the judgment is inconsistent herewith, and the cause is remanded to the Supreme Court of Arkansas for further proceedings not inconsistent with this conclusion.

Mandate will issue accordingly.

No. 115. Jens C. Nielson, Administrator, petitioner, *v.* R. E. Johnson, Treasurer of State. Argument continued by Mr. Nelson Miller for the petitioner, by Mr. John Fletcher for the respondent, and concluded by Mr. Nelson Miller for the petitioner.

No. 116. Isom Grayson, Macey Keys, Paulina Carolina, et al., petitioners, *v.* James A. Harris, William H. Harris, et al. Argued by Mr. Streeter B. Flynn for the petitioners and by Mr. Robert P. Blair for the respondents.

No. 117. Daniel Michael McDonald, petitioner, *v.* The United States of America. Argued by Mr. J. Harry Covington and Mr. Dean G. Acheson for the petitioner, and by Mr. George C. Butte for the respondent.

No. 118. Michigan Central Railroad Company, petitioner, *v.* George E. Mix and A. B. Frey, Judges, etc., et al. Argued by Mr. Charles A. Houts for the petitioner, and submitted by Mr. Arthur Stahl and Mr. E. D. Andrews for the respondents.

No. 129. The United States of America *v.* Boston and Maine Railroad; and

No. 130. Old Colony Trust Company et al., executors, *v.* Commissioner of Internal Revenue. Argument commenced by Mr. Alfred A. Wheat for the United States in No. 129 and for the Commissioner of Internal Revenue in No. 130.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, January 11, 1929, will be as follows: Nos. 129 (and 130), 135 (and 169), 155, and 160.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Holmes, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Butler, Mr. Justice Sanford, and Mr. Justice Stone.

No. 129. The United States of America *v.* Boston and Maine Railroad; and

No. 130. Old Colony Trust Company et al., executors, *v.* Commissioner of Internal Revenue. Argument continued by Mr. Alfred A. Wheat for the United States in No. 129 and for the Commissioner of Internal Revenue in No. 130; by Mr. James S. Y. Ivins for the Boston and Maine Railroad in No. 129; and concluded by Mr. Arthur A. Ballantine for the Old Colony Trust Co. et al. in No. 130. Leave granted counsel to file briefs within two weeks.

No. 135. The Nashville, Chattanooga & St. Louis Railway, plaintiff in error, *v.* R. D. White, as Administrator of W. B. White, et al.; and

No. 169. The Nashville, Chattanooga & St. Louis Railway, appellant, *v.* R. D. White, as Administrator of W. B. White et al. Argued by Mr. Fitzgerald Hall for the plaintiff in error and appellant, and by Mr. Walter P. Armstrong for the defendants in error and appellees.

No. 155. Rice and Adams Corporation, petitioner, *v.* Harry D. Lathrop. Argued by Mr. Joshua R. H. Potts for the respondent, and submitted by Mr. Charles J. Staples and Mr. William P. Conley for the petitioner.

No. 160. The Virginian Railway Company, petitioner, *v.* J. E. Kirk. Argument commenced by Mr. H. T. Hall for the petitioner.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, January 14, will be as follows: Nos. 160, 159, 312, 147, 148, 151, 157, 161, 183, and 195 (and 196).

SUPREME COURT OF THE UNITED STATES

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

Harold H. Clarke, of Missoula, Mont.; Thomas K. Martin, of Hot Springs, Ark.; Richard Leroy Benoit, of Shreveport, La.; and William Waller, of Nashville, Tenn., were admitted to practice.

No. 91. Samuel Prael, trading as Selwell Blouse Company, petitioner, *v.* Louis Hubshman, Trustee in Bankruptcy of Samuel Prael, trading as Selwell Blouse Company; and

No. 92. Harry Oriel and Joseph Confino, individually and as Members of the Firm of Oriel, Confino & Co., petitioners, *v.* William E. Russell, Trustee in Bankruptcy of Oriel, Confino & Co. On writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Decrees affirmed with costs and the cases remanded to the District Court of the United States for the Southern District of New York. Opinion by Mr. Chief Justice Taft.

No. 7, original. State of Wisconsin, State of Minnesota, State of Ohio, and State of Pennsylvania, complainants, *v.* State of Illinois and Sanitary District of Chicago, defendants; State of Missouri, State of Kentucky, State of Tennessee, State of Louisiana, State of Mississippi, and State of Arkansas, Intervening defendants;

No. 11, original. State of Michigan, complainant, *v.* State of Illinois and Sanitary District of Chicago, defendants; and

No. 12, original. State of New York, complainant, *v.* State of Illinois and Sanitary District of Chicago, defendants. Opinion announced by Mr. Chief Justice Taft. The cause referred to Hon. Charles E. Hughes, special master, for further examination and to make report of his conclusions and a form of decree.

The Chief Justice announced the following orders of the Court:

No. 514. Ohio Oil Company, appellant, *v.* E. A. Conway, Supervisor of Public Accounts, etc. The joint motion to advance this case is granted and the case assigned for argument on Monday, February 25 next, after the case heretofore assigned for that day.

No. 529. Geo. B. Williams, William J. Finn, et al., appellants, *v.* Ray L. Riley, as State Controller, etc.; and

No. 530. Bekins Van Line, Inc., et al., appellants, *v.* Ray L. Riley, as State Controller, etc. In these cases the Court finds that probable jurisdiction has been shown.

No. 133. The Chesapeake and Ohio Railway Company, petitioner, *v.* Tobe Stapleton, by his statutory guardian, Marion Stapleton. This case is ordered to be restored to the docket. The writ of certiorari was granted on account of the importance of the cause. New briefs are directed to be filed, and the case set down for appropriate oral argument.

No. 376. Firemen's Insurance Company of Newark, New Jersey, appellant, *v.* Albert Conway, as Superintendent of Insurance of the State of New York. Appeal from the District Court of the United States for the Southern District of New York. *Per curiam*: Affirmed on the authority of *Meccano, Ltd., v. Wanamaker*, 253 U. S. 136, 141; *Chicago, Great Western Ry. v. Kendall*, 266 U. S. 94, 100; *Foster-Fountain Packing Co. v. Haydel*, No. 68, decided October 15, 1928.

No. 103. Empire Gas & Fuel Company and Equitable Trust Company, petitioners, *v.* J. M. Saunders et al. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. *Per curiam*: The Court finds that the writ of certiorari heretofore issued in this case was improvidently granted, and it is dismissed.

No. 105. Eastern and Western Lumber Company, Oregon-American Lumber Company, and Silver Falls Timber Company, plaintiffs in error, *v.* Isaac L. Patterson, Governor of the State of Oregon, et al.; and

No. 194. Eastern and Western Lumber Company, Oregon-American Lumber Company, and Silver Falls Timber Company, appellants, *v.* Isaac L. Patterson, Governor of the State of Oregon, et al. In error to and appeal from the Supreme Court of the State of Oregon. *Per curiam*: Affirmed on the authority of *Wisconsin & Michigan Ry. v. Powers*, 191 U. S. 379, 385.

No. 109. Merwin F. Wooten, appellant, *v.* Brevard County, Florida. Appeal from the Supreme Court of the State of Florida. *Per curiam*: The appeal is dismissed (1) for want of a substantial federal question on the authority of *Shulthis v. McDougal*, 225 U. S. 561, 569; *Hebert v. Louisiana*, 272 U. S. 312, 316-317; (2) because the affirmance below was based on a non-Federal ground adequate to support it. *Bilby v. Steart*, 246 U. S. 255, 257.

No. 108. State Trust & Savings Bank, petitioner, *v.* C. A. Dunn, Trustee of the Investment Bond & Mortgage Company, a bankrupt.

On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. *Per curiam*: Reversed for the reason that there is no federal jurisdiction over the cause. *Wood v. Wilbert*, 226 U. S. 384; *Weidhorn v. Levy*, 253 U. S. 268; *Taubel-Scott-Kitzmiller Co., v. Fox*, 266 U. S. 426.

No. 595. O. E. Sutter, H. H. Birkett, The Derby Oil Company, et al., petitioners, *v. Midland Valley Railroad Company*. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit granted.

No. 560. The United States of America and The People of Porto Rico, petitioners, *v. Virgil Baker and Stella May Baker*. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 573. Potomac Electric Power Company, petitioner, *v. Cuno H. Rudolph, J. Franklin Bell, et al.*; and

No. 574. Washington Railway & Electric Company, petitioner, *v. Cuno H. Rudolph, J. Franklin Bell, et al.* Petition for writs of certiorari to the Court of Appeals of the District of Columbia denied.

No. 577. Galliher & Huguely, Inc., and Jarrett G. Huddleston, trading as M. C. Huddleston & Co., petitioners, *v. George T. Harper, E. G. Schafer & Co., Inc., et al.* Petition for writ of certiorari to the Court of Appeals of the District of Columbia denied.

ORDER

The Court will take a recess from Monday, January 21 next, to Monday, February 18.

No. 151. John Winthrop Loveland, as Executor of the Estate of Florence Lee Loveland, deceased, et al., petitioners, *v. The United States of America*. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Judgment reversed on confession of error, and cause remanded for further proceedings, on motion of Mr. Solicitor General Mitchell for the respondent.

No. 195. The United States of America, petitioner, *v. Oscar Edwin Ferdinand Persson*; and

No. 196. The United States of America, petitioner, *v. Marco Nicolich*. Passed to await the decision in case No. 117, on motion of Mr. Solicitor General Mitchell for the petitioner.

No. 17, original. *Ex parte*: The Bakelite Corporation, petitioner. Leave granted to file brief for the petitioner on or before January 18 next, on motion of Mr. Albert MacC. Barnes for the petitioner.

No. 617. E. W. Porter, Commissioner of Finance of the State of Idaho, etc., petitioner, *v.* The United States of America. Motion to dispense with printing, with leave to respondent to file a memorandum in opposition within two days, submitted by Mr. Leslie J. Aker for the petitioner.

No. 157. Arlington Hotel Company, plaintiff in error, *v.* Elizabeth H. Fant et al. Leave granted to file brief of Mrs. Elise Williams, as *amicus curiae*, on motion of Mr. William Waller in that behalf.

No. 565. The Okanogan, Methow Indian Tribes, et al., petitioners, *v.* The United States. Petition for writ of certiorari to the Court of Claims submitted by Mr. William S. Lewis, Mr. A. R. Serven, and Mr. John G. Carter for the petitioners, and by Mr. Solicitor General Mitchell for the respondent.

No. 583. Pauchoque Land Corporation, petitioner, *v.* Long Island State Park Commissioner et al. Petition for writ of certiorari to the Court of Appeals of the State of New York submitted by Mr. Joseph S. Auerbach, Mr. Martin A. Schenck, and Mr. Wm. J. Hughes, jr., for the petitioner, and by Mr. Walter H. Pollak for the respondent.

No. 588. W. H. & J. P. Peacock, petitioners, *v.* G. T. Wofford. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Norman I. Miller for the petitioners, and by Mr. A. O. B. Sparks for the respondent.

No. 589. Abram Minis, Executor, et al., petitioners, *v.* The United States. Petition for writ of certiorari to the Court of Claims submitted by Mr. William L. Clay for the petitioners, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Gallo-way, and Mr. Frank K. Dyar for the respondent.

No. 592. Jacob A. Overlander, petitioner, *v.* Jesse L. Overlander and John S. Bishop. Petition for writ of certiorari to the Supreme Court of the State of Kansas and/or the District Court of Doniphan County, State of Kansas, submitted by Mr. Jacob A. Overlander, *pro se*.

No. 593. John Di Della, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Louis Halle for the petitioner, and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, and Mr. John J. Byrne for the respondent.

No. 594. Cecil Lundquist, petitioner, *v.* Chicago, Rock Island & Pacific Railway Company. Petition for writ of certiorari to the

Supreme Court of the State of Iowa submitted by Mr. F. M. Miner for the petitioner, and by Mr. M. L. Bell, Mr. W. F. Dickinson, Mr. J. G. Gamble, and Mr. Alden B. Howland for the respondent.

No. 596. C. J. Haskell, petitioner, *v.* Gypsy Oil Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit, submitted by Mr. H. L. Stuart, Mr. W. A. Ledbetter, and Mr. R. R. Bell for the petitioner.

No. 598. The Continental Casualty Company, petitioner, *v.* Annie Scott Willis. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit, submitted by Mr. Joseph M. Hurt, Jr., for the petitioner.

No. 613. Anna H. Smith, petitioner, *v.* John V. Reishman, Charleston Trust Company, and Bessie Walker. Petition for writ of certiorari to the Circuit Court of Kanawha County, State of West Virginia, submitted by Mr. Claude L. Smith for the petitioner.

No. 148. Magnolia Gas Company, plaintiff in error and appellant, *v.* Graves Leeper, as Secretary of State of the State of Oklahoma. Passed until Monday, March 11, next, per stipulation of counsel, on motion of Mr. B. B. Blakeney for the plaintiff in error and appellant.

No. 160. The Virginian Railway Company, petitioner, *v.* J. E. Kirk. Argument continued by Mr. Homer T. Hall for the petitioner, by Mr. John R. Pendleton for the respondent, and concluded by Mr. Homer T. Hall for the petitioner.

No. 159. John F. Gilchrist, Leon G. Godley, and Charles C. Lockwood, constituting the Transit Commission, etc., et al., appellants, *v.* Interborough Rapid Transit Co. and Manhattan Ry. Co. Argument commenced by Mr. Irwin Untermyer for the appellant, the Transit Commission of New York, and continued by Mr. Charles L. Craig for appellant, The City of New York.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, January 15, will be as follows: Nos. 159, 312, 147, 157, 161, 183, 205, 208, 210, and 219.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Holmes, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Sanford, and Mr. Justice Stone.

Raymond Harper, of New York City; Edward L. Potter, of Washington, D. C.; George L. Chindahl, of Chicago, Ill.; Leon G. Godley, of New York City; Walter J. Larrabee, of Newark, N. J.; Raphael M. O'Hara, of Washington, D. C.; Roger B. Siddall, of New York City; Nellie M. Crowl, of Detroit, Mich.; Clair R. Hillyer, of Chicago, Ill.; Thomas W. Harrison, of Winchester, Va.; and Finis J. Garrett, of Dresden, Tenn., were admitted to practice.

No. 205. Ella Rawls Reader Stokely et al., appellants, *v.* The State of Mississippi, Rush H. Knox, Att'y Gen'l, et al. Case submitted by Mr. Marcellus Green, Mr. Garner W. Green, and Mr. Chalmers Potter for the appellants, with leave to counsel for appellees to file brief within two weeks, on motion of Mr. Ross A. Collins on behalf of Mr. Rush H. Knox, for the appellees.

No. 210. Hart Refineries, appellant, *v.* W. E. Harmon, as Treasurer of the State of Montana. Case submitted by Mr. John E. Patterson for the appellant. No brief filed for appellee.

No. 159. John F. Gilchrist, Leon G. Godley, and Charles C. Lockwood, constituting the Transit Commission, etc., et al., appellants, *v.* Interborough Rapid Transit Co. and Manhattan Ry. Co. Argument continued by Mr. Charles L. Craig for appellant, the City of New York, and by Mr. Charles E. Hughes for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, January 16, will be as follows: Nos. 159, 312, 147, 157, 161, 183, 208, 219, 225, and 230.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Holmes, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Sanford, and Mr. Justice Stone.

Charles S. Miller, of Mound City, Ill.; John Carlisle Swaim, of New York City; Oluf Gjerset, of Montevideo, Minn.; Gardner Dugald Howie, of New York City; Perry J. Stearns, of Milwaukee, Wis.; and William F. Delaney, of New York City, were admitted to practice.

No. 226. Raul Rogerio Gonzalez, by his guardian *ad litem*, Adelaida Gonzalez, petitioner, *v.* The Roman Catholic Archbishop of Manila. Leon Gonzalez, present Guardian *ad litem* of Raul Rogerio Gonzalez, substituted as party petitioner in place of Adelaida Gonzalez, deceased, on motion of Mr. Howard Thayer Kingsbury for the petitioner.

No. 226. Raul Rogerio Gonzalez, by his guardian *ad litem*, Leon Gonzalez, petitioner, *v.* The Roman Catholic Archbishop of Manila. Passed until April 8 next, on motion of Mr. Wm. F. Delaney for the respondent.

No. 159. John F. Gilchrist, Leon G. Godley, and Charles C. Lockwood, constituting the Transit Commission, etc., et al., appellants, *v.* Interborough Rapid Transit Co. and Manhattan Ry. Co. Reargument continued by Mr. Charles E. Hughes for the appellees; by Mr. Charles L. Craig for the appellant, The City of New York; and concluded by Mr. Irwin Untermeyer for the appellant, The Transit Commission of New York.

No. 312. Charles L. Douglas, petitioner, *v.* The New York, New Haven and Hartford Railroad Company. Argued by Mr. Charles D. Lewis for the petitioner, and by Mr. E. R. Brumley for the respondent.

No. 147. Graysburg Oil Co., plaintiff in error, *v.* The State of Texas. Argument commenced by Mr. Victor Keller for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, January 17, will be as follows: Nos. 147, 157, 161, 183, 208, 219, 225, 230, and 234.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Holmes, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Sanford, and Mr. Justice Stone.

R. G. Brown, of Memphis, Tenn.; Eugene Charles Hurt, jr., of Chatham, Va.; Meta W. Peters, of Cleveland, Ohio; Gertrude C. Eisenberg, of Boston, Mass.; Louis M. Shimel, of Charleston, S. C.; and Samuel O. Bates, of Memphis, Tenn., were admitted to practice.

No. 147. Graysburg Oil Company, plaintiff in error, *v.* The State of Texas. Argument continued by Mr. Victor Keller for the plaintiff in error; by Mr. D. A. Simmons for the defendant in error; and concluded by Mr. Victor Keller for the plaintiff in error.

No. 157. Arlington Hotel Company, plaintiff in error, *v.* Elizabeth H. Fant, Mary L. Fortune, and R. T. Fant. Argued by Mr. Thomas K. Martin for the plaintiff in error, and by Mr. William Waller for the defendant in error.

No. 161. Ralph L. Hunt, plaintiff in error, *v.* Milton W. Hunt. Case submitted by Mr. Wayne C. Williams for the plaintiff in error. No brief filed for the defendant in error.

No. 183. Henry Leonard, petitioner, *v.* The United States. Argued by Mr. George A. King for the petitioner, and submitted by Mr. Solicitor General Mitchell and Mr. Assistant Attorney General Galloway for the respondent.

No. 208. J. Earl Morgan, appellant and plaintiff in error, *v.* Wisconsin Tax Commission. Argument commenced by Mr. Perry J. Stearns for the appellant and plaintiff in error. The Court declined to hear further argument. Leave granted appellant and plaintiff in error to file petition for certiorari on or before February 18 next.

No. 219. The Delaware, Lackawanna and Western Railroad Company, petitioner, *v.* John Koske. Argued by Mr. Walter J. Larrabee for the petitioner, and by Mr. J. Faerber Goldenhorn for the respondent.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, January 18, will be as follows: Nos. 225, 230, and 234.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Holmes, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Sanford, and Mr. Justice Stone.

Benj. H. Black, of Chicago, Ill.; Joseph Blank, of Philadelphia, Pa.; and Abram Orlow, of Philadelphia, Pa., were admitted to practice.

No. 225. The Atlantic Coast Line R. R. Co., petitioner, *v.* Marcella Driggers, as Administratrix, etc. Argued by Mr. Thomas W. Davis for the petitioner, and by Mr. Louis M. Shimel for the respondent.

No. 230. Jorgensen-Bennett Mfg. Co., appellant, *v.* Will S. Knight, Sheriff, et al. Argument commenced by Mr. R. G. Brown for the appellant. The Court declined to hear further argument.

No. 230. Jorgensen-Bennett Mfg. Co., appellant, *v.* Will S. Knight, Sheriff, et al. Appeal from the Supreme Court of the State of Tennessee. Dismissed for want of jurisdiction.

No. 234. Western & Atlantic R. R., petitioner, *v.* Mrs. Nora E. Hughes, Administratrix, etc. Argued by Mr. Fitzgerald Hall for the petitioner, and by Mr. Reuben R. Arnold for the respondent.

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, Mr. Justice Sanford, and Mr. Justice Stone.

Grier Bartol, of New York City; Samuel S. Burman, of New York City; B. A. Banks, of Norfolk, Va.; Frank R. Coder, of Somerset, Pa.; Ralph R. Roberts, of Rockport, Ind.; and John T. Suggs, of Denison, Tex., were admitted to practice.

No. 21. The United States of America, as owner of the Steam Collier "Proteus," petitioner, *v.* Commonwealth and Dominion Line (Ltd.), as owner of the Steamship "Port Philip." On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Decree reversed, and the cause remanded to the District Court of the United States for the Eastern District of New York for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Holmes.

No. 114. Exchange Trust Company, Executor of the Estate of Roy Rice, deceased, plaintiff in error, *v.* Drainage District No. 7, Poinsett County, Arkansas, and its Commissioners and The St. Francis Levee District and Its Board of Directors. In error to the Supreme Court of the State of Arkansas. Judgment affirmed with costs as to the Drainage District. Opinion by Mr. Chief Justice Taft.

The Chief Justice announced the following orders of the Court:

No. 519. Western & Atlantic Railroad, appellant, *v.* Mrs. Mary E. Henderson and Maryland Casualty Company. The petition for a rehearing in this case is granted and the case is restored to the docket as one in which the Court finds that probable jurisdiction has been shown.

No. 617. E. W. Porter, Commissioner of Finance of the State of Idaho, etc., petitioner, *v.* The United States of America. The motion to dispense with printing parts of the record in this case is denied.

No. 160. The Virginian Railway Company, petitioner, *v.* J. E. Kirk. On writ of certiorari to the Supreme Court of Appeals of the

State of West Virginia. *Per curiam*: The Court finds that the writ of certiorari heretofore issued in this case was improvidently granted, and it is dismissed.

No. 147. Graysburg Oil Company, plaintiff in error, *v.* The State of Texas. In error to the Supreme Court of the State of Texas. *Per curiam*: Reversed on the authority of *Panhandle Oil Co. v. Mississippi ex rel. Knox*, 277 U. S. 218.

No. 161. Ralph L. Hunt, plaintiff in error, *v.* Milton W. Hunt. In error to the Supreme Court of the State of Colorado. *Per curiam*: The writ of error is dismissed for want of a substantial Federal question on the authority of *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. 208. J. Earl Morgan, appellant and plaintiff in error, *v.* Wisconsin Tax Commission. Appeal from and in error to the Supreme Court of the State of Wisconsin. *Per curiam*: The appeal and writ of error are dismissed on authority of section 237 (a) of the Judicial Code, as amended by the act of February 13, 1925 (43 Stat. 936, 937), for lack of jurisdiction, to await the decision of the Court on the papers as an application for certiorari as provided in section 237 (a) of the Judicial Code.

No. 230. Jorgensen-Bennett Manufacturing Company, appellant, *v.* Will S. Knight, Sheriff, and W. S. Hall, Commissioner Excise Tax Division. Appeal from the Supreme Court of the State of Tennessee. *Per curiam*: The appeal is dismissed on authority of section 237 (a) of the Judicial Code, as amended by the act of February 13, 1925 (43 Stat. 936, 937), for lack of jurisdiction. Treating the appeal as an application for certiorari, the same is denied.

No. 225. Atlantic Coast Line Railroad Company, petitioner, *v.* Marcella Driggers, as Administratrix of William A. Driggers, deceased. This case is restored to the docket for a reargument and assigned for Monday, April 8 next, after the cases heretofore assigned for that day.

No. 490. Hart Refineries, appellant, *v.* The State of Montana. It is ordered that the mandate heretofore issued in this cause be recalled to await the decision of this Court in the case of No. 210, *Hart Refineries v. Harmon*, Treasurer.

No. 565. The Okanogan, Methow, San Poelis, Indian Tribes, petitioners, *v.* The United States. Petition for writ of certiorari to the Court of Claims granted.

No. 583. Pauchoque Land Corporation, petitioner, *v.* Long Island State Park Commissioner, Robert Moses, et al. Petition for writ of certiorari to the Court of Appeals of the State of New York denied.

No. 588. W. H. & J. P. Peacock, petitioner, *v.* G. T. Wofford. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 589. Abram Minis, Executor, and Maria Minis, Executrix, etc., petitioners, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 592. Jacob A. Overlander, petitioner, *v.* Jesse L. Overlander and John S. Bishop. Petition for writ of certiorari to the Supreme Court of the State of Kansas and/or the District Court of Doniphan County denied.

No. 593. John Di Bella, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 594. Cecil Lundquist, petitioner, *v.* Chicago, Rock Island & Pacific Railway Company. Petition for writ of certiorari to the Supreme Court of the State of Iowa denied.

No. 596. C. J. Haskell, petitioner, *v.* Gypsy Oil Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 598. The Continental Casualty Company, petitioner, *v.* Annie Scott Willis. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 613. Anna H. Smith, petitioner, *v.* John V. Reishman, Charleston Trust Company, and Bessie Walker. Petition for writ of certiorari to the Circuit Court of Kanawha County of the State of West Virginia denied.

No. —, original. *Ex parte*: In the matter of O. Tomson et al., petitioners. Motion for leave to file petition for writ of mandamus submitted by Mr. John E. Laskey for the petitioner.

No. 601. The People of the State of New York, appellants, *v.* Gamble Latrobe, Jr., et al. Motion to advance submitted by Mr. Hamilton Ward and Mr. Robert P. Beyer for the appellants, and suggestion of appellees thereto submitted by Mr. Frederick F. Greenman for the appellees.

No. 599. John G. Sullivan, ex rel. Jee Gim Bew, petitioner, *v.* Anna C. M. Tillinghast, U. S. Commissioner of Immigration. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit submitted by Mr. William H. Lewis for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Luhring, and Mr. Harry S. Ridgely for the respondent.

No. 602. William Buck Self, petitioner, *v.* Prairie Oil & Gas Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Charles B. Rogers and Mr. L. O. Lytle for the petitioner, and by Mr. Preston C. West, Mr. T. J. Flannely, Mr. Nathan A. Gibson, Mr. Joseph L. Hull, and Mr. A. A. Davidson for the respondent.

No. 605. J. Henry Neal, William F. Kennedy, et al., petitioners, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit submitted by Mr. William Harold Hitchcock for the petitioners, and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, Mr. C. M. Charest, and Mr. Lyndon H. Baylies for the respondent.

No. 607. Barber Asphalt Paving Company, petitioner, *v.* Standard Asphalt & Rubber Company; and

No. 608. Standard Asphalt & Rubber Company, petitioner, *v.* Barber Asphalt Paving Company. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Henry N. Paul, Mr. John W. Davis, and Mr. Charles Neave for the petitioner in No. 607 and respondent in No. 608, and by Mr. Thomas G. Haight, Mr. Alexander F. Reichmann, Mr. Frank L. Belknap, and Mr. William F. Hall for the petitioner in No. 608 and respondent in No. 607.

No. 630. Andrew M. Parks, as Trustee, et al., petitioners, *v.* Charles F. Knapp, as Receiver, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. C. A. Fosnes for the petitioners, and by Mr. Oluf Gjerset for the respondent.

Adjourned until Monday, February 18 next, at 12 o'clock.

The day call for Monday, February 18, will be as follows: Nos. 555, 355 (and 356, 357, and 358), 164, 166, 198, 203, 220, 238 (and 304), 251 (and 252), and 260.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Holmes, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Sanford, and Mr. Justice Stone.

R. Ammi Cutter, of Cambridge, Mass.; Philip H. Porter, of Madison, Wis.; Robert S. Sloan, of New York City; Oscar K. Mauldin, of Greenville, S. C.; John A. Sheean, of Chicago, Ill.; Hubert G. King, of Washington, D. C.; Samuel C. Duberstein, of Brooklyn, N. Y.; G. Wright Moxley, of Plandome, N. Y.; Charles S. Baker, of Washington, D. C.; Angel Suntay, of Manila, P. I.; Leroy W. Hunt, of Toledo, Ohio; John Thomas Gano, of Dallas, Tex.; Albert Sheridan Frost, of Denver, Colo.; Maude Hamilton Yates, of Warrenton, Va.; W. Trowbridge Forbes, of Worcester, Mass.; Charles Ruzicka, of Baltimore, Md.; Morris Cukor, of New York City; and Reynier J. Wortendyke, jr., of Jersey City, N. J., were admitted to practice.

No. 183. Henry Leonard, petitioner, *v.* The United States. On writ of certiorari to the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Stone. Dissenting: Mr. Justice McReynolds.

No. 115. Jens C. Nielsen, administrator, petitioner, *v.* R. E. Johnson, Treasurer of State. On writ of certiorari to the Supreme Court of the State of Iowa. Judgment reversed with costs, and the cause remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Stone.

No. 18. Morimura, Arai & Co., petitioners, *v.* Nathan Taback and Louis Taback, individually and as copartners, trading as Taback Brothers. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Decree reversed with costs, and the cause remanded to the District Court of the United States for the District of New Jersey with instructions to enter a decree sustaining the specification of opposition relating to the written statement and denying the bankrupt's application for discharge. Opinion by Mr. Justice Sanford.

No. 70. Atlantic Coast Line Railroad Company, petitioner, *v.* Morgan L. Davis, as administrator of the estate of W. Baylor Richards, deceased. On writ of certiorari to the Supreme Court of the State of South Carolina. Judgment reversed with costs, and the cause re-

manded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Sanford.

No. 429. W. D. Manley, appellant, *v.* The State of Georgia. Appeal from the Supreme Court of the State of Georgia. Judgment reversed with costs, and the cause remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Butler.

No. 219. The Delaware, Lackawanna and Western Railroad Company, petitioner, *v.* John Koske. On writ of certiorari to the Court of Errors and Appeals of the State of New Jersey. Judgment reversed with costs, and the cause remanded to the said Court of Errors and Appeals for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Butler.

No. 117. Daniel Michael McDonald, petitioner, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit. Decree affirmed, and the cause remanded to the District Court of the United States for the District of Massachusetts. Opinion by Mr. Justice Butler.

No. 210. Hart Refineries, appellant, *v.* W. E. Harmon, as Treasurer of the State of Montana. Appeal from the Supreme Court of the State of Montana. Judgment affirmed with costs. Opinion by Mr. Justice Sutherland.

No. 490. Hart Refineries, appellant, *v.* The State of Montana. Appeal from the Supreme Court of the State of Montana. *Per curiam*: Upon consideration of the jurisdictional statement heretofore filed, and following the view expressed by the Supreme Court of Montana, we entered an order dismissing the appeal in this case as frivolous upon the authority of *Raley & Bros. v. Richardson*, 264 U. S. 157, 159. Upon the authority of *Hart Refineries v. Harmon*, decided this day, presenting precisely the same question, that order is now vacated and the judgment below is affirmed.

No. 106. Great Northern Railway Company, plaintiff in error, *v.* The State of Minnesota. In error to the Supreme Court of the State of Minnesota. Writ of error dismissed.

No. 107. Great Northern Railway Company, appellant, *v.* The State of Minnesota. On appeal from the Supreme Court of the State of Minnesota. Judgment affirmed with costs. Opinion by Mr. Justice Sutherland.

No. 155. Rice & Adams Corporation, petitioner, *v.* Harry D. Lathrop. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Decree affirmed with costs, and the cause remanded to the District Court of the United States for the Western District of New York. Opinion by Mr. Justice Sutherland.

No. 60. W. A. Frost, doing business under the firm name of Mitchell Gin Company, appellant, *v.* Corporation Commission of the State of Oklahoma, Fred Capshaw, Frank Carter, et al., etc., et al. Appeal from the District Court of the United States for the Western District of Oklahoma. Decree reversed with costs, and the cause remanded to the said District Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Sutherland. Dissenting opinion by Mr. Justice Brandeis, concurred in by Mr. Justice Holmes and Mr. Justice Stone. Dissenting opinion by Mr. Justice Stone.

No. 79. Leo Salomon, Jacques H. Hecht, Isidore M. Kastner, et al., etc., plaintiffs in error, *v.* State Tax Commission of New York; and

No. 80. Nettie I. Simonson, Ettie B. Simonson, and Farmers Loan Trust Company, etc., plaintiffs in error, *v.* State Tax Commission of New York. In error to the Surrogates Court of New York County, State of New York. Judgments affirmed with costs. Opinion by Mr. Justice Brandeis.

No. 118. Michigan Central Railroad Company, petitioner, *v.* George E. Mix and A. B. Frey, Judges, etc., et al. On writ of certiorari to the Supreme Court of the State of Missouri. Judgment reversed with costs, and the cause remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Brandeis.

No. 234. The Western & Atlantic Railroad, petitioner, *v.* Mrs. Nora E. Hughes, as administratrix of the estate of Ira L. Hughes, deceased. On writ of certiorari to the Court of Appeals of the State of Georgia. Judgment affirmed with costs. Opinion by Mr. Justice Brandeis.

No. 278. The Cudahy Packing Company, a corporation, appellant, *v.* Jay Grant Hinkle, Secretary of State, and John H. Dunbar, Attorney General of the State of Washington. Appeal from the District Court of the United States for the Western District of Washington. Decree reversed with costs, and the cause remanded to the said District Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice McReynolds. Dissenting: Mr. Justice Brandeis and Mr. Justice Holmes.

No. 16. Elizabeth C. Taft, petitioner, *v.* Frank K. Bowers, Collector of Internal Revenue for the Second District of the State of New York; and

No. 17. Gilbert C. Greenway, Jr., petitioner, *v.* Frank K. Bowers, Collector of United States Internal Revenue for the Second District of the State of New York. On writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Decrees affirmed with costs, and the cases remanded to the District Court

of the United States for the Southern District of New York. Opinion by Mr. Justice McReynolds. Mr. Chief Justice Taft took no part in the consideration or decision of these cases.

No. 135. The Nashville, Chattanooga & St. Louis Railway, plaintiff in error, *v. R. D. White*, as Administrator of W. B. White, Elizabeth White, by her next friend, R. D. White; Lizzie J. White, et al. In error to the Supreme Court of the State of Tennessee. Writ of error dismissed.

No. 169. The Nashville, Chattanooga & St. Louis Railway, appellant, *v. R. D. White*, as Administrator of W. B. White; Elizabeth White, by her next friend, R. D. White; Lizzie J. White, et al. On appeal from the Supreme Court of the State of Tennessee. Judgment affirmed with costs. Opinion by Mr. Justice Holmes.

No. 102. Captain John Larson, appellant, *v. The State of South Dakota*. Appeal from the Supreme Court of the State of South Dakota. Judgment affirmed with costs. Opinion by Mr. Chief Justice Taft.

No. 157. Arlington Hotel Company, plaintiff in error, *v. Elizabeth H. Fant, Mary L. Fortune, and R. T. Fant*. In error to the Supreme Court of the State of Arkansas. Judgment affirmed with costs. Opinion by Mr. Chief Justice Taft.

The Chief Justice announced the following orders of the Court:

No. 601. The People of the State of New York, appellants, *v. Gamble Latrobe, Jr., James P. Knowles, and William S. Erichs, Trustees, etc.* The motion to advance this case is granted and the case assigned for argument on Monday, April 8 next.

No. —, original. *Ex parte: O. Tomson*. *Per curiam*: The motion for leave to file a petition for a writ of mandamus is denied on the authority of *Ex parte: Collins*, 277 U. S. 565; *Ex parte: Public National Bank, No. 16*, original, decided Nov. 19, 1928.

No. 129. The United States of America *v. Boston and Maine Railroad*; and

No. 130. Old Colony Trust Company et al., Executors, *v. Commissioner of Internal Revenue*. It is ordered that the above cause be restored to the docket for reargument. The Court especially desires assistance of counsel in respect of the following matters:

1. Was there power in Congress to confer jurisdiction upon the Circuit Court of Appeals to review action by the Board of Tax Appeals?

2. Does the Circuit Court of Appeals act as a tribunal of original jurisdiction when considering appeals from the Board of Tax Appeals? If so, may it under Title 28, United States Code, sec. 346,

certify to this Court questions deemed necessary for the proper decision of a pending cause?

3. What has been the practice of taxing officers relative to assessments where, by agreement between the parties, the tax laid upon the income actually received by one of them has been paid by another?

4. Do applicable statutes authorize the taxing officers to estimate total income by adding to the amount actually received by the taxpayer any tax which another has paid thereon under agreement between the parties?

It is suggested that counsel apply to the Court below for an amendment so that the certificate will show distinctly when the original assessments were made, and under what acts. Also when the appeals were taken to the Board of Tax Appeals; when they were there decided; and when the appeals to the Circuit Court of Appeals were perfected.

And it is further ordered that case No. 407, Commissioner of Internal Revenue *v.* Old Colony Railroad, be assigned for argument with the above entitled cause on Monday, April 15 next.

No. 205. Ella Rawls Reader Stokely, Standard Shales Products Corporation, et al., appellants, *v.* The State of Mississippi, Rush H. Knox, Attorney General et al., on appeal from the Supreme Court of the State of Mississippi. *Per curiam.* The appeal is dismissed for want of a substantial federal question on the authority of *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. Charles L. Douglas, petitioner, *v.* The New York, New Haven and Hartford Railroad Company. This case is ordered to be restored to the docket for reargument on Monday, April 15 next, after the cases heretofore assigned for that day. In view of the importance of the case, the Attorney General of New York is given leave to file a brief and take part in the oral argument.

No. 599. John G. Sullivan, ex rel. Jee Gim Bew, petitioner, *v.* Anna C. M. Tillinghast, U. S. Commissioner of Immigration. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 602. William Buck Self, petitioner, *v.* Prairie Oil & Gas Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 605. J. Henry Neal, William F. Kennedy, William R. Sampson, et al., trustees, etc., petitioners, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 607. Barber Asphalt Paving Company, petitioner, *v.* Standard Asphalt & Rubber Company; and

No. 608. Standard Asphalt & Rubber Company, petitioner, *v.* Barber Asphalt Paving Company. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 630. Andrew M. Parks, as Trustee, et al., petitioners, *v.* Charles F. Knapp, as Receiver of the First National Bank of Montevideo. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 290. The United States of America, petitioner, *v.* William Henry Woolen. On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. Judgments of the United States Circuit Court of Appeals for the Sixth Circuit and of the District Court of the United States for the Western District of Tennessee vacated, and the cause remanded to the said District Court with instructions to enter judgment in favor of the respondent for the sum of \$1,485.73 without interest or costs, per stipulation of counsel, on motion of Mr. Solicitor General Mitchell in that behalf. The mandate to issue forthwith.

No. 565. The Okanogan, Methow, San Poelis Indian Tribes, et al., petitioners, *v.* The United States. Advanced and assigned for argument on Monday, March 11 next, after the cases heretofore assigned for that day.

No. 198. Arthur J. Karnuth, United States Director of Immigration et al., petitioners, *v.* The United States on the petition of Preston M. Albro, etc. Passed until Tuesday, March 5th, on motion of Mr. George W. Offutt in that behalf.

No. 469. *Ex parte*: Worcester County National Bank of Worcester, appellant. Leave granted the Attorney General of the State of Massachusetts to file brief and participate in the oral argument of this case, on motion of Mr. F. Delano Putnam in that behalf.

No. 130. Old Colony Trust Company et al., executors, *v.* The Commissioner of Internal Revenue. Leave granted to file brief of James Walton, as amicus curiae, on motion of Mr. Warren E. Miller in that behalf.

No. 617. E. W. Porter, Commissioner of Finance of the State of Idaho, etc., petitioner, *v.* The United States. Motion to extend time to make deposit to cover costs of printing additional portions of the record submitted by Mr. Theodore B. Benson for the petitioner.

No. 616. Pennsylvania Mining Company, petitioner, *v.* The United Mine Workers of America. Leave granted to file brief of the petitioner on motion of Mr. Daniel Davenport, with leave to the respondent to file additional brief within one week from this date, on motion of Mr. Henry Warrum for the respondent.

No. 685. Lehigh Valley Railroad Company, petitioner, *v.* Joseph Egedy. Time within which respondent may file brief extended one week, on motion of Mr. Morris Cukor in that behalf.

No. 18, original. Commonwealth of Kentucky, complainant, *v.* The State of Indiana et al. Motion to dismiss and answer of certain individual defendants submitted by Mr. A. Rea Williams in that behalf.

No. 18, original. Commonwealth of Kentucky, complainant, *v.* The State of Indiana et al. Answer of the State of Indiana submitted by Mr. Connor D. Ross for the defendant, State of Indiana.

No. 628. Richard L. Davey, petitioner, *v.* Delaware, Lackawanna and Western Railroad Company et al. Leave granted to withdraw the appearance of Mr. G. Noyes Slayton as counsel for the respondent, on motion of Mr. Reynier J. Wortendyke, jr., in that behalf.

No. 203. Chin Mon *ex rel.* Chin Yuen, petitioner, *v.* Anna C. M. Tillinghast, United States Commissioner of Immigration. On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit. Dismissed pursuant to rule 13.

No. 645. George Wilcox, petitioner, *v.* The United States of America. Motion for leave to proceed *in forma pauperis* submitted by Cornelius H. Doherty for the petitioner.

No. 666. Harry B. Stilz, petitioner, *v.* Bethlehem Shipbuilding Corporation, Ltd. Motion for leave to proceed *in forma pauperis* submitted by Mr. Harry B. Stilz, *pro se.*

No. 696. Elizabeth M. Thomas, as Administratrix, etc., petitioner, *v.* Maine Central Railroad Company. Motion for leave to proceed *in forma pauperis* submitted by Mr. Edmund P. Mohoney for the petitioner.

No. 584. Bricton Manufacturing Co., petitioner, *v.* H. E. Close et al.;

No. 585. Bricton Manufacturing Co., petitioner, *v.* Mark J. Rosso et al.; and

No. 586. Bricton Manufacturing Co., petitioner, *v.* H. E. Close et al. On petitions for writs of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Dismissed, on motion of Mr. Ben Jenkins for the petitioner.

No. 563. Baltimore & Ohio R. R. Co. et al., appellant, *v.* The United States of America, Interstate Commerce Commission, The Chicago, Rock Island & Pacific Railway Co. et al. Statement as to jurisdiction submitted by Mr. Morison R. Waite, Mr. Theodore Schmidt, and Mr. Frederic D. McKenney for the appellants, in support thereof, and by Mr. M. G. Roberts, Mr. W. T. Hughes, Mr. C. S. Burg, and Mr. H. H. Larimore for the appellees, in opposition thereto.

No. 579. International Shoe Company, appellant, *v.* Stratton Shartel Attorney General, etc., et al. Statement as to jurisdiction submitted by Mr. Guy A. Thompson and Mr. James D. Williamson for the appellant.

No. 208. J. Earl Morgan, petitioner, *v.* Wisconsin Tax Commission. Petition for writ of certiorari to the Supreme Court of the State of Wisconsin submitted by Mr. Wm. E. Black, Mr. Chas. C. Russell, and Mr. Perry J. Stearns for the petitioner.

No. 587. John D. Russell, petitioner, *v.* The United States of America; and

No. 624. Lorne R. Adams, petitioner, *v.* The United States of America. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. James A. Branch and Mr. Wm. Schley Howard for the petitioner in No. 587; by Mr. Alex. W. Smith, jr., for the petitioner in No. 624, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Luhning, and Mr. Harry S. Ridgely for the respondent.

No. 591. The Osage Nation of Indians, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims submitted by Mr. C. H. Merillat, Mr. C. J. Kappler, and Mr. T. J. Leahy for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Galloway, and Mr. George T. Stormont for the respondent.

No. 597. John Fisler, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims submitted by Mr. George E. Hamilton and Mr. John F. McCarron for the petitioner, and by Mr. Solicitor General Mitchell and Mr. Assistant Attorney General Galloway for the respondent.

No. 603. Thomas McMillan, Garnishee, petitioner, *v.* National Wool Warehouse & Storage Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Oliver A. Haga for the petitioner, and by Mr. Fremont Wood for the respondent.

No. 604. Falk Mercantile Company, Limited, Thomas McMillan, et al., petitioners, *v.* National Wool Warehouse & Storage Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Oliver A. Haga for the petitioners, and by Mr. Fremont Wood for the respondent.

No. 606. Fred W. Lake and Fannie D. Lake, petitioners, *v.* Central Savings Bank of Oakland. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Charles Reagh for the petitioners, and by Mr. R. M. Fitzgerald and Mr. Chas. A. Beardsley for the respondent.

No. 610. Dr. Paul F. Brown, petitioner, *v.* Lane Cotton Mills Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Norman I. Miller for the petitioner.

No. 611. Dr. Paul F. Brown, petitioner, *v.* Lane Cotton Mills Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Norman I. Miller for the petitioner.

No. 614. The Feather River Lumber Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims submitted by Mr. Joseph C. Trimble and Mr. Jerry A. Mathews for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Galloway, and Mr. Lisle A. Smith for the respondent.

No. 615. Clemente Ariasi, petitioner, *v.* Orient Insurance Company and The Employers' Fire Insurance Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Roy L. Daily for the petitioner and by Mr. Milton T. U'Ren for the respondents.

No. 616. Pennsylvania Mining Company, petitioner, *v.* United Mine Workers of America et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Daniel Davenport, Mr. Walter Gordon Merriit, and Mr. John W. Simpson, 2d, for the petitioner, and by Mr. Henry Warrum for the respondents.

No. 619. The Chesapeake & Ohio Railway Company, petitioner, *v.* Nick Mihas. Petition for writ of certiorari to the Appellate Court of the State of Illinois, First District, and/or the Supreme Court of the State of Illinois, submitted by Mr. David H. Leake for the petitioner, and by Mr. John P. Bramhall for the respondent.

No. 620. New York & New Jersey Steamboat Company, petitioner, *v.* Frederick H. Schomburg. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Clarence Bishop Smith for the petitioner, and by Mr. Chauncey I. Clark for the respondent.

No. 621. The Kansas City Southern Railway Company, petitioner, *v.* Guardian Trust Company, Henry C. Flower, Receiver. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. F. H. Moore, Mr. Cyrus Crane, Mr. A. F. Smith, and Mr. Samuel W. Moore for the petitioner.

No. 622. General Insurance Company of America, petitioner, *v.* Northern Pacific Railway Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit

submitted by Mr. James B. Howe for the petitioner, and by Mr. D. F. Lyons for the respondent.

No. 626. J. Bradfore Erb, petitioner, *v.* Claremont Laboratories, Inc., and Capitol Machine Company, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. R. H. Yeatman and Mr. Wilton J. Lambert for the petitioner, and by Mr. C. P. Goepel for the respondents.

No. 627. Stearns Brothers, Inc., petitioner, *v.* Southern Railway Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. Robert F. Cogswell for the petitioner, and by Mr. John M. Robinson for the respondent.

No. 628. Richard L. Davey, petitioner, *v.* Delaware, Lackawanna and Western Railroad Company et al. Petition for writ of certiorari to the Court of Errors and Appeals of the State of New Jersey submitted by Mr. Dougal Herr for the petitioner, and by Mr. Reynier J. Wortendyke, jr., for the respondents.

No. 629. C. A. Lindgren, Administrator of the Estate of C. E. Barford, deceased, petitioner, *v.* The United States of America and Colonna's Shipyard, Incorporated. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. Jacob L. Morewitz for the petitioner.

No. 636. Kar-Lac Company and Julius H. Karlson, petitioners, *v.* The Gilchrist Company and Hamilton-Beach Manufacturing Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Hervey S. Knight and Mr. George L. Wilkinson for the petitioners, and by Mr. Fred Gerlach for the respondents.

No. 637. Joseph Frank Murphy, petitioner, *v.* India Tire & Rubber Co. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Wm. M. Pardue for the petitioner, and by Mr. John Davis for the respondent.

No. 638. Vincenzo Madonna and Enrico Iannarelli, Administrators of the personal estate of Francisco Balzana, etc., petitioners, *v.* Wheeling Steel Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. J. Raymond Gordon for the petitioners.

No. 639. Foreman Trust & Savings Bank, Administrator of the estate of Kazimir Proscievich, deceased, petitioner, *v.* Grand Trunk Western Railway Company. Petition for writ of certiorari to the Appellate Court of the State of Illinois, First District, and/or the Supreme Court of the State of Illinois, submitted by Mr. Herbert H. Patterson for the petitioner, and by Mr. Charles Y. Freeman and Mr. Louis L. Dent for the respondent.

No. 640. Walter S. Dickey, petitioner, *v.* William Volker, J. C. Nichols, and Herbert V. Jones, as University Trustees, etc., et al. Petition for writ of certiorari to the Supreme Court of the State of Missouri submitted by Mr. James T. Blair, Mr. Leland Hazard, Mr. John T. Barker, and Mr. Maurice H. Winger for the petitioner, and by Mr. Henry L. McCune, Mr. Henry A. Bundschu, Mr. Cyrus Crane, Mr. I. N. Watson, Mr. Samuel W. Sawyer, Mr. Harry N. Ess, Mr. George O. Pratt, and Mr. Mat J. Holland for the respondents.

No. 641. John Arthur Boyd, Fred Nourse, et al., petitioners, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. John F. Dore for the petitioners, and by Mr. Solicitor General Mitchell, and Assistant Attorney General Willebrandt for the respondent.

No. 643. S. C. Fullerton and W. W. Dobson, petitioners, *v.* The Eagle-Picher Lead Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. George S. Ramsey and Mr. Ray McNaughton for the petitioners, and by Mr. A. C. Wallace for the respondent.

No. 644. George D. Brown, sole surviving Administrator of the Estate of I. N. Brown, deceased, et al., petitioners, *v.* Joseph A. Gamble, Receiver, etc.; and

No. 680. P. S. Perkins, I. C. Bishop, and O. O. Sutton, petitioners, *v.* Joseph A. Gamble, Receiver, etc. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. W. E. Haymond for the petitions in No. 644; by Mr. P. S. Perkins, *pro se*, in No. 680, and by Mr. D. C. T. Davis, jr., for the respondent.

No. 646. Colonna Shipyard, Inc., petitioner, *v.* J. F. Dunn. Petition for writ of certiorari to the Special Court of Appeals of the State of Virginia, and/or the Supreme Court of Appeals of the State of Virginia submitted by Mr. Robert F. Cogswell and Mr. Harvey D. Jacob for the petitioner, and by Mr. J. F. Dunn for the respondent.

No. 647. David S. Barry, Sergeant at Arms of the U. S. Senate, et al., petitioners, *v.* The United States of America, *ex rel.* Thomas W. Cunningham. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. George W. Wickersham for the petitioners, and by Mr. Benjamin M. Golder and Mr. Ruby R. Vale for the respondent.

No. 651. Federal Surety Company, petitioner, *v.* City of Staunton Illinois, suing for the use and benefit of McWane Cast Iron Pipe Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit, submitted by Mr.

Walter Brower, Mr. John London, and Mr. George W. Yancey for the petitioner, and by Mr. E. H. Cabaniss for the respondent.

No. 654. Thomas Graham and Atlantic City Building Block Corporation, petitioners, *v.* Crozier-Straub, Inc. and Concrete Specialties Co.;

No. 655. Jacob Melmod and Seashore Brick & Building Block Company, petitioners, *v.* Crozier-Straub, Inc., and Concrete Specialties Co.; and

No. 656. Robert G. Downer, petitioner, *v.* Crozier-Straub, Inc., and Concrete Specialties Co. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Allen S. Olmsted, 2d, and Mr. Walter Biddle Saul for the petitioners.

No. 657. Harry H. DeLoss, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Chester I. Long, Mr. Peter Q. Nyce, Mr. Charles P. Swindler, and Mr. Samuel W. McIntosh for the petitioner, and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, Mr. C. M. Char-est, and Mr. Allen H. Pierce for the respondent.

No. 660. Lewis G. Norton, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Charles R. Pierce for the petitioner and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Parmenter, Mr. E. O. Patterson, and Mr. E. T. Burke for the respondent.

No. 670. Era Electrical Supply Corporation, petitioner, *v.* Metropolitan Device Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. O. Ellery Edwards for the petitioner, and by Mr. D. Anthony Usina for the respondent.

No. 671. Charles F. Fiman, as Receiver, etc., petitioner, *v.* The State of South Dakota. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Howard G. Fuller for the petitioner, and by Mr. Ray F. Drewry for the respondent.

No. 555. Harry F. Sinclair *v.* The United States of America. Argument commenced by Mr. Martin W. Littleton for Sinclair.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, February 19, will be as follows: Nos. 555, 355 (and 356, 357, and 358), 164, 166, 220, 238 (and 304), 251 (and 252), 260, 267, and 272.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Holmes, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Sanford, and Mr. Justice Stone.

Frank H. Bryan, of Chicago, Ill.; Lloyd F. Loux, of Washington, D. C.; Montgomery W. McConkey, of Washington, D. C.; Rodney S. Cohen, of Augusta, Ga.; Harry P. Jennings, of Washington, D. C.; Robert Sidney Outlaw, of Chicago, Ill.; Louis Wilmer Helmut, sr., of Washington, D. C.; Sam H. Platcow, of New Haven, Conn.; Thomas L. Tallentire, of Cincinnati, Ohio; Frank Martin, of Boise, Idaho; George A. Burns, of Milwaukee, Wis.; William J. Lowe, of Salt Lake City, Utah; Norman S. Sterry, of Los Angeles, Calif.; and C. Fenton Nichols, of San Francisco, Calif., were admitted to practice.

No. 299. Andrew Flink, petitioner, *v.* Attilio Paladini et al. Leave granted to file brief of American-Hawaiian Steamship Company, as *amicus curiae* on motion of Mr. Lawrence H. Cake in behalf of Mr. Louis T. Hengstler and Mr. Frederick W. Dorr.

No. 322. John A. McKay, appellant, *v.* Hector McInnes, Stuart Jenks, L. A. Lovett, et al. Leave granted to withdraw the appearances of Mr. Paul B. Cromelin and Mr. Bolitha J. Laws as counsel for the appellant, on motion of Mr. Paul B. Cromelin in that behalf.

No. 555. Harry F. Sinclair *v.* The United States of America. Argument continued by Mr. Atlee Pomerene and Mr. Owen J. Roberts for the United States of America, and concluded by Mr. George P. Hoover for Sinclair.

No. 355. The United States of America and The Interstate Commerce Commission, appellants, *v.* Anchor Coal Company et al.;

No. 356. Barton Coal Company et al., appellants, *v.* Anchor Coal Company et al.;

No. 357. Pittsburgh Operators' Lake Rate Committee et al., appellants, *v.* Anchor Coal Company et al.; and

No. 358. Baltimore & Ohio Railroad Company et al., appellants, *v.* Anchor Coal Company et al. Argument commenced by Mr. Luther

M. Walter for the United States and the Interstate Commerce Commission; continued by Mr. Henry Wolf Bikle for the appellants in No. 358; by Mr. Ernest S. Ballard for the appellants in No. 356; and by Mr. August G. Gutheim for the appellants in No. 357.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, February 20, will be as follows: Nos. 355 (and 356, 357, and 358), 164, 166, 220, 238 (and 304), 251 (and 252), 260, 267, 272, and 296.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Holmes, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Sanford, and Mr. Justice Stone.

Henry B. Morrow, of Washington, D. C., and S. Harrison White, of Denver, Colo., were admitted to practice.

No. 355. The United States of America and The Interstate Commerce Commission, appellants, *v.* Anchor Coal Company et al.;

No. 356. Barton Coal Company et al., appellants, *v.* Anchor Coal Company, et al.;

No. 357. Pittsburgh Operators' Lake Rate Committee et al., appellants, *v.* Anchor Coal Company et al.; and

No. 358. Baltimore & Ohio Railroad Company et al., appellants, *v.* Anchor Coal Company et al. Argument continued by Mr. August G. Gutheim for the appellants in No. 357; by Mr. J. V. Norman for appellees, Anchor Coal Company et al.; by Mr. Luther M. Walter for appellants, The United States and the Interstate Commerce Commission; by Mr. C. R. Hillyer for appellees Whiting-Plover Paper Company et al.; by Mr. John W. Davis for the appellees, Anchor Coal Company et al.; and concluded by Mr. Luther M. Walter for the appellants, The United States and the Interstate Commerce Commission. Leave granted counsel to file briefs within five days.

No. 164. County of Spokane and County of Whitman, Washington, petitioners, *v.* The United States of America. Argument commenced by Mr. Charles W. Greenough for the petitioners.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, February 21, will be as follows: Nos. 164, 166, 220, 238 (and 304), 251 (and 252), 260, 267, 272, 296, and 299.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Holmes, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Sanford, and Mr. Justice Stone.

Eli S. Wolbarst, of New York City; Charles B. Stewart, jr., of Los Angeles, Calif.; Earl Q. Gray, of Ardmore, Okla.; and Marion N. Chrestman, of Dallas, Tex., were admitted to practice.

No. 220. John Johnson, petitioner, *v.* United States Shipping Board Emergency Fleet Corporation. Leave granted to Mr. Myron Scott to appear and present oral argument for the petitioner *pro hac vice* on motion of Mr. Chester A. Gwinn in that behalf.

No. 299. Andrew Flink, petitioner, *v.* Attilio Paladini et al. Submitted by Mr. H. W. Hutton and Mr. R. T. Lynch for the petitioner, and by Mr. Ira S. Lillick for the respondents.

No. 164. County of Spokane and County of Whitman, Washington, petitioners, *v.* The United States of America. Argument continued by Mr. Charles W. Greenough for the petitioner. The Court declined to hear further argument.

No. 166. The State of Alabama and Alabama Public Service Commission, appellants, *v.* The United States of America, Atlantic Coast Line Railroad Company, Seaboard Air Line Railway Company, et al. Argument commenced by Mr. Edgar Watkins for the appellants, continued by Mr. E. M. Reidy for the appellees, The United States and the Interstate Commerce Commission; by Mr. Frank W. Gwathmey for appellees, the Alabama Carriers; and concluded by Mr. Edgar Watkins for the appellants.

No. 220. John Johnson, petitioner, *v.* United States Shipping Board Emergency Fleet Corporation. Argued by Mr. Myron Scott for the petitioner *pro hac vice*, by special leave of Court, and by Mr. J. Frank Staley for the respondent.

No. 238. The United States, petitioner, *v.* The New York Central Railroad, lessee of the Boston and Albany Railroad; and

No. 304. The United States, petitioner, *v.* Nevada County Narrow Gauge Railroad Company. Argument commenced by Mr. Solicitor General Mitchell for the petitioner.

Adjourned until Monday, February 25, at 12 o'clock.

The day call for Monday, February 25, will be as follows: Nos. 238 (and 304), 273, 514, 251 (and 252), 260, 267, 272, 296, 306, and 321.

SUPREME COURT OF THE UNITED STATES

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

Sam McCorkle, of Mexia, Tex.; Harold A. Smith, of Chicago, Ill.; Arthur V.D. Chamberlain, of Rochester, N. Y.; James M. Gilbert, of Frankfort, Ky.; Wood H. Thompson, of New Orleans, La.; Percy Saint, of New Orleans, La.; Bertrand I. Cahn, of New Orleans, La.; Henry B. Curtis, of New Orleans, La.; and Henry R. Miller, jr., of Richmond, Va., were admitted to practice.

The Chief Justice announced the following orders of the Court:

No. 617. E. W. Porter, Commissioner of Finance of the State of Idaho, Liquidating Agent of the Citizens State Bank of Buhl, Idaho, petitioner, *v.* The United States of America. The motion to extend time to make deposit to cover cost of printing record is denied.

No. 645. George Wilcox, petitioner, *v.* The United States of America. On petition for writ of certiorari to the Court of Appeals of the District of Columbia. *Per curiam:* The motion for leave to proceed further herein *in forma pauperis* is denied for the reason that the Court, upon examination of the unprinted record herein submitted, finds that there is no basis for certiorari, application for which is therefore also denied.

The costs already incurred herein by direction of the Court, shall be paid by the Clerk from the special fund in his custody as provided in the order of October 29, 1926.

No. 666. Harry B. Stilz, petitioner, *v.* Bethlehem Shipbuilding Corporation, Ltd. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. *Per curiam:* The motion for leave to proceed further herein *in forma pauperis* is denied for the reason that the Court, upon examination of the unprinted record herein submitted, finds that there is no basis for certiorari, application for which is therefore also denied.

The costs already incurred herein by direction of the Court shall be paid by the Clerk from the special fund in his custody as provided in the order of October 29, 1926.

No. 696. Elizabeth M. Thomas, as Administratrix of the Estate of Oscar R. Thomas, deceased, petitioner, *v.* Maine Central Railroad Company. On petition for writ of certiorari to the Supreme Judicial Court of the State of Maine. *Per curiam:* The motion for leave to proceed further herein *in forma pauperis* is denied for the reason that the Court, upon examination of the unprinted record herein submitted, finds that there is no basis for certiorari, application for which is therefore also denied.

The costs already incurred herein by direction of the Court, shall be paid by the Clerk from the Special Fund in his custody as provided in the order of October 29, 1926.

No. 104. The United States of America, petitioner, *v.* Florence E. Williams. It appearing to the Court that the respondent in this case has filed an affidavit for leave to proceed *in forma pauperis*, in conformity with the act of Congress (27 Stat. L. 252, as amended, 42 Stat. L. 266);

It is now here ordered that the costs incurred by the said respondent in this Court, in this case, shall be paid by the Clerk from the special fund in his custody pursuant to the order of October 29, 1926.

No. 563. The Baltimore and Ohio Railroad Company et al., appellants, *v.* The United States of America et al. In this case the Court finds that probable jurisdiction has been shown.

No. 579. International Shoe Company, appellant, *v.* Stratton Shartel, Attorney General, etc. In this case the Court finds that probable jurisdiction has been shown.

No. 591. The Osage Nation of Indians, appellant, *v.* The United States. Appeal from the Court of Claims. *Per curiam:* The appeal is dismissed for lack of jurisdiction on the authority of the Act of February 13, 1925 (43 Stat. 936). The petition for writ of certiorari is denied.

No. 619. The Chesapeake & Ohio Railway Company, petitioner, *v.* Nick Mihas. Petition for writ of certiorari to the Appellate Court of the State of Illinois, First District and/or the Supreme Court of the State of Illinois granted.

No. 621. The Kansas City Southern Railway Company, petitioner, *v.* Guardian Trust Company, Henry C. Flower, Receiver. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit granted.

No. 622. General Insurance Company of America, petitioner, *v.* Northern Pacific Railway Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted.

No. 629. C. A. Lindgren, Administrator of the Estate of C. E. Barford, deceased, petitioner, *v.* The United States of America and Colonna's Shipyard, Incorporated. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit granted.

No. 647. David S. Barry, Sergeant at Arms of the U. S. Senate, et al., petitioners, *v.* The United States of America *ex rel.* Thomas W. Cunningham. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit granted.

No. 208. J. Earl Morgan, petitioner, *v.* Wisconsin Tax Commission. Petition for writ of certiorari to the Supreme Court of the State of Wisconsin denied.

No. 587. John D. Russell, petitioner, *v.* The United States of America; and

No. 624. Lorne R. Adams, petitioner, *v.* The United States of America. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 597. John Fisler, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 603. Thomas McMillan, Garnishee, petitioner, *v.* National Wool Warehouse & Storage Company. Petition for writ of certiorari to the United States Circuit of Appeals for the Ninth Circuit denied.

No. 604. Falk Mercantile Company, Limited, Thomas McMillan, et al., petitioners, *v.* National Wool Warehouse & Storage Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 606. Fred W. Lake and Fannie D. Lake, petitioners, *v.* Central Savings Bank of Oakland. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 610. Dr. Paul F. Brown, petitioner, *v.* Lane Cotton Mills Company, W. E. Floding, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 611. Dr. Paul F. Brown, petitioner, *v.* Lane Cotton Mills Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 614. The Feather River Lumber Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 615. Clemente Ariasi, petitioner, *v.* Orient Insurance Company and The Employers' Fire Insurance Company. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 620. New York & New Jersey Steamboat Company, petitioner, *v.* Frederick H. Schomburg. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 626. J. Bradfore Erb, petitioner, *v.* Claremont Laboratories, Inc., and Capitol Machine Company, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 627. Stearns Brothers, Inc., petitioner, *v.* Southern Railway Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 628. Richard L. Davey, petitioner, *v.* Delaware, Lackawanna and Western Railroad Company and Lehigh Valley Railroad Company. Petition for writ of certiorari to the Court of Errors and Appeals of the State of New Jersey denied.

No. 636. Kar-Lac Company and Julius H. Karlson, petitioners, *v.* The Gilchrist Company and Hamilton-Beach Manufacturing Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 637. Joseph Frank Murphy, petitioner, *v.* India Tire & Rubber Co. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 638. Vincenzo Madonna and Enrico Iannarelli, Administrators of the personal estate of Francisco Balzana, etc., petitioners, *v.* Wheeling Steel Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 639. Foreman Trust & Savings Bank, Administrator of the estate of Kazimir Proscievich, deceased, petitioner, *v.* Grand Trunk Western Railway Company. Petition for writ of certiorari to the Appellate Court of the State of Illinois, First District, and/or Supreme Court of the State of Illinois denied.

No. 640. Walter S. Dickey, petitioner, *v.* William Volker, J. C. Nichols, et al. Petition for writ of certiorari to the Supreme Court of the State of Missouri denied.

No. 641. John Arthur Boyd, Fred Nourse, et al., petitioners, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 643. S. C. Fullerton and W. W. Dobson, petitioners, *v.* The Eagle-Picher Lead Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 644. George D. Brown, sole surviving Administrator of the Estate of I. N. Brown, deceased, et al., petitioners, *v.* Joseph A. Gamble, Receiver of the First National Bank of Sutton, West Virginia; and

No. 680. P. S. Perkins, I. C. Bishop, and O. O. Sutton, petitioners, *v.* Joseph A. Gamble, Receiver of the First National Bank of Sutton, West Virginia. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 646. Colonna Shipyard, Inc., petitioner, *v.* J. F. Dunn. Petition for writ of certiorari to the Special Court of Appeals of the State of West Virginia and/or the Supreme Court of Appeals of the State of West Virginia denied.

No. 651. Federal Surety Company, petitioner, *v.* City of Staunton, Illinois, suing for the use and benefit of McWane Cast Iron Pipe Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 654. Thomas Graham and Atlantic City Building Block Corporation, petitioners, *v.* Crozier-Straub, Inc., and Concrete Specialties Co.;

No. 655. Jacob Melmod and Seashore Brick & Building Company, petitioners, *v.* Crozier-Straub, Inc., and Concrete Specialties Co.; and

No. 656. Robert G. Downer, petitioner, *v.* Crozier-Straub, Inc., and Concrete Specialties Co. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 657. Harry H. DeLoss, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 660. Lewis G. Norton, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 670. Era Electrical Supply Corporation, petitioner, *v.* Metropolitan Device Corporation. Petition for writ of certiorari to the

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

No. 671. Charles F. Fiman, as Receiver of the National Bank of Commerce of Pierre, South Dakota, petitioner, *v.* The State of South Dakota. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 667. William Roschen, appellant, *v.* Hamilton Ward, Attorney General, etc., et al.; and

No. 668. S. S. Kresge Company, appellant, *v.* Hamilton Ward, Attorney General, etc., et al. Motions to advance submitted by Mr. Stanley D. Willis in behalf of Mr. Walter N. Seligsberg for the appellants.

No. 375. The United States of America, petitioner, *v.* California Co-Operative Canneries. Motion for leave to file brief of National Wholesale Grocers' Association of the United States, as amicus curiae submitted by Mr. Frank K. Nebeker in behalf of Mr. William C. Breed, Mr. Sumner Ford, and Mr. Edward A. Craighill, Jr.

No. 355. The United States of America et al., appellants, *v.* Anchor Coal Company;

No. 356. Barton Coal Company et al., appellants, *v.* Anchor Coal Company, et al.;

No. 357. Pittsburgh Operators' Lake Rate Committee et al., appellants, *v.* Anchor Coal Company, et al.; and

No. 358. Baltimore & Ohio Railroad Company et al., appellants, *v.* Anchor Coal Company et al. Motion for extension of time within which to file additional brief for the appellees submitted by Mr. Robert E. Quirk for the appellees, and motion denied.

No. 568. The St. Louis-San Francisco Railway Company, appellant, *v.* Alabama Public Service Commission, Hugh White, et al. Statement as to jurisdiction submitted by Mr. W. R. C. Cocke for the appellant.

No. 572. J. V. Burke, appellant, *v.* State of Oregon. Statement as to jurisdiction submitted by Mr. Thomas Mannix for the appellant, in support thereof, and by Mr. Stanley Myers, Mr. Leon W. Behrman, and Mr. George Mowry for the appellee in opposition thereto.

No. 578. The Macallen Company, appellant, *v.* The Commonwealth of Massachusetts. Statement as to jurisdiction submitted by Mr. Richard H. Wiswall and Mr. Thomas Allen for the appellant.

No. 590. Karl Herbring, appellant, *v.* Claire A. Lee, as Insurance Commissioner of the State of Oregon. Statement as to jurisdiction submitted by Mr. Guy E. Kelly for the appellant, in support thereof, and by Mr. I. H. Van Winkle and Mr. Willis S. Moore for the appellee, in opposition thereto.

No. 601. The People of the State of New York, appellants, *v.* Gamble Latrobe, Jr., et al. Statement as to jurisdiction submitted by Mr. Hamilton Ward, Mr. Wendell P. Brown, and Mr. Robert P. Beyer for the appellants.

No. 612. Alexander Sprunt & Son, Inc., et al., appellants, *v.* The United States of America et al. Statement as to jurisdiction submitted by Mr. R. C. Fulbright for the appellants.

No. 648. Van Camp Sea Food Co., Inc., petitioner, *v.* Westgate Sea Products Co. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Nathan Newby for the petitioner and by Mr. William S. Graham for the respondent.

No. 649. Andrew Donovan, petitioner, *v.* Frank D. Comerford. Petition for writ of certiorari to the Supreme Court of the State of Illinois submitted by Mr. A. D. Gash for the petitioner.

No. 658. Anna M. Jensen, petitioner, *v.* Continental Life Insurance Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Charles A. Donnelly for the petitioner, and by Mr. W. Calvin Chesnut for the respondent.

No. 659. The Oswego and Syracuse Railroad Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. William S. Jenney for the petitioner, and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, and Mr. Morton P. Fisher for the respondent.

No. 664. The New York, Chicago and St. Louis Railroad Company, petitioner, *v.* Ed Peele. Petition for writ of certiorari to the Appellate Court of the State of Indiana submitted by Mr. Russell P. Harker and Mr. Walter A. Eversman for the petitioner, and by Mr. Albert Ward for the respondent.

No. 665. The Village of Lowellville, Ohio, petitioner, *v.* The East End Traction Company. Petition for writ of certiorari to the Court of Appeals of Mahoning County, State of Ohio, submitted by Mr. P. J. Melillo for the petitioner, and by Mr. Union C. DeFord for the respondent.

No. 672. Edward J. Gunning, petitioner, *v.* Gertrude L. Cooley. Petition for writ of certiorari to the Court of Appeals of the Dis-

trict of Columbia submitted by Mr. H. Prescott Gatley, Mr. Benjamin S. Minor, and Mr. Arthur P. Drury for the petitioner, and by Mr. Alvin L. Newmyer for the respondent.

No. 676. United States Shipping Board Merchant Fleet Corporation, etc., et al., petitioners, *v.* Benjamin Lustgarten, an infant, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Farnum, Mr. J. Frank Staley, Mr. Chauncey G. Parker, and Mr. F. R. Conway for the petitioners, and by Mr. Silas B. Axtell for the respondent.

No. 678. D. Basil O'Connor, petitioner, *v.* Charles W. Anderson, Collector of Internal Revenue for the Third District of New York. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. D. Basil O'Connor *pro se*, and by Mr. Solicitor General Mitchell for the respondent.

No. 617. E. W. Porter, Commissioner of Finance of the State of Idaho, Liquidating Agent of the Citizens State Bank of Buhl, Idaho, 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 pursuant to paragraph 2 of rule 13.

No. 238. The United States, petitioner, *v.* The New York Central Railroad lessee of the Boston and Albany Railroad; and

No. 304. The United States, petitioner, *v.* Nevada County Narrow Gauge Railroad Company. Argument continued by Mr. Frederick H. Wood for the respondents and concluded by Mr. George H. Fernald, jr., for the respondents.

No. 273. The Ann Arbor Railroad Company et al., appellants, *v.* The United States of America, The Interstate Commerce Commission, and the California Growers' & Shippers' Protective League. Argued by Mr. Herman Phleger for the appellants; by Mr. J. Stanley Payne for the United States and Interstate Commerce Commission, and by Mr. Allan P. Matthew for the California Growers' & Shippers' Protective League.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, February 26, will be as follows: Nos. 514, 251 (and 252), 260, 267, 272, 296, 306, 321, 322, and 325.

SUPREME COURT OF THE UNITED STATES

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

Henry H. Johnson, of Baltimore, Md.; Ralph E. Updike, of Indianapolis, Ind.; Robert H. Archer, of Belair, Md.; Samuel D. Stein, of New York City; Clarence R. Ahalt, of Washington, D. C.; Clifton A. Woodrum, of Roanoke, Va.; Leland H. Sabin, of Battle Creek, Mich.; Meyer M. Semel, of Newark, N. J.; V. Calvin Trice, of Cambridge, Md.; and Geo. M. Burditt, of Chicago, Ill., were admitted to practice.

No. 14, original. The State of Colorado, complainant, *v.* The State of Kansas et al. Time within which to file answer of defendants extended to April 8 next, on motion of Mr. Chester I. Long for the defendants.

No. 322. John A. McKay, appellant, *v.* Hector McInnes, Stuart Jenks, et al. Passed for submission on printed briefs on Monday, April 8 next.

No. 514. Ohio Oil Company, appellant, *v.* E. A. Conway, Supervisor of Public Accounts of the State of Louisiana. Argument commenced by Mr. S. L. Herold for the appellant, and continued by Mr. Wood H. Thompson for the appellee. Further consideration postponed until Tuesday, February 27.

No. 251. Juan Posados, Jr., as Collector of Internal Revenue of the Philippine Islands, petitioner, *v.* Warner, Barnes & Co., Ltd.; and

No. 252. Juan Posados, Jr., as Collector of Internal Revenue of the Philippine Islands, petitioner, *v.* J. M. Menzi. Argued by Mr. William Cattron Rigby for the petitioner, and by Mr. Martin Taylor for the respondents.

No. 260. Ivy L. Leonard and Thomas B. Leonard, copartners, etc., plaintiffs in error and appellants, *v.* Swepson Earle, Conservation Commissioner, etc. Argument commenced by Mr. William L. Rawls for the plaintiffs in error and appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, February 27, will be as follows: Nos. 260, 267, 272, 296, 306, 321, 325, 335, 347, and 363.

SUPREME COURT OF THE UNITED STATES

The Chief Justice, Mr. Justice Holmes, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Sanford, and Mr. Justice Stone.

Lester G. Fant, of Holly Springs, Miss.; John K. Murphy, of Chicago, Ill.; James G. Wheeler, of Paducah, Ky.; E. Howard Morphy, of St. Paul, Minn.; Carl W. Cummins, of St. Paul, Minn.; Alva C. Baird, of Missoula, Mont.; and Francis P. Kelly, of Butte, Mont., were admitted to practice.

The Chief Justice announced the following order of the Court:

No. 514. Ohio Oil Company, appellant, *v.* E. A. Conway, Supervisor of Public Accounts of the State of Louisiana.

ORDER

In order that the Court may further examine the questions presented in this cause, consideration thereof is postponed until Tuesday next, March 5, 1929.

No. 260. Ivy L. Leonard and Thomas B. Leonard, copartners, etc., plaintiffs in error and appellants, *v.* Swepson Earle, Conservation Commissioner of Maryland, etc. Argument continued by Mr. William L. Rawls for the plaintiffs in error and appellants, by Mr. Robert H. Archer for the defendant in error and appellee, and concluded by Mr. Thomas H. Robinson for the defendant in error and appellee.

No. 267. Ithaca Trust Company, Sole Surviving Executor & Trustee, etc., petitioner, *v.* The United States. Argued by Mr. A. F. Prescott, Jr., for the petitioner, and by Mr. Solicitor General Mitchell for the respondent.

No. 272. W. A. Marshall & Co., Inc., petitioner, *v.* Steamship "President Arthur," her engines, etc. Argument commenced by Mr. George Wright Hinckley for the petitioner, and continued by Mr. John M. Woolsey and Mr. Samuel D. Stein for the respondent. The Court declined to hear further argument.

No. 296. James R. Helson and Clyde Randolph, doing business, etc., plaintiffs in error, *v.* Commonwealth of Kentucky, by Milton Board, Revenue Agent, etc. Argument commenced by Mr. James G. Wheeler for the plaintiffs in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, February 28, will be as follows: Nos. 296, 306, 321, 325, 335, 347, 363, 364, 372, and 403.

SUPREME COURT OF THE UNITED STATES

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

Clifford D. Davidson, of Baltimore, Md.; Felix T. Smith, of San Francisco, Calif.; Joseph S. Conwell, of Philadelphia, Pa.; Charles Clyde Barker, of Denver, Colo.; S. T. Lowe, of Burley, Idaho; and Sol A. Rosenblatt, of New York City, were admitted to practice.

No. **514**. Ohio Oil Company, appellant, *v.* E. A. Conway, Supervisor of Public Accounts of the State of Louisiana. Leave granted to file supplemental brief for the appellant, on motion of Mr. Lawrence H. Cake in behalf of Mr. S. L. Herold for the appellant.

No. **296**. James R. Helson and Clyde Randolph, doing business, etc., plaintiffs in error, *v.* Commonwealth of Kentucky, by Milton Board, Revenue Agent for the State at Large. Argument continued by Mr. James G. Wheeler for the plaintiff in error and concluded by Mr. James M. Gilbert for the defendant in error.

No. **306**. Carson Petroleum Company, petitioner, *v.* Leon C. Vial, Sheriff, etc. Argued by Mr. George M. Burditt and Mr. John K. Murphy for the petitioner, and by Mr. Harry P. Sneed for the respondent.

No. **321**. Leon Sampere, plaintiff in error and appellant, *v.* The City of New Orleans. Argument commenced by Mr. William Winans Wall for the plaintiff in error and appellant, and continued by Mr. Henry B. Curtis and Mr. Bertrand I. Cahn for the defendant in error and appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, March 1, 1929, will be as follows: Nos. **321, 325, 335, 347, 363, 364, 372, 403, 414 (and 415), and 416.**

SUPREME COURT OF THE UNITED STATES

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

Warren P. Brumfield, of Perry, Okla.; James E. Whitehead, of Dallas, Tex.; and C. E. Hall, of Oklahoma City, Okla., were admitted to practice.

No. 482. Harry H. Weiss, Collector of Internal Revenue, petitioner, *v.* J. Harry Wiener. Leave granted to file brief of Herman A. Fischer, jr., and E. Barrett Prettyman, as *amici curiae*, on motion of Mr. Preston B. Kavanaugh in behalf of Mr. Herman A. Fischer, jr., and Mr. E. Barrett Prettyman.

No. 321. Leon Sampere, plaintiff in error and appellant, *v.* The City of New Orleans. Argument continued by Mr. Bertrand I. Cahn for the defendant in error and appellee, and concluded by Mr. William Winans Wall for the plaintiff in error and appellant.

No. 325. Pampang Sugar Mills, petitioner, *v.* Wenceslas Trinidad, as Collector of Internal Revenue of the Philippine Islands. Argued by Mr. Louis Titus for the petitioner, and by Mr. William Catron Rigby for the respondent.

No. 335. Compania General de Tabacos de Filipinas. petitioner, *v.* Collector of Internal Revenue. Argued by Mr. Lawrence H. Cake for the petitioner, and by Mr. William C. Rigby for the respondent.

No. 347. John Martin Riehle, as Receiver in Equity of the Morosco Holding Company, Inc., petitioner, *v.* Edward Margolies. Argument commenced by Mr. F. Wright Moxley for the petitioner.

Adjourned until Monday next at 11.20 o'clock.

SUPREME COURT OF THE UNITED STATES

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

The Chief Justice announced that the Court will take a recess to attend the inauguration of the President of the United States.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, March 5, will be as follows: Nos. **347, 513, 198, 74, 363, 364, 372, 403, 414** (and **415**), and **416**.

14424—29—65

SUPREME COURT OF THE UNITED STATES

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

James A. Lauderdale, of Jackson, Miss.; Daniel A. Rush, of Boston, Mass.; Julius Martin II, of Asheville, N. C.; Isaac Frohman, of San Francisco, Calif.; Joseph W. Planck, of Lansing, Mich.; Russell B. James, of Chicago, Ill.; Marvin A. Jersild, of Chicago, Ill.; George Piazza, of New Orleans, La.; Leo P. Day, of Chicago, Ill.; Henry A. Macbeth, of Cleveland, Ohio; Floelle Y. Bonner, of Birmingham, Ala.; Junius Joyce Truax, of Minneapolis, Minn.; Stanley Sloane Gillam, of Minneapolis, Minn.; Harry H. Meisner, of Detroit, Mich.; Arthur Krause, of Cleveland, Ohio; Samuel I. Osborn, of Greenwood, Miss.; Emily Marx, of New York City; Vincent G. Hart, of Buffalo, N. Y.; Arthur T. George, of San Francisco, Calif.; Lee G. Carter, of Dallas, Tex.; John W. Schenck, of Boston, Mass.; Nolan Boggs, of Toledo, Ohio; Robert J. Shawhan, of Lebanon, Ohio; and Frank E. Calkins, of Toledo, Ohio, were admitted to practice.

No. 182. Allie E. Lewis and William Lloyd Lewis, petitioners, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Judgment affirmed, and the cause remanded to the District Court of the United States for the Eastern District of Oklahoma. Opinion by Mr. Justice Sanford.

No. 299. Andrew Flink, petitioner, *v.* Attilio Paladini, Hugo Paladini, Ercelia Paladini, et al. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Decree affirmed with costs, and the cause remanded to the District Court of the United States for the Northern District of California. Opinion by Mr. Justice Holmes.

The Chief Justice announced the following orders of the Court:
No. 667. William Roschen, appellant, *v.* Hamilton Ward, Attorney General of the State of New York, et al.; and

No. 668. S. S. Kresge Company, appellant, *v.* Hamilton Ward, Attorney General of the State of New York, et al. The motions to advance these cases are granted, the cases placed upon the summary docket, and assigned for argument as one case on Monday, April 8 next, after the cases heretofore assigned for that day.

No. 375. The United States of America, petitioner, *v.* California Cooperative Canneries. The motion for leave to file brief of the National Wholesale Grocers' Association as *amicus curiae* is granted.

No. 568. The St. Louis-San Francisco Railway Company, appellant, *v.* Alabama Public Service Commission et al.;

No. 578. The Macallen Company, appellant, *v.* The Commonwealth of Massachusetts;

No. 590. Karl Herbring, appellant, *v.* Claire A. Lee, as Insurance Commissioner of the State of Oregon;

No. 601. The People of the State of New York, appellants, *v.* Gamble Latrobe, Jr., et al.; and

No. 612. Alexander Sprunt & Son, Inc., et al., appellants, *v.* The United States of America et al. In these cases the Court finds that probable jurisdiction has been shown.

No. 572. J. V. Burke, appellant, *v.* The State of Oregon. Appeal from the Supreme Court of the State of Oregon. *Per curiam*: The appeal is dismissed for want of jurisdiction, for the reason that the Federal question presented is frivolous, on the authority of *Farrell v. O'Brien*, 199 U. S. 89, 100; *Toup v. Ulysses Land Co.*, 237 U. S. 580, 583; *Piedmont Power & Light Co. v. Town of Graham*, 253 U. S. 193, 195; *Quong Ham Wah v. Industrial Comm'n.*, 255 U. S. 445, 449.

No. 321. Leon Sampere, plaintiff in error and appellant, *v.* The City of New Orleans. In error to and appeal from the Supreme Court of the State of Louisiana. *Per curiam*: Affirmed on the authority of (1) *Euclid v. Ambler Realty Co.*, 272 U. S. 365; *Zahn v. Board of Public Works*, 274 U. S. 325; *Gorieb v. Fox*, 274 U. S. 603; (2) *Sperry & Hutchinson Co. v. Rhodes*, 220 U. S. 502, 505; *Williams v. Walsh*, 222 U. S. 415, 420.

No. 355. The United States of America and The Interstate Commerce Commission, appellants, *v.* Anchor Coal Company, American Eagle Colliery, American Rolling Mill Company;

No. 356. Barton Coal Company, Bellaire Mining Company, Big Five Coal Company, et al., appellants, *v.* Anchor Coal Company, American Eagle Colliery, American Rolling Mill Company;

No. 357. Pittsburgh Operators' Lake Rate Committee et al., appellants, *v.* Anchor Coal Company, American Eagle Colliery, American Rolling Mill Company; and

No. 358. Baltimore & Ohio Railroad Company, Cleveland, Cincinnati, Chicago & St. Louis Railroad Company, et al., appellants, *v.* Anchor Coal Company, American Eagle Colliery, American Rolling Mill Company. Appeals from the District Court of the United States for the Southern District of West Virginia. *Per curiam:* These appeals have been fully argued and considered, but in the present situation we find that they present moot issues and that further proceedings upon the merits can neither be had here nor in the court of first instance. To dismiss the appeals would leave the injunction in force, at least apparently so, notwithstanding that the basis therefor has disappeared. Our action must, therefore, dispose of the cause, not merely of the appellate proceedings which brought it here. The practice now established by this Court under similar conditions and circumstances is to reverse the decree below and remand the cause with directions to dismiss the bill. The order will be, therefore, that the decree is reversed with directions to the District Court to dismiss the bill of complaint without costs, because the controversy involved has become moot and, therefore, is no longer a subject appropriate for judicial action. *United States v. Hamburg American Co.*, 239 U. S. 466, 475; *Berry v. Davis*, 242 U. S. 468, 470; *Board of Public Utility Comm'rs. v. Compania General de Tabacos de Filipinas*, 249 U. S. 425; *Commercial Cable Co. v. Burleson*, 250 U. S. 360; *Heitmuller v. Stokes*, 256 U. S. 359; *Brownlow v. Schwartz*, 261 U. S. 216; *Alejandro v. Quezon*, 271 U. S. 528, 535; *Norwegian Co. v. Tariff Comm'n.*, 274 U. S. 106, 112. Mr. Justice Sanford took no part in the consideration or decision of this cause.

No. 514. Ohio Oil Company, appellant, *v.* E. A. Conway, Supervisor of Public Accounts of the State of Louisiana. Appeal from the District Court of the United States for the Eastern District of Louisiana. *Per curiam:* This is a suit to prevent the enforcement against the plaintiff of a statute of Louisiana (Act 5 of 1928) amending a prior statute (Act 140 of 1922) imposing a severance tax on the production of oil as a natural product of the soil. The prior act fixed the tax at 3 per cent of the market value of the oil at the time and place of severance, and the amendatory act makes it a graduated tax ranging from 4 to 11 cents per barrel according to the gravity of the oil. As applied to the plaintiff's operations the tax fixed by the amendatory act is about \$12,000 more in each period of three months than the tax under the prior act would be for the like period. While admitting the validity of the prior act and declaring a willingness and readiness to pay the tax imposed thereby, the plaintiff alleges that the change and enlarged tax imposed by the amendatory act is invalid in that that act as applied to the plaintiff's operations contravenes the equal protection clause of the fourteenth amendment to the Constitution of the United

States, and also a provision of the Constitution of the State requiring that severance taxes be predicated upon "either the quantity or value" of the product at the time and place of its severance.

The parties are citizens of different States and the matter in controversy exceeds in value the jurisdictional requirement. On bringing the suit, the plaintiff applied for an interlocutory injunction restraining the enforcement against it of the amendatory act pending the decree on final hearing; but the District Court, composed of three judges conformably to section 380 of title 28 of the United States Code, denied the application. An appeal from that order brings it under review.

The application for an interlocutory injunction was submitted on ex parte affidavits which are harmonious in some particulars and contradictory in other. The affidavits, especially those for the defendant, are open to the criticism that on some points mere conclusions are given instead of primary facts. But enough appears to make it plain that there is a real dispute over material questions of fact which can not be satisfactorily resolved upon the present affidavits and yet must be resolved before the constitutional validity of the amendatory statute can be determined.

The statute provides for the enforced payment of the tax quarterly in each year. If the tax be paid during the pendency of the suit, and the statute be adjudged invalid by the final decree, the plaintiff will be remediless. The laws of the State afford no remedy whereby restitution of the money so paid may be enforced, even where the payment is under both protest and compulsion.

Where the questions presented by an application for an interlocutory injunction are grave, and the injury to the moving party will be certain and irreparable if the application be denied and the final decree be in his favor, which if the injunction be granted the injury to opposing party, even if the final decree be in his favor, will be inconsiderable, or may be adequately indemnified by a bond, the injunction usually will be granted. *Love v. Atchison, Topeka & Santa Fe Ry. Co.*, 185 Fed. 321, 331-332.

Under this rule and in view of the entire absence under the local law of any remedy enforceable by the plaintiff if the tax be paid and afterwards held invalid by the final decree, we are of opinion that the application for an interlocutory injunction should have been granted, and that this should have been done upon terms requiring that the plaintiff (a) punctually and regularly pay the tax fixed by the prior act, (b) give an adequate bond whereby, in the event the amendatory act is adjudged valid by the final decree, the plaintiff and its surety will be obligated to pay, with interest and without other penalty, such further amounts as may be necessary, with the prior

payments, to satisfy the tax fixed by that act, and (c) prosecute the suit with reasonable expedition to a final decree.

The order is accordingly vacated with directions for further proceedings in conformity with this opinion.

No. 375. The United States of America, petitioner, *v.* California Cooperative Canneries; and

No. 148. Magnolia Gas Company, plaintiff in error and appellant, *v.* Graves Leeper, as Secretary of State, etc. It is ordered that these cases heretofore assigned for argument on Monday, March 11 next, be, and they are hereby, reassigned for argument on Monday, April 15 next, after the cases heretofore assigned for that day.

No. 672. Edward J. Gunning, petitioner, *v.* Gertrude L. Cooley. Petition for writ of certiorari to the Court of Appeals of the District of Columbia granted.

No. 676. United States Shipping Board Merchant Fleet Corporation, etc., et al., petitioners, *v.* Benjamin Lustgarten, an infant, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 678. D. Basil O'Connor, petitioner, *v.* Charles W. Anderson, Collector of Internal Revenue for the Third District of New York. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 616. Pennsylvania Mining Company, petitioner, *v.* United Mine Workers of America et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 648. Van Camp Sea Food Co., Inc., petitioner, *v.* Westgate Sea Products Co. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 649. Andrew Donovan, petitioner, *v.* Frank D. Comerford. Petition for writ of certiorari to the Supreme Court of the State of Illinois denied.

No. 658. Anna M. Jensen, petitioner, *v.* Continental Life Insurance Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 659. The Oswego and Syracuse Railroad Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 664. The New York, Chicago and St. Louis Railroad Company, petitioner, *v.* Ed Peele. Petition for writ of certiorari to the Appellate Court of the State of Indiana denied.

No. 665. The Village of Lowellville, Ohio, petitioner, *v.* The East End Traction Company. Petition for writ of certiorari to the Court of Appeals of Mahoning County, State of Ohio, denied.

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

ORDER

The Court will take a recess from Monday, March 11, until Monday, April 8 next.

No. 15, original. The United States of America, complainant, *v.* The State of Utah. Motion to appoint special master submitted by Mr. Attorney General Mitchell for the complainant.

No. 647. David S. Barry, Sergeant at Arms of the U. S. Senate, et al., petitioners, *v.* The United States of America, ex rel. Thomas W. Cunningham. Motion to advance submitted by Mr. Attorney General Mitchell for the petitioners.

No. 719. Walter W. Abell, Elizabeth M. Abell, et al., petitioners, *v.* Galen L. Tait, Collector of Internal Revenue. Leave granted to file brief of James Craig Peacock, Harry Friedman, and W. W. Spalding as *amici curiae*, on motion of Mr. James Craig Peacock in that behalf.

No. 130. Old Colony Trust Company et al., executors, *v.* Commissioner of Internal Revenue. Leave granted to file brief of the Committee on Federal Taxation of the American Bar Association, as *amicus curiae*, on motion of Mr. George M. Morris in that behalf.

No. 469. *Ex parte*: Worcester County National Bank of Worcester, appellant. Leave granted to file brief of John W. Pole, Comptroller of the Currency of the United States, as *amicus curiae*, on motion of Mr. George P. Barse in that behalf.

No. 469. *Ex parte*: Worcester County National Bank of Worcester, appellant. Leave granted to file brief of Continental National Bank and Trust Company of Chicago, as *amicus curiae*, on motion of Mr. Robert F. Cogswell in behalf of Mr. Carl Meyer.

No. 469. *Ex parte*: Worcester County National Bank of Worcester, appellant. Leave granted to file brief of Federal Reserve Board, as *amicus curiae*, on motion of Mr. Walter Wyatt in that behalf.

No. —, original. *Ex parte*: Atlantic Coast Line Railroad Company, petitioner. Motion for leave to file petition for writ of mandamus submitted by Mr. Foster Blair in behalf of Mr. F. B. Grier, Mr. W. E. Kay, and Mr. Robert C. Alston for the petitioner.

No. 728. Ruth Anne Bundy, petitioner, *v.* Walter L. Bundy. Motion for leave to proceed *in forma pauperis* submitted by Ruth Anne Bundy, *pro se*.

No. 618. Safe Deposit and Trust Company of Baltimore, Maryland, appellant, *v.* The Commonwealth of Virginia. Statement as to jurisdiction submitted by Mr. Joseph M. Hurt, jr., for the appellant.

No. 631. The United States of America *ex rel.* Joseph Wenger, appellant, *v.* W. Frank Mathues, United States Marshal, etc. Statement as to jurisdiction submitted by Mr. Joseph Blank for the appellant in support thereof, and by Mr. Attorney General Mitchell for the appellee in opposition thereto.

No. 618. Safe Deposit and Trust Company of Baltimore, Maryland, petitioner, *v.* The Commonwealth of Virginia. Petition for writ of certiorari to the Special Court of Appeals of the State of Virginia submitted by Mr. Joseph M. Hurt, jr., for the petitioner, and by Mr. W. W. Martin and Mr. Henry R. Miller, jr., for the respondent.

No. 625. Corning Distilling Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims submitted by Mr. Levi Cooke and Mr. George R. Beneman for the petitioner, and by Mr. Attorney General Mitchell and Mr. Assistant Attorney General Galloway for the respondent.

No. 661. Edward F. Goltra, petitioner, *v.* Dwight F. Davis, Secretary of War. etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Joseph T. Davis for the petitioner, and by Mr. Attorney General Mitchell and Mr. Lon O. Hocker for the respondent.

No. 669. Anthony Minerich, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Joseph W. Sharts for the petitioner, and by Mr. Attorney General Mitchell and Mr. Assistant to the Attorney General Donovan for the respondent.

No. 673. Townsend Estates, Inc., and Pittsburgh Incinerator Manufacturing Co., Inc., petitioners, *v.* Kerner Incinerator Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Harry Frease for the petitioners, and by Mr. Lawrence A. Janney for the respondent.

No. 677. Alta Matthews, Administratrix of Dixon Matthews, deceased, petitioner, *v.* Southern Railway Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the

Sixth Circuit submitted by Mr. Robert M. McConnell for the petitioner, and by Mr. L. E. Jeffries, Mr. S. R. Prince, and Mr. H. O'B. Cooper for the respondent.

No. 679. Massachusetts Fire & Marine Insurance Company, petitioner, *v.* Jake Schneider, Proprietor of Fairfax Department Store. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Theodore A. Hammond, Mr. Alex. W. Smith, jr., and Mr. W. M. Howard for the petitioner, and by Mr. Rodney S. Cohen for the respondent.

No. 681. Richmond Hosiery Mills, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Sam E. Whitaker for the petitioner, and by Mr. Attorney General Mitchell, Assistant Attorney General Willebrandt, Mr. John Vaughan Groner, Mr. C. M. Charest, and Mr. Percy S. Crewe for the respondent.

No. 683. Red Star Towing & Transportation Company, as owner Steam tug "Bronx," petitioner, *v.* New Jersey Shipbuilding and Dredging Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Chancey I. Clark for the petitioner, and by Mr. Edward Ash for the respondent.

No. 684. Morris H. Elvidge, petitioner, *v.* Stelwagon Manufacturing Company, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Paul Armitage for the petitioner, and by Mr. Harry W. Mack for the respondent.

No. 686. The State of Ohio on the relation of John C. Popovici, Vice Consul of Roumania, petitioner, *v.* Abram W. Agler, Charles Krichbaum, et al. Petition for writ of certiorari to the Supreme Court of the State of Ohio submitted by Mr. Atlee Pomerene and Mr. Frank Harrison for the petitioner.

No. 693. Wabash Railway Company, Myron S. Hall, et al., petitioners, John C. Barclay and Willoughby Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Charles E. Hughes, Mr. Winslow S. Pierce, and Mr. F. C. Nicodemus, jr., for the petitioners, and by Mr. Wm. R. Begg, Mr. Ellis Ames Ballard, and Mr. Joseph S. Clark for the respondents.

No. 694. Shirley P. Austin, petitioner, *v.* John C. Barclay and Willoughby Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted

by Mr. Charles E. Hughes for the petitioner and by Mr. Wm. R. Begg, Mr. Ellis Ames Ballard, and Mr. Joseph S. Clark for the respondents.

No. 705. Claude C. Sill, Successor of Edgar Freeman Anderson, as Receiver, etc.; petitioner, *v.* William Bell Raiford Pennington. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Victor L. Smith for the petitioner, and by Mr. Marion Smith for the respondent.

No. 722. American Valve & Meter Company and Edward E. Johnson, petitioners, *v.* Fairbanks, Morse & Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. F. A. Whiteley, Mr. Richard P. Ernst, and Mr. Alfred C. Cassatt for the petitioners, and by Mr. Fred L. Chappell for the respondent.

No. 723. District of Columbia, petitioner, *v.* Georgiana Thompson. Petition for writ of certiorari to the Court of Appeals of the District of Columbia submitted by Mr. William W. Bride for the petitioner.

No. 347. John Martin Riehle, as Receiver, etc., petitioner, *v.* Edward Margolies. Argument concluded by Mr. Sol A. Rosenblatt for the respondent.

No. 513. The United States of America, appellant, *v.* American Livestock Commission Company, Lewis Barefoot, etc., et al. Argued by Mr. Attorney General Mitchell for the appellant, and by Mr. C. E. Hall for the appellees.

No. 198. Arthur J. Karnuth, United States Director of Immigration, and Charles Dreher, Inspector, etc., petitioners, *v.* United States of America, on the petition of Preston M. Albro, as Attorney for Mary Cook and Mr. Antonio Danelon. Argued by Mr. Attorney General Mitchell for the petitioners, and by Mr. Preston M. Albro for the respondent.

No. 74. Joe Tin Lun, by next friend, et al., plaintiffs in error, *v.* W. F. Bond, State Superintendent of Education, et al. Argued by Mr. James A. Lauderdale for the defendants in error, and submitted by Mr. James M. Flowers for the plaintiffs in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, March 6, will be as follows: Nos. 363, 364, 372, 403, 414 (and 415), 450, 454, 455 (and 456), and 491.

SUPREME COURT OF THE UNITED STATES

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

John Jay Hopkins, of New York City; Price Wickersham, of Kansas City, Mo.; Jack W. Hayes, of Tulsa, Okla.; H. L. McCune, of El Paso, Tex.; George B. Schwabe, of Tulsa, Okla.; H. M. Carr, of Miami, Fla.; Harry K. Wolff, of San Francisco, Calif.; William Johnson Hannah, of Waynesville, N. C.; Pius P. Flick, of Riverdale, Ill.; Copal Mintz, of New York City; George Robert Freeman, of Riverside, Calif.; George J. Feldman, of Boston, Mass.; Benjamin Spinoza, of Boston, Mass.; and William A. Booker, of Little Rock, Ark., were admitted to practice.

No. 364. Serverino Alberto, petitioner, *v.* Bonifacio Nicolas. Argued by Mr. William Cattron Rigby for the petitioner, and by Mr. Henry J. Richardson for the respondent.

No. 372. The United States Printing and Lithograph Co., petitioner, *v.* Griggs, Cooper and Company. Argued by Mr. Walter F. Murray for the petitioner, and by Mr. E. H. Morphy and Mr. C. W. Cummins for the respondent.

No. 403. Sutter Butte Canal Co., plaintiff in error, *v.* The Railroad Commission of the State of California. Argument commenced by Mr. Isaac Frohman for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, March 7, will be as follows: Nos. 403, 414 (and 415), 450, 454, 455 (and 456), and 491.

SUPREME COURT OF THE UNITED STATES

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

Cloyd Laporte, of New York City; Owen S. Samuel, of Emporia, Kans.; Herbert F. O'Hare, of Bismarck, N. Dak.; Albert J. Fihe, of Chicago, Ill.; William L. Reed, of Miami, Fla.; and William L. Erwin, of Athens, Ga., were admitted to practice.

No. 403. Sutter Butte Canal Co., plaintiff in error, *v.* The Railroad Commission of the State of California. Argument continued by Mr. Isaac Frohman for the plaintiff in error. The Court declined to hear further argument.

No. 414. Louisville & Nashville Railroad Company, petitioner, *v.* Aaron A. B. Chatters; and

No. 415. Southern Railway Company et al., petitioners, *v.* Aaron A. B. Chatters. Argued by Mr. J. Blanc Monroe for the petitioner in No. 415; by Mr. Harry McCall for the petitioner in No. 414; and by Mr. George Piazza for the respondent.

No. 450. Morris & Company et al., petitioners, *v.* Skandinavia Insurance Co. Argued by Mr. Garner Wynn Green for the petitioners, and by Mr. Oscar R. Houston for the respondent.

No. 491. London Guarantee and Accident Co., Ltd., appellant, *v.* Industrial Accident Commission of the State of California et al. Argued by Mr. Leo C. Weiler for the appellant, and by Mr. George C. Faulkner, jr., for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call Friday, March 8, will be as follows: Nos. 454 and 455 (and 456).

SUPREME COURT OF THE UNITED STATES

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

Harvey M. Burns, of Milwaukee, Wis.; Joseph P. Lieb, of Washington, D. C.; Edward Patrick Guinane, of Superior, Wis.; W. Carlton Gorsuch, of Oxford, Md.; W. Maynard Stapleton, of Lewisburg, Pa.; Karl T. Stouffer, of Homeworth, Ohio; Joseph D. Ryan, of Chicago, Ill.; Maurice W. Monheimer, of New York City; Robert C. Hillis, of Logansport, Ind.; and Elwood Hamilton, of Louisville, Ky., were admitted to practice.

No. 748. Harry F. Sinclair, Henry Mason Day, William J. Burns, W. Sherman Burns *v.* The United States of America. Motion to bring up the entire record and cause granted, and the case advanced and assigned for argument on Monday, April 22, next, on motion of Mr. George G. Chandler in behalf of Mr. Owen J. Roberts for the United States.

No. 454. Minneapolis, St. Paul & Sault Ste. Marie Ry. Co., petitioner, *v.* John Rock. Argued by Mr. Henry S. Mitchell for the petitioner, and by Mr. H. H. Patterson for the respondent.

No. 455. New York Central R. R. Co., petitioner, *v.* Edward H. Johnson; and

No. 456. New York Central R. R. Co., petitioner, *v.* Myrtle J. Johnson. Argued by Mr. Sidney C. Murray and Mr. Albert S. Marley for the petitioner, and by Mr. Price Wickersham for the respondents.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, March 11, will be as follows: No. 565.

SUPREME COURT OF THE UNITED STATES

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

Birney B. Hines, of Wilkesburg, Pa.; George M. Wilmeth, of Washington, D. C.; Frank H. Pardee, of Boston, Mass.; Earl Van Wagoner, of Washington, D. C.; Edward Lee Kearns, of Pittsburgh, Pa.; Edward C. Bailly, of New York City; Homer Hoch, of Marion, Kans.; Edna Clary, of Shawnee, Okla.; Thomas R. Freeman, of Dallas, Tex.; Benjamin Harrison McKinley, of Lowell, Mass.; Neil Burkinshaw, of Washington, D. C.; and Henry D. Gaggstatter, of Columbus, Ga., were admitted to practice.

Mr. Special Assistant to the Attorney General Wheat presented the Honorable William D. Mitchell, Attorney General of the United States, and it was ordered that his commission be recorded.

No. 238. The United States, petitioner, *v.* The New York Central Railroad Company, Lessee of the Boston & Albany Railroad; and

No. 304. The United States, petitioner, *v.* Nevada County Narrow Gauge Railroad Company. On writs of certiorari to the Court of Claims. Judgments affirmed. Opinion by Mr. Justice Holmes.

The Chief Justice announced the following orders of the Court:
No. 15, original. The United States of America, complainant, *v.* The State of Utah.

ORDER

On consideration of the motion by the United States for the appointment of a Special Master to take the evidence in this case and report the same to this Court with his findings of fact, conclusions of law, and recommendations for a decree,

It is now here ordered that Charles Warren, of Washington, D. C., be, and he is hereby, appointed a Special Master with the powers of a Master in Chancery, as provided in the rules of this Court, to take the evidence *viva voce* or by deposition and to report the same to

the Court with his findings of fact, conclusions of law, and recommendations for a decree—all subject to examination, consideration, approval, modification, or other disposal by the Court.

The Special Master shall have authority (1) to employ competent stenographic and clerical assistants, (2) to fix the times and places of taking the evidence and to limit the time within which each party shall present its evidence, and (3) to issue subpoenas to secure the attendance of witnesses and to administer oaths. Depositions of witnesses residing at any place may be taken upon stipulation of the parties, or by the mode provided in the rules of practice for the Courts of Equity of the United States, or as provided by sections 863, 865-867 of the Revised Statutes for the taking of depositions *de bene esse* in the District Courts, or as may be directed by the Master. They may be returned in the first instance to the Master. When the Special Master's report of his findings of fact, conclusions of law, and recommendations for a decree is completed, the Clerk of the Court shall cause the same to be printed; and when the same is presented to the Court in printed form, the parties will be accorded a reasonable time, to be fixed by the Court, within which to present exceptions. The Special Master shall be allowed his actual expenses and a reasonable compensation for his services, to be fixed hereafter by the Court. The allowances to him, the compensation paid to his stenographic and clerical assistants, and the cost of printing his report shall be charged against and be borne by the parties in such proportions as the Court hereafter may direct.

If the appointment herein made of a Special Master is not accepted, or if the place becomes vacant during the recess of the Court, the Chief Justice shall have authority to make a new designation, which shall have the same effect as if originally made by the Court herein.

No. 647. David S. Barry, Sergeant-at-Arms of the United States Senate, et al., petitioners, *v.* The United States of America, *ex rel.* Thomas W. Cunningham. The motion to advance this case is granted and the case assigned for argument on Monday, April 22 next, after the case heretofore assigned for that day.

No. —, original. *Ex parte*: Atlantic Coast Line Railroad Company, petitioner. The motion for leave to file a petition for a writ of mandamus is granted and a rule to show cause is ordered to issue returnable on Monday, April 22 next.

No. 728. Ruth Anne Bundy, petitioner, *v.* Walter L. Bundy. On petition for a writ of certiorari to the Supreme Court of the State of Washington. *Per curiam*: The motion for leave to proceed further herein *in forma pauperis* is denied for the reason that the Court,

upon examination of the unprinted record herein submitted, finds that there is no Federal question upon which certiorari can be issued, application for which is therefore also denied.

The costs already incurred herein, by direction of the Court, shall be paid by the clerk from the special fund in his custody, as provided in the order of October 29, 1926.

No. 618. Safe Deposit and Trust Company of Baltimore, Maryland, appellant, *v.* The Commonwealth of Virginia. In this case the Court finds that probable jurisdiction has been shown.

No. 631. The United States of America *ex rel.* Joseph Wenger, appellant, *v.* W. Frank Mathues, United States Marshal for the Eastern District of Pennsylvania. Appeal from the United States Circuit Court of Appeals for the Third Circuit. *Per curiam:* The appeal is dismissed on the authority of section 240 (b) and (c) of the Judicial Code, as amended by the act of February 13, 1925 (43 Stat. 938), for lack of jurisdiction.

No. 74. Joe Tin Lun, by next friend, et al., plaintiffs in error, *v.* W. F. Bond, State Superintendent of Education, H. P. Taylor, R. L. Hitch, et al. In error to the Supreme Court of the State of Mississippi. *Per curiam:* The judgment is reversed, with directions to the Circuit Court of Coahoma County, Miss., to dismiss the petition for mandamus without costs, because the controversy involved has become moot. *Atherton Mills v. Johnston*, 259 U. S. 13; *Brownlow v. Schwartz*, 261 U. S. 216; *Alejandrino v. Quezon*, 271 U. S. 528, 535; *Norwegian Co. v. Tariff Commission*, 274 U. S. 106, 112.

No. 686. The State of Ohio on the relation of John C. Popovici, Vice Consul of Roumania, petitioner, *v.* Abram W. Agler et al. Petition for writ of certiorari to the Supreme Court of the State of Ohio granted.

No. 693. Wabash Railway Company et al., petitioners, *v.* John C. Barclay and Willoughby Company; and

No. 694. Shirley P. Austin, petitioner, *v.* John C. Barclay and Willoughby Company. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 723. District of Columbia, petitioner, *v.* Georgiana Thompson. Petition for writ of certiorari to the Court of Appeals of the District of Columbia granted.

No. 625. Corning Distilling Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 661. Edward F. Goltra, petitioner, *v.* Dwight F. Davis, Secretary of War of the United States, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 669. Anthony Minerich, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 673. Townsend Estates, Inc., and Pittsburgh Incinerator Manufacturing Company, Inc., petitioners, *v.* Kerner Incinerator Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 677. Alta Matthews, Administratrix of Dixon Matthews, deceased, petitioner, *v.* Southern Railway Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 679. Massachusetts Fire & Marine Insurance Company, petitioner, *v.* Jake Schneider, Proprietor of Fairfax Department Store. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 681. Richmond Hosiery Mills, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 683. Red Star Towing & Transportation Company, as owner of Steam tug "Bronx," petitioner, *v.* New Jersey Shipbuilding and Dredging Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 684. Morris H. Elvidge, petitioner, *v.* Stelwagon Manufacturing Company, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 705. Claude C. Sill, Successor of Edgar Freeman Anderson, as Receiver of the First National Bank of Covington, petitioner, *v.* William Bell Raiford Pennington. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 722. American Valve & Meter Company and Edward E. Johnson, petitioners, *v.* Fairbanks, Morse & Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 195. The United States of America, petitioner, *v.* Oscar Edwin Ferdinand Persson. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Judgment reversed, and the cause remanded to the District Court of the United States for the Eastern District of Louisiana for further proceedings in conformity with the opinion of this Court in the case of *D. N. McDonald v. United States*, No. 117, decided February 18, 1929, per stipulation of counsel, on motion of Mr. Alfred A. Wheat in that behalf.

No. 196. The United States of America, petitioner, *v.* Marco Nicolich. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Judgment reversed, and the cause remanded to the District Court of the United States for the Eastern District of Louisiana for further proceedings in conformity with the opinion of this Court in the case of *D. N. McDonald v. United States*, No. 117, decided February 18, 1929, per stipulation of counsel, on motion of Mr. Alfred A. Wheat in that behalf.

No. 565. The Okanogan, Methow, San Poelis Indian Tribes, etc., petitioners, *v.* The United States. Leave granted Hatton W. Sumners to file brief and to participate in the oral argument on behalf of the Judiciary Committee of the House of Representatives, *as amicus curiae*, on motion of Mr. Hatton W. Sumners, in that behalf.

No. 711. J. R. Wheeler, petitioner, *v.* Howard Greene, Receiver of the Bankers Joint Stock Land Bank of Milwaukee, Wisconsin. Leave granted to file brief of the Stockholders' Protective Committee of the Kansas City Joint Stock Land Bank, *as amicus curiae*, on motion of Mr. Dean G. Acheson in behalf of Mr. Lyman M. Bass and Mr. Porter R. Chandler.

No. —, original. *Ex parte*: In the Matter of the City of Cape May, petitioner. Motion for leave to file petition for writ of mandamus submitted by Mr. Edmond C. Fletcher for the petitioner.

No. 623. Mae Silver, appellant, *v.* Benjamin Silver. Statement as to jurisdiction submitted by Mr. Arthur B. O'Keefe for the appellant.

No. 634. Anna M. Jensen, appellant, *v.* Continental Life Insurance Company. Statement as to jurisdiction submitted by Mr. Charles A. Donnelly for the appellant, in support thereof, and by Mr. W. Calvin Chestnut for the appellee, in opposition thereto.

No. 662. George Klar, appellant, *v.* The Erie Railroad Company and The Youngstown Equipment Company. Statement as to jurisdiction submitted by Mr. Don F. Reed for the appellant, in support thereof, and by Mr. E. A. Foote and Mr. D. B. Holt for the appellees, in opposition thereto.

No. 663. The United States of America and The Interstate Commerce Commission, appellants, *v.* Erie Railroad Company and Hoboken Manufacturers' Railroad Company. Statement as to jurisdiction submitted by Mr. Attorney General Mitchell, Mr. Daniel W. Knowlton, and Mr. Edward M. Reidy for the appellants.

No. 667. William Roschen, appellant, *v.* Hamilton Ward, Attorney General, etc. Statement as to jurisdiction submitted by Mr. Walter N. Seligsberg for the appellant.

No. 668. S. S. Kresge Company, appellant, *v.* Hamilton Ward, Attorney General, etc. Statement as to jurisdiction submitted by Mr. Walter N. Seligsberg for the appellant.

No. 650. Vincente G. Sinco, Pilar G. Sinco, assisted by her husband, Jose E. Romero, et al., petitioners, *v.* Agapito Longa and Agueda Longa, assisted by her husband, Manuel Tevez. Petition for writ of certiorari to the Supreme Court of the Philippine Islands submitted by Mr. Claro M. Recto for the petitioners.

No. 653. Edmund G. Chamberlain, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims submitted by Mr. James J. Hayden for the petitioner, and by Mr. Attorney General Mitchell, Mr. Assistant Attorney General Galloway, and Mr. Gardner P. Lloyd for the respondent.

No. 685. Lehigh Valley Railroad Company, petitioner, *v.* Joseph Eged. Petition for writ of certiorari to the Supreme Court of the State of New York submitted by Mr. Clifton P. Williamson for the petitioner.

No. 688. Robert Alexander Blaine, Jr., and Thomas Edwin Culwell, petitioners, *v.* United States of America;

No. 689. William Lee Robinson, petitioner, *v.* United States of America;

No. 690. Robert Alexander Blaine, Jr., and Thomas Edwin Culwell, petitioners, *v.* United States of America; and

No. 691. Eugene J. Irvine, petitioner, *v.* United States of America. Petition for writs 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 petitioners, and by Mr. Attorney General Mitchell, Assistant Attorney General Willebrandt, and Mr. John J. Byrne for the respondent.

No. 692. Thomas J. Gerahty, Vincent Gerahty, et al., petitioners, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. John Philip Hill for the petitioners, and by Mr. Attorney General Mitchell and Assistant Attorney General Willebrandt for the respondent.

No. 700. J. H. Jonas, doing business under name of J. H. Jonas and Son, petitioner, *v.* Hill County Cotton Oil Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. John T. Gano for the petitioner, and by Mr. W. C. Wear for the respondent.

No. 701. Southland Life Insurance Company, petitioner, *v.* United States Fidelity & Guaranty Company. Petition for writ of cer-

tiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. John T. Gano for the petitioner.

No. 740. District of Columbia, petitioner, *v.* The Riggs National Bank. Petition for writ of certiorari to the Court of Appeals of the District of Columbia submitted by Mr. William W. Bride and Mr. F. H. Stephens for the petitioner, and by Mr. Frank J. Hogan and Mr. William H. Donovan for the respondent.

No. 565. The Okanogan, Methow, San Poelis (or San Poil), Nespelem, Colville, and Lake Indian Tribes or Bands of the State of Washington, petitioners, *v.* The United States. Argued by Mr. William S. Lewis for the petitioners, by Mr. Attorney General Mitchell for the respondent, and by Mr. Hatton W. Sumners for the Judiciary Committee of the House of Representatives, as *amicus curiae*, by special leave of court.

Adjourned until Monday, April 8, at 12 o'clock.

The day call for Monday, April 8, will be as follows: Nos. 226, 133, 225, 601, 667 (and 668), 322, 363, 416, 440, and 466.

SUPREME COURT OF THE UNITED STATES

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

Herbert Wilson Smith, of Washington, D. C.; John B. Boddie, of Chicago, Ill.; Harold A. J. Oppenheim, of Boston, Mass.; Conway N. Kitchen, of Washington, D. C.; Robert B. Hardison, of Greenville, Ky.; Andrew H. Brown, of Cleveland, Ohio; Francis W. Brown, of Washington, D. C.; Frederick E. Younkin, of Connellsville, Pa.; Ballard M. James, of Prestonsburg, Ky.; Joe Hobson, of Prestonsburg, Ky.; Jerome Weadock, of Saginaw, Mich.; Arthur Weadock, of Saginaw, Mich.; F. Morse Hubbard, of New York City; Wendell P. Brown, of Leonardsville, N. Y.; Ralph Montgomery Arkush, of New York City; Linwood M. Erskine, of Worcester, Mass.; and Leonard S. Levin, of Pittsburgh, Pa., were admitted to practice.

No. **335**. *Compania General de Tabacos de Filipinas*, petitioner, *v.* Collector of Internal Revenue. On writ of certiorari to the Supreme Court of the Philippine Islands. Judgment affirmed with costs. Opinion by Mr. Justice Stone.

No. **455**. *New York Central Railroad Company*, petitioner, *v.* Edward H. Johnson; and

No. **456**. *New York Central Railroad Company*, petitioner, *v.* Myrtle J. Johnson. On writs of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Judgments reversed with costs, and the 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 Stone.

No. **116**. *Isom Grayson, Macey Keys, Paulina Carolina, et al.*, petitioners, *v.* James A. Harris, William H. Harris, James H. Kennedy, et al. On writ of certiorari to the Supreme Court of the State of Oklahoma. Judgment reversed with costs, and the cause remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Sanford.

No. 8. V. L. Highland, petitioner, *v.* Russell Car & Snow Plow Company. On writ of certiorari to the Supreme Court of the State of Pennsylvania. Judgment affirmed with costs. Opinion by Mr. Justice Butler.

No. 555. Harry F. Sinclair *v.* The United States of America. On certificate from the Court of Appeals of the District of Columbia. Judgment of the Supreme Court of the District of Columbia affirmed. Opinion by Mr. Justice Butler.

No. 166. The State of Alabama and Alabama Public Service Commission, appellants, *v.* The United States of America, Atlantic Coast Line Railroad Company, Seaboard Air Line Railway Company, et al. Appeal from the District Court of the United States for the Northern District of Alabama. Decree affirmed. Opinion by Mr. Justice Sutherland.

No. 198. Arthur J. Karnuth, United States Director of Immigration, and Charles Dreher, Inspector in Charge United States Immigration Service, petitioners, *v.* United States of America, on the petition of Preston M. Albro, an Attorney, for Mary Cook and Antonio Danelon. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Decree reversed with costs, and the cause remanded to the District Court of the United States for the Western District of New York for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Sutherland.

No. 296. James R. Helson and Clyde Randolph, doing business as Partners under the Firm Name and Style of Metropolis Ferry Company, plaintiffs in error, *v.* Commonwealth of Kentucky, by Milton Board, Revenue Agent for the State at Large. In error to the Court of Appeals of the State of Kentucky. Judgment reversed with costs, and the cause remanded to the said Court of Appeals for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Sutherland. Dissenting: Mr. Justice McReynolds. Concurring opinion by Mr. Justice Stone, in which Mr. Justice Holmes and Mr. Justice Brandeis concur.

No. 325. Pampanga Sugar Mills, petitioner, *v.* Wenceslao Trinidad, as Collector of Internal Revenue of the Philippine Islands. On writ of certiorari to the Supreme Court of the Philippine Islands. Judgment affirmed with costs. Opinion by Mr. Justice Brandeis.

No. 347. John Martin Riehle, as Receiver in Equity of the Morosco Holding Company, Inc., petitioner, *v.* Edward Margolies. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Decree affirmed with costs, and the cause remanded to the District Court of the United States for the Southern District of New York. Opinion by Mr. Justice Brandeis.

No. 159. John F. Gilchrist, Leon G. Godley, and Charles C. Lockwood, Constituting the Transit Commission, etc., et al., appellants, *v.* Interborough Rapid Transit Company and Manhattan Railway Company. Appeal from the District Court of the United States for the Southern District of New York. Decree reversed with costs, and the cause remanded to said District Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice McReynolds. Dissenting: Mr. Justice Van Devanter, Mr. Justice Sutherland, and Mr. Justice Butler.

No. 267. Ithaca Trust Company, Sole Surviving Executor and Trustee under the Last Will and Testament of Edwin C. Stewart, deceased, petitioner, *v.* The United States. On writ of certiorari to the Court of Claims. Judgment reversed, and the cause remanded to said Court of Claims for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Holmes.

No. 372. The United States Printing and Lithograph Company, petitioner, *v.* Griggs, Cooper and Company. On writ of certiorari to the Supreme Court of the State of Ohio. Judgment reversed with costs, and the cause remanded to said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Holmes.

No. 164. County of Spokane and County of Whitman, Washington, petitioners, *v.* The United States of America. On writ of certiorari to the Supreme Court of the State of Washington. Judgment affirmed. Opinion by Mr. Chief Justice Taft.

No. 306. Carson Petroleum Company, petitioner, *v.* Leon C. Vial, Sheriff and Tax Collector of the Parish of St. Charles; R. A. De Broca, Assessor for the Parish of St. Charles, et al. On writ of certiorari to the Supreme Court of the State of Louisiana. Judgment reversed with costs, and the cause remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Chief Justice Taft. Dissenting: Mr. Justice McReynolds and Mr. Justice Sanford.

No. 491. London Guarantee and Accident Company, Ltd., appellant, *v.* Industrial Accident Commission of the State of California, Sarah Jane Brooke and John Arthur Brooke. Appeal from the Supreme Court of the State of California. Judgment reversed with costs, and the cause remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Chief Justice Taft. Dissenting: Mr. Justice Brandeis.

No. 403. Sutter Butte Canal Co., plaintiff in error, *v.* The Railroad Commission of the State of California. In error to the Supreme Court of the State of California. Judgment affirmed with costs. Opinion by Mr. Chief Justice Taft.

No. 364. Severino Alberto, petitioner, *v.* Bonifacio Nicolas. On writ or certiorari to the Supreme Court of the Philippine Islands. Judgment reversed with costs, and the cause remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Chief Justice Taft.

The Chief Justice announced the following orders of the Court:

No. —. Original. *Ex Parte*: City of Cape May, petitioner. Motion for leave to file petition for writ of mandamus denied.

No. 623. Mae Silver, appellant, *v.* Benjamin Silver. In this case the Court finds that probable jurisdiction has been shown.

No. 663. The United States of America and The Interstate Commerce Commission, appellants, *v.* The Erie Railroad Company, et al. In this case the Court finds that probable jurisdiction has been shown.

No. 667. William Roschen, appellant, *v.* Hamilton Ward, Attorney General of the State of New York, et al. In this case the Court finds that probable jurisdiction has been shown.

No. 668. S. S. Kresge Company, appellant, *v.* Hamilton Ward, Attorney General of the State of New York, et al. In this case the Court finds that probable jurisdiction has been shown.

No. 634. Anna M. Jensen, appellant, *v.* Continental Life Insurance Company. Appeal from the United States Circuit Court of Appeals for the Third Circuit. *Per curiam*: The appeal is dismissed on the authority of section 240 (b) and (c) of the Judicial Code as amended by the act of February 13, 1925 (43 Stat. 938), for lack of jurisdiction.

No. 662. George Klar, appellant, *v.* The Erie Railroad Company and The Youngstown Equipment Company. Appeal from the Supreme Court of the State of Ohio. *Per curiam*: The appeal is dismissed on the authority of section 237 (a) of the Judicial Code, as amended by the act of February 13, 1925 (43 Stat. 936, 937), for lack of jurisdiction and the absence of a Federal question. Treating the appeal as an application for certiorari the same is also denied.

No. 650. Vincente G. Sinco, Pilar G. Sinco, et al., petitioners, *v.* Agapito Longa and Agueda Longa. Petition for writ of certiorari to the Supreme Court of the Philippine Islands denied.

No. 653. Edmund G. Chamberlain, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 685. Lehigh Valley Railroad Company, petitioner, *v.* Joseph Egged. Petition for writ of certiorari to the Supreme Court of the State of New York denied.

No. 688. Robert Alexander Blaine, Jr., and Thomas Edwin Culwell, petitioners, *v.* The United States of America;

No. 689. William Lee Robinson, petitioner, *v.* The United States of America;

No. 690. Robert Alexander Blaine, Jr., and Thomas Edwin Culwell, petitioners, *v.* The United States of America; and

No. 691. Eugene J. Irvine, petitioner, *v.* The United States of America. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 692. Thomas J. Gerahty, Vincent Gerahty, and Joseph W. Clark, petitioners, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 700. J. H. Jonas, doing business under the name of J. H. Jonas & Son, petitioner, *v.* Hill County Cotton Oil Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 701. Southland Life Insurance Company, petitioner, *v.* The United States Fidelity and Guaranty Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 740. District of Columbia, petitioner, *v.* The Riggs National Bank. Petition for writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 220. John Johnson, petitioner, *v.* United States Shipping Board Emergency Fleet Corporation. This cause is restored to the docket for reargument and is set down for hearing with No. 676, United States Shipping Board Merchant Fleet Corporation *v.* Lustgarten, the two cases to be argued as one. The Court especially invites argument on the following question:

1. Is the United States Shipping Board Merchant Fleet Corporation, as an agency of the United States, immune for suit for the tortious acts of persons whom it has employed to carry on the operation of merchant vessels of the United States, and who have been selected by it with due care?

2. Are the remedies given against the United States Shipping Board Emergency Fleet Corporation by the suits in admiralty act of March 9, 1920, exclusive of all other remedies, whether at law or in admiralty, for liabilities of the Fleet Corporation growing out of the operation of merchant vessels of the United States?

3. Is the two-year period of limitation prescribed in the suits in admiralty act applicable to the present suit?

No. 813. Roy O. West, as Secretary of the Interior, petitioner, *v.* The United States on relation of Emil L. Krushnic. Resignation

of Roy O. West suggested, and Ray Lyman Wilbur, present Secretary of Interior, substituted as the party petitioner, on motion of Mr. Alfred A. Wheat in that behalf.

No. 174. Verde River Irrigation and Power Company, petitioner, *v.* Roy O. West, Secretary of the Interior et al. Resignation of Roy O. West suggested, and Ray Lyman Wilbur, present Secretary of the Interior, substituted as a party respondent, on motion of Mr. Alfred A. Wheat in that behalf.

No. 174. Verde River Irrigation and Power Company, petitioner, *v.* Ray Lyman Wilbur, Secretary of the Interior et al. Leave granted to file brief for the respondent within 20 days from this date, on motion of Mr. Alfred A. Wheat for the respondent.

No. 14, original. State of Colorado, complainant, *v.* The State of Kansas et al. Leave granted to file answer of the defendant, the State of Kansas, and of the defendant, Finney County Water Users Association, on motion of Mr. Chester I. Long in that behalf.

No. 674. Harry J. Kirk, as Superintendent of Public Works and Director of the Department of Highways and Public Works of the State of Ohio et al., appellants, *v.* The Maumee Valley Electric Company; and,

No. 675. Harry J. Kirk, as Superintendent of Public Works and Director of the Department of Highways and Public Works of the State of Ohio et al., appellants, *v.* The Providence Mill Company. Motions to advance submitted by Mr. George T. Ritter, in behalf of Mr. Gilbert Bettman and Mr. Leroy W. Hunt for the appellants. Suggestion in opposition thereto submitted by Mr. Robert F. Cogswell in behalf of Mr. U. G. Denman for the appellees.

No. 635. Joseph H. Bromley *v.* Blakely D. McCaughn, Collector of Internal Revenue, etc. Leave granted to file brief of John W. Dyre, jr., and John M. Perry, as *amici curiae*, on motion of Mr. George E. Hamilton, jr., in that behalf.

No. 481. Robert H. Lucas, Collector of Internal Revenue, etc., petitioner, *v.* A. J. A. Alexander. Death of A. J. A. Alexander, respondent, herein suggested, and Mrs. Kate Holloway Alexander and the Security Trust Company, executors of the estate of A. J. A. Alexander, deceased, substituted as the parties respondent, per stipulation of counsel, on motion of Mr. George V. Triplett in that behalf.

No. 718. International Shoe Company, petitioner, *v.* Federal Trade Commission. Leave granted to file brief for the petitioner on or before Friday next, on motion of Mr. J. D. Williamson in that behalf.

No. 632. The Farmers Loan and Trust Company, as sole surviving executors, etc., appellant, *v.* The State of Minnesota; and

No. 633. The Farmers Loan and Trust Company, as sole surviving executor, etc., appellant, *v.* The State of Minnesota. Statement as to jurisdiction submitted by Mr. George W. Morgan and Mr. Cleon Headley for the appellant.

No. 642. Superior Oil Company, appellant, *v.* The State of Mississippi *ex rel.* Rush H. Knox, Attorney General. Statement as to jurisdiction submitted by Mr. William H. Watkins and Mr. W. Lee Guice for the appellant.

No. 652. Alice Barbee Wick, appellant, *v.* Chelan Electric Company. Statement as to jurisdiction submitted by Mr. Joseph D. Sullivan for the appellant, in support thereof, and by Mr. Thomas Balmer and Mr. Charles S. Albert for the appellee, in opposition thereto.

No. 682. Charles Blind et al., appellants and plaintiffs in error, *v.* Philip H. Brockman, as President, etc., et al. Statement as to jurisdiction submitted by Mr. Ernest F. Oakley, jr., for the appellants and plaintiffs in error.

No. 721. W. O. Booher, plaintiff in error, *v.* The State of Washington. Rule to show cause ordered to issue returnable on Monday, April 29 next.

No. 174. Verde River Irrigation & Power Company, petitioner, *v.* Ray Lyman Wilbur, Secretary of the Interior and William Spry, Commissioner, etc. Petition for writ of certiorari to the Court of Appeals of the District of Columbia submitted by Mr. Charles H. Merillat and Mr. James W. Beller for the petitioner.

No. 695. Andy Vukich, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Lawrence H. Brown for the petitioner, and by Mr. Attorney General Mitchell, Assistant Attorney General Willebrandt, and Mr. Alfred A. Wheat for the respondent.

No. 697. William E. Culver, petitioner, *v.* Wakem and McLaughlin, Inc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Edwin C. Brandenburg for the petitioner, and by Mr. Louis L. Dent and Mr. Warner M. Pomerene for the respondents.

No. 698. Maryland Casualty Company, petitioner, *v.* City National Bank; and

No. 741. The City National Bank, petitioner, *v.* Maryland Casualty Company. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Walter L. Clark for the petitioner in No. 698 and by Mr. John W. Green, Mr. J. A. Fowler, and Mr. John K. Shields for the petitioner in No. 741 and respondent in No. 698.

No. 699. Southern Pacific Company, petitioner, *v.* The Bank of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. John A. Sheean for the petitioner, and by Mr. Edward R. Johnston and Mr. Henry Jackson Darby for the respondent.

No. 702. Admiral-Oriental Line, Inc., petitioner, *v.* The United States of America and Sidney Blumenthal & Co., Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Cletus Keating for the petitioner, and by Mr. Attorney General Mitchell, Mr. George R. Farnum, Mr. Alfred A. Wheat, and Mr. J. Frank Staley for the respondents.

No. 703. C. B. Fox Company, Incorporated, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims submitted by Mr. A. A. Hoehling, Mr. Earle W. Wallick, and Mr. Ben Jenkins for the petitioner.

No. 704. The Cuyahoga Abstract Title & Trust Company, petitioner, *v.* David H. Blair, Commissioner of Internal Revenue. Petition for writ of certiorari to the Court of Appeals of the District of Columbia submitted by Mr. A. A. Hoehling, Mr. Earle W. Wallick, and Mr. Ben Jenkins for the petitioner, and by Mr. Attorney General Mitchell, Assistant Attorney General Willebrandt, Mr. Alfred A. Wheat, and Mr. Harvey R. Gamble for the respondent.

No. 706. Louis D. Berkower, petitioner, *v.* Ben G. Mielziner, Trustee. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Frederick A. Henry for the petitioner.

No. 707. The Barstow San Antonio Oil Company, petitioner, *v.* Leon P. Whitney et al. Petition for writ of certiorari to the Supreme Court of the State of California submitted by Mr. Frank E. Green for the petitioner.

No. 708. Herbert H. White, petitioner, *v.* Edmund J. Barnard, G. Wallace Tibbetts et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit submitted by Mr. Roland Gray for the petitioner, and by Mr. Lowell A. Mayberry for the respondents.

No. 709. Reuben Sadowsky, petitioner, *v.* Charles W. Anderson, as Collector of Internal Revenue for the Third District of New York. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Eli S. Wolbarst for the petitioner, and by Mr. Attorney General Mitchell, Assistant Attorney General Willebrandt, Mr. Alfred A. Wheat, and Mr. Millar E. McGilchrist for the respondent.

No. 710. William G. Marsh, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Irving K. Baxter for the petitioner, and by Mr. Attorney General Mitchell, Assistant Attorney General Willebrandt, Mr. Alfred A. Wheat, and Mr. John J. Byrne for the respondent.

No. 711. J. R. Wheeler, petitioner, *v.* Howard Greene, Receiver of the Bankers Joint Stock Land Bank of Milwaukee, Wisconsin. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Henry Jackson Darby and Mr. Joseph V. Quarles for the petitioner, and by Mr. Edwin S. Mack and Mr. Arthur W. Fairchild for the respondent.

No. 717. Emery Olmstead, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Martin L. Pipes for the petitioner, and by Mr. Attorney General Mitchell, Mr. Assistant Attorney General Farnum, Mr. Alfred A. Wheat, and Mr. Harry S. Ridgely for the respondent.

No. 718. International Shoe Company, petitioner, *v.* Federal Trade Commission. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit submitted by Mr. J. D. Williamson, Mr. Frank Y. Gladney, and Mr. Charles Nagel for the petitioner, and by Mr. Attorney General Mitchell, Mr. Alfred A. Wheat, Mr. Robert E. Healy, Mr. Adrien F. Busick, and Mr. Gardner P. Lloyd for the respondent.

No. 719. Walter W. Abell, Elizabeth M. Abell, and Mary Abell Morgan, petitioners, *v.* Galen L. Tait, Collector of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. Robert N. Miller for the petitioners, and by Mr. Attorney General Mitchell, Assistant Attorney Willebrandt, and Mr. Alfred A. Wheat for the respondent.

No. 724. Marks Lewy, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Edward J. Brundage, Mr. Benson Landon, and Mr. Robert N. Holt for the petitioner, and by Mr. Attorney General Mitchell, Mr. Assistant Attorney General Luhring, Mr. Alfred A. Wheat, and Mr. Frank S. Ridgely for the respondent.

No. 725. The United States of America, on petition of Preston M. Albro, on the relation of John Graber, petitioner, *v.* Arthur J. Karnuth, United States Director of Immigration, et al.; and

No. 726. John Graber, petitioner, *v.* Arthur J. Karnuth, United States District Director of Immigration. Petition for writs of cer-

tiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Preston M. Albro for the petitioners, and by Mr. Attorney General Mitchell, Mr. Assistant Attorney General Luhring, Mr. Alfred A. Wheat, and Mr. Harry S. Ridgely for the respondents.

No. 727. Rufus Hooks, petitioner, *v.* Canadian Holding Company, et al. Petition for writ of certiorari to the Supreme Court of the State of Oklahoma submitted by Mr. H. A. Ledbetter for the petitioner, and by Mr. J. C. Luster, *pro se*.

No. 729. Robert L. Tudor, petitioner, *v.* John W. Schindler, Receiver of Consumers Service Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Earl B. Barnes and Mr. Conrad Wolf for the petitioner, and by Mr. Asa J. Smith and Mr. Shepard J. Crumpacker for the respondents.

No. 731. Great Northern Railway Company, petitioner, *v.* Cashmere Fruit Growers Union et al.;

No. 732. Great Northern Railway Company, petitioner, *v.* Cashmere Fruit Growers Union et al.;

No. 733. Great Northern Railway Company, petitioner, *v.* Cashmere Fruit Growers Union et al.;

No. 734. Great Northern Railway Company, petitioner, *v.* Cashmere Fruit Growers Union et al.;

No. 735. Great Northern Railway Company, petitioner, *v.* Wenatchee Federated Growers Inc., et al.;

No. 736. Great Northern Railway Company, petitioner, *v.* Wenatchee Federated Growers Inc.; and

No. 737. Great Northern Railway Company, petitioner, *v.* F. L. Wood et al. Petition for writs of certiorari to the Supreme Court of the State of Washington submitted by Mr. Harry Weinberger and Mr. Charles S. Albert for the petitioner, and by Mr. Henry Elliott, jr., for the respondents.

No. 739. The Anglo & London Paris National Bank of San Francisco, petitioner, *v.* Consolidated National Bank of Tucson. Petition for writ of certiorari to the Supreme Court of the State of Arizona and/or Superior Court of Pima County, State of Arizona, submitted by Mr. Frederic R. Coudert and Mr. Mahlon B. Doing for the petitioner, and by Mr. Samuel L. Kingan for the respondent.

No. 742. Samuel Lazzara, petitioner, *v.* The Wisconsin Boxing Club et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Raymond J. Cannon and Mr. Frank L. Fawcett for the petitioner, and by Mr. George A. Burns for the respondent.

No. 744. The Minnesota Mutual Life Insurance Company, petitioner, *v.* James Marshall. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Wilfrid E. Rumble and Mr. Charles Bunn for the petitioner, and by Mr. Seth W. Richardson for the respondent.

No. 745. William Edelstein, petitioner, *v.* Hon. Henry W. Goddard, United States District Judge, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Nathan Burkan for the petitioner, and by Emily C. Holt for the respondent.

No. 749. Cornelius J. Anderson, as Administrator, etc., petitioner, *v.* Pere Marquette Railway Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. James C. McShane for the petitioner.

No. 750. Jacob S. Meyer, petitioner, *v.* A. Bruce Bielaski, as Trustee, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Copal Mintz for the petitioner, and by Mr. Graham Sumner for the respondent.

No. 751. Lamar Harris and Lamar Harris for the use of Mrs. H. L. Rowe, petitioners, *v.* North British & Mercantile Insurance Company, Limited. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. William L. Erwin and Mr. Lamar C. Rucker for the petitioners, and by Mr. Theodore A. Hammond and Mr. Alex. W. Smith, jr., for the respondents.

No. 752. Henry Ford & Son, Inc., petitioner, *v.* Little Falls Fibre Company et al. Petition for writ of certiorari to the Supreme Court of the State of New York submitted by Mr. Robert E. Whalen and Mr. Charles E. Nichols, jr., for the petitioner, and by Mr. Thomas O'Connor for the respondent.

No. 753. Maryland Casualty Company, petitioner, *v.* J. E. Fouts, Receiver, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. Walter L. Clark and Mr. James S. Manning for the petitioner, and by Mr. F. G. Awalt and Mr. George P. Barse for the respondent.

No. 755. The St. Louis, Brownsville & Mexico Railway Company et al., petitioners, *v.* T. F. Booker. Petition for writ of certiorari to the Court of Civil Appeals, First Supreme Judicial District, State of Texas, submitted by Mr. Frank Andrews, Mr. W. L. Cook, and Mr. Robert H. Kelley for the petitioners.

No. 756. New York Life Insurance Company, petitioner, *v.* Mrs. Sarah H. Ross, Executrix of the Estate of John W. Ross, deceased. Petition for writ of certiorari to the United States Circuit Court of

Appeals for the Sixth Circuit submitted by Mr. John B. Keeble for the petitioner, and by Mr. John A. Pitts and Mr. K. T. McConnico, for the respondent.

No. 757. Sidney Brunn, petitioner, *v.* The State of Washington. Petition for writ of certiorari to the Supreme Court of the State of Washington submitted by Mr. John J. Sullivan and Mr. John F. Dore for the petitioner.

No. 758. Peter W. Rouss, petitioner, *v.* Frank K. Bowers. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. James S. Y. Ivins and Mr. F. C. Nicodemus, jr., for the petitioner, and by Mr. Attorney General Mitchell, Assistant Attorney General Willebrandt, Mr. Alfred A. Wheat, Mr. Barham R. Gary, and Mr. C. M. Charest for the respondent.

No. 760. Transcontinental Oil Company, petitioner, *v.* Mid-Kansas Oil and Gas Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. William L. Frierson, Mr. Nelson Phillips, and Mr. J. C. Adams for the petitioner.

No. 761. R. K. Davidson, Millie Davidson et al., etc., petitioners, *v.* Flood Bros. et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. S. Hasket Derby for the petitioners, and by Mr. Louis T. Hengstler and Mr. Frederick W. Dorr for the respondents.

No. 762. Carl H. Kothe, petitioner, *v.* R. C. Taylor Trust. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit submitted by Mr. Frank H. Pardee for the petitioner, and by Mr. Thomas Hovey Gage for the respondent.

No. 765. Insurance Company of North America, petitioner, *v.* Fourth National Bank of Atlanta. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. T. A. Hammond and Mr. John M. Slaton for the petitioner, and by Mr. Hoke Smith and Mr. Marion Smith for the respondent.

No. 766. T. L. Carpenter and Lillie V. Carpenter, petitioners, *v.* A. S. J. Shaw, as State Auditor of the State of Oklahoma. Petition for writ of certiorari to the Supreme Court of the State of Oklahoma submitted by Mr. J. B. Moore for the petitioner.

No. 767. John B. Fergus, petitioner, *v.* Garrett Kinney, Treasurer of the State of Illinois. Petition for writ of certiorari to the Supreme Court of the State of Illinois submitted by Mr. Ray E. Lane for the petitioner, and by Mr. Oscar E. Carlstrom and Mr. Albert D. Rodenberg for the respondent.

No. 768. B. Geren, petitioner, *v.* J. S. Cecil. Petition for writ of certiorari to the Supreme Court of the State of Oklahoma submitted by Mr. Charles E. McPerren for the petitioner, and by Mr. Thomas H. Owen and Mr. M. A. Looney for the respondent.

No. 772. Gulf, Mobile & Northern Railroad Company, petitioner, *v.* Ruby Highnote Williams, as Administratrix of the Estate of Walter Williams, deceased. Petition for writ of certiorari to the Supreme Court of the State of Alabama submitted by Mr. J. N. Flowers and Mr. J. G. Hamilton for the petitioner, and by Mr. Gregory L. Smith and Mr. Harry H. Smith for the respondent.

No. 779. The Pennsylvania Railroad Company, petitioner, *v.* Augustus Mackenzie, Jr. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Chauncey I. Clark and Mr. D. P. Williams for the petitioner, and by Mr. William F. Purdy for the respondent.

No. 782. Interstate Commerce Commission, petitioner, *v.* United States of America at the relation of City of Los Angeles. Petition for writ of certiorari to the Court of Appeals of the District of Columbia submitted by Mr. Daniel W. Knowlton for the petitioner.

No. 322. John A. McKay, appellant, *v.* Hector McInnes, Stuart Jenks, et al. Submitted by Mr. Robert E. Quirk, Mr. George F. Graham, and Mr. Ralph B. Fleharty for the appellant, and by Mr. Carroll S. Chaplin for the appellees.

No. 226. Raul Rogerio Gonzalez, by his Guardian *ad litem* Leon Gonzalez, petitioner, *v.* The Roman Catholic Archbishop of Manila. Argument commenced by Mr. Howard Thayer Kingsbury for the petitioner.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, April 9, will be as follows: Nos. 226, 133, 225, 601, 667 (and 668), 363, 416, 440, 466, and 469.

SUPREME COURT OF THE UNITED STATES

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

John B. Brady, of Washington, D. C.; Albert H. Robbins, of Chicago, Ill.; Thomas Edmunds Turpin, of Washington, D. C.; John J. Grealis, of Chicago, Ill.; Sidney C. Mize, of Gulfport, Miss.; Robert Irving Dennison, of Washington, D. C.; William J. Jacobi, of Washington, D. C.; William E. Beck, jr., of Washington, D. C.; and Richard M. Thomas, of Jamaica, N. Y., were admitted to practice.

No. 601. The People of the State of New York, appellants, *v.* Gamble Latrobe, Jr., James P. Knowles, et al. Leave granted to withdraw appearance of Fred F. Greenway as counsel for appellees, on motion of Mr. Ralph Montgomery Arkush in that behalf.

No. 226. Raul Rogerio Gonzalez, by his Guardian *ad litem*, etc., petitioner, *v.* The Roman Catholic Archbishop of Manila. Argument continued by Mr. Howard Thayer Kingsbury for the petitioner, by Mr. William D. Guthrie for the respondent, and concluded by Mr. Howard Thayer Kingsbury for the petitioner.

No. 133. Chesapeake and Ohio Railway Company, petitioner, *v.* Tobe Stapleton, by his statutory guardian, Marion Stapleton. Reargued by Mr. LeWright Browning for the petitioner, and by Mr. George B. Martin for the respondent.

No. 225. Atlantic Coast Line Railroad Company, petitioner, *v.* Marcella Driggers, as Administratrix, etc. Reargument commenced by Mr. Thomas W. Davis for the petitioners.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, April 10, will be as follows: Nos. **225, 601, 667 (and 668), 363, 416, 440, 466, 469, 479, and 481.**

SUPREME COURT OF THE UNITED STATES

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

Edwin A. Berger, of Washington, D. C.; Paul M. Niebell, of Washington, D. C.; Aver L. Hirsch, of St. Louis, Mo.; Harvey E. Kauffman, of Washington, D. C.; Andrew M. Henderson, of Youngstown, Ohio; and Theodore T. Golden, of Washington, D. C., were admitted to practice.

The Chief Justice announced the following order of the Court:

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 acts 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, Harlan Fiske Stone, Associate Justice.
 - For the Third Circuit, Louis Dembitz Brandeis, 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, Willis Van Devanter, Associate Justice.
 - For the Eighth Circuit, Pierce Butler, Associate Justice.
 - For the Ninth Circuit, George Sutherland, Associate Justice.
 - For the Tenth Circuit, Willis Van Devanter, Associate Justice.
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No. 225. Atlantic Coast Line Railroad Company, petitioner, *v.* Marcella Driggers, as Administratrix, etc. Reargument continued by Mr. Thomas W. Davis for the petitioner, by Mr. Louis M. Shimel for the respondent, and concluded by Mr. Thomas W. Davis for the petitioner.

No. 601. The People of the State of New York, appellants, *v.* Gamble Latrobe, Jr., James P. Knowles, et al., etc. Argued by Mr. W. B. Brown for the appellants, and by Mr. Ralph Montgomery Arkush for the appellees.

No. 667. William Roschen, appellant, *v.* Hamilton Ward, Attorney General, etc.; and

No. 668. S. S. Kresge Company, appellant, *v.* Hamilton Ward, Attorney General, etc. Argument commenced by Mr. Walter N. Seligsberg for the appellants. The Court declined to hear further argument.

No. 363. Federal Trade Commission, petitioner, *v.* Alfred Klesner, doing business under the name "Shade Shop," Hooper & Klesner. Argued by Mr. Adrian F. Busick for the petitioner, and submitted by Mr. Clarence R. Ahalt for the respondent.

No. 416. The United States of America, *ex rel.* Niels Peter Clausen, petitioner, *v.* Hon. Benjamin M. Day, Commissioner of Immigration. Argued by Mr. Alfred A. Wheat for the respondent, and submitted by Mr. Silas B. Axtell and Mr. Charles A. Ellis for the petitioner.

No. 440. The United States, petitioner, *v.* The Galveston, Harrisburg & San Antonio Railway Company. Argued by Mr. Assistant Attorney General Galloway for the petitioner, and by Mr. Charles H. Bates for the respondent.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, April 11, will be as follows: Nos. 466, 469, 479, 481, 482 (and 483), 484, 495, 501 (and 528), 506, and 519.

SUPREME COURT OF THE UNITED STATES

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

Harrison B. McGraw, of Cleveland, Ohio; Clifford J. MacMillan, of San Francisco, Calif.; and Michael F. Mulcahy, of Chicago, Ill., were admitted to practice.

No. 466. The Atchison, Topeka and Santa Fe Railway Co. et al., appellants, *v.* The United States of America, Interstate Commerce Commission, The Kansas City Southern Railway Co., et al. Argued by Mr. R. S. Outlaw for the appellants; by Mr. Daniel W. Knowlton for the appellee; The Interstate Commerce Commission; and by Mr. Frank H. Towner for the appellees, The Kansas City Southern Railway Co. et al.

No. 469. *Ex Parte*: Worcester County National Bank of Worcester, appellant. Argued by Mr. Newton D. Baker for the appellant, and by Mr. F. Delano Putnam for the Commonwealth of Massachusetts, by special leave of Court.

No. 479. Hugh W. Grant, Receiver of the Struthers Furnace Co., petitioner, *v.* A. B. Leach & Co., Inc. Argument commenced by Mr. James P. Wilson for the petitioner, and continued by Mr. Edward R. Johnston for the respondent.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, April 12, will be as follows: Nos. 479, 481, 482 (and 483), 484, 495, 501 (and 528), 506, 519, 524, and 526.

SUPREME COURT OF THE UNITED STATES

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

Byron R. Cisco, of Miami, Fla.; Laurence Graves, of Washington, D. C.; C. Erskine Daniel, of Spartanburg, S. C.; Anthony A. Slakis, of Chicago, Ill.; and Reuben M. Ellerd, of Phoenix, Ariz., were admitted to practice.

No. 479. Hugh W. Grant, Receiver of the Struthers Furnace Co., petitioner, *v.* A. B. Leach & Co., Inc. Argument continued by Mr. Edward R. Johnston for the respondent, and concluded by Mr. A. M. Henderson for the petitioner.

No. 481. Robert H. Lucas, Collector of Internal Revenue for the District of Kentucky, petitioner, *v.* Mrs. Kate Halloway Alexander et al. Argued by Assistant Attorney General Willebrandt for the petitioner, and by Mr. Elwood Hamilton for the respondents.

No. 482. Harry H. Weiss, Collector of Internal Revenue, petitioner, *v.* J. Harry Wiener; and

No. 483. C. F. Routzahn, Collector of Internal Revenue, petitioner, *v.* J. Harry Wiener. Argued by Mr. T. H. Lewis, jr., for the petitioners, and by Mr. Edward W. Browse and Mr. James S. Y. Ivins for the respondent.

No. 484. The United States of America, petitioner, *v.* Rosika Schwimmer. Argued by Mr. Alfred A. Wheat for the petitioner, and by Mrs. Olive H. Rabe for the respondent.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, April 15, will be as follows: Nos. 129 (and 130 and 407), 312, 375, 148, 495, 501 (and 528), 506, 519, 524, and 526.

SUPREME COURT OF THE UNITED STATES

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

Lillian Bass Byers, of Salem, Ohio; Frank Henry Renaud, of Washington, D. C.; Edward C. Higgins, of Chicago, Ill.; Herbert H. Naujoks, of Madison, Wis.; William D. Harkins, of Philadelphia, Pa.; and Tracy S. Voorhees, of New York City, were admitted to practice.

No. 414. Louisville & Nashville Railroad Company, petitioner, *v.* Aaron A. B. Chatters; and

No. 415. Southern Railway Company et al., petitioners, *v.* Aaron A. B. Chatters. On writs of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Judgment reversed with costs, and the causes remanded to the District Court of the United States for the Eastern District of Louisiana for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Stone.

The Chief Justice announced the following orders of the Court:

No. 674. Harry J. Kirk, as Superintendent of Public Works and Director of the Department of Highways, etc., et al., appellants, *v.* The Maumee Valley Electric Company; and

No. 675. Harry J. Kirk, as Superintendent of Public Works and Director of the Department of Highways, etc., et al., appellants, *v.* The Providence Mill Company. The motion to advance these cases is granted, and the cases assigned for argument on Monday, April 22 next, at the foot of the call for that day.

No. 632. The Farmers Loan & Trust Company, as sole surviving executor of the last will and testament of Henry R. Taylor, deceased, appellant, *v.* The State of Minnesota. Appeal from the Supreme Court of the State of Minnesota. *Per curiam:* The appeal is dismissed on the authority of Section 237 (a) of the Judicial Code as amended by the Act of February 13, 1925 (43 Stat. 936, 937), for lack of jurisdiction, on the ground that the judgment sought to be

reviewed is not a final one. *Schlosser v. Hemphill*, 198 U. S. 173, 175; *Arnold v. United States for the use of Guimarin & Co.*, 263 U. S. 427, 434.

No. 633. The Farmers Loan & Trust Company, as sole surviving executor of the last will and testament of Henry R. Taylor, deceased, appellant, *v.* The State of Minnesota. In this case the Court finds that probable jurisdiction has been shown.

No. 642. Superior Oil Company appellant, *v.* The State of Mississippi *ex rel.* Rush H. Knox, Attorney General. In this case the Court finds that probable jurisdiction has been shown.

No. 652. Alice Barbee Wick, appellant, *v.* Chelan Electric Company. In this case the Court finds that probable jurisdiction has been shown.

No. 682. Charles Blind, William F. Peikert, et al., appellants and plaintiffs in error, *v.* Phillip H. Brockman, as President of the Board of Police Commissioners, etc., et al. In this case the Court finds that probable jurisdiction has been shown.

No. 322. John A. McKay, appellant, *v.* Hector McInnes, Stuart Jenks, et al. Appeal from the Supreme Judicial Court of the State of Maine. *Per curiam*: Affirmed on the authority of *Ownbey v. Morgan*, 256 U. S. 94, 109; *Coffin Bros. v. Bennett*, 277 U. S. 29, 31.

No. 711. J. R. Wheeler, petitioner, *v.* Howard Greene, Receiver, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted, and the case advanced and assigned for argument on Monday, October 7, next.

No. 739. The Anglo & London Paris National Bank of San Francisco, petitioner, *v.* Consolidated National Bank of Tucson. Petition for writ of certiorari to the Supreme Court of the State of Arizona and/or Superior Court of Pima County, State of Arizona, granted.

No. 752. Henry Ford & Son, Inc., petitioner, *v.* Little Falls Fibre Company et al. Petition for writ of certiorari to the Supreme Court of the State of New York granted.

No. 762. Carl H. Kothe, petitioner, *v.* R. C. Taylor Trust. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit granted.

No. 766. T. L. Carpenter and Lillie V. Carpenter, petitioners, *v.* A. S. J. Shaw, as State Auditor of the State of Oklahoma. Petition for writ of certiorari to the Supreme Court of the State of Oklahoma granted.

No. 772. Gulf, Mobile & Northern Railroad Company, petitioner, *v.* Ruby Highnote Williams, as Administratrix of the Estate of

Walter Williams, deceased. Petition for writ of certiorari to the Supreme Court of the State of Alabama granted.

No. 782. Interstate Commerce Commission, petitioner, *v.* United States of America, at the Relation of City of Los Angeles. Petition for writ of certiorari to the Court of Appeals of the District of Columbia granted.

No. 695. Andy Vukich, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 697. William E. Culver, petitioner, *v.* Wakem and McLaughlin, Inc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 698. Maryland Casualty Company, petitioner, *v.* City National Bank; and

No. 741. City National Bank, petitioner, *v.* Maryland Casualty Company. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 699. Southern Pacific Company, petitioner, *v.* The Bank of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 702. Admiral-Oriental Line, Inc., petitioner, *v.* The United States of America and Sidney Blumenthal & Co., Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 703. C. B. Fox Company, Incorporated, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 704. The Cuyahoga Abstract Title & Trust Company, petitioner, *v.* David H. Blair, Commissioner of Internal Revenue. Petition for writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 706. Louis D. Berkower, petitioner, *v.* Ben G. Mielziner, Trustee. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 707. The Barstow San Antonio Oil Company, petitioner, *v.* Leon P. Whitney, The Fullers Earth Company of America, et al. Petition for writ of certiorari to the Supreme Court of the State of California denied.

No. 708. Herbert H. White, petitioner, *v.* Edmund J. Barnard, G. Wallace Tibbetts et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 709. Reuben Sadowsky, petitioner, *v.* Charles W. Anderson, as Collector of Internal Revenue for the Third District of New York. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 710. William G. Marsh, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 717. Emery Olmstead, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 718. International Shoe Company, petitioner, *v.* Federal Trade Commission. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 719. Walter W. Abell, Elizabeth M. Abell, et al., petitioners, *v.* Galen L. Tait, Collector of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 724. Marks Lewy, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 725. The United States of America, on petition of Preston M. Albro, on the relation of John Graber, petitioner, *v.* Arthur J. Karnuth, United States Director of Immigration, et al.; and

No. 726. John Graber, petitioner, *v.* Arthur J. Karnuth, United States District Director of Immigration. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 727. Rufus Hooks, petitioner, *v.* Canadian Holding Company et al. Petition for writ of certiorari to the Supreme Court of the State of Oklahoma denied.

No. 729. Robert L. Tudor, petitioner, *v.* John W. Schindler, Receiver of Consumers Service Company, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 731. Great Northern Railway Company, petitioner, *v.* Cashmere Fruit Growers Union and Gwin, White & Prince, Inc.;

No. 732. Great Northern Railway Company, petitioner, *v.* Cashmere Fruit Growers Union and Gwin, White & Prince, Inc.;

No. 733. Great Northern Railway Company, petitioner, *v.* Cashmere Fruit Growers Union and Gwin, White & Prince, Inc.;

No. 734. Great Northern Railway Company, petitioner, *v.* Cashmere Fruit Growers Union and Gwin, White & Prince, Inc.;

No. 735. Great Northern Railway Company, petitioner, *v.* Wenatchee Federated Growers, Inc., and Gwin, White & Prince, Inc.;

No. 736. Great Northern Railway Company, petitioner, *v.* Wenatchee Federated Growers, Inc., and Gwin, White & Prince, Inc.; and

No. 737. Great Northern Railway Company, petitioner, *v.* F. L. Wood and Gwin, White & Prince, Inc. Petition for writs of certiorari to the Supreme Court of the State of Washington denied.

No. 742. Samuel Lazzara, petitioner, *v.* The Wisconsin Boxing Club et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 744. The Minnesota Mutual Life Insurance Company, petitioner, *v.* James Marshall. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 745. William Edelstein, petitioner, *v.* Hon. Henry W. Goddard, United States District Judge for the Southern District of New York. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 749. Cornelius J. Anderson, as Administrator of the Estate of Mary Anderson, deceased, petitioner *v.* Pere Marquette Railway Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 750. Jacob S. Meyer, petitioner, *v.* A. Bruce Bielaski, as Trustee in Bankruptcy, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 751. Lamar Harris and Lamar Harris for the use of Mrs. H. L. Rowe, petitioners, *v.* North British & Mercantile Insurance Company, Limited. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 753. Maryland Casualty Company, petitioner, *v.* J. E. Fouts, Receiver of Peoples National Bank of Salisbury, North Carolina. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 755. The St. Louis, Brownsville & Mexico Railway Company and Fidelity & Deposit Company, of Maryland, petitioners, *v.* T. F. Booker. Petition for writ of certiorari to the Court of Civil Appeals, First Supreme Judicial District, State of Texas, denied.

No. 756. New York Life Insurance Company, petitioner, *v.* Mrs. Sarah H. Ross, Executrix of the Estate of John W. Ross, deceased. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 757. Sidney Brunn, petitioner, *v.* The State of Washington, Petition for writ of certiorari to the Supreme Court of the State of Washington denied.

No. 758. Peter W. Rouss, petitioner, *v.* Frank K. Bowers. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 760. Transcontinental Oil Company, petitioner, *v.* Mid-Kansas Oil and Gas Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 761. R. K. Davidson, Millie Davidson, et al., petitioners, *v.* Flood Bros., George Flood, and James Flood, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 765. Insurance Company of North America, petitioner, *v.* Fourth National Bank of Atlanta. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 767. John B. Fergus, petitioner, *v.* Garrett Kinney, Treasurer of the State of Illinois. Petition for writ of certiorari to the Supreme Court of the State of Illinois denied.

No. 779. The Pennsylvania Railroad Company, petitioner, *v.* Augustus Mackenzie, Jr. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 407. Commissioner of Internal Revenue, petitioner, *v.* Old Colony Railroad. On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit. Dismissed with costs, on motion of Mr. Alfred A. Wheat for the petitioner.

No. 267. Ithaca Trust Company, etc., petitioner, *v.* The United States. Mandate granted, on motion of Mr. Simon Lyon for the petitioner.

No. 13, original. The State of Connecticut, complainant, *v.* Commonwealth of Massachusetts. Motion to cite The Secretary of War and Chief of Engineers, United States Army, as parties defendant, submitted by Mr. Ernest L. Averill for the complainant in support thereof, and by Mr. Bentley W. Warren for the defendant in opposition thereto.

No. 7, original. State of Wisconsin et al., complainants, *v.* State of Illinois and Sanitary District of Chicago;

No. 11, original. State of Michigan, complainant *v.* State of Illinois and Sanitary District of Chicago; and

No. 12, original. State of New York, complainant, *v.* State of Illinois and Sanitary District of Chicago. Motion of the City of Chicago for leave to intervene as a party defendant submitted by Mr. Samuel A. Ettelson in support of the motion, and by Mr. Hamilton Ward for the complainant, The State of New York, and Mr.

Herman L. Ekern for the complainant, The State of Wisconsin, in opposition thereto.

No. 130. Old Colony Trust Company et al., executors, *v.* Commissioner of Internal Revenue. Leave granted to file brief of W. A. Sutherland, as *amicus curie*, on motion of Mr. W. A. Sutherland in that behalf. Motion to participate in the oral argument denied.

No. 754. Crooker Perry and Leonore Perry, his wife, appellants, *v.* Chelan Electric Company et al. Rule to show cause ordered to issue. Returnable May 13 next.

No. 795. Hardwick Realty Company, Inc., petitioner, *v.* Commissioner of Internal Revenue. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Dismissed on motion of Mr. Brison Howie and Mr. Frank S. Bright for the petitioner.

No. 674. Harry J. Kirk, as Superintendent of Public Works, etc., et al., appellants, *v.* The Maumee Valley Electric Co.; and

No. 675. Harry J. Kirk, as Superintendent of Public Works, etc., et al., appellants, *v.* The Providence Mill Company. Statements as to jurisdiction submitted by Mr. Gilbert Bettman, Mr. Leroy W. Hunt, and Mr. George W. Ritter for the appellants.

No. 687. The Corn Exchange Bank, appellant, *v.* Bird S. Coler, Commissioner of Public Welfare of the City of New York. Statement as to jurisdiction submitted by Mr. Spotswood D. Bowers for the appellant.

No. 713. Greenway Apartment Company, appellant, *v.* The Convention of the Protestant Episcopal Church of the Diocese of Maryland et al. Statement as to jurisdiction submitted by Mr. Isaac Lobe Strauss for the appellant in support thereof, and by Mr. Charles F. Harley and Mr. Burdette B. Webster for the appellees in opposition thereto.

No. 714. Louis J. Tyson, appellant, *v.* Roland H. Hartley, as Governor of the State of Washington, et al., etc. Statement as to jurisdiction submitted by Mr. Thomas Mannix for the appellant in support thereof, and by Mr. John H. Dunbar for the appellees in opposition thereto.

No. 720. Louisiana Greyhound Club, Inc., appellant, *v.* Frank J. Clancy, Sheriff, etc. Statement as to jurisdiction submitted by Mr. E. Howard McCaleb for the appellant.

No. 738. Tagg Bros. & Moorhead, Richard M. Laverty, et al., appellants, *v.* The United States of America, William M. Jardine, as Secretary of Agriculture, et al. Statement as to jurisdiction sub-

mitted by Mr. James M. Beck, Mr. Francis A. Brogan, Mr. Anan Raymond, and Mr. Alfred G. Ellick for the appellants.

No. 763. Chicago, Milwaukee, St. Paul and Pacific Railroad Company, petitioner, *v.* Department of Public Works of Washington and Campbell River Mills Company, Ltd. Petition for writ of certiorari to the Supreme Court of the State of Washington submitted by Mr. F. M. Dudley and Mr. O. W. Dynes for the petitioner, and by Mr. John H. Dunbar, Mr. H. C. Brodie, and Mr. S. J. Wettrick for the respondent.

No. 769. The Prudential Insurance Company of America, petitioner, *v.* Stephen Baciocco. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. F. Eldred Boland for the petitioner.

No. 770. Thomas F. Reilly, Trustee in Bankruptcy, etc., petitioner, *v.* Morris Messinger, Trading as Diener & Co. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Samuel C. Duberstein for the petitioner.

No. 771. Lesser-Goldman Cotton Company, petitioner, *v.* Missouri Pacific Railroad Company. Petition for writ of certiorari to the Supreme Court of the State of Missouri submitted by Mr. Otto Wolff, jr., for the petitioner, and by Mr. Thomas J. Railey for the respondent.

No. 774. Tidal Osage Oil Company, petitioner, *v.* Ray Lyman Wilbur, Secretary of the Interior. Petition for writ of certiorari to the Court of Appeals for the District of Columbia submitted by Mr. Wallace C. Franklin for the petitioner, and by Mr. Attorney General Mitchell, Mr. Alfred A. Wheat, Mr. E. C. Finney, and Mr. Pedro Capo-Rodriguez for the respondent.

No. 775. Loft, Inc., petitioner, *v.* Frank K. Bowers, Collector of Internal Revenue of the United States, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. A. S. Gilbert for the petitioner, and by Mr. Attorney General Mitchell, Assistant Attorney General Willebrandt, and Mr. Alfred A. Wheat for the respondent.

No. 776. Commissioner of Internal Revenue, petitioner, *v.* W. J. Howard. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Attorney General Mitchell, Assistant Attorney General Willebrandt, and Mr. Alfred A. Wheat for the petitioner, and by Mr. W. J. Howard for the respondent.

No. 777. William Woodman, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. H. E.

Kahn for the petitioner, and by Mr. Attorney General Mitchell, Assistant Attorney General Willebrandt, Mr. Alfred A. Wheat, and Mr. Barham R. Gary for the respondent.

No. 780. S. D. Russell, petitioner, *v.* James A. Holt, Administrator, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. T. J. Wills for the petitioner, and by Mr. Albert S. Bozeman for the respondents.

No. 789. Bartlesville Zinc Company, petitioner, *v.* Interstate Commerce Commission. Petition for writ of certiorari to the Court of Appeals of the District of Columbia submitted by Mr. Harry C. Barnes for the petitioner, and by Mr. Daniel W. Knowlton and Mr. E. M. Reidy for the respondent.

No. 796. The Atchison, Topeka and Santa Fe Railway Company, petitioner, *v.* H. F. Keddy. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Robert O. Brennan, Mr. E. E. McInnis, and Mr. Edgar W. Camp for the petitioner, and by Mr. H. F. Keddy *pro se.*

No. 148. Magnolia Gas Company, plaintiff in error and appellant, *v.* Graves Leeper, as Secretary of State of the State of Oklahoma. In error to and appeal from the Supreme Court of the State of Oklahoma. Dismissed with costs, per stipulation of counsel.

No. 129. The United States of America *v.* Boston and Maine Railroad; and

No. 130. Old Colony Trust Company et al., executors, *v.* Commissioner of Internal Revenue. Reargued by Mr. Arthur A. Ballantine for the Old Colony Trust Company et al., executors, and by Mr. Alfred A. Wheat for the Commissioner of Internal Revenue.

No. 312. Charles L. Douglas, petitioner, *v.* The New York, New Haven and Hartford Railroad Company. Reargument commenced by Mr. Thomas J. O'Neill for the petitioner; continued by Mr. E. R. Brumley for the respondent; by Mr. Hamilton Ward as Attorney General of the State of New York, *amicus curiae*, by special leave of Court; and by Mr. Thomas J. O'Neill for the petitioner.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, April 16, will be as follows: Nos. 312, 375, 495, 501 (and 528), 506, 519, 524, 526, 529, and 530.

SUPREME COURT OF THE UNITED STATES

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

Wm. E. Hess, of Cincinnati, Ohio; Lewis B. Randall, of Pasadena, Calif.; Samuel T. Bush, of San Francisco, Calif.; and Albert A. Griffin, of Bradford, Pa., were admitted to practice.

No. 7, original. State of Wisconsin et al., complainants *v.* State of Illinois and Sanitary District of Chicago;

No. 11, original. State of Michigan, complainant, *v.* State of Illinois and Sanitary District of Chicago; and

No. 12, original. State of New York, complainant, *v.* State of Illinois and Sanitary District of Chicago. Leave granted to file suggestions by the City of Chicago in reply to brief in opposition to motion of the City of Chicago for leave to intervene as a party defendant, on motion of Mr. Samuel A. Ettelson in that behalf.

No. 312. Charles L. Douglas, petitioner, *v.* The New York, New Haven and Hartford Railroad Company. Reargument continued by Mr. Thomas J. O'Neill for the petitioner, and concluded by Mr. Hamilton Ward, as Attorney General of the State of New York, *amicus curiae*, by special leave of Court.

No. 375. The United States of America, petitioner, *v.* California Cooperative Canneries. Argued by Mr. Alfred A. Wheat for the petitioner, and by Mr. Nelson T. Hartson for the respondent.

No. 495. Atlanta and Charlotte Air Line Railway Co. et al., petitioners, *v.* R. F. Green. Argued by Mr. Sidney R. Prince for the petitioners, and by Mr. C. Erskine Daniel for the respondent.

No. 501. Powers-Kennedy Contracting Corporation et al., petitioners, *v.* Concrete Mixing & Conveying Co.; and

No. 528. Concrete Mixing & Conveying Co., petitioner, *v.* R. C. Storrie & Co. Argument commenced by Mr. John D. Morgan for the petitioners in No. 501; continued by Mr. Alan M. Johnson for the petitioners in No. 501; by Mr. Stephen J. Cox for the respondent

in No. 501; and by Mr. Lynn A. Williams for the petitioner in No. 528.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, April 17, will be as follows: Nos. 501 (and 528), 506, 519, 524, 526, 529, 530, 532, 545, and 547 (and 128).

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Butler, Mr. Justice Sanford, and Mr. Justice Stone.

R. D. FitzGibbon, of St. Louis, Mo.; Guy M. Wilson, of Flint, Mich.; Casper Schenk, of Des Moines, Iowa; Roszel C. Thomsen, of Baltimore, Md.; William B. Crawford, of Washington, D. C.; Chester S. Wilson, of Stillwater, Minn.; John P. Colden, of Pontiac, Mich.; and Frank E. Liverance, jr., of Grand Rapids, Mich, were admitted to practice.

No. 501. Powers-Kennedy Contracting Corporation et al., petitioners, *v.* Concrete Mixing & Conveying Co.; and

No. 528. Concrete Mixing & Conveying Co., petitioner, *v.* R. C. Storrie & Co. Argument continued by Mr. Lynn A. Williams for the petitioner in No. 528, and concluded by Mr. Charles E. Townsend for the respondent in No. 528.

No. 506. Gulf Refining Co., petitioner, *v.* Atlantic Mutual Insurance Co. Argued by Mr. Ira A. Campbell for the petitioner, and by Mr. J. M. R. Lyeth for the respondent.

No. 519. Western & Atlantic R. R., appellant. *v.* Mrs. Mary E. Henderson and Maryland Casualty Co. Argued by Mr. Fitzgerald Hall for the appellant, and by Mr. Reuben R. Arnold for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, April 18, will be as follows: Nos. 524, 526, 529, 530, 532, 545, 547 (and 128), 559, 563, 568.

SUPREME COURT OF THE UNITED STATES

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

Floyd Martin Sheffield, of New York City; Marcien Jenckes, of Boston, Mass.; Harry R. Lawrence, of Lawrence, Mass.; James B. Estee, of Montpelier, Vt.; and Charles S. Rosenschein, of New York City, were admitted to practice.

No. 699. Southern Pacific Co., petitioner, *v.* The Bank of America. Motion to withhold issuance of order denying petition for writ of certiorari denied.

No. 576. Indian Motorcycle Company *v.* The United States of America. Leave granted to file brief of James S. Y. Ivins, Kingman Brewster, Joseph D. Brady, and O. R. Folsom-Jones, as *amici curiae*, on motion of Mr. James S. Y. Ivins in that behalf.

No. 524. Maryland Casualty Co., petitioner, *v.* Millie R. Jones. Argued by Mr. Roszel C. Thomsen and Mr. Walter L. Clark for the petitioner, and by Mr. Nat Schmulowitz for the respondent.

No. 526. The United States of America, petitioner, *v.* The John Barth Company and U. S. Fidelity & Guaranty Co. Argued by Assistant Attorney General Willebrandt for the petitioner, and by Mr. Louis Quarles and Mr. Walter H. Moses for the respondents.

No. 529. Geo. B. Williams et al., appellants, *v.* Ray L. Riley, As State Controller of the State of California. Argued by Mr. T. L. Guerina for the appellee, and submitted by Mr. Edwin C. Ewing, and Mr. W. R. Crawford for the appellants.

No. 530. Bekins Van Line, Inc., et al., appellants, *v.* Ray L. Riley, as State Controller of the State of California. Argued by Mr. Samuel T. Bush for the appellants, and by Mr. Frank L. Guerena for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, April 19, will be as follows: Nos. 532, 545, 547 (and 128), 559, 563, 568, 571, 576, 578, and 579.

SUPREME COURT OF THE UNITED STATES

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

Francis M. Curlee, of St. Louis, Mo.; George Prew Savoy, of New York City; U. Bon Geaslin, of Kennett, Mo.; and Glenn C. Mincer, of Miami, Fla., were admitted to practice.

No. 532. Central New England Railway Co., petitioner, *v.* Boston & Albany R. R. Co., Assignor for the Benefit of New York Central R. R. Co., Assignee. Argument commenced by Mr. John L. Hall for the petitioner. The Court declined to hear further argument.

No. 545. Standard Oil Co. & Sinclair Refining Co., petitioners, *v.* City of Marysville, L. N. Cole, as Mayor, et al., etc., et al. Argued by Mr. Earl W. Evans and Mr. Thomas F. Doran for the petitioners, and by Mr. Edgar C. Bennett and Mr. H. W. Colmery for the respondents.

No. 547. Alexander F. Winters and Basil R. Crampton, petitioners, *v.* Dent Hardware Company; and

No. 128. Sanitary Refrigerator Company, petitioner, *v.* Alexander F. Winters and Basil C. Crampton. Argument commenced by Mr. Frank E. Liverance, jr., for Alexander F. Winters et al.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, April 22, will be as follows: Nos. 547 (and 128), 748, 647, 261, 559, 563, 568, 571, 576, 578, 579, 674, and 675.

SUPREME COURT OF THE UNITED STATES

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

Joseph Moss, of Philadelphia, Pa.; William Sherman Greene, jr., of New York City; Dean Lucking, of Detroit, Mich.; John T. Scott, of Cleveland, Ohio; Maxwell Pestcoe, of Philadelphia, Pa.; Frederic D. McCarthy, of St. Paul, Minn.; Martin W. Littleton, jr., of New York City; Edmund D. Campbell, of Washington, D. C.; Daniel B. Strickler, of Lancaster, Pa.; Frank Tade, of Sacramento, Calif.; and Carl R. Landrum, of Mountain View, Mo., were admitted to practice.

No. 251. Juan Posadas, jr., as Collector of Internal Revenue of the Philippine Islands, petitioner, *v.* Warner, Barnes & Co., Ltd.; and

No. 252. Juan Posadas, jr., as Collector of Internal Revenue of the Philippine Islands, petitioner, *v.* J. M. Menzi. On writs of certiorari to the Supreme Court of the Philippine Islands. Judgments reversed with costs, and the causes remanded to the said Supreme Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Butler.

No. 482. Harry H. Weiss, Collector of Internal Revenue, petitioner, *v.* J. Harry Wiener; and

No. 483. C. F. Rutzahn, Collector of Internal Revenue, petitioner, *v.* J. Harry Wiener. On writs of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. Judgments of the United States Circuit Court of Appeals reversed with costs, and the judgments of the District Court of the United States for the Northern District of Ohio affirmed, and the causes remanded to the said District Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Holmes.

No. 667. William Roschen, appellant, *v.* Hamilton Ward, Attorney General of the State of New York, Joab H. Banton, District Attorney of New York County, New York, et al.; and

No. 668. S. S. Kresge Company, appellant, *v.* Hamilton Ward, Attorney General of the State of New York, Joab H. Banton, District Attorney of New York County, New York, et al. Appeals from the District Court of the United States for the Southern Dis-

trict of New York. Decrees affirmed with costs. Opinion by Mr. Justice Holmes.

The Chief Justice announced the following orders of the Court:

No. 13, original. The State of Connecticut, complainant, *v.* Commonwealth of Massachusetts. Motion to cite the Secretary of War and Chief of Engineers of the United States Army as parties defendant denied.

No. 7, original. The State of Wisconsin et al., complainants, *v.* The State of Illinois et al.;

No. 11, original. State of Michigan, complainant, *v.* The State of Illinois et al.; and

No. 12, original. State of New York, complainant, *v.* State of Illinois et al. Motion of the City of Chicago for leave to intervene denied.

No. 674. Harry J. Kirk, as Superintendent of Public Works, etc., of State of Ohio, et al., appellants, *v.* The Maumee Valley Electric Company. In this case the Court finds that probable jurisdiction has been shown.

No. 675. Harry J. Kirk, as Superintendent of Public Works, etc., of the State of Ohio, et al., appellants, *v.* The Providence Mill Company. In this case the Court finds that probable jurisdiction has been shown.

No. 687. The Corn Exchange Bank, appellant, *v.* Bird S. Coler, Commissioner of Public Welfare of the City of New York. In this case the Court finds that probable jurisdiction has been shown.

No. 738. Tagg Bros. & Moorhead et al., etc., appellants, *v.* The United States of America, et al. In this case the Court finds that probable jurisdiction has been shown.

No. 714. Louis J. Tyson, appellant, *v.* Roland H. Hartley, as Governor of the State of Washington, et al. In this case the Court finds that probable jurisdiction has been shown, and the case is placed upon the summary docket.

No. 720. Louisiana Greyhound Club, Inc., appellant, *v.* Frank J. Clancy, Sheriff of the Parish of Jefferson, etc., et al. In this case the Court finds that probable jurisdiction has been shown, and the case is placed upon the summary docket.

No. 713. Greenway Apartment Company, appellant, *v.* The Convention of the Protestant Episcopal Church of the Diocese of Maryland et al. Further consideration of the question of jurisdiction in this case is postponed to the hearing on the merits.

No. 495. Atlanta and Charlotte Air Line Railway Company and Southern Railway Company, petitioners, *v.* R. F. Green. On writ of

certiorari to the Supreme Court of the State of South Carolina. *Per curiam*: Reversed on the authority of *Davis v. Green*, 260 U. S. 349; *St. Louis-San Francisco Ry. v. Mills*, 271 U. S. 344; *Atlantic Coast Line v. Southwell*, 275 U. S. 64; and cause remanded for further proceedings.

No. 776. Commissioner of Internal Revenue, petitioner, *v. W. J. Howard*. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit granted.

No. 174. Verde River Irrigation & Power Company, petitioner, *v. Ray Lyman Wilbur*, Secretary of the Interior, et al. Petition for writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 763. Chicago, Milwaukee, St. Paul and Pacific Railroad Company, petitioner, *v. Department of Public Works of Washington et al.* Petition for writ of certiorari to the Supreme Court of the State of Washington denied.

No. 769. The Prudential Insurance Company of America, petitioner, *v. Stephen Baciocco*. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 770. Thomas F. Reilly, Trustee in Bankruptcy of Morris Messinger, etc., petitioner, *v. Morris Messinger*, Trading as Diener & Co. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 771. Lesser-Goldman Cotton Company, petitioner, *v. Missouri Pacific Railroad Company*. Petition for writ of certiorari to the Supreme Court of the State of Missouri denied.

No. 774. Tidal Osage Oil Company, petitioner, *v. Ray Lyman Wilbur*, Secretary of the Interior. Petition for writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 775. Loft, Inc., petitioner, *v. Frank K. Bowers*, Collector of Internal Revenue of the United States for the Second District of New York. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 777. William Woodman, petitioner, *v. The United States of America*. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 780. S. D. Russell, petitioner, *v. James A. Holt*, Administrator of the Estate of Henry Walker, deceased, and Stella Frances Walker. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 789. Bartlesville Zinc Company, petitioner, *v. Interstate Commerce Commission*. Petition for writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 796. The Atchison, Topeka and Santa Fe Railway Company, petitioner, *v.* H. F. Keddy. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

The Chief Justice also announced the following order:

It is now here ordered by this Court that the call of the docket be suspended for the term on Friday, April 26 next, and that the Court will take a recess from Monday, April 29, until Monday, May 13 next.

No petitions for writs of certiorari or other motions, except motions for admission to practice, will be received after Monday, May 27 next.

No. 712. The Minnesota Mutual Life Insurance Company, petitioner, *v.* The United States. Leave granted to file brief of The Pacific Mutual Life Insurance Company of California, as *amicus curiae*, on motion of Mr. John W. Townsend in that behalf.

No. 261. Newell B. Wallace, petitioner, *v.* Motor Products Corporation et al. Motion for leave to file counter showing to supplemental returns from United States Circuit Court of Appeals or, if denied, then to strike returns from files, submitted by Mr. Alfred Lucking for the petitioner.

No. 801. The Railroad Commission of the State of California and The City of Los Angeles, appellants, *v.* Los Angeles Railway Corporation. Joint motion to advance submitted by Mr. John E. Benton in behalf of counsel.

No. 578. The Macallen Company, appellant, *v.* The Commonwealth of Massachusetts. Leave granted to file brief of Seth T. Cole, as *amicus curiae*, on motion of Mr. Seth T. Cole in that behalf.

No. 19, original. *Ex parte*: Atlantic Coast Line Railroad Company, petitioner. Return of Honorable William B. Sheppard, United States District Judge, to Rule to Show Cause presented.

No. 843. William Caine Davidson, petitioner, *v.* The People of the State of California. Motion for leave to proceed *in forma pauperis* submitted by Mr. William Caine Davidson *pro se*.

No. 715. A. W. Wilson, appellant, *v.* F. B. McLane, Sheriff, etc. Statement as to jurisdiction submitted by Mr. P. A. Bonham for the appellant.

No. 716. Robert Harvie, doing business under the name and style of Automatic Sales Company, appellant, *v.* T. A. Heise, Sheriff, etc. Statement as to jurisdiction submitted by Mr. P. A. Bonham for the appellant.

No. 712. The Minnesota Mutual Life Insurance Company, petitioner, *v.* The United States. Petition for writ of certiorari to the

Court of Claims submitted by Mr. A. R. Serven and Mr. John G. Carter for the petitioner, and by Mr. Attorney General Mitchell, Mr. Assistant Attorney General Galloway, Mr. Alfred A. Wheat, Mr. Lisle A. Smith, Mr. C. M. Charest, and Mr. E. H. Horton for the respondent.

No. 730. The Former Corporation (formerly Philipsborn's), petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims submitted by Mr. Clarence N. Goodwin for the petitioner, and by Mr. Attorney General Mitchell, Mr. Assistant Attorney General Galloway, Mr. Alfred A. Wheat, and Mr. John E. Hoover for the respondent.

No. 764. Luckenbach Steamship Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims submitted by Mr. George A. King, Mr. William B. King, and Mr. George R. Shields for the petitioner, and by Mr. Attorney General Mitchell, Mr. Assistant Attorney General Galloway, Mr. Alfred A. Wheat, and Mr. Louis R. Mehlinger for the respondent.

No. 778. Queenie V. Carter and Burl Carter et al., petitioners, *v.* J. C. Luster et al. Petition for writ of certiorari to the Supreme Court of the State of Oklahoma submitted by Mr. W. E. Disney for the petitioners, and by Mr. J. C. Luster *pro se*.

No. 784. James E. Lacroix, petitioner, *v.* Louise A. J. Rivard et al.;

No. 785. James E. Lacroix, petitioner, *v.* Louise A. J. Rivard et al.;

No. 786. James E. Lacroix, petitioner, *v.* Henry J. Lacroix;

No. 787. James E. Lacroix, petitioner, *v.* Elmira Deziel; and

No. 788. James E. Lacroix, petitioner, *v.* Louis A. Deziel et al. Petition for writs of certiorari to the Supreme Court of the State of Michigan submitted by Mr. William Look and Mr. Edwin C. Brandenburg for the petitioner, and by Mr. Alfred Lucking, Mr. William Lucking, and Mr. Thomas G. Long for the respondents.

No. 790. Mrs. Thomas H. Watson, as Administratrix, etc., petitioner, *v.* Georgia Southern and Florida Railway Company. Petition for writ of certiorari to the Supreme Court of the State of Georgia submitted by Mr. Jno. R. L. Smith for the petitioner, and by Mr. John E. Hall for the respondents.

No. 793. Federal Sugar Refining Company, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Oscar R. Houston for the petitioner, and by Mr. Attorney General Mitchell, Mr. Assistant Attorney General Farnum, Mr. Alfred A. Wheat, and Mr. J. Frank Staley for the respondent.

No. 798. State of North Carolina, through Dennis G. Brummitt, etc., petitioner, *v.* Southern Railway Company and Atlantic and Yadkin Railway Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. Aubrey L. Brooks and Mr. Dennis G. Brummitt for the petitioner, and by Mr. S. R. Prince, Mr. G. H. Hastings, and Mr. L. E. Jeffries for the respondents.

No. 799. Mabel G. Reinecke, Collector of Internal Revenue, etc., petitioner, *v.* Eudora Hull Spalding. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Attorney General Mitchell, Mr. Alfred A. Wheat, Mr. C. M. Charest, and Mr. T. H. Lewis, jr., for the petitioner, and by Mr. John M. Zane and Mr. Alfred T. Carton for the respondent.

No. 802. Harry Schnell et al., petitioners, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Louis Joffe for the petitioners, and by Mr. Attorney General Mitchell, Mr. Assistant Attorney General Farnum, Mr. Alfred A. Wheat, and Mr. J. Frank Staley for the respondent.

No. 804. Peoples Bank of Keyser, West Virginia, petitioner, *v.* International Finance Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. C. B. Garnett for the petitioner, and by Mr. Hugh H. Obear for the respondent.

No. 812. The American Tobacco Company, petitioner, *v.* Porto Rican American Tobacco Company of Porto Rico. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Martin Conboy and Mr. Jonathan H. Holmes for the petitioner, and by Mr. H. Lewis Brown for the respondent.

No. 815. Board of Public Utility Commissioners of New Jersey, petitioner, *v.* Plainfield-Union Water Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. John O. Bigelow for the petitioner, and by Mr. Frank Bergen for the respondent.

No. 547. Alexander F. Winters and Basil R. Crampton, petitioners, *v.* Dent Hardware Company; and

No. 128. Sanitary Refrigerator Co., petitioner, *v.* Alexander F. Winters and Basil R. Crampton. Argument continued by Mr. E. Hayward Fairbanks for the Dent Hardware Company and Sanitary

Refrigerator Company, and concluded by Mr. John Boyle, jr., for Alexander F. Winters et al.

No. 748. Harry F. Sinclair et al. *v.* The United States of America. Argument commenced by Mr. George P. Hoover for Harry F. Sinclair; submitted on brief by Mr. Daniel Thew Wright and Mr. Philip Ershler for William Mason Day; argument continued by Mr. Charles A. Douglas for William J. Burns et al., and by Mr. Owen J. Roberts for the United States.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, April 23, will be as follows: Nos. 748, 647, 261, 559, 563, 568, 571, 576, 578, 579, 674, and 675.

SUPREME COURT OF THE UNITED STATES

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

James C. Leaton, of Chicago, Ill., was admitted to practice.

No. 748. Harry F. Sinclair et al. *v.* The United States of America. Argument continued by Mr. Owen J. Roberts for the United States, and concluded by Mr. Martin W. Littleton for Harry F. Sinclair.

No. 647. David S. Barry, Sergeant at Arms of the United States Senate, et al., petitioners, *v.* The United States of America, *ex rel.* Thomas W. Cunningham. Argued by Mr. George W. Wickersham for the petitioners, and by Mr. Ruby R. Vale for the respondent.

No. 261. Newell B. Wallace, petitioner, *v.* Motor Products Corporation et al. Argument commenced by Mr. Alfred Lucking for the petitioner, and continued by Mr. Charles E. Hughes for the respondent.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, April 24, will be as follows: Nos. 261, 559, 563, 568, 571, 576, 578, 579, 674, and 675.

SUPREME COURT OF THE UNITED STATES

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

George O'Dougherty, of Washington, D. C.; Ernest H. Oliver, of Washington, D. C.; Alphonse C. F. Kenouski, of Scranton, Pa.; and Lieutellus Cunningham, of Bolwar, Mo., were admitted to practice.

No. 579. International Shoe Company, appellant, *v.* Stratton Shartel, Attorney General of the State of Missouri et al. Leave granted Mr. W. E. Sloat to appear and present oral argument *pro hac vice* for the appellees, on motion of Mr. Lieutellus Cunningham in that behalf.

No. 261. Newell B. Wallace, petitioner, *v.* Motor Products Corporation et al. Argument continued by Mr. Charles E. Hughes for the respondents, and concluded by Mr. Alfred Lucking for the petitioner.

No. 559. Edward Becher, petitioner, *v.* Contoure Laboratories, Inc., and Herbert Oppenheimer. Argued by Mr. Floyd M. Sheffield for the petitioner, and by Mr. Charles S. Rosenschein for the respondents.

No. 563. Baltimore and Ohio Railroad Company, et al., appellants, *v.* United States of America, Interstate Commerce Commission, The Chicago, Rock Island & Pacific Ry. Co., et al. Motion to dismiss submitted by Mr. Morris G. Roberts, Mr. Henry H. Larimore, and Mr. Charles S. Burg for the appellees.

No. 563. Baltimore and Ohio Railroad Company, et al., appellants, *v.* United States of America, Interstate Commerce Commission, The Chicago, Rock Island & Pacific Ry. Co., et al. Argued by Mr. Frederic D. McKenney for the appellants, and by Mr. Charles S. Burg and Mr. Henry H. Larimore for the appellees.

No. 568. St. Louis-San Francisco Ry. Co., appellant, *v.* Alabama Public Service Commission et al. Argument commenced by Mr. Forney Johnston for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, April 25, will be as follows: Nos. 568, 571, 576, 578, 579, 674, and 675.

SUPREME COURT OF THE UNITED STATES

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

Alexander R. Troxell, of Columbia, Mo.; Dudley F. Smith, of Toledo, Ohio; and Herman A. Krueger, of Toledo, Ohio, were admitted to practice.

No. 568. St. Louis-San Francisco Railway Company, appellant, *v.* Alabama Public Service Commission et al. Argument continued by Mr. Forney Johnston for the appellant, and concluded by Mr. J. Q. Smith for the appellees.

No. 571. Wheeler Lumber Bridge and Supply Company of Des Moines, Iowa, *v.* The United States. Argument commenced by Mr. Jesse I. Miller for Wheeler Lumber Bridge and Supply Co. The Court declined to hear further argument.

No. 576. Indian Motorcycle Company *v.* The United States. Argument commenced by Mr. Monte Appel for the Indian Motorcycle Company. The Court declined to hear further argument.

No. 578. The Macallen Company, appellant, *v.* The Commonwealth of Massachusetts. Appearance of Mr. Richard H. Wiswall, as counsel for the appellant, withdrawn on motion of Mr. Thomas Allen in that behalf. Argued by Mr. Thomas Allen for the appellant, and by Mr. R. Ammi Cutter for the appellee.

No. 579. International Shoe Company, appellant, *v.* Stratton Shartel, Attorney General of the State of Missouri, et al. Leave granted to file brief of John F. Green, as *amicus curiae*, on motion of Mr. Guy A. Thompson in that behalf.

No. 579. International Shoe Company, appellant, *v.* Stratton Shartel, Attorney General of the State of Missouri, et al. Argued by Mr. Guy A. Thompson and Mr. James D. Williamson for the appellant, and by Mr. William E. Sloat for the appellees, *pro hac vice*, by special leave of Court.

No. 674. Harry J. Kirk, as Superintendent of Public Works, etc., et al., appellants, *v.* The Maumee Valley Electric Co.; and

No. 675. Harry J. Kirk, as Superintendent of Public Works, etc., et al., appellants, *v.* The Providence Mill Co. Argument commenced by Mr. George W. Ritter for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, April 26, will be as follows: Nos. 674 (and 675).

SUPREME COURT OF THE UNITED STATES

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

Willis Bacon, of Akron, Ohio; Simon N. Gazan, of New York City; Wilbur J. Holleman, of Oklahoma City, Okla.; Edward R. Meyer, of Zanesville, Ohio; Dudley Field Malone, of New York City; Emmett James Peterson, of Sacramento, Calif.; and Joseph A. Padway, of Milwaukee, Wis., were admitted to practice.

No. 674. Harry J. Kirk, as Superintendent of Public Works, etc., et al., appellants, *v.* The Maumee Valley Electric Co.; and

No. 675. Harry J. Kirk, as Superintendent of Public Works, etc., et al., appellants, *v.* The Providence Mill Co. Argument continued by Mr. George W. Ritter for the appellants; continued by Mr. U. G. Denman for the appellee in No. 674; by Mr. Karl E. Burr for the appellee in No. 675; and concluded by Mr. Gilbert Bettman for the appellants. Leave granted appellants to file brief within five days, with leave to appellees to reply thereto within five days thereafter.

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, Mr. Justice Sanford, and Mr. Justice Stone.

Arthur L. Quinn, of Washington, D. C.; Ed. H. Campbell, of Battle Creek, Iowa; Oliver Potter Bennett, of Mapleton, Iowa; Murray Corrington, of New York City; Steve Carrigan, of Hope, Ark.; Grant E. Halderman, of Boulder, Colo.; and George C. Hoover, of West Branch, Iowa, were admitted to practice.

The Chief Justice announced the following orders of the Court:

No. 261. Newell B. Wallace, petitioner, *v.* Motor Products Corporation et al. Further consideration of the motion for leave to file countershowing to supplemental returns from the United States Circuit Court of Appeals or to strike from the files is postponed for disposition upon decision of the case.

No. 801. The Railroad Commission of the State of California and The City of Los Angeles, appellants, *v.* Los Angeles Railway Corporation. The joint motion to advance this case is granted and the case is assigned for argument on Monday, October 21 next.

No. 738. Tagg Bros. & Moorhead et al., etc., appellants, *v.* The United States of America et al. It is ordered that this case be advanced and assigned for argument on Monday, October 7 next, after the case heretofore assigned for that day.

No. 843. William Caine Davidson, petitioner, *v.* The People of the State of California. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. *Per curiam:* The motion for leave to proceed further herein *in forma pauperis* is denied for the reason that the Court, upon examination of the unprinted record herein submitted, finds that there is no basis for certiorari, application for which is therefore also denied. The costs already incurred herein, by direction of the Court, shall be paid by the clerk from the special fund in his custody as provided in the order of October 29, 1926.

No. 19, original. *Ex Parte:* Atlantic Coast Line Railroad Company, petitioner. It is ordered that opportunity be given to the petitioner to show cause, returnable on Monday, May 13 next, why

the suggestion of the respondent that the petition be dismissed for the reason that the case has become moot should not be adopted.

No. 715. A. W. Wilson, appellant, *v.* F. B. McLane, Sheriff of Abbeville County, Chief of Police of City of Abbeville, et al.; and

No. 716. Robert Harvie, doing business under the name and style of Automatic Sales Company, appellant, *v.* T. A. Heise, Sheriff for Richland County, John W. Richardson, Chief Constable, et al. Appeals from the Supreme Court of the State of South Carolina.

Per curiam: The appeals are dismissed for want of a properly presented substantial Federal question on the authority of *Miller v. Cornwall R. R.*, 168 U. S. 131, 134; *Thomas v. Iowa*, 209 U. S. 258, 263; *Bowe v. Scott*, 233 U. S. 658, 665.

No. 764. Luckenbach Steamship Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims granted.

No. 793. Federal Sugar Refining Company, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 799. Mabel G. Reinecke, Collector of Internal Revenue for the First District of Illinois, petitioner, *v.* Eudora Hull Spalding. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted.

No. 712. The Minnesota Mutual Life Insurance Company (a Corporation), petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 730. The Former Corporation (formerly Philipsborn's), petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 778. Queenie V. Carter and Burl Carter, etc., petitioners, *v.* J. C. Luster et al. Petition for writ of certiorari to the Supreme Court of the State of Oklahoma denied.

No. 784. James E. Lacroix, petitioner, *v.* Louise A. J. Rivard et al.;

No. 785. James E. Lacroix, petitioner, *v.* Louise A. J. Rivard et al.;

No. 786. James E. Lacroix, petitioner, *v.* Henry J. Lacroix;

No. 787. James E. Lacroix, petitioner, *v.* Elmer Deziel; and

No. 788. James E. Lacroix, petitioner, *v.* Louis A. Deziel et al. Petition for writs of certiorari to the Supreme Court of the State of Michigan denied.

No. 790. Mrs. Thomas H. Watson, as Administratrix of the Estate of Thomas E. Watson, deceased, petitioner, *v.* Georgia Southern and

Florida Railway Company. Petition for writ of certiorari to the Supreme Court of the State of Georgia denied.

No. 798. State of North Carolina, through Dennis G. Brummitt, its duly qualified and acting Attorney General, petitioner, *v.* Southern Railway Company and Atlantic and Yadkin Railway Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 802. Harry Schnell and Samuel Schnell, etc., petitioners, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 804. Peoples Bank of Keyser, West Virginia, petitioner, *v.* International Finance Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 812. The American Tobacco Company, petitioner, *v.* Porto Rican American Tobacco Company of Porto Rico. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 815. Board of Public Utility Commissioners of New Jersey, petitioner, *v.* Plainfield-Union Water Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

The Chief Justice also announced the following order:

The Court will take a recess from to-day until Monday, May 13; from that day until Monday, May 20; from that day until Monday, May 27; and from that day until Monday, June 3, upon which day it will adjourn for the term.

No. 803. A. H. Bull Steamship Company, etc., petitioner, *v.* J. H. Hudson, Master, etc. Submission of petition for writ of certiorari deferred until May 13 next, with direction to file cross-petition and all briefs thereon for submission on that date, on motion of Mr. H. Alan Dawson for the respondent, in support thereof, and of Mr. John W. Crandall for the petitioner, in opposition thereto.

No. 782. Interstate Commerce Commission, petitioner, *v.* United States of America, at the Relation of City of Los Angeles. Motion to advance submitted by Mr. Daniel W. Knowlton for the petitioner.

No. 854. W. E. Richardson et al., petitioners, *v.* The United States of America. Motion to print record at public expense submitted by Mr. J. L. Sargent for the petitioners.

No. 792. The United Railways and Electric Company of Baltimore, appellant, *v.* Harold E. West, Chairman, et al. Motion to advance submitted by Mr. Charles Markell for the appellant.

No. 858. The United States of America on the relation of John Munsill Ulrich, petitioner, *v.* Frank B. Kellogg, Secretary of State of the United States, et al. Henry L. Stimson, present Secretary of State, substituted as a party respondent in place of Frank B. Kellogg, resigned, on motion of Mr. Joseph Koletsky for the petitioner.

No. 792. The United Railways and Electric Company of Baltimore, appellant, *v.* Harold E. West, Chairman, et al. Statement as to jurisdiction submitted by Mr. Charles McHenry Howard, Mr. Charles Markell, and Mr. Henry H. Waters for the appellant.

No. 801. The Railroad Commission of the State of California and The City of Los Angeles, appellants, *v.* Los Angeles Railway Corporation. Statement as to jurisdiction submitted by Mr. Arthur T. Georçè for the appellants.

No. 721. W. O. Booher, plaintiff in error, *v.* The State of Washington. Return of plaintiff in error to rule to show cause presented.

No. 773. Advance Automobile Accessories, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims submitted by Mr. George M. Wilmeth for the petitioner, and by Mr. Attorney General Mitchell, Mr. Assistant Attorney General Galloway, Mr. Alfred A. Wheat, Mr. George C. Butte, and Mr. Ralph C. Williamson for the respondent.

No. 783. Henry C. Cutting, petitioner, *v.* Mahlon P. Bryan, etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Peter F. Dunne for the petitioner, and by Mr. John L. McNab for the respondents.

No. 800. Globe Indemnity Company, petitioner, *v.* Southern Pacific Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Arthur H. Stetson for the petitioner, and by Mr. Van Vechten Veeder and Mr. Eugene Underwood for the respondent.

No. 806. Southern Railway Company, petitioner, *v.* Blue Ridge Power Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. S. R. Prince and Mr. L. E. Jeffries for the petitioner, and by Mr. H. L. Bomar and Mr. C. W. Tillett for the respondent.

No. 807. E. Franklin Brewster, petitioner, *v.* Bert P. Gage, Collector of Internal Revenue. Petition for writ of certiorari to the

United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Gurdon W. Fitch for the petitioner, and by Mr. Attorney General Mitchell for the respondent.

No. 808. Clarence M. Woolley and Rolland J. Hamilton, etc., petitioners, *v.* John F. Malley, former Collector of Internal Revenue; and

No. 809. Clarence M. Woolley and Rolland J. Hamilton, etc., petitioners, *v.* John F. Malley, former Collector of Internal Revenue. Petition for writs of certiorari to the United States Circuit Court of Appeals for the First Circuit submitted by Mr. Harry LeBaron Sampson for the petitioners, and by Mr. Attorney General Mitchell, Assistant Attorney General Willebrandt, Mr. Alfred A. Wheat, and Mr. Barham R. Gary for the respondent.

No. 813. Ray Lyman Wilbur, as Secretary of the Interior, petitioner, *v.* United States on relation of Emil L. Krushnic. Petition for writ of certiorari to the Court of Appeals of the District of Columbia submitted by Mr. Attorney General Mitchell, Mr. Alfred A. Wheat, Mr. E. C. Finney, and Mr. Randolph S. Collins for the petitioner, and by Mr. Charles S. Thomas, Mr. Chester I. Long, Mr. Langdon H. Larwill, Mr. George K. Thomas, and Mr. Peter Q. Nyce for the respondent.

No. 817. Red Wing Linseed Company, petitioner, *v.* David H. Blair, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Raymond S. Pruitt, Mr. Oswald D. Luby, and Mr. John J. Grealis for the petitioner, and by Mr. Attorney General Mitchell, Assistant Attorney General Willebrandt, Mr. Alfred A. Wheat, Mr. Harvey R. Gamble, Mr. C. M. Charest, and Mr. Shelby S. Faulkner for the respondent.

No. 818. Tootal Broadhurst Lee Company, Ltd., petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. F. Morse Hubbard for the petitioner, and by Mr. Attorney General Mitchell, Assistant Attorney General Willebrandt, and Mr. Alfred A. Wheat for the respondent.

No. 819. Arthur George Hurst, petitioner, *v.* John D. Nagle, as Commissioner, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. George W. Hott and Mr. Stephen M. White for the petitioner, and by Mr. Attorney General Mitchell, Mr. Assistant Attorney General Luhring, Mr. Alfred A. Wheat, and Mr. Harry S. Ridgely for the respondent.

No. 847. Jesse W. Clarke, Collector of Internal Revenue, etc., petitioner, *v.* The Haberle Crystal Springs Brewing Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Attorney General Mitchell, Assistant Attorney General Willebrandt, Mr. Alfred A. Wheat, and Mr. Harvey R. Gamble for the petitioner.

Adjourned until Monday, May 13, at 12 o'clock.

SUPREME COURT OF THE UNITED STATES

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

Daniel M. Garrahan, of Allentown, Pa.; Edward J. Garrahan, of Washington, D. C.; Edwin Mark Niess, of Washington, D. C.; Ferre C. Watkins, of Chicago, Ill.; Lewis Horatio Barnes, of Elgin, Tex.; Harry S. Elkins, of Washington, D. C.; Clark H. Hebner, of New York City; Thomas F. Garrahan, of Pittsburgh, Pa.; William B. Wilbur, of Washington, D. C.; Joseph W. Bailey, jr., of Dallas, Tex.; John Henry McEvers, of Washington, D. C.; Louis A. Gebhard, of Washington, D. C.; William Cogger, of Washington, D. C.; Samuel B. Kirby, jr., of Louisville, Ky.; Karl H. Kober, of Seattle, Wash.; Mauro Baradi, of Bani, Pangasinan, P. I.; Apolonio Suntay, of Hagonoy, Bulacan, P. I.; Charles Dickerman Williams, of New York City; Jose A. de Jesus, of Bulacan, Bulacan, P. I.; Jose Yulo, of Bago, Occidental Negros, P. I.; Logan Hay, of Springfield, Ill.; John Rowe Snively, of Rockford, Ill.; and May F. Hogan, of Los Angeles, Calif.; were admitted to practice.

No. 532. Central New England Railway Company, petitioner, *v.* Boston & Albany Railroad Company, Assignor, for the benefit of New York Central Railroad Company, Assignee. On writ of certiorari to the Superior Court for the County of Suffolk, State of Massachusetts. Judgment affirmed with costs. Opinion by Mr. Justice Stone.

No. 601. The People of the State of New York, appellants, *v.* Gamble Latrobe, jr., James P. Knowles, and William S. Erichs, Trustees, etc. Appeal from the United States Circuit Court of Appeals for the Third Circuit. Decree reversed with costs, and the cause remanded to the District Court of the United States for the District of Delaware for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Stone. Concurring: Mr. Justice McReynolds and Mr. Justice Butler.

No. 579. International Shoe Company, appellant, *v.* Stratton Shartel, Attorney General of the State of Missouri, and C. Eugene Stephens, State Treasurer of the State of Missouri. Appeal from

the District Court of the United States for the Western District of Missouri. Decree affirmed with costs. Opinion by Mr. Justice Stone. Dissenting: Mr. Justice McReynolds.

No. 416. The United States of America ex rel. Niels Peter Claussen, petitioner, *v.* Hon. Benjamin M. Day, Commissioner of Immigration. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Decree affirmed with costs, and the cause remanded to the District Court of the United States for the Southern District of New York. Opinion by Mr. Justice Butler.

No. 440. The United States, petitioner, *v.* The Galveston, Harrisburg & San Antonio Railway Company. On writ of certiorari to the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Butler.

No. 450. Morris & Company et al., petitioners, *v.* Skandinavia Insurance Company. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Judgment affirmed with costs, and the cause remanded to the District Court of the United States for the Southern District of Mississippi. Opinion by Mr. Justice Butler.

No. 454. Minneapolis, St. Paul & Sault Ste. Marie Railway Company, petitioner, *v.* John Rock. On writ of certiorari to the Appellate Court for the First District of the State of Illinois and/or to the Supreme Court of the State of Illinois. Judgment reversed with costs, and the cause remanded to the said Appellate Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Butler.

No. 260. Ivy L. Leonard and Thomas B. Leonard, copartners, Trading as I. L. Leonard & Company, plaintiffs in error and appellants, *v.* Swepson Earle, Conservation Commissioner of Maryland and Head of the Conservation Department of the State of Maryland. In error to and appeal from the Court of Appeals of the State of Maryland. Judgment affirmed with costs. Opinion by Mr. Justice McReynolds.

No. 312. Charles L. Douglas, petitioner, *v.* The New York, New Haven and Hartford Railroad Company. On writ of certiorari to the Supreme Court of the State of New York. Judgment affirmed with costs. Opinion by Mr. Justice Holmes, announced by Mr. Chief Justice Taft. Dissenting: Mr. Chief Justice Taft, Mr. Justice Van Devanter, and Mr. Justice Butler.

No. 559. Edward Becher, petitioner, *v.* Contoure Laboratories, Inc., and Herbert Oppenheimer. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Decree affirmed with costs, and the cause remanded to the District Court of

the United States for the Southern District of New York. Opinion by Mr. Justice Holmes, announced by Mr. Chief Justice Taft.

No. 469. Ex parte: Worcester County National Bank of Worcester, appellant. Appeal from the Probate Court for Worcester County, State of Massachusetts. Judgment dismissing petition affirmed, and the cause remanded for a proceeding by the petitioner as executor *de son tort*, and for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Chief Justice Taft.

No. 305. The United States of America, appellant, *v.* Fruit Growers Express Company. Appeal from the District Court of the United States for the Western District of Pennsylvania. Judgment affirmed. Opinion by Mr. Chief Justice Taft.

No. 526. The United States of America, petitioner, *v.* The John Barth Company and United States Fidelity and Guaranty Company. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Judgment reversed, and the cause remanded to the District Court of the United States for the Eastern District of Wisconsin for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Chief Justice Taft.

The Chief Justice announced the following orders of the Court:

No. 721. W. O. Booher, plaintiff in error, *v.* The State of Washington. In error to the Supreme Court of the State of Washington. *Per curiam*: Upon consideration of the informal return to the rule to show cause heretofore issued in this case, miscalled a motion to reinstate, and upon examination of the unprinted record herein submitted, the Court finds no Federal question, or jurisdiction in this Court, and the appeal is therefore dismissed.

No. 782. Interstate Commerce Commission, petitioner, *v.* United States of America, at the relation of City of Los Angeles. The motion to advance this case is granted and the case assigned for argument on Monday, October 28 next.

No. 854. W. E. Richardson, R. C. Horne, Jr., and Beulah B. Harvey, petitioners, *v.* The United States of America. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit. *Per curiam*: The motion to print the record herein *in forma pauperis* is denied for the reason that the Court, upon examination of the unprinted record herein submitted, finds that there is no basis for certiorari, application for which is therefore also denied.

No. 792. The United Railways and Electric Company of Baltimore, appellant, *v.* Harold E. West, Chairman, etc. The motion to advance this case is granted and the case assigned for argument on

Monday, October 28 next, after the case heretofore assigned for that day.

No. 792. The United Railways and Electric Company of Baltimore, appellant, *v.* Harold E. West, Chairman, etc. In this case the Court finds that probable jurisdiction has been shown.

No. 801. The Railroad Commission of the State of California and The City of Los Angeles, appellants, *v.* Los Angeles Railway Corporation. In this case the Court finds that probable jurisdiction has been shown.

No. 273. The Ann Arbor Railroad Company et al., appellants, *v.* The United States of America et al. It is ordered that this case be restored to the docket for reargument and assigned for Monday, October 21 next. Two hours will be allowed to each side, the argument to be presented by one counsel for the United States and the Interstate Commerce Commission jointly, and one counsel for the appellants.

No. 261. Newell B. Wallace, petitioner, *v.* Motor Products Corporation et al. On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. *Per curiam:* After full consideration the Court finds that the writ of certiorari heretofore issued in this case was improvidently granted, and it is dismissed.

No. 711. J. R. Wheeler, petitioner, *v.* Howard Greene, Receiver of the Bankers Joint Stock Land Bank of Milwaukee, Wisconsin, and

No. 738. Tagg Bros. & Moorhead et al., appellants, *v.* The United States of America et al. It is ordered that these cases heretofore advanced and assigned for argument on Monday, October 7 next, be, and they are hereby, reassigned for argument on Monday, October 21 next, after the cases heretofore assigned for that day.

No. 455. New York Central Railroad Company, petitioner, *v.* Edward H. Johnson; and

No. 456. New York Central Railroad Company, petitioner, *v.* Myrtle J. Johnson. It is now here ordered by this Court that the opinion of this Court in the above-entitled cases, announced April 8, 1929, be, and the same is hereby, amended so that the concluding paragraph of page 6 thereof shall read as follows:

“These writs of certiorari were granted on a petition signed by counsel for petitioner who did not participate in the trial. It stated that the cases were of importance and were such a departure ‘from the accepted and usual course of judicial proceedings, as to call for an exercise of this Court’s power of supervision.’ But his argument here was so inadequately prepared and exhibited such lack of familiarity with the record as not to be of assistance to the Court, and

in the argument of counsel on both sides, who had participated in the trial below, there was a want of that candor which is essential to the proper and adequate presentation of a cause in this Court. The occasion seems appropriate to remind counsel that the attempted presentation of cases without adequate preparation and with want of fairness and candor discredits the bar and obstructs the administration of justice."

No. 807. E. Franklin Brewster, petitioner, *v.* Bert P. Gage, Collector of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 813. Ray Lyman Wilbur, as Secretary of the Interior, petitioner, *v.* United States on relation of Emil L. Krushnic. Petition for writ of certiorari to the Court of Appeals of the District of Columbia granted.

No. 847. Jesse W. Clarke, Collector of Internal Revenue, etc., petitioner, *v.* The Haberle Crystal Springs Brewing Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 768. B. Geren, petitioner, *v.* J. S. Cecil. Petition for writ of certiorari to the Supreme Court of the State of Oklahoma denied.

No. 773. Advance Automobile Accessories Corporation, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 783. Henry C. Cutting, petitioner, *v.* Mahlon P. Bryan, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 800. Globe Indemnity Company, petitioner, *v.* Southern Pacific Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 806. Southern Railway Company, petitioner, *v.* Blue Ridge Power Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 808. Clarence M. Woolley and Rolland J. Hamilton, etc., petitioners, *v.* John F. Malley, former Collector of Internal Revenue; and

No. 809. Clarence M. Woolley and Rolland J. Hamilton, etc., petitioners, *v.* John F. Malley, former Collector of Internal Revenue. Petition for writs of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 817. Red Wing Linseed Company, petitioner, *v.* David H. Blair, Commissioner of Internal Revenue. Petition for writ of

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

No. 818. Tootal Broadhurst Lee Company, Ltd., petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 819. Arthur George Hurst, petitioner, *v.* John D. Nagle, Commissioner, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. —, original. State of New Jersey, complainant, *v.* The State of New York and The City of New York. Motion for leave to file bill of complaint submitted by Mr. Duane E. Minard and Mr. Williams A. Stevens for the complainant, and memorandum on behalf of the State of New York submitted by Mr. Hamilton Ward and Mr. Albert J. Danaher for the defendant the State of New York.

No. —. original. State of New Jersey, complainant, *v.* The City of New York. Motion for leave to file bill of complaint submitted by Mr. Duane E. Minard and Mr. Williams A. Stevens for the complainant, and memorandum on behalf of the city of New York submitted by Mr. Arthur J. W. Hilley and Mr. J. Joseph Lilly for the defendant.

No. 18, original. Commonwealth of Kentucky, complainant, *v.* State of Indiana et al. Submitted, per stipulation of counsel, upon the pleadings and briefs including the separate motion of the individual defendants to dismiss the bill of complaint, by Mr. A. Rae Williams on behalf of counsel, with leave to the complainant to file supplemental brief on motion of Mr. Clifford E. Smith in that behalf.

No. 803. A. H. Bull Steamship Co., etc., petitioner, *v.* J. H. Hudson, Master, etc., et al. Leave granted to file brief for the respondent on or before Wednesday next, on motion of Mr. Paul E. Lesh in behalf of Mr. H. Alan Dawson for the respondent.

No. 821. Elsinore Perfume Company, Inc., petitioner, *v.* Maurice Campbell, Federal Prohibition Administrator, etc., et al. Submission of petition for writ of certiorari deferred, and leave granted to file amended petition and brief, on motion of Mr. Charles Dickerman Williams for the petitioner.

No. 14, original. The State of Colorado, complainant, *v.* The State of Kansas et al. Motion for an order to make certain parties defendants herein submitted by Mr. Chester I. Long for the defendants, the State of Kansas et al.

No. 33. Surplus Trading Company, plaintiff in error, *v.* J. M. Haynie, as Sheriff, etc. Leave granted to substitute R. A. Cook, present sheriff and *ex officio* collector of taxes for Pulaski County, Arkansas, as the party defendant in error, on motion of Mr. Robert F. Cogswell in behalf of Mr. Hal L. Norwood, Mr. Sam T. Poe, and Mr. Tom Poe for the defendant in error.

No. 19, original. *Ex Parte*: Atlantic Coast Line Railroad Company, petitioner. Reply of the petitioner to the returns to the rule, submitted by Mr. F. B. Grier, Mr. W. E. Kay, and Mr. Robert C. Alston for the petitioner.

No. 754. Crooker Perry et al., appellants, *v.* Chelan Electric Co. et al. Return to the rule to show cause submitted by Mr. Frank Reeves for the appellants.

No. 873. Samuel W. Green et al., petitioners, *v.* Aetna Life Insurance Company. Motion for leave to proceed in *forma pauperis* submitted by Mr. J. W. Cocke for the petitioners.

No. 746. Superior Confection Company, appellant, *v.* John B. Craig, Sheriff, etc. Statement as to jurisdiction submitted by Mr. Joseph A. Tolbert for the appellant.

No. 747. A. R. Kiser, appellant, *v.* T. A. Heise, Sheriff, etc. Statement as to jurisdiction submitted by Mr. Joseph A. Tolbert for the appellant.

No. 759. L. J. Tefft, appellant, *v.* T. T. Grant, as Receiver, et al., etc. Statement as to jurisdiction submitted by Mr. L. J. Tefft *pro se*.

No. 743. The S. S. White Dental Manufacturing Company of Pennsylvania, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims submitted by Mr. John F. McCarron for the petitioner, and by Mr. Attorney General Mitchell, Mr. Assistant Attorney General Galloway, Mr. Alfred A. Wheat, and Mr. Charles R. Pollard for the respondent.

No. 803. A. H. Bull Steamship Company, as owner of the Steamship "Margaret," petitioner, *v.* J. H. Hudson, Master, etc.; and

No. 892. J. H. Hudson, Master, etc., petitioner, *v.* A. H. Bull Steamship Company, as owner of the Steamship "Margaret," et al. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. John W. Crandall, Mr. George Whitefield Betts, jr., and Mr. Joseph W. Henderson for the petitioner in No. 803, and by Mr. H. Alan Dawson for the petitioner in No. 892.

No. 811. Trent Trust Company, Limited, petitioner, *v.* Carl H. W. Isenberg et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Oscar Lawler, Mr. Alfred Sutro, and Mr. Oscar Sutro for the petitioner, and by Mr. John Francis Neylan and Mr. Grove J. Fink for the respondents.

No. 814. Oregon Exploration Company, petitioner, *v.* J. E. Reeves, J. E. Reeves, as Trustee, et al. Petition for writ of certiorari to the Supreme Court of the State of Oregon submitted by Mr. M. D. Leehey and Mr. Samuel Herrick for the petitioner, and by Mr. A. E. Reames for the respondents.

No. 816. Macondray & Company, petitioner, *v.* W. R. Grace & Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Louis T. Hengstler for the petitioner, and by Mr. W. H. Orrick for the respondent.

No. 820. Austin-Bagley Corporation, Waterloo Distilling Corporation et al., petitioners, *v.* The United States of America; and

No. 831. Charles H. Fingerhood, petitioner, *v.* The United States of America. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Lewis Landes for the petitioners in No. 820, by Mr. Louis Marshall for the petitioner in No. 831, and by Mr. Attorney General Mitchell, Assistant Attorney General Willebrandt, Mr. Alfred A. Wheat, and Mr. John J. Byrne for the respondent.

No. 822. Alfredo Urias, petitioner, *v.* The State of Texas. Petition for writ of certiorari to the County Court of El Paso County, State of Texas, submitted by Mr. Edward D. Tittman for the petitioner.

No. 823. William (Bill) Day, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Will Steel for the petitioner, and by Mr. Attorney General Mitchell, Assistant Attorney General Willebrandt, Mr. Alfred A. Wheat, Mr. Gardner P. Lloyd, and Mr. Barham R. Gary for the respondent.

No. 824. Riverside Manufacturing Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims submitted by Mr. James Craig Peacock and Mr. John W. Townsend for the petitioner, and by Mr. Attorney General Mitchell, Mr. Assistant Attorney General Galloway, and Mr. Frank K. Dyar for the respondent.

No. 825. Cornelius Anderson, suing on behalf of himself and all other seamen, etc., petitioner, *v.* Shipowners' Association of the Pa-

cific Coast et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. H. W. Hutton for the petitioner, and by Mr. Herman Phleger and Mr. Maurice E. Harrison for the respondents.

No. 827. Kehota Mining Company, petitioner, *v.* D. B. Heiner, Collector of Internal Revenue, etc., and

No. 828. Kehota Mining Company, petitioner, *v.* C. G. Lewellyn, formerly Collector, etc. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Edwin W. Smith, Mr. William A. Seifert, and Mr. Maynard Teall for the petitioner, and by Mr. Attorney General Mitchell, Assistant Attorney General Willebrandt, and Mr. Alfred A. Wheat for the respondents.

No. 829. Pere Marquette Railway Company, petitioner, *v.* Joseph N. Russell. Petition for writ of certiorari to the Supreme Court of the State of Michigan submitted by Mr. John C. Shields, Mr. George W. Weadock, Mr. John Vincent Weadock, Mr. Jerome Weadock, and Mr. Arthur Weadock for the petitioner, and by Mr. Miles J. Purcell for the respondent.

No. 830. Reuben M. Ellerd, petitioner, *v.* Hattie C. Griffith et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Reuben M. Ellerd, *pro se.*

No. 832. American Surety Company of New York, petitioner, *v.* Frank K. Bowers, Collector of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Leo Oppenheimer for the petitioner, and by Mr. Attorney General Mitchell, Assistant Attorney General Willebrandt, Mr. Alfred A. Wheat, and Mr. Morton P. Fisher for the respondent.

No. 833. Henri Picard, Max L. Gerard, et al., etc., petitioners, *v.* The Steamship "Caledonier," her engines, etc., et al.; and

No. 834. Jonas & Naumburg, Inc., petitioner, *v.* The Steamship "Caledonier," her engines, etc., et al. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Theodore L. Bailey for the petitioners and by Mr. Homer L. Loomis for the respondents.

No. 836. Thomas J. O'Neill, petitioner, *v.* Catherine Gray, as Administratrix, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Charles D. Lewis and Mr. Thomas J. O'Neill for the petitioner.

No. 837. Charles Hass, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court

of Appeals for the Ninth Circuit submitted by Mr. Frank J. Hennessy for the petitioner, and by Mr. Attorney General Mitchell, Mr. Assistant Attorney General Luhring, Mr. Alfred A. Wheat, and Mr. Frank S. Ridgely for the respondent.

No. 838. Mrs. Annie de Graffenreid, petitioner, *v.* Yount-Lee Oil Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. R. H. Ward for the petitioner.

No. 840. Estate of John W. Billwiller, by Charles J. Billwiller, Resident Agent, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Henry J. Richardson and Mr. L. L. Hamby for the petitioner, and by Mr. Attorney General Mitchell, Assistant Attorney General Willebrandt, Mr. Alfred A. Wheat, and Mr. John Vaughan Groner for the respondent.

No. 842. Mary Hudson, as administratrix of the estate of John Hudson, deceased, petitioner, *v.* Norfolk & Western Railway Company. Petition for writ of certiorari to the Supreme Court of Appeals of the State of West Virginia submitted by Mr. Randolph C. Bias for the petitioner.

No. 844. M. F. Tillitson, doing business as the Tillitson Specialty Company, petitioner, *v.* William A. Smith, as Attorney General of the State of Kansas. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Hal M. Black for the petitioner, and by Mr. William A. Smith and Mr. Roland Boynton for the respondent.

No. 846. Commissioner of Internal Revenue, petitioner, *v.* American Code Company, Incorporated. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Attorney General Mitchell, Assistant Attorney General Willebrandt, Mr. Alfred A. Wheat, Mr. John Vaughan Groner, Mr. C. M. Charest, and Mr. P. S. Crewe for the petitioner.

No. 848. American Glycerin Company, petitioner, *v.* D. W. Burleson and James W. McCamey. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Harry Tom King for the petitioner.

No. 851. Minerals Separation North American Corporation, petitioner, *v.* Magma Copper Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit submitted by Mr. Henry D. Williams, Mr. William Houston Kenyon, Mr. Lindley M. Garrison, and Mr. Frederic D. McKenney for the petitioner, and by Mr. William H. Davis and Mr. Merton W. Sage for the respondent.

No. 852. Elmer Gibson, petitioner, *v.* The United States of America; and

No. 859. Oswald A. (Red) Brower, Carl Adams, et al., petitioners, *v.* The United States of America. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Nelson T. Hartson, Mr. Edmund L. Jones, and Mr. Maurice A. Langhorne for the petitioner in No. 852; by Mr. Rufus W. Pearson for the petitioners in No. 859; and by Mr. Attorney General Mitchell, Assistant Attorney General Willebrandt, Mr. Alfred A. Wheat, and Mr. Barham R. Gary for the respondent.

No. 871. Commonwealth of Virginia, petitioner, *v.* Marshall & Illsley Bank, executor of the estate of Arthur H. Fleet, deceased. Petition for writ of certiorari to the Supreme Court of Appeals of the State of Virginia submitted by Mr. Henry R. Miller, jr., for the petitioner, and by Mr. J. Vaughan Gary for the respondent.

No. 872. William J. Larkin and Henry Larkin, petitioners, *v.* Washington Loan & Trust Company. Petition for writ of certiorari to the Court of Appeals of the District of Columbia submitted by Mr. Paul Sleman for the petitioners, and by Mr. Arthur Peter, Mr. John J. Hamilton, Mr. Frank S. Bright, and Mr. R. Preston Shealey for the respondent.

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 McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Sanford, and Mr. Justice Stone.

Herman J. Witte, of New York City; Herbert C. Kimball, of Claremont, N. H.; S. Anselm Skelton, of Portsmouth, Ohio; John Marshall Littlepage, of Washington, D. C.; Frank S. Easby-Smith, of Washington, D. C.; Calvin Clarke, of Portsmouth, Ohio; James B. Salem, of Los Angeles, Calif.; Sadie Lipner Shulman, of Boston, Mass.; and Willard Carlson, of Washington, D. C., were admitted to practice.

No. 481. Robert H. Lucas, Collector of Internal Revenue for the District of Kentucky, petitioner, *v.* Mrs. Kate Halloway Alexander et al., etc. On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. Judgment affirmed with costs, and the cause remanded to the District Court of the United States for the Western District of Kentucky. Opinion by Mr. Justice Stone.

No. 545. Standard Oil Company and Sinclair Refining Company, petitioners, *v.* City of Marysville, L. N. Cole, as Mayor; R. E. Long, et al., etc. On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Decree affirmed with costs, and the cause remanded to the District Court of the United States for the District of Kansas. Opinion by Mr. Justice Stone.

No. 272. W. A. Marshall & Co., Inc., petitioner, *v.* Steamship "President Arthur," her engines, boilers, etc. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Decree affirmed with costs, and the cause remanded to the District Court of the United States for the Southern District of New York. Opinion by Mr. Justice Sanford.

No. 375. The United States of America, petitioner, *v.* California Cooperative Canneries. On writ of certiorari to the Court of Appeals of the District of Columbia. Decree reversed, and the cause remanded to the said Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Brandeis. Mr. Justice Sutherland and Mr. Justice Stone took no part in the consideration or decision of this case.

No. 568. St. Louis-San Francisco Railway Company, appellant, *v.* Alabama Public Service Commission, Hugh White, H. F. Lee, et al. Appeal from the District Court of the United States for the Middle District of Alabama. Decree vacated with costs, restraining order continued in force, and the cause remanded to the said District Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Brandeis.

No. 131. The St. Louis and O'Fallon Railway Company and Manufacturers' Railway Company, appellants, *v.* The United States of America and The Interstate Commerce Commission. Appeal from the District Court of the United States for the Eastern District of Missouri. Decree reversed, and the cause remanded to the said District Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice McReynolds. Dissenting opinion by Mr. Justice Brandeis, in which Mr. Justice Holmes and Mr. Justice Stone concurred. Dissenting opinion by Mr. Justice Stone, in which Mr. Justice Holmes and Mr. Justice Brandeis concurred. Mr. Justice Butler took no part in the consideration or decision of this case.

No. 132. The United States of America and The Interstate Commerce Commission, appellants, *v.* The St. Louis and O'Fallon Railway Company and Manufacturers' Railway Company. Cross appeal from the District Court of the United States for the Eastern District of Missouri. Cross appeal dismissed.

No. 17, original. *Ex Parte*: In the matter of the Bakelite Corporation, petitioner. Petition for writ of prohibition denied. Opinion by Mr. Justice Van Devanter.

No. 513. The United States of America, appellant, *v.* American Livestock Commission Company; Lewis Barefoot; Trading and Doing Business as the Barefoot Commission Company; Cassidy Southwestern Commission Company et al., etc., et al. Appeal from the District Court of the United States for the Western District of Oklahoma. Decree reversed, and the cause remanded to the said District Court 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. 718. International Shoe Company, petitioner, *v.* Federal Trade Commission. The petition for a rehearing in this case is granted. The order heretofore issued denying the petition for a writ of certiorari is revoked and the writ is ordered to issue.

No. 14, original. The State of Colorado, complainant, *v.* The State of Kansas et al. The motion to make certain parties defendants in this cause is denied.

No. 18, original. Commonwealth of Kentucky, complainant, *v.* The State of Indiana et al. The motion to submit upon the pleadings and upon motion to dismiss, pursuant to a stipulation, is denied. The motion to dismiss is postponed, and the case assigned for oral argument on Monday, October 28 next, after the cases heretofore assigned for that day.

No. 19, original. *Ex Parte*: Atlantic Coast Railroad Company, petitioner. *Per curiam*: Upon examination of the returns to the rule to show cause, the Court finds that the reasons given by the respondent, the District Judge for the Northern District of Florida, that the case is likely to become moot, are not sufficient to justify his failure, immediately upon application, to call to his assistance, to hear and determine the application, two other judges, in accord with the provisions for direct review by this Court of the District Court, under section 4 of 238 of the Judicial Code, as amended by the act of February 13, 1925, c. 229, 43 Stat. 936. See *Virginian Ry. v. The United States*, 272 U. S. 658, 672. And the rule against the respondent is made absolute, and directed to be certified to him for due observance thereof. We assume it will not be necessary to issue a formal writ.

No. —, original. State of New Jersey, complainant, *v.* The State of New York and The City of New York. Motion for leave to file a bill of complaint herein is granted, and process is ordered to issue, returnable on Monday, May 27 next.

No. —, original. State of New Jersey, complainant, *v.* The City of New York. Motion for leave to file a bill of complaint herein is granted, and process is ordered to issue, returnable on Monday, May 27 next.

No. 754. Crooker Perry and Leonore Perry, his wife, appellants, *v.* Chelan Electric Company and Chelan County, Washington. Appeal from the Supreme Court of the State of Washington. *Per curiam*: The return to the rule to show cause is held insufficient and the appeal is dismissed for want of a substantial Federal question on the authority of *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. 873. Samuel W. Green and Ola B. Green, petitioners, *v.* Aetna Life Insurance Company. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. *Per curiam*: The motion for leave to proceed further herein *in forma pauperis* is denied for the reason that the Court, upon examination

of the unprinted record herein submitted, finds that there is no basis for certiorari, application for which is therefore also denied. The costs already incurred by direction of the Court shall be paid by the clerk from the special fund in his custody as provided in the order of October 29, 1926.

No. 759. L. J. Tefft, appellant, *v.* T. T. Grant, as Receiver, R. W. Elsom, H. L. Stewart, et al., etc. Appeal from the Supreme Court of the State of Washington. *Per curiam*: The appeal is dismissed for want of a substantial Federal question on the authority of *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. 746. Superior Confection Company, appellant, *v.* John B. Craig, Sheriff of Pickens County, Chief of Police of the City of Pickens, et al.; and

No. 747. A. R. Kiser, appellant, *v.* T. A. Heise, Sheriff of Richland County, John W. Richardson, Chief Constable, et al. Appeals from the Supreme Court of the State of South Carolina. *Per curiam*: The appeals are dismissed on the authority of section 237 (a) of the Judicial Code, as amended by the act of February 13, 1925 (43 Stat. 936, 937), for lack of jurisdiction. Treating the appeals as applications for certiorari, the same are denied. The motions for a rule to show cause and for the enforcement of the order of supersedeas are therefore also denied.

No. 846. Commissioner of Internal Revenue, petitioner, *v.* American Code Company, Incorporated. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 851. Minerals Separation North American Corporation, petitioner, *v.* Magma Copper Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit granted.

No. 743. The S. S. White Dental Manufacturing Company of Pennsylvania, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 803. A. H. Bull Steamship Company, as owner, etc., petitioner, *v.* J. H. Hudson, Master and Bailee, et al.; and

No. 892. J. H. Hudson, Master and Claimant of the British Steamship "Manchester Merchant," et al., etc., petitioners, *v.* A. H. Bull Steamship Company, owner and claimant, etc. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 811. Trent Trust Company, Limited, petitioner, *v.* Carl H. W. Isenberg, Hans O. C. Isenberg, Helen Zur Helle, et al., etc. Peti-

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

No. 814. Oregon Exploration Company, petitioner, *v.* J. E. Reeves, J. E. Reeves, as Trustee, et al. Petition for writ of certiorari to the Supreme Court of the State of Oregon denied.

No. 816. Macondray & Company, petitioner, *v.* W. R. Grace & Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 820. Austin-Bagley Corporation, Waterloo Distilling Corporation, et al., petitioners, *v.* The United States of America; and

No. 831. Charles H. Fingerhood, petitioner, *v.* The United States of America. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 822. Alfredo Urias, petitioner, *v.* The State of Texas. Petition for writ of certiorari to the County Court of El Paso County, State of Texas, denied.

No. 823. William (Bill) Day, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 824. Riverside Manufacturing Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 825. Cornelius Anderson, suing on behalf of Himself and all other seamen, etc., petitioner, *v.* Shipowners' Association of the Pacific Coast et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 827. Kehota Mining Company, petitioner, *v.* D. B. Heiner, Collector of Internal Revenue, etc.; and

No. 828. Kehota Mining Company, petitioner, *v.* C. G. Lewellyn, formerly Collector of Internal Revenue, etc. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 829. Pere Marquette Railway Company, petitioner, *v.* Joseph N. Russell. Petition for writ of certiorari to the Supreme Court of the State of Michigan denied.

No. 830. Reuben M. Ellerd, petitioner, *v.* Hattie C. Griffith et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 832. American Surety Company of New York, petitioner, *v.* Frank K. Bowers, Collector of Internal Revenue. Petition for writ

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

No. 833. Henri Picard, Max L. Gerard, et al., petitioners, *v.* The Steamship "Caledonier," her engines, etc., et al.; and

No. 834. Jonas & Naumburg, Inc., petitioner, *v.* The Steamship "Caledonier," her engines, etc., et al. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 836. Thomas J. O'Neill, petitioner, *v.* Catherine Gray, as Administratrix of the goods, chattels, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 837. Charles Hass, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 838. Mrs. Annie de Graffenreid, petitioner, *v.* Yount-Lee Oil Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 840. Estate of John W. Billwiller, by Charles J. Billwiller, Resident Agent, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 842. Mary Hudson, as administratrix, etc., petitioner, *v.* Norfolk & Western Railway Company. Petition for writ of certiorari to the Supreme Court of Appeals of the State of West Virginia denied.

No. 844. M. F. Tillitson, doing business as the Tillitson Specialty Company, petitioner, *v.* William A. Smith, as Attorney General of the State of Kansas. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 848. American Glycerin Company, petitioner, *v.* D. W. Burleson and James W. McCamey. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 852. Elmer Gibson, petitioner, *v.* The United States of America; and

No. 859. Oswald A. (Red) Brower, Carl Adams, et al., petitioners, *v.* The United States of America. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 871. Commonwealth of Virginia, petitioner, *v.* Marshall & Illsley Bank, executor of the estate of Arthur H. Fleet, deceased. Petition for writ of certiorari to the Supreme Court of Appeals of the State of Virginia denied.

No. 872. William J. Larkin and Henry Larkin, petitioners, *v.* Washington Loan & Trust Company. Petition for writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 845. The United States of America, appellant, *v.* Harry M. Wurzbach. Leave to file statement of points relied upon and designation of parts of record to be printed, and statement as to jurisdiction, beyond the time prescribed in Rules 13 and 12, granted, on motion of Mr. Alfred A. Wheat for the appellant.

No. —. *Ex Parte*: In the matter of Leroy B. Delaney. Motion for leave to file a petition of Arthur O. Fording for rules to show cause submitted by Mr. Robert F. Cogswell in that behalf.

No. 887. Rose Harlow et al., petitioners, *v.* Gladys E. Cowles Harlow. Motion for substitution of parties submitted by Mr. Raymond B. Dickey in behalf of counsel for the petitioners.

No. 806. Southern Railway Company, petitioner, *v.* Blue Ridge Power Co. Motion for stay of proceedings pending the filing and determination of a petition for rehearing submitted by Mr. Sidney R. Prince for the petitioner.

No. 674. Harry J. Kirk, as Superintendent of Public Works and Director of the Department of Highways and Public Works of the State of Ohio, et al., appellants, *v.* The Maumee Valley Electric Company; and

No. 675. Harry J. Kirk, as Superintendent of Public Works and Director of the Department of Highways and Public Works of the State of Ohio, et al., appellants, *v.* The Providence Mill Company. Motion to amend the answer submitted by Mr. Gilbert Bettman for the appellants.

No. 14, original. State of Colorado, complainant, *v.* The State of Kansas et al. Motion and stipulation for the appointment of a stenographic commissioner submitted by Mr. Chester I. Long for the defendants.

No. 874. Illinois Central Railroad Company, petitioner, *v.* G. I. Crail, doing business as P. McCoy Fuel Company. Leave granted to file brief of the New York, Chicago & St. Louis Railroad Company et al., as *amici curiae*, on motion of Mr. John Spalding Flannery in that behalf.

No. 839. G. M. Adler, appellant, *v.* Carlos A. Rector, Sheriff of Greenville County, South Carolina, et al. Appeal from the Supreme Court of the State of South Carolina. Dismissed with costs, pursuant to paragraph 4 of Rule 12.

No. 905. Karl Buzynski, petitioner, *v.* Luckenbach Steamship Company, Inc., et al. Motion for leave to proceed *in forma pauperis* submitted by Mr. William E. Price for the petitioner.

No. 791. G. Ward Kemp, appellant and plaintiff in error, *v.* City of Seattle. Statement as to jurisdiction submitted by Mr. G. Ward Kemp, *pro se*, in support thereof, and by Mr. Thomas J. L. Kennedy and Mr. J. Ambler Newton for the appellee and defendant in error, in opposition thereto.

No. 810. John Baizley Iron Works et al., appellants, *v.* Abraham Span. Statement as to jurisdiction submitted by Mr. Owen J. Roberts for the appellants.

No. 826. Harold E. West, Chairman, et al., etc., appellants, *v.* The United Railways and Electric Co. of Baltimore. Statement as to jurisdiction submitted by Mr. Raymond S. Williams and Mr. Thomas J. Tingley for the appellants, in support thereof, and by Mr. Charles McHenry Howard, Mr. Charles Markell, and Mr. Henry H. Waters for the appellee, in opposition thereto.

No. 841. The Iowa Motor Vehicle Association et al., appellants, *v.* Board of Railroad Commissioners of the State of Iowa et al. Statement as to jurisdiction submitted by Mr. Casper Schenk for the appellants, in support thereof, and by Mr. John Fletcher, Mr. Maxwell A. O'Brien, Mr. J. H. Henderson, and Mr. Stephen Robinson for the appellees, in opposition thereto.

No. 805. The James Clark Distilling Company of Cumberland, Maryland, etc., petitioners, *v.* The United States. Petition for writ of certiorari to the Court of Claims submitted by Mr. Charles Markell for the petitioners, and by Mr. Attorney General Mitchell, Mr. Assistant Attorney General Galloway, Mr. Alfred A. Wheat, and Mr. Frank K. Dyar for the respondent.

No. 826. Harold E. West, Chairman, and J. Frank Harper, et al., etc., petitioners, *v.* The United Railways and Electric Company of Baltimore. Petition for writ of certiorari to the Court of Appeals of the State of Maryland submitted by Mr. Raymond S. Williams and Mr. Thomas J. Tingley for the petitioners, and by Mr. Charles McHenry Howard, Mr. Charles Markell, and Mr. Henry H. Waters for the respondent.

No. 835. Lolita Holding Company, petitioner, *v.* Aronson & Company, Newberger, Parsons & Company, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Will R. King for the petitioner, and by Mr. Jefferson P. Chandler for the respondent.

No. 850. Fred I. King, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of

Appeals for the Ninth Circuit submitted by Mr. Clarence Wood for the petitioner, and by Mr. Attorney General Mitchell, Mr. Assistant Attorney General Luhring, Mr. Alfred A. Wheat, and Mr. Frank S. Ridgely for the respondent.

No. 853. Mrs. Theodosia S. Smith, petitioner, *v.* Mutual Life Insurance Company of New York. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Joseph D. Barksdale, Mr. Albert H. Van Hook, and Mr. Howard B. Warren for the petitioner, and by Mr. Richard B. Montgomery and Mr. Frederick L. Allen for the respondent.

No. 855. Cash J. Morrison and Carl L. Morrison, petitioners, *v.* Henry Regus, Trustee in Bankruptcy. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Henry P. Dart, jr., for the petitioners.

No. 856. Independence Indemnity Company, petitioner, *v.* Florence P. Barber, as guardian of Lucy Barber and Florence Barber, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. E. Ormonde Hunter for the petitioner.

No. 858. The United States of America on the relation of John Munsill Ulrich, petitioner, *v.* Henry L. Stimson, Secretary of State of the United States, et al. Petition for writ of certiorari to the Court of Appeals of the District of Columbia submitted by Mr. Joseph Koletsky for the petitioner, and by Mr. Attorney General Mitchell, Mr. Assistant Attorney General Luhring, Mr. Alfred A. Wheat, and Mr. Harry S. Ridgely for the respondent.

No. 861. John J. McKenna, petitioner, *v.* Charles W. Anderson, as Collector of Internal Revenue, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Louis Marshall for the petitioner, and by Mr. Attorney General Mitchell, Assistant Attorney General Willebrandt, Mr. Alfred A. Wheat, and Mr. Andrew D. Sharpe for the respondent.

No. 863. New York Central Railroad Company, petitioner, *v.* Antonia Ambrose, as Administratrix of the estate of John Ambrose, deceased. Petition for writ of certiorari to the Circuit Court of Hudson County, State of New Jersey, submitted by Mr. Albert C. Wall and Mr. John A. Hartpence for the petitioner.

No. 866. Sol Jacobs, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Lewis Landes for the petitioner, and by Mr. Attorney General Mitchell, Mr. Assistant Attorney General Luhring, Mr. Alfred A. Wheat, and Mr. Harry S. Ridgely for the respondent.

No. 874. Illinois Central Railroad Company, petitioner, *v.* G. I. Crail, doing business as P. McCoy Fuel Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Edward C. Craig, Mr. Edwin C. Brown, and Mr. R. V. Fletcher for the petitioner, and by Mr. Stanley B. Houck for the respondent.

No. 887. Rose Harlow, Lillian Harlow Green, et al., petitioners, *v.* Gladys E. Cowles Harlow. Petition for writ of certiorari to the Supreme Court of Appeals of the State of Virginia submitted by Mr. John S. Barbour and Mr. Leo P. Harlow for the petitioners, and by Mr. Daniel Thew Wright and Mr. Raymond B. Dickey for the respondent.

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, Mr. Justice Sanford, and Mr. Justice Stone.

Rollin Howard Transue, of Washington, D. C.; Clinton S. Janes, of Washington, D. C.; John C. Bowen, of Seattle, Wash.; Clyde B. Charlton, of Des Moines, Iowa; Carson L. Taylor, of Des Moines, Iowa; Harry E. Ryan, of Duluth, Minn.; William A. Stevens, of Long Branch, N. J.; Thomas W. A. Crowe, of New York City; William C. Mayer, of Brooklyn, N. Y.; Wright Patman, of Texarkana, Tex.; Frank T. Fitzgerald, of New York City; Edward F. Joyce, jr., of New York City; J. A. Jones, of Kinston, N. C.; Edward T. Lazear, of Cheyenne, Wyo.; Frank J. Coyle, of New York City; Curley C. Hoffpauir, of New York City; Herold D. Ruel, of St. Louis, Mo.; Charles W. McClumpha, of New York City; and Alpheus H. Favour, of Prescott, Ariz., were admitted to practice.

No. 506. Gulf Refining Company, petitioner, *v.* Atlantic Mutual Insurance Company. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Decree affirmed with costs, and the cause remanded to the District Court of the United States for the Southern District of New York. Opinion by Mr. Justice Stone.

No. 565. The Okanogan, Methow, San Poelis (or San Poil), Nespelem, Colville, and Lake Indian Tribes or Bands of the State of Washington, petitioners, *v.* The United States. On writ of certiorari to the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Sanford.

No. 101. White River Lumber Company, plaintiff in error, *v.* The State of Arkansas *ex rel.* H. W. Applegate, Attorney General. In error to the Supreme Court of the State of Arkansas. Decree affirmed with costs. Opinion by Mr. Justice Sanford. Dissenting opinion by Mr. Justice Butler, in which Mr. Chief Justice Taft and Mr. Justice Van Devanter concur.

No. 519. Western & Atlantic Railroad, appellant, *v.* Mrs. Mary E. Henderson and Maryland Casualty Company. Appeal from the Supreme Court of the State of Georgia. Judgment reversed with costs, and the cause remanded to the said Supreme Court for further

proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Butler.

No. 484. The United States of America, petitioner, *v.* Rosika Schwimmer. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Decree of the Circuit Court of Appeals reversed and the decree of the District Court affirmed, and the cause remanded to the District Court of the United States for the Northern District of Illinois for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Butler. Dissenting opinion by Mr. Justice Holmes, in which Mr. Justice Brandeis concurs. Dissenting opinion by Mr. Justice Sanford.

No. 647. David S. Barry, Sergeant-at-Arms of the U. S. Senate, and John J. McGrain, Deputy Sergeant-at-Arms, petitioners, *v.* The United States of America *ex rel.* Thomas W. Cunningham. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Judgment reversed with costs, and the cause remanded to the District Court of the United States for the Eastern District of Pennsylvania for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Sutherland.

No. 578. The Macallen Company, appellant, *v.* The Commonwealth of Massachusetts. Appeal from the Supreme Judicial Court of the State of Massachusetts. Decree reversed with costs, and the cause remanded to the said Supreme Judicial Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Sutherland. Dissenting opinion by Mr. Justice Stone, in which Mr. Justice Holmes and Mr. Justice Brandeis concur.

No. 571. Wheeler Lumber Bridge and Supply Company of Des Moines, Iowa, *v.* The United States of America; and

No. 576. Indian Motorcycle Company *v.* The United States of America. On certificates from the Court of Claims. Certificates dismissed, and the causes remanded to the said Court of Claims for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Chief Justice Taft.

No. 133. The Chesapeake and Ohio Railway Company, petitioner, *v.* Tobe Stapleton, by His Statutory Guardian, Marion Stapleton. On writ of certiorari to the Court of Appeals of the State of Kentucky. Judgment reversed with costs, and the cause remanded to the said Court of Appeals for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Chief Justice Taft.

The Chief Justice announced the following orders of the Court:

No. 806. Southern Railway Company, petitioner, *v.* Blue Ridge Power Company. Motion for stay denied.

No. 887. Rose Harlow, Lillian Harlow Green, et al., petitioners, *v.* Gladys E. Cowles Harlow. The death of Rose Harlow, one of the petitioners in this case, having been suggested, the motion to substitute George A. Harlow, executor of Rose Harlow, deceased, as a party petitioner; and the death of Gladys E. Cowles Harlow, the respondent in this case, having been suggested, the motion to substitute Carrie V. Cowles, as administratrix of the estate of Gladys E. Cowles Harlow, deceased, as the party respondent, granted.

No. 674. Harry J. Kirk, as Superintendent, etc., et al., appellants, *v.* The Maumee Valley Electric Company; and

No. 675. Harry J. Kirk, as Superintendent, etc., et al., appellants, *v.* The Providence Mill Company. Motions to amend answer denied.

No. 14, original. The State of Colorado, complainant, *v.* The State of Kansas et al. The motion for the appointment of Millen S. Atwood, of Trinidad, Colorado, pursuant to a stipulation of the parties, to serve as the stenographic commissioner in this case, is granted.

No. 905. Karl Buzynski, petitioner, *v.* Luckenbach Steamship Company, Inc., and The Texas Contracting Company. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. *Per curiam:* The motion for leave to proceed further herein *in forma pauperis* is denied for the reason that the Court, upon examination of the unprinted record herein submitted, finds that there is no basis for certiorari, application for which is therefore also denied. The costs already incurred herein by direction of the Court shall be paid by the clerk from the special fund in his custody as provided in the order of October 29, 1926.

No. 791. G. Ward Kemp, appellant and plaintiff in error, *v.* The City of Seattle. Appeal from and in error to the Supreme Court of the State of Washington. *Per curiam:* The appeal and writ of error are dismissed on the authority of section 237 (a) of the Judicial Code as amended by the act of February 13, 1925 (43 Stat. 936, 937), for lack of jurisdiction. Treating the appeal and writ of error as an application for certiorari the same is denied.

No. 810. John Baizley Iron Works et al., appellants, *v.* Abraham Span. In this case the Court finds that probable jurisdiction has been shown.

No. 841. The Iowa Motor Vehicle Association et al., appellants, *v.* Board of Railroad Commissioners of the State of Iowa et al. In this case the Court finds that probable jurisdiction has been shown.

No. 826. Harold E. West, Chairman, et al., appellants, *v.* The United Railways and Electric Company of Baltimore. Further consideration of the question of jurisdiction and the petition for writ of

certiorari is postponed to the hearing of the case on its merits. The case is advanced and assigned for argument with No. 792 heretofore assigned for Monday, October 28 next.

No. 850. Fred I. King, petitioner, *v.* The United States of America. The petition for a writ of certiorari in this case to the United States Circuit Court of Appeals for the Ninth Circuit is granted, and the case is advanced and assigned for argument on Monday, October 21 next, after the cases heretofore assigned for that day.

No. 863. New York Central Railroad Company, petitioner, *v.* Antonia Ambrose, as Administratrix, etc. Petition for writ of certiorari to the Circuit Court of Hudson County, State of New Jersey, granted.

No. 874. Illinois Central Railroad Company, petitioner, *v.* G. I. Crail, doing business as P. McCoy Fuel Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit granted.

No. 805. The James Clark Distilling Company of Cumberland, Maryland, etc., petitioners, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 835. Lolita Holding Company, petitioner, *v.* Aronson & Company, Newberger, Parsons & Company, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 853. Mrs. Theodosia S. Smith, petitioner, *v.* Mutual Life Insurance Company of New York. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 855. Cash J. Morrison and Carl L. Morrison, petitioners, *v.* Henry Regus, Trustee in Bankruptcy. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 856. Independence Indemnity Company, petitioner, *v.* Florence P. Barber, as guardian of Lucy Barber and Florence Barber, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 858. The United States of America on the relation of John Munsill Ulrich, petitioner, *v.* Henry L. Stimson, Secretary, etc. Petition for writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 861. John J. McKenna, petitioner, *v.* Charles W. Anderson as Collector, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 866. Sol Jacobs, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 887. George A. Harlow, executor of Rose Harlow, deceased, Lillian Harlow Green, et al., petitioners, *v.* Carrie V. Cowles, administratrix of the estate of Gladys E. Cowles Harlow. Petition for writ of certiorari to the Supreme Court of Appeals of the State of Virginia denied.

No. 811. Trent Trust Company, Limited, petitioner, *v.* Carl H. W. Isenberg, Hans O. C. Isenberg, et al. Motion for stay of proceedings and direction to the lower court to withhold action until Monday, June 3 next, granted on motion of Mr. Louis Titus in behalf of counsel for the petitioner.

No. 904. Fayette Bank & Trust Company et al., petitioners, *v.* William P. Herod et al. Petition for writ of certiorari dismissed as to Fidelity and Casualty Company of New York, a respondent, on motion of Mr. George L. Wire for the petitioners.

No. 14, original. State of Colorado, complainant, *v.* The State of Kansas et al. Motion of defendant, Finney County Water Users Association, for leave to amend its answer submitted by Mr. Chester I. Long in that behalf.

No. 14, original. State of Colorado, complainant, *v.* The State of Kansas et al. Motion of the complainant for leave to plead to the answer of the State of Kansas on or before July 1 next submitted by Mr. Chester I. Long in behalf of counsel for the complainant.

No. 793. Federal Sugar Refining Company, petitioner, *v.* The United States of America. Motion to advance to be heard following cases Nos. 220 and 676 submitted by Mr. Wade H. Ellis in behalf of Mr. Oscar R. Houston for the petitioner.

No. 757. Sidney Brunn, petitioner, *v.* The State of Washington. Leave granted to file petition for rehearing beyond the time specified in rule 33, on motion of Mr. Roger O'Donnell in behalf of counsel for the petitioner.

No. —, original. State of New Jersey, complainant, *v.* The State of Delaware. Motion for leave to file bill of complaint submitted by Mr. Duane E. Minard for the complainant.

No. 20, original. State of New Jersey, complainant, *v.* The State of New York and The City of New York. Motion for leave to file answer and for leave to withdraw and amend answer submitted by Mr. Arthur J. W. Hilly for the defendant, The City of New York.

No. 21, original. State of New Jersey, complainant, *v.* The City of New York. Motion for leave to answer and for enlargement of time

of two weeks from this date within which to answer, submitted by Mr. Arthur J. W. Hilly for the defendant.

No. 20, original. State of New Jersey, complainant, *v.* The State of New York and The City of New York. Leave granted to file answer of the State of New York, on motion of Mr. Robert Ash for the defendant, The State of New York.

No. —, original. *Ex parte*: In the matter of Charles F. Hobbs, Commissioner of Insurance of the State of Kansas, et al. Motion for leave to file petition for writ of mandamus and for a rule to show cause submitted by Mr. John G. Egan for the petitioners.

No. 6, original. The State of Oklahoma, complainant, *v.* The State of Texas, defendant, The United States of America, intervener. Motion of the defendant for direction to the clerk to make refund of overpayment made by the State of Texas, submitted by Mr. Tom Connally in behalf of Mr. Claude Pollard for the defendant.

No. 322. John A. McKay, appellant, *v.* Hector McInnes et al. Leave granted to file petition for a rehearing beyond the time specified in rule 33, on motion of Mr. Ralph B. Fleharty for the appellant.

No. 884. Krauss Brothers Lumber Company, petitioner, *v.* Andrew W. Mellon, Director General of Railroads, etc., et al. Suggestion of a diminution of the record and motion for a writ of certiorari submitted by Mr. Alexander M. Bull and Mr. Sidney F. Andrews for the respondents in support thereof, and by Mr. Brenton K. Fisk and Mr. Harry S. Elkins for the petitioner in opposition thereto.

Report of the clerk of action under the order of this Court of October 15, 1928, presented.

No. 931. Barbara J. Jumer, appellant, *v.* Del Cary Smith et al. Motion by the appellant for leave to proceed *in forma pauperis* submitted by Barbara J. Jumer *pro se*.

No. 935. James Horace Alderman, petitioner, *v.* The United States of America. Motion by the petitioner for leave to proceed *in forma pauperis* submitted by Mr. H. M. Carr for the petitioner.

No. 797. First Addition to the Rattle Snake Drainage District et al., appellants, *v.* Walter Bodeman et al. Statement as to jurisdiction submitted by Mr. H. L. Butler, Mr. R. M. Rieser, Mr. Frank Lucas, and Mr. C. E. Buell for the appellants, in support thereof, and by Mr. William R. Bagley, for the appellees, in opposition thereto.

No. 821. Elsinore Perfume Co., Inc., petitioner, *v.* Maurice Campbell, Federal Prohibition Administrator for the Second District

of New York, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Lewis Landes and Mr. Charles Dickerman Williams for the petitioner, and by Mr. Attorney General Mitchell, Assistant Attorney General Willebrandt, and Mr. Alfred A. Wheat for the respondent.

No. 860. Max Levy & Company, Inc., petitioner, *v.* Frank Kartz, doing business as Illinois Cullet Company, Not Incorporated. Petition for writ of certiorari to the Appellate Court for the First District, State of Illinois, submitted by Mr. Joshua R. H. Potts for the petitioner, and by Mr. Vernon E. West and Mr. Ephraim Banning for the respondent.

No. 862. Pelican Bay Lumber Company, petitioner, *v.* David M. Blair, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. T. T. C. Gregory for the petitioner, and by Mr. Attorney General Mitchell, Mr. Alfred A. Wheat, Assistant Attorney General Willebrandt, and Mr. Millar E. McGilchrist for the respondent.

No. 864. John Parrott, Jr., and Mary Emilie Parrott Williams, as executor and executrix, respectively, of the estate of Mary Emilie Parrott, deceased, petitioners, *v.* Commissioner of Internal Revenue of the United States. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. F. Eldred Boland for the petitioners, and by Mr. Attorney General Mitchell, Assistant Attorney General Willebrandt, Mr. Alfred A. Wheat, Mr. John Vaughan Groner, and Mr. C. M. Charest for the respondent.

No. 865. David Fahey, Bankrupt, petitioner, *v.* John Sapio, A. Capaldo, and G. Mancuso. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Frank S. Anderson and Mr. Mart H. Royston for the petitioner, and by Mr. W. T. Armstrong for the respondent.

No. 867. Henry A. Cornish and Alyce N. Cornish, petitioners, *v.* Patrick O'Donoghue, Hugh A. Morrison, et al. Petition for writ of certiorari to the Court of Appeals of the District of Columbia submitted by Mr. Louis Marshall and Mr. William E. Leahy for the petitioners, and by Mr. Jesse C. Adkins, Mr. Frank F. Nesbit, and Mr. Lucien H. Mercier for the respondents.

No. 868. Edward G. Russell, Susie B. Russell, et al., petitioners, *v.* Frank S. Wallace, Francis J. P. Cleary, et al. Petition for writ of certiorari to the Court of Appeals of the District of Columbia submitted by Mr. Louis Marshall and Mr. William E. Leahy for the petitioners, and by Mr. Jesse C. Adkins, Mr. Frank F. Nesbit, and Mr. Lucien H. Mercier for the respondents.

No. 870. Conklin, Zonne, Loomis Company, petitioner, *v.* David H. Blair, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. J. B. Faegre for the petitioner, and by Mr. Attorney General Mitchell, Assistant Attorney General Willebrandt, and Mr. Alfred A. Wheat for the respondent.

No. 876. Harley & Lund Corporation, petitioner, *v.* Murray Rubber Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Edward F. Unger for the petitioner, and by Mr. Robert Kelly Prentice for the respondent.

No. 877. Ray Lyman Wilbur, Secretary of the Interior, petitioner, *v.* United States of America *ex rel.* Mary I. Kadrie et al. Petition for writ of certiorari to the Court of Appeals of the District of Columbia submitted by Mr. Attorney General Mitchell, Mr. Alfred A. Wheat, Mr. Seth W. Richardson, Mr. E. C. Finney, and Mr. Pedro Capo-Rodriguez for the petitioner, and by Mr. Webster Ballinger for the respondents.

No. 879. Harry C. Moore, as Treasurer of Grant County, Indiana, petitioner, *v.* Sidney Z. Mitchell and Niel A. Weathers, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Russell H. Robbins for the petitioner, and by Mr. Graham Sumner for the respondents.

No. 881. George D. Haskell, petitioner, *v.* William R. Perkins, Nanaline H. Duke, et al.; and

No. 882. George D. Haskell, petitioner, *v.* William R. Perkins, Nanaline H. Duke, et al. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Robert H. McCarter for the petitioner, and by Mr. Charles E. Hughes, Mr. George W. Schurman, Mr. Forrest Hyde, and Mr. Philip M. Payne for the respondents.

No. 883. Samuel L. White, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit submitted by Mr. Samuel L. White, *pro se*, and by Mr. Attorney General Mitchell, Mr. Assistant Attorney General Luhring, Mr. Alfred A. Wheat, and Mr. Harry S. Ridgely for the respondent.

No. 884. Krauss Brothers Lumber Company, petitioner, *v.* Andrew W. Mellon, Director General of Railroads, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Brenton K. Fisk for the petitioner, and by Mr. Alexander M. Bull and Mr. Sidney F. Andrews for the respondents.

No. 888. Neuss, Hesslein & Co., Inc., petitioner, *v.* William H. Edwards, as Collector of Internal Revenue for the Second District of New York. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Richard S. Holmes for the petitioner, and by Mr. Attorney General Mitchell, Assistant Attorney General Willebrandt, Mr. Alfred A. Wheat, Mr. Randolph C. Shaw, and Mr. C. M. Charest for the respondent.

No. 898. George E. Farrington, E. Standwood Hollis, et al., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit submitted by Mr. Marvin Farrington for the petitioners, and by Mr. Attorney General Mitchell, Assistant Attorney General Willebrandt, Mr. Alfred A. Wheat, and Mr. Barham R. Gary for the respondent.

No. 899. Morris Lisansky and David Lisansky, petitioners, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. Isaac Lobe Straus for the petitioners, and by Mr. Attorney General Mitchell, Assistant Attorney General Willebrandt, Mr. Alfred A. Wheat, and Mr. John Vaughan Groner for the respondent.

No. 902. The Firestone Tire & Rubber Co., The B. F. Goodrich Rubber Co., et al., petitioners, *v.* Fayette Bank & Trust Co., Central State Bank of Connersville, Indiana, et al.;

No. 903. The Firestone Tire & Rubber Co., The B. F. Goodrich Rubber Co., et al., petitioners, *v.* Fayette Bank & Trust Co., Central State Bank of Connersville, Indiana, et al.; and

No. 904. Fayette Bank & Trust Company, Central State Bank of Connersville, Indiana, et al., petitioners, *v.* William P. Herod, United States of America, et al. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Harvey J. Elam, Mr. Howard S. Young, and Mr. Willis Bacon for the petitioners in Nos. 902 and 903; by Mr. George L. Wire and Mr. Solon J. Carter for the petitioners in No. 904; and by Mr. George L. Wire and Mr. Solon J. Carter for the respondents in Nos. 902 and 903; and by Mr. William P. Herod, Mr. Attorney General Mitchell, Assistant Attorney General Willebrandt, Mr. Alfred A. Wheat, and Mr. John Vaughan Groner for the respondents in No. 904.

No. 910. Simms Oil Company, petitioner, *v.* Eudora S. Day, Sheriff and *ex officio* Tax Collector. Petition for writ of certiorari

to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. S. L. Herold for the petitioner.

No. 912. Feeders' Supply Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Theodore B. Benson for the petitioner, and by Mr. Attorney General Mitchell, Assistant Attorney General Willebrandt, Mr. Alfred A. Wheat, and Mr. Arthur W. Henderson for the respondent.

No. 918. Orient Point Wharf Company and Edwin H. King, petitioners, *v.* Machias Lumber Company et al. etc. Petitioner for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. E. Curtis Rouse for the petitioners, and by Mr. Edward Ash for the respondents.

No. 926. Southern Trust Company, petitioner, *v.* W. C. Austin and Samuel E. Swinney, Receivers, etc. Petitioner for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Kent V. Gay and Mr. William E. Allen for the petitioner, and by Mr. Stanley Boykin and Mr. H. C. Ray for the respondents.

No. 929. Simone Saitta, doing business under the firm name and style of Saitta & Jones, petitioner, *v.* S. S. "Florinda" and John Simon Garay. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Louis Joffe for the petitioner, and by Mr. L. DeGrove Potter for the respondents.

No. 932. Atlantic Gulf and West Indies Steamship Lines, Claimant of S. S. "Aquimoon," petitioner, *v.* Interocean Oil Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. Roscoe H. Hupper and Mr. Frederic Conger for the petitioner, and by Mr. Stuart S. Janney and Mr. Robert W. Williams for the respondent.

No. 934. The Chesapeake & Ohio Railway Company, petitioner, *v.* R. L. Bryant, Administrator of the Estate of M. L. Bryant, deceased. Petition for writ of certiorari to the Supreme Court of Appeals of the State of Virginia submitted by Mr. J. M. Perry for the petitioner, and by Mr. Charles Curry for the respondent.

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 McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, and Mr. Justice Sanford.

James Morris, of Bismarck, N. Dak.; John F. Bonner, of Minneapolis, Minn.; Willard Lanning Hart, of Washington, D. C.; Frederick W. Moore, of New York City; Rice M. Tilley, of Austin, Tex.; John H. J. Quigley, of Philadelphia, Pa.; M. Ray Allison, of Columbus, Ohio; Raymond A. Walsh, of Washington, D. C.; A. Longstreet Heiskell, of Memphis, Tenn.; Franklin Pierce Matz, of Huron, S. Dak.; Jay Arthur Schiller, of Chicago, Ill.; Samuel P. Gurman, of Chicago, Ill.; Lawrence H. Presley, of Buffalo, Mo.; John A. Hanrahan, of Stratford, Conn.; J. Arthur Mattson, of Butte, Mont.; William C. Lewis, of Oklahoma City, Okla.; Alvin Moore, of Cheyenne, Okla.; William M. Williams, of Mangum, Okla.; Jesse J. Robnett, of Washington, D. C.; Brooks Hays, of Little Rock, Ark.; Rowland L. Johnston, of Rolla, Mo., were admitted to practice.

The Attorney General introduced the Hon. Charles Evans Hughes, jr., of New York, Solicitor General of the United States, and it was ordered that his commission be recorded.

No. 674. Harry J. Kirk, as Superintendent of Public Works and Director of the Department of Highways and Public Works of the State of Ohio, etc., et al., appellants, *v.* The Maumee Valley Electric Company. Appeal from the District Court of the United States for the Southern District of Ohio. Decree reversed with costs, but without prejudice to certain rights of the appellee, and the cause remanded to the said District Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Stone.

No. 675. Harry J. Kirk, as Superintendent of Public Works and Director of the Department of Highways and Public Works of the State of Ohio, etc., et al., appellants, *v.* The Providence Mill Company. Appeal from the District Court of the United States for the

Southern District of Ohio. Decree reversed with costs, and the cause remanded to the said District Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Stone.

No. 225. Atlantic Coast Line Railroad Company, petitioner, *v.* Marcella Driggers, as Administratrix of William A. Driggers, deceased. On writ of certiorari to the Supreme Court of the State of South Carolina. Judgment reversed with costs, and the cause remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Sanford.

No. 524. Maryland Casualty Company, petitioner, *v.* Millie R. Jones. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgment reversed with costs, and the cause remanded to the said Circuit Court of Appeals with instructions to consider the several assignments of error relating to the rulings of the trial court in the progress of the trial, and—unless they have been waived—take further proceedings in regard thereto. Opinion by Mr. Justice Sanford.

No. 563. The Baltimore and Ohio Railroad Company, William W. Wheelock, and William G. Bierd, Receivers, etc., et al., appellants, *v.* The United States of America, Interstate Commerce Commission, The Chicago, Rock Island & Pacific Railway Company, et al. Appeal from the District Court of the United States for the Northern District of Illinois. Decree reversed, and the cause remanded to the said District Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Butler.

No. 466. The Atchison, Topeka and Santa Fe Railway Company, The Chicago, Rock Island and Pacific Railway Company, and Missouri Pacific Railroad Company, appellants, *v.* The United States of America, Interstate Commerce Commission, The Kansas City Southern Railway Company, et al. Appeal from the District Court of the United States for the Northern District of Illinois. Decree affirmed. Opinion by Mr. Justice Brandeis.

No. 748. Harry F. Sinclair, Henry Mason Day, William J. Burns, W. Sherman Burns, *v.* The United States of America. On certificate from the Court of Appeals of the District of Columbia. Judgment affirmed as to Harry F. Sinclair, Henry Mason Day, and W. Sherman Burns; reversed as to William J. Burns, and the cause remanded for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice McReynolds. Mr. Justice Stone took no part in the consideration or decision of this case.

No. 7. Ancient Egyptian Arabic Order Nobles of the Mystic Shrine, etc., et al., petitioners *v.* D. W. Michaux, Chester H. Bryan,

A. J. Dow, et al. On writ of certiorari to the Supreme Court of the State of Texas. Judgment reversed with costs, and the cause remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Van Devanter.

No. 130. Old Colony Trust Company et al., executors, *v.* Commissioner of Internal Revenue. On certificate from the United States Circuit Court of Appeals for the First Circuit. Question certified answered in the affirmative. Opinion by Mr. Chief Justice Taft. Dissenting opinion by Mr. Justice McReynolds. Mr. Justice Holmes took no part in the consideration or decision of this case.

No. 129. The United States of America *v.* Boston & Maine Railroad. On certificate from the United States Circuit Court of Appeals for the First Circuit. Question certified answered in the affirmative. Opinion by Mr. Chief Justice Taft. Mr. Justice Holmes took no part in the consideration or decision of this case.

The Chief Justice announced the following orders of the Court:

No. —, original. The State of New Jersey, complainant, *v.* The State of Delaware. The motion for leave to file a bill of complaint in this case is granted, and process is ordered to issue returnable on Monday, July 1 next.

No. —, original. *Ex Parte*: Charles F. Hobbs, Commissioner of Insurance, petitioner. The motion for leave to file petition for a writ of mandamus is granted, and a rule is ordered to issue returnable on Monday, July 1 next.

No. 6, original. State of Oklahoma, complainant, *v.* State of Texas, defendant, The United States, Intervenor. It appearing to the Court that the costs, and the compensation and expenses allowed to the commissioners, in that part of this cause which related to the boundary between the State of Texas and the State of Oklahoma along the Red River have been fully paid;

And it further appearing that the State of Texas advanced and paid more than its proportionate share of such costs, compensation and expenses, and that the excess so advanced and paid is now held by the clerk pending an order that the same be refunded;

It is considered and ordered by the Court that the clerk do compute and ascertain the amount so advanced and paid by the State of Texas in excess of its proportionate share of such costs, compensation, and expenses, and that he refund and pay such excess to the said State.

No. 14, original. State of Colorado, complainant, *v.* State of Kansas et al. Motion for leave to amend answer of defendant, Finney County Water Users Association, granted.

No. 14, original. State of Colorado, complainant, *v.* State of Kansas et al. Motion of the complainant for leave to reply to the answer of the State of Kansas on or before July 1 next granted.

No. 20, original. State of New Jersey, complainant, *v.* State of New York and City of New York. Motion for leave to withdraw and amend answer of the city of New York granted.

No. 21, original. State of New Jersey, complainant, *v.* City of New York. Motion for enlargement of time of two weeks from May 27 in which to file answer of the city of New York granted.

No. 793. Federal Sugar Refining Company, petitioner, *v.* The United States of America. The motion to advance this case to be heard following Nos. 220 and 676 is granted.

No. 884. Krauss Brothers Lumber Company, petitioner, *v.* Andrew W. Mellon, Director General, etc. On suggestion of diminution of the record the motion for a writ of certiorari is denied.

No. 931. Barbara J. Jumer, appellant, *v.* Del Cary Smith, George M. Haegele, as guardian *ad litem*, etc., et al. Appeal from the Supreme Court of the State of Washington. *Per curiam:* The motion for leave to proceed further herein *in forma pauperis* is denied for the reason that the Court, upon examination of the unprinted record herein submitted, finds that there is no jurisdiction for the appeal, which is therefore dismissed. Treating the appeal as an application for certiorari, the same is denied. The costs already incurred herein, by direction of the Court shall be paid by the clerk from the special fund in his custody as provided in the order of October 29, 1926.

No. 935. James Horace Alderman, petitioner, *v.* The United States of America. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. *Per curiam:* The motion for leave to proceed further herein *in forma pauperis* is denied for the reason that the Court, upon examination of the unprinted record herein submitted, finds that there is no basis for certiorari, application for which is therefore also denied. The costs already incurred herein by direction of the Court shall be paid by the clerk from the special fund in his custody as provided in the order of October 29, 1926.

No. 797. First Addition to the Rattle Snake Drainage District et al., appellants, *v.* Walter Bodeman et al. In this case the Court finds that possible jurisdiction has been shown.

No. 571. Wheeler Lumber Bridge & Supply Company of Des Moines, Iowa, *v.* The United States of America; and

No. 576. *Indian Motorcycle Company v. The United States of America*. It is now here ordered by this Court that these cases be, and they are hereby, restored to the docket for reconsideration, and that the judgments heretofore entered herein be, and they are hereby, revoked and set aside, and that the opinion announced in these cases on Monday, May 27 last, be, and it is hereby, ordered to be withdrawn.

ORDER

The Court has considered the report of the clerk respecting the action taken by him under the second paragraph of the Court's order of October 15, 1928, relating to the collection and disposal of the costs in the cases of No. 11, original, of the October term, 1905, *State of Louisiana v. State of Mississippi*; and No. 4, original, of the October term, 1916, *State of North Carolina v. State of Tennessee*;

And it appearing that reasonable efforts have been made to accomplish the collection and disposal of the costs in these cases and that it is probable that these efforts will be consummated if additional time be granted therefor;

It is considered and ordered by the Court that the clerk do continue his efforts to collect and dispose of such costs conformably to the second paragraph of the order of October 15, 1928, and that he make a further report during the next term showing what has been done and accomplished in that regard.

No. 877. *Ray Lyman Wilbur, Secretary of the Interior, petitioner, v. United States of America ex rel. Mary I. Kadrie et al.* Petition for writ of certiorari to the Court of Appeals of the District of Columbia granted.

No. 879. *Harry C. Moore, as Treasurer of Grant County, Indiana, petitioner, v. Sidney Z. Mitchell et al.* Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 934. *The Chesapeake & Ohio Railway Company, petitioner, v. R. L. Bryant, Administrator of the Estate of M. L. Bryant, deceased.* Petition for writ of certiorari to the Supreme Court of Appeals of the State of Virginia granted.

No. 821. *Elsinore Perfume Co., Inc., petitioner, v. Maurice Campbell, Federal Prohibition Administrator for the Second District of New York, et al.* Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 860. *Max Levy & Company, Inc., petitioner, v. Frank Kartz, doing business as Illinois Cullet Company, Not Incorporated.* Peti-

tion for writ of certiorari to the Appellate Court for the First District, State of Illinois, denied.

No. 862. Pelican Bay Lumber Company, petitioner, *v.* David M. Blair, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 864. John Parrott, Jr., and Mary Emilie Parrott Williams, etc., petitioners, *v.* Commissioner of Internal Revenue of the United States. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 865. David Fahey, Bankrupt, petitioner, *v.* John Sapio, A. Capaldo, and G. Mancuso. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 867. Henry A. Cornish and Alyce N. Cornish, petitioners, *v.* Patrick O'Donoghue, Hugh A. Morrison, et al. Petition for writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 868. Edward G. Russell, Susie B. Russell, et al., petitioners, *v.* Frank S. Wallace et al. Petition for writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 870. Conklin, Zonne, Loomis Company, petitioner, *v.* David H. Blair, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 876. Harley & Lund Corporation, petitioner, *v.* Murray Rubber Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 881. George D. Haskell, petitioner, *v.* William R. Perkins, Nanaline H. Duke, et al.; and

No. 882. George D. Haskell, petitioner, *v.* William R. Perkins, Nanaline H. Duke, et al. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 883. Samuel L. White, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 884. Krauss Brothers Lumber Company, petitioner, *v.* Andrew W. Mellon, Director General, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 888. Neuss, Hesslein & Co., Inc., petitioner, *v.* William H. Edwards, as Collector of Internal Revenue for the Second District of New York. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 898. George E. Farrington, E. Stanwood Hollis, and Edward W. Bancroft, executors, etc., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 899. Morris Lisansky and David Lisansky, petitioners, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 902. The Firestone Tire & Rubber Co. et al., petitioners, *v.* Fayette Bank & Trust Co. et al.;

No. 903. The Firestone Tire & Rubber Co. et al., petitioners, *v.* Fayette Bank & Trust Co. et al.; and

No. 904. Fayette Bank & Trust Company et al., petitioners, *v.* William P. Herod et al. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 910. Simms Oil Company, petitioner, *v.* Eudora S. Day, Sheriff and *ex officio* Tax Collector. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 912. Feeders' Supply Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 918. Orient Point Wharf Company and Edwin H. King, petitioners, *v.* Machias Lumber Company et al., owners of the Schooner "Lucy Evelyn." Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 926. Southern Trust Company, petitioner, *v.* W. C. Austin and Samuel E. Swinney, Receivers, etc. Petitioner for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 929. Simone Saitta, doing business under the firm name and style of Saitta & Jones, petitioner, *v.* S. S. "Florinda" and John Simon Garay. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 932. Atlantic Gulf and West Indies Steamship Lines, claimant of S. S. "Aquimoon," petitioner, *v.* Interocean Oil Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 578. The Macallen Company, appellant, *v.* The Commonwealth of Massachusetts. Leave granted to file briefs of the States of

California and Oregon, as *amici curiae*, in support of a petition for rehearing, on motion of Mr. Samuel M. Shortridge in that behalf.

No. 578. The Macallen Company, appellant, *v.* The Commonwealth of Massachusetts. Leave granted to file brief of the State of Washington, as *amicus curiae*, in support of a petition for rehearing, on motion of Mr. Blaine Mallan in that behalf.

No. 913. The United States of America, appellant, *v.* B. C. Skinner. Appeal from the District Court of the United States for the Southern District of Florida. Dismissed, on motion of counsel for the appellant.

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.