

OCTOBER TERM, 1935

STATISTICS

	Original	Appellate	Total
Number of cases on docket.....	16	1, 076	1, 092
Cases disposed of.....	4	986	990
Remaining on docket.....	12	90	102

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By written opinions.....	187
By per curiam opinions.....	72
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SUPREME COURT OF THE UNITED STATES

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

Harold B. Willey, of Washington, D. C.; William McKelvy Rutter, of Reading, Pa.; Charles W. Froessel, of New York City; Warwick Potter Scott, of Philadelphia, Pa.; J. Willison Smith, Jr., Philadelphia, Pa.; Colin Campbell, of Washington, D. C.; Charles Roger Kirk, of Wilmington, Ohio; Eugene F. Sharkoff, of Muskegon, Mich.; James E. Ruffin, of Springfield, Mo.; Paul W. Bruton, of Washington, D. C.; Desmond Kennedy, of Olyphant, Pa.; Russell James Baxter, of Monticello, Ark.; Gordon Dean, of Washington, D. C.; Edgar W. Pharr, of Charlotte, N. C.; Joseph B. Keenan, of Cleveland, Ohio; Julian Hartridge, of Jacksonville, Fla.; Mary Agnes Quinn, of Washington, D. C.; Sue E. Gantt, of Washington, D. C.; John R. Benney, of Washington, D. C.; Herbert R. O'Connor, of Baltimore, Md.; William L. Henderson, of Baltimore, Md.; Luther E. Birdzell, of Washington, D. C.; Ugo Carusi, of Barre, Vt.; Kenneth H. Bruner, of Indianapolis, Ind.; Paul W. H. Windels, of Brooklyn, N. Y.; J. Tom Watson, of Tampa, Fla.; James M. Hoffa, of Baltimore, Md.; Ray Patton Smith, of Johnstown, Pa.; A. Ronald Button, of Hollywood, Calif.; Herman M. Knoeller, of Milwaukee, Wis.; Dorsey K. Offutt, of Washington, D. C.; Laurence P. Johnson, of Washington, D. C.; Edward Winkler, of Bend, Oreg.; Alan H. Pottinger, of Hyattsville, Md.; William C. Combs, of Rochester, N. Y.; Sherman C. Shelton, of Washington, D. C.; Vivian O. Hill, of Washington, D. C.; Daniel J. Murphy, of Boston, Mass.; Shirley D. Parker, of Yakima, Wash.; William A. Schmitt, of Washington, D. C.; P. Fearson Shortridge, of New York City; G. Allen Bisbee, of Los Angeles, Calif.; Paul L. Williams, of Nashville, Tenn.; Henry C. Parker, of Washington, D. C.; Pasquale J. Federico, of Washington, D. C.; Eona Burnett Gatchell, of Washington, D. C.; Mary A. Reagan, of Washington, D. C.; Edmund L. Palmieri, of New York City; Robert H. Rice, of Elyria, Ohio; Arthur B. Caldwell, of Washington, D. C.; Charilaus George Raphael, of Washington, D. C.; Mary Agnes Brown, of Manchester, N. H.; Joseph A. Baldwin, of Albion, Mich.; Elizabeth M. Cox, of Washington, D. C.; George Lewis Smith, of South River, N. J.; Rufus S. Marriner, of Washington, Pa.; Edward K. Thode, of

Minneapolis, Minn.; J. E. Bruce, of Wheeling, W. Va.; William G. Miller, Jr., of Freeport, N. Y.; James A. Travis, of Brooklyn, N. Y.; John Frank Miller, Jr., of Hickory, N. C.; James A. Davis, of Washington, D. C.; David Kay Holther, of Washington, D. C.; Claude A. Hope, of New York City; Edwin K. Kline, of Allentown, Pa.; E. William Pyle, of Berwyn, Pa.; Ballinger Mills, of Galveston, Texas; Eugene Blumenthal, of New York City; Joseph T. Owens, of Washington, D. C.; Julius M. Rapoport, of Allentown, Pa.; Nathaniel Ely, of Washington, D. C.; J. S. T. Stranahan Ely, of Rutherford, N. J.; Ralph L. Tweedale, of Washington, D. C.; Darius F. Prince, of Washington, D. C.; Harry C. Shriver, of Washington, D. C.; James P. B. Duffy, of Rochester, N. Y.; Arthur H. Nordstrom, of Washington, D. C.; Cooper B. Rhodes, of Washington, D. C.; William E. Deering, of Washington, D. C.; William N. Strack, of Chicago, Ill.; Esther Ruth Baker, of Buffalo, N. Y.; Paul T. Omer, of Birmingham, Ala.; Harry E. Narey, of Spirit Lake, Iowa; Howard W. Dix, of New York City; Irene Brown O'Connor, of San Antonio, Texas; John Lenzie Rogers, of Knoxville, Tenn.; Homer C. King, of Atlanta, Ga.; Smith Wildman Brookhart, Jr., of Washington, Iowa; Fenton Hume, of Kansas City, Mo.; Coral W. Calhoun, of Birmingham, Ala.; Cyrus C. Thieme, South Milwaukee, Wis.; James E. Finnegan, of Madison, Wis.; Herbert T. Ferguson, of Madison, Wis.; Charles A. Iovino, of Washington, D. C.; Wilbert F. Thompson, of Kansas City, Kans.; Lloyd B. Kanter, of Brooklyn, N. Y.; Vernon V. Baker, of Washington, D. C.; Charles Leo DeOrsey, of Washington, D. C.; Thomas J. Surface, of Roanoke, Va.; Gerald E. Lyons, of Cresco, Iowa; Gladys Berger Stewart, of Ava, Mo.; John A. Campbell, of Brooklyn, N. Y.; Walter A. Myer, of Chicago, Ill.; Paul McMahan, of Dallas, Texas; Charles James O'Keefe, of Washington, D. C.; Guy Vernon Head, of Columbia, Mo.; William Harry Montgomery, of Poughkeepsie, N. Y.; Sidney A. Burnstein, of Chicago, Ill.; Lewis Phillip Holt, of Washington, D. C.; James E. Atkins, Jr., of Knoxville, Tenn.; J. M. Thomas, of New Orleans, La.; Robert C. McKay, of Boston, Mass.; and Edward J. McGratty, Jr., of New York City, were admitted to practice.

No. 268. The Sugar Institute, Inc., et al., appellants, *v.* The United States of America. Suggestion of a diminution of the record and motion for a writ of certiorari submitted by Mr. Solicitor General Reed for the appellee.

No. 268. The Sugar Institute, Inc., et al., appellants, *v.* The United States of America. Motion to be relieved of printing exhibits sub-

mitted by Mr. Edward J. McGratty, Jr., for the appellants in support of the motion and by Mr. Solicitor General Reed, Mr. Assistant Attorney General MacLean and Mr. Walter L. Rice for the appellee in opposition thereto.

No. 10, original, October Term, 1934. State of New Jersey, complainant, *v.* The City of New York. Motion for leave to file petition for construction or modification of injunction submitted by Mr. Paxton Blair for the defendant.

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

No. 11, original. The State of Washington, complainant, *v.* The State of Oregon. Joint motion for leave to open, file, and publish testimony submitted by Mr. C. C. Dill in behalf of counsel.

No. 13, original. The State of Nebraska, complainant, *v.* The State of Wyoming. Motions for leave to file replication and for the appointment of a Special Master submitted by Mr. William H. Wright for the complainant.

No. 665, October Term, 1934. Angelo Herndon, appellant, *v.* The State of Georgia. Leave granted to file brief of National Association for the Advancement of Colored People and others as *amici curiae* in support of the petition for rehearing on motion of Mr. Charles H. Houston in that behalf.

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

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

No. 6, original. The State of New York et al., complainants, *v.* The State of Illinois et al. Semiannual report of defendant, Sanitary District of Chicago, dated July 1, 1935, presented.

No. 8, original. Commonwealth of Kentucky, complainant, *v.* State of Indiana et al. Report No. 11 of defendant, State of Indiana, presented.

No. 11, original. The State of Washington, complainant, *v.* The State of Oregon. Report of the Special Master presented.

No. 18. Natural Gas Company of West Virginia, appellant, *v.* The Public Service Commission of West Virginia et al. Joint motion to dismiss appeal submitted.

No. 19. Urban Properties Company, a Nevada Corporation, petitioner, *v.* Irving Trust Company, as Trustee in Bankruptcy of F. & W. Grand 5-10-25 Cent Stores, Inc., Bankrupt. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Dismissed on motion of counsel for the petitioner.

No. 385. The Kansas Utilities Company, petitioner, *v.* The City of Burlington, C. S. Wingett, Mayor, et al. On petition for writ of certiorari to the Supreme Court of the State of Kansas. Dismissed on motion of counsel for the petitioner.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, October 14, will be as follows: Nos. **1, 2, 3, 6 (and 7), 8, 9, 10, 14, 36, and 11.**

SUPREME COURT OF THE UNITED STATES

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

Harold W. Starr, of Bloomington, Ind.; Alfred L. Bennett, of Washington, D. C.; John Dickinson, of Los Angeles, Calif.; Seymour P. Edgerton, of Rutland, Vt.; George J. Ryan, of Washington, D. C.; Abraham Warren, of Union City, N. J.; Gervasio G. Sese, of Washington, D. C.; George H. Lorch, of Chicago, Ill.; Clarence E. Threedy, of Chicago, Ill.; Manuel Kraus, of Harrisburg, Pa.; Carlton Hill, of Chicago, Ill.; Thomas J. MacKavanagh, of Washington, D. C.; Arthur Breuer, of New York City; Hillory A. Tolson, of Washington, D. C.; William W. Stickney, of Washington, D. C.; Edward Arthur Kelly, of Houston, Texas; Clyde A. Tolson, of Washington, D. C.; George Andre Moskey, of Washington, D. C.; Ralph O. Marron, of San Francisco, Calif.; Louis F. Frick, of Washington, D. C.; Newman Alexander Townsend, of Charlotte, N. C.; Ingram M. Stainback, of Honolulu, T. H.; Noel T. Dowling, of New York City; George L. Hunt, of Montpelier, Vt.; John Egan Shea, of Newport, R. I.; and Leland W. Scott, of Minneapolis, Minn., were admitted to practice.

The Chief Justice said:

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

No. 81. Lewis Willis, appellant, *v.* State of Tennessee. Appeal from the Supreme Court of the State of Tennessee. *Per curiam*: The appeal herein is dismissed for the want of a substantial federal question. *Burke v. Oregon*, 279 U. S. 811; *McKane v. Durston*, 153 U. S. 684, 687-688; *Andrews v. Swartz*, 156 U. S. 272, 275.

No. 89. York Heating and Ventilating Corporation, appellant, *v.* Ameen Malooly, Abraham Azar, and Najeeb Boudia, Co-Partners doing business as Malooly & Azar Company. Appeal from the Supreme Court of the State of Michigan. *Per curiam*: The motion of the appellees to dismiss the appeal herein is granted, and the appeal is dismissed for the want of a properly presented federal question. (1) *Harding v. Illinois*, 196 U. S. 78, 88; *Chesapeake &*

Ohio Ry. Co. *v.* McDonald, 214 U. S. 191, 195. (2) Capital City Dairy Co. *v.* Ohio, 183 U. S. 238, 248; Maxwell *v.* Newbold, 18 How. 511, 516; Hoyt *v.* Shelden, 1 Black 518, 521-522.

No. 91. The Bell Telephone Company of Pennsylvania, appellant, *v.* Warren Van Dyke, Secretary of the Department of Highways of the Commonwealth of Pennsylvania. Appeal from the Supreme Court of the Commonwealth of Pennsylvania. *Per curiam*: The appeal herein is dismissed for the reason that the decision of the state court sought here to be reviewed was based upon a nonfederal ground adequate to support it. Enterprise Irrigation District *v.* Canal Co., 243 U. S. 157, 162, 165; Utley *v.* St. Petersburg, 292 U. S. 106, 111; Mobile, Jackson, etc. R. R. Co. *v.* Mississippi, 210 U. S. 187, 204; Lowry *v.* Silver City G. and S. Mining Co., 179 U. S. 196, 198.

No. 117. Raymond Washington, appellant, *v.* S. W. Holland. Appeal from the Supreme Court of Appeals of the State of Virginia. *Per curiam*: The motion of the appellee to dismiss the appeal herein is granted, and the appeal is dismissed for the want of a substantial federal question. Louisville and Nashville Rd. Co. *v.* Schmidt, 177 U. S. 230, 236; Holmes *v.* Conway, 241 U. S. 624, 631-632.

No. 145. Postal Telegraph-Cable Company and Maryland Casualty Company, appellants, *v.* E. A. White. Appeal from the Supreme Court of the State of Arkansas. *Per curiam*: The motion of the appellee to dismiss the appeal herein is granted, and the appeal is dismissed for the want of a properly presented federal question. Lynch *v.* New York, 293 U. S. 52, 54; Herndon *v.* Georgia, 295 U. S. 441, 443; Atlantic Coast Line R. R. Co. *v.* Mims, 242 U. S. 532, 535; Hartford Life Ins. Co. *v.* Johnson, 249 U. S. 490, 493.

No. 154. Connecticut General Life Insurance Company, appellant, *v.* Charles G. Johnson, as Treasurer of the State of California. Appeal from the Supreme Court of the State of California. *Per curiam*: The motion of the appellee to dismiss the appeal herein is granted, and the appeal is dismissed for the want of a properly presented federal question. Home for Incurables *v.* City of New York, 187 U. S. 155, 158; Henkel *v.* Cincinnati, 177 U. S. 170; Seaboard Air Line Ry. *v.* Duvall, 225 U. S. 477, 481; Fullerton *v.* Texas, 196 U. S. 192, 193-194.

No. 163. Clyde Johnson, appellant, *v.* State of Washington. Appeal from the Supreme Court of the State of Washington. *Per curiam*: The appeal herein is dismissed for the want of a properly presented federal question. Godchaux Co. *v.* Estopinal, 251 U. S. 179; Rooker *v.* Fidelity Trust Co., 261 U. S. 114, 117; St. Louis & San Francisco R. R. *v.* Shepherd, 240 U. S. 240, 241.

No. 164. E. B. McBride, appellant, *v.* State of Washington. Appeal from the Supreme Court of the State of Washington. *Per curiam*: The appeal herein is dismissed for the want of a properly presented federal question. *Godchaux Co. v. Estopinal*, 251 U. S. 179; *Rooker v. Fidelity Trust Co.*, 261 U. S. 114, 117; *St. Louis & San Francisco R. R. v. Shepherd*, 240 U. S. 240, 241.

No. 166. D. A. Schulte, Inc., appellant, *v.* Mark Graves, President of the State Tax Commission, et al., etc. Appeal from the Supreme Court of the State of New York. *Per curiam*: The motion of the appellees to dismiss the appeal herein is granted, and the appeal is dismissed for the want of a substantial federal question. *Magnano Co. v. Hamilton*, 292 U. S. 40, 43; *Liggett Co. v. Lee*, 288 U. S. 517, 538; *Tax Commissioners v. Jackson*, 283 U. S. 527, 537.

No. 180. Mississippi Central Railroad Company et al., appellants, *v.* T. T. Roberts et al. Appeal from the Supreme Court of the State of Mississippi. *Per curiam*: The motion of the appellees to dismiss the appeal herein is granted, and the appeal is dismissed for the want of a properly presented substantial federal question. (1) *Godchaux Co. v. Estopinal*, 251 U. S. 179; *Rooker v. Fidelity Trust Co.*, 261 U. S. 114, 117; *St. Louis & San Francisco R. R. v. Shepherd*, 240 U. S. 240, 241. (2) *New York v. Kleinert*, 268 U. S. 646, 649-651; *Keokuk & Hamilton Bridge Co. v. Illinois*, 175 U. S. 626, 633; *Dewey v. Des Moines*, 173 U. S. 193, 197. The motion of the appellees to allow damages is granted, and it is ordered that damages of one hundred dollars, payable to appellees, be taxed against appellants. *Slaker v. O'Connor*, 278 U. S. 188; *Roe v. Kansas*, 278 U. S. 191.

No. 181. Mississippi Central Railroad Company et al., appellants, *v.* H. B. Aultman et al. Appeal from the Supreme Court of the State of Mississippi. *Per curiam*: The motion of the appellees to dismiss the appeal herein is granted, and the appeal is dismissed for the want of a properly presented substantial federal question. (1) *Godchaux Co. v. Estopinal*, 251 U. S. 179; *Rooker v. Fidelity Trust Co.*, 261 U. S. 114, 117; *St. Louis & San Francisco R. R. v. Shepherd*, 240 U. S. 240, 241. (2) *New York v. Kleinert*, 268 U. S. 646, 649-651; *Keokuk & Hamilton Bridge Co. v. Illinois*, 175 U. S. 626, 633; *Dewey v. Des Moines*, 173 U. S. 193, 197. The motion of the appellees to allow damages is granted, and it is ordered that damages of one hundred dollars, payable to appellees, be taxed against appellants. *Slaker v. O'Connor*, 278 U. S. 188; *Roe v. Kansas*, 278 U. S. 191.

No. 190. Gelkom Realty Corporation, appellant, *v.* Young Women's Hebrew Association et al. Appeal from the Supreme Court of the State of New York. *Per curiam*: The motion of the appellees

to dismiss the appeal herein is granted, and the appeal is dismissed for the want of a properly presented federal question. *Godchaux Co. v. Estopinal*, 251 U. S. 179; *Rooker v. Fidelity Trust Co.*, 261 U. S. 114, 117; *St. Louis & San Francisco R. R. v. Shepherd*, 240 U. S. 240, 241; *Herndon v. Georgia*, 295 U. S. 441.

No. 283. *Baltimore National Bank*, appellant, *v. State Tax Commission of Maryland*. Appeal from the Court of Appeals of the State of Maryland. *Per curiam*: The appeal herein is dismissed for the want of jurisdiction. Section 237 (a), Judicial Code, as amended by the Act of February 13, 1925 (43 Stat. 936, 937); *Citizens National Bank v. Durr*, 257 U. S. 99, 106; *Jett Bros. Distilling Co. v. Carrollton*, 252 U. S. 1, 6; *Indian Territory Illuminating Co. v. Board of Equalization*, 287 U. S. 573. Treating the papers whereon the appeal was allowed as a petition for writ of certiorari, sec. 237 (c), Judicial Code, as amended (43 Stat. 936, 938), the petition is granted.

No. 285. *Evans Terry Company*, appellant, *v. State of Mississippi ex rel. Greek L. Rice, Attorney General of the State of Mississippi, et al.* Appeal from the Supreme Court of the State of Mississippi. *Per curiam*: The motion of the appellees to affirm is granted, and the decree is affirmed. *Aero Transit Co. v. Georgia Comm'n*, 295 U. S. 285, 290 et seq.; *Hicklin v. Coney*, 290 U. S. 169, 173, 177; *Continental Baking Co. v. Woodring*, 286 U. S. 352, 369-371; *Carley & Hamilton v. Snook*, 281 U. S. 66, 72-73.

No. 362. *Howard J. Short*, appellant, *v. Board of the School District of Upper Moreland Township, Pennsylvania, et al.* Appeal from the Superior Court of the State of Pennsylvania. *Per curiam*: The appeal herein is dismissed for the want of a substantial federal question. *Alward v. Johnson*, 282 U. S. 509, 514; *Tirrell v. Johnston*, 293 U. S. 533; *Willcuts v. Bunn*, 282 U. S. 216, 225-226; *Fox Film Corp. v. Doyal*, 286 U. S. 123, 128.

No. 363. *William A. Levy*, appellant, *v. Irving Trust Company*, as Trustee of the Bankrupt Estate of William A. Levy. Appeal from the Supreme Court of the State of New York. *Per curiam*: The motion of the appellee to dismiss the appeal herein is granted, and the appeal is dismissed for the want of jurisdiction. Section 237 (a), Judicial Code as amended by the Act of February 13, 1925 (43 Stat. 936, 937). The petition for writ of certiorari is denied.

No. 374. *United States Naturopathic Association, Ltd., etc., et al.*, appellants, *v. Chiropractic League of California et al., etc.* Appeal from the District Court of the United States for the Southern District of California. *Per curiam*: The motion of the appellees to dismiss the appeal herein is granted, and the appeal is dismissed for the want of jurisdiction. Sec. 238, Judicial Code as amended by the Act

of February 13, 1925 (43 Stat. 936, 938); sec. 266, Judicial Code as amended by the Act of February 13, 1925 (43 Stat. 936, 938); *Stratton v. St. Louis S. W. Ry.*, 282 U. S. 10, 15-16.

No. 381. Board of Liquidation, City Debt of New Orleans, et al., appellants, *v.* The Board of Commissioners of the Port of New Orleans et al. Appeal from the Supreme Court of the State of Louisiana. *Per curiam*: The motion of the appellees to dismiss the appeal herein is granted, and the appeal is dismissed for the want of a substantial federal question which the appellants are entitled to raise. (1) *Oshkosh Waterworks Co. v. Oshkosh*, 187 U. S. 437, 439; *Von Hoffman v. City of Quincy*, 4 Wall. 535, 553-554; *South Carolina v. Gaillard*, 101 U. S. 433, 437-438; *Hill v. Merchant's Ins. Co.*, 134 U. S. 515, 527; *Sturges v. Crowninshield*, 4 Wheat. 122, 200. (2) *Columbus & Greenville Ry. v. Miller*, 283 U. S. 96, 99-100; *Hooker v. Burr*, 194 U. S. 415, 418-419; *Williams v. Eggleston*, 170 U. S. 304, 309.

No. 458. Peerless Stages, Inc., appellant, *v.* Railroad Commission of the State of California, et al. Appeal from the Supreme Court of the State of California. *Per curiam*: The motion of the appellees to dismiss the appeal herein is granted, and the appeal is dismissed for the want of a substantial federal question. *Aetna Insurance Co. v. Hyde*, 275 U. S. 440, 447; *Puget Sound Co. v. Seattle*, 291 U. S. 619, 625-626; *Pub. Serv. Com'n. v. Utilities Co.*, 289 U. S. 130, 134.

No. —, In Re: Holmes Hall:

It appearing that Holmes Hall, of Richmond, Virginia, a member of the Bar of this Court, was appointed Special Master in the case of *Universal Oil Products Company v. Standard Oil Company (Indiana)*, a cause then pending in the United States District Court for the Western District of Missouri;

And it further appearing that on appeal to the United States Circuit Court of Appeals for the Eighth Circuit from an order allowing additional compensation to said Holmes Hall, as Special Master, the order was reversed and the said Holmes Hall was required to pay into court for the benefit of the litigants the sum of \$44,700 with interest thereon from October 18, 1924; and that the Circuit Court of Appeals in its opinion on said appeal under date of March 9, 1935 (*Universal Oil Products Co. v. Hall*, 76 F. (2d) 258), stated as follows:

"Mr. Hall failed to comport himself with reserve and dignity, and he also disqualified himself as Master by trying to get some patent privilege for himself in the patent field involved in the case before him. Both shortcomings were possibly attributable to inexperience

and failure to appreciate the obligations of his office. But it is perfectly clear, on the whole evidence, that he betrayed his trust by attempting to deceive, intimidate, and coerce a wealthy litigant before him, with the corrupt motive of gaining for himself an enormous sum of money without earning it. The expressions used by his friend Senator Patterson, by his own witness, Mr. German, by the lawyer, Mr. Reichmann, who wanted to help him if there was any excuse for him, and by the trial court, when Mr. Hall's correspondence was laid before them—'an appalling thing', 'deplorable situation', 'a serious offense', 'perfectly horrible', 'the correspondence itself shows such a state of mind on the part of the Master that no report he could make could conceivably be of any value to the Court'—these expressions reflect the natural reaction of honest men to Mr. Hall's conduct, and there is no need to amplify.

"Mr. Hall's powers as Master in Chancery to make findings of fact and conclusions of law were withdrawn because of his misconduct. In consequence, and solely on account of that misconduct, great sums of money which had been paid to Mr. Hall on account of his alleged study of the testimony and the law, beginning almost immediately after the taking of testimony started, were utterly wasted, and all advantage of the expenditures were lost to the litigants who paid the money. There is no possible ground upon which the court could be justified in permitting him to keep the money paid to him by the litigants for the wasted service."

It is ordered that a rule issue, returnable within forty days, requiring said Holmes Hall to show cause why he should not be disbarred from further practice of the law in this Court for conduct unbecoming a member of the bar of this Court.

No. —, original. Ex Parte: Otto Van Dyke, petitioner. The motion for leave to file a petition for writ of habeas corpus is denied, without prejudice to appropriate application to the proper Court of the State of Michigan. *Mooney v. Hollohan*, 294 U. S. 103.

No. —, original. Ex Parte: Calvin L. Lee, petitioner;

No. —, original. Ex Parte: Joseph Davis, petitioner; and

No. —, original. Ex Parte: Thomas J. Mooney, petitioner. The motions for leave to file petitions for writs of habeas corpus herein are denied.

No. —, original. Ex Parte: Gorham O. Steve, petitioner. The motion for leave to file a petition for writ of habeas corpus is denied, without prejudice to appropriate application to the proper District Court of the United States or Judge.

No. —, original. Ex Parte: Harlen O. Morgan, petitioner. The motion for leave to file petition for writ of mandamus is denied.

No. 10, original, October Term, 1934. The State of New Jersey, complainant, *v.* The City of New York. The City of New York having filed a motion for leave to file a petition praying this Court to direct the State of New Jersey to show cause why (1) a ruling should not be made to the effect that the dumping of sludge, free from any matter capable of floating, at places not less than 10 miles from any shore, is not a violation of the injunction order of this Court dated December 4, 1933, or (2) in the alternative why this Court should not modify its order of December 4, 1933, so as to permit the City of New York to dump nonfloating sewage sludge as aforesaid.

It is ordered that a rule issue, returnable on or before November 18, next, requiring the State of New Jersey to show cause why leave to file the petition should not be granted.

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

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

No. 6, original. The State of New York et al., complainants, *v.* The State of Illinois and Sanitary District of Chicago et al. Semiannual report of the Sanitary District of Chicago, dated July 1, 1935, is received and ordered to be filed.

No. 8, original. Commonwealth of Kentucky, complainant, *v.* State of Indiana et al. Report No. 11, of Defendant State of Indiana, is received and ordered to be filed.

No. 11, original. The State of Washington, complainant, *v.* The State of Oregon. The report of the Special Master herein is received and ordered to be filed. It is ordered that exceptions to the said report, if any, be filed on or before November 25, next; that briefs upon such exceptions be filed on or before January 13, 1936; and that reply briefs, if any, be filed on or before February 3, 1936. The cause is assigned for hearing on Monday, February 10, 1936, at the head of the call for that day.

No. 11, original. The State of Washington, complainant, *v.* The State of Oregon. The motion for leave to open, file, and publish the evidence is granted.

No. 13, original. The State of Nebraska, complainant, *v.* The State of Wyoming. The motion for leave to file replication herein is granted. The motion for the appointment of a Special Master is granted, and it is ordered that Michael J. Doherty, Esq., of St. Paul, Minnesota, be, and he hereby is, appointed Special Master in this cause, with authority to summon witnesses, issue subpoenas, and to take such evidence as may be introduced and such as he may deem it necessary to call for. The Master is directed to make

findings of fact and conclusions of law, and to submit the same to this Court with all convenient speed, together with his recommendations for a decree. The findings, conclusions, and recommendations of the Master shall be subject to consideration, revision, or approval by the Court. The 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 hereafter may direct. If the appointment herein made 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. 18. Natural Gas Company of West Virginia, appellant, *v.* The Public Service Commission of West Virginia and City of Wheeling. On appeal from the Supreme Court of Appeals of the State of West Virginia. *Per curiam.*: Pursuant to the joint motion of counsel it is ordered that the injunction granted herein on April 1, 1935, be, and it hereby is, dissolved; that the bond filed pursuant to the order of this Court of April 1, 1935, be, and it hereby is, discharged; and that the appeal herein be, and it hereby is, dismissed.

No. 151. Isaac Chapman, petitioner, *v.* R. J. Hoage, Deputy Commissioner, District of Columbia Compensation District, U. S. Employees' Compensation Commission, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia is granted. The motion for leave to proceed in *forma pauperis* is also granted.

No. 192. Herbert Lester Tyson, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit is granted. The motion for leave to proceed in *forma pauperis* is also granted.

No. 199. Frederick D. Dismuke, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is granted. The motion for leave to proceed in *forma pauperis* is also granted.

No. 128. Justus B. Linderholm, petitioner, *v.* The State of Kansas. On petition for writ of certiorari to the Supreme Court of the State of Kansas;

No. 153. H. R. Love, petitioner, *v.* Gunnar H. Nordbye, Judge of the United States District Court of Minnesota. On petition for writ

of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit;

No. 200. W. P. Parks, *alias* W. P. Clay, petitioner, *v.* The United States of America. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit;

No. 203. Carl Dambrosio, petitioner, *v.* A. C. Aderhold, Warden, United States Penitentiary, Atlanta, Ga. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit;

No. 225. Mary Bolin, petitioner, *v.* William A. Marshall, Deputy Commissioner, Fourteenth Compensation District and Portland Stevedoring Company. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit;

No. 231. Wachovia Bank & Trust Company, Administrator of Will Hysinger, Deceased, et al., 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;

No. 239. Otis W. Rowe, petitioner, *v.* C. O. Nicholson, as Superintendent Federal Reformatory Camp, Petersburg, Va. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit;

No. 257. Lessie Speaks, petitioner, *v.* Robert J. Hoage, Deputy Commissioner for the District of Columbia United States Employees' Compensation Commission, et al. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia;

No. 279. Mrs. J. C. Tarrer, petitioner, *v.* The United States of America. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit;

No. 297. Sam Steinberg, petitioner, *v.* The United States of America. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit;

No. 309. Wessie Moore, petitioner, *v.* Robert Lowe, Sheriff. On petition for writ of certiorari to the Supreme Court of Appeals of the State of West Virginia;

No. 317. Georgia M. Spruill, petitioner, *v.* William T. Ballard, Abram R. Serven, William D. Buck, et al. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia;

No. 319. George Small, petitioner, *v.* The People of the State of New York. On petition for writ of certiorari to the Supreme Court of the State of New York;

No. 357. Roque Espiritu de la Ysla, 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;

No. 435. *Ex Parte*: Henry A. Ilse, petitioner. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit; and

No. 456. George T. Ridgeway, petitioner, *v.* James Morris Woodward, Trustee, George C. Gertman, Trustee, et al. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia. The motions for leave to proceed further herein in forma pauperis are denied for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which writs of certiorari should be granted. The petitions for writs of certiorari are therefore also denied.

No. 268. The Sugar Institute, Inc., The American Sugar Refining Company, Margaret A. Jamison, et al., appellants, *v.* The United States of America. Upon consideration of the motion by appellants to be relieved of the obligation of printing exhibits, and of the suggestion by appellee of a diminution of the record and motion for a writ of certiorari,

It is ordered that leave be, and it hereby is, granted to the United States to print, under the supervision of the Clerk of this Court, the narrative statement and the exhibits referred to in these motions, subject to such disposition of the expense thereof as the Court may hereafter be advised.

No. 102. General Outdoor Advertising Co., Inc., et al., appellants, *v.* William F. Callahan, Richard K. Hale, Frank E. Lyman, et al., etc.; and

No. 103. General Outdoor Advertising Co., Inc., et al., appellants, *v.* Samuel Hoar et al. In these cases probable jurisdiction is noted. The motion to dismiss the appeal as to R. C. Maxwell Co., one of the appellants in No. 102, is granted. Further consideration of the motion to dismiss is postponed to the hearing of the cases on the merits.

No. 104. Charles I. Brink, appellant, *v.* William F. Callahan, Richard K. Hale, Frank E. Lyman, et al., etc.;

No. 193. Elinor Dorrance Hill, appellant, *v.* J. H. Thayer Martin, State Tax Commissioner of the State of New Jersey, et al., etc.; and

No. 194. Ethel M. Dorrance, George Morris Dorrance, M. D., Arthur C. Dorrance, et al., etc., appellants, *v.* J. H. Thayer Martin, State Tax Commissioner of the State of New Jersey, et al., etc. In these cases probable jurisdiction is noted. Further consideration of the motions to dismiss the appeals is postponed to the hearing of the cases on the merits.

No. 124. Corporation Commission of the State of Oklahoma, Reford Bond, Jack Walton, et al., appellants, *v.* Logan W. Cary, Trustee for Consolidated Gas Service Company, Debtor. Leave is

granted to file statement as to jurisdiction. In this case probable jurisdiction is noted.

No. 427. George S. Ingraham, Sherwood Green, and Edward P. McKenna, et al., appellants, *v.* Henry Hanson. In this case probable jurisdiction is noted. Further consideration of the motion to dismiss is postponed to the hearing of the case on the merits.

No. 268. The Sugar Institute, Inc., The American Sugar Refining Company, Margaret A. Jamison, et al., appellants, *v.* The United States;

No. 287. Camille V. Treigle, appellant, *v.* Acme Homestead Association;

No. 288. Camille V. Treigle, appellant, *v.* Thrift Homestead Association;

No. 289. Treigle Sash Factory, Inc., appellant, *v.* Conservative Homestead Association;

No. 290. Treigle Sash Factory, Inc., appellant, *v.* Union Homestead Association;

No. 316. Joseph Mitchell, appellant, *v.* Conservative Homestead Association;

No. 303. Alice Lee Grosjean, Supervisor of Public Accounts for the State of Louisiana, appellant, *v.* American Press Company, Inc. et al.;

No. 312. The Baltimore and Ohio Railroad Company, The Pennsylvania Railroad Company, et al., appellants, *v.* The United States of America, Interstate Commerce Commission, et al.;

No. 346. Matson Navigation Company, The Oceanic Steamship Company and Matson Terminals, Inc., appellants, *v.* State Board of Equalization of the State of California et al.;

No. 349. Mayflower Farms, Inc., appellant, *v.* Charles H. Baldwin, Commissioner of the Department of Agriculture and Markets of the State of New York, et al.;

No. 350. Northwestern Bell Telephone Company, appellant, *v.* Nebraska State Railway Commission;

No. 420. The United States of America, The Interstate Commerce Commission, and the Oregon Short Line Railroad Company, appellants, *v.* The State of Idaho and J. D. Rigney, et al., Constituting and as the Public Utilities Commission of the State of Idaho; and

No. 442. Gulf Refining Company, appellant, *v.* Fred L. Fox, In his individual right and in his official capacity as Tax Commissioner of the State of West Virginia. In these cases probable jurisdiction is noted.

No. 109. The United States of America, appellant, *v.* Halsey, Stuart & Co., Inc. et al.;

No. 149. The Texas and Pacific Railway Company, appellant, *v.* The State of Texas et al.;

No. 252. International Steel and Iron Company, appellant, *v.* National Surety Company;

No. 302. Violet Trapping Company, Inc., appellant, *v.* Lucille May Grace, Register State Land Office, St. Bernard Syndicate, et al.;

No. 386. Phillips Petroleum Company, a Corporation, and United States Fidelity & Guaranty Company, appellants, *v.* R. O. Jenkins; and

No. 396. Charles Gauss, appellant, *v.* Detroit Trust Company of Detroit, a Michigan Corporation, Receiver of Guaranty Trust Company of Detroit, etc. Further consideration of the question of the jurisdiction of this Court in these cases is postponed to the hearing of the cases on the merits.

No. 33. The United States of America, petitioner, *v.* The State of California. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted.

No. 61. John A. Nelson Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted.

No. 69. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Edmund O. Schweitzer; and

No. 70. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Edmund O. Schweitzer. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted.

No. 75. The United States of America, petitioner, *v.* Safety Car Heating and Lighting Company; and

No. 76. John R. Rogers, Collector of Internal Revenue for the Fifth District of New Jersey, petitioner, *v.* Safety Car Heating and Lighting Company. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Third Circuit granted.

No. 78. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Coleman-Gilbert Associates; and

No. 79. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Coleman-Gilbert Associates. Petition for writs of certiorari to the United States Circuit Court of Appeals for the First Circuit granted.

No. 114. Juan Posadas, Jr., Collector of Internal Revenue of the Philippine Islands, petitioner, *v.* The National City Bank of New York. Petition for writ of certiorari to the Supreme Court of the Philippine Islands granted.

No. 115. The Public Service Commission of Puerto Rico, petitioner, *v.* Horace Havemeyer et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit granted.

No. 116. State of Oklahoma, ex rel. Oklahoma Tax Commission, H. L. McCracken, Chairman, et al., petitioners, *v.* Barndall Refineries, Inc., The Carter Oil Company, et al. Petition for writ of certiorari to the Supreme Court of the State of Oklahoma granted.

No. 125. Palmer Clay Products Company, petitioner, *v.* Matthew Brown, Trustee. Petition for writ of certiorari to the Municipal Court of the City of Boston, County of Suffolk, State of Massachusetts, granted.

No. 127. Radio Corporation of America, petitioner, *v.* Raytheon Manufacturing Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit granted.

No. 157. St. Louis Can Company, petitioner, *v.* General American Life Insurance Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit granted.

No. 169. United States Trust Company of New York, Trustee under Deed of Trust of John P. Wilson, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 173. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Samuel A. Salvage; and

No. 280. Samuel A. Salvage, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 178. Great Northern Railway Company, petitioner, *v.* J. J. Weeks, State Tax Commissioner et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit granted.

No. 195. The United States of America, petitioner, *v.* Bank of New York and Trust Company;

No. 196. The United States of America, petitioner, *v.* President and Directors of The Manhattan Company; and

No. 197. The United States of America, petitioner, *v.* Louis H. Pink. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 218. Bertram J. Cahn, Executor of the Will of Jonas Kuppenheimer, Deceased, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims granted.

No. 226. Manhattan General Equipment Company, petitioner, *v.* Commissioner of Internal Revenue; and

No. 227. Collier Service Corporation, Formerly Broadway Subway Advertising Co., Inc., petitioner, *v.* Commissioner of Internal Revenue. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 265. The United States of America, petitioner, *v.* Ray Keith Atkinson. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit granted.

No. 272. The United States of America, petitioner, *v.* Frank Rizzo, Claimant of 146,157 gallons of alcohol. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit granted.

No. 301. Ed Brown, Henry Shields, and Yank Ellington, petitioners, *v.* State of Mississippi. Petition for writ of certiorari to the Supreme Court of the State of Mississippi granted.

No. 335. George Noble and William Noble, petitioners, *v.* The City of Oklahoma City, a Municipal Corporation; and

No. 336. Robert W. Higgins et al., petitioners, *v.* The City of Oklahoma City, a Municipal Corporation. Petition for writs of certiorari to the Supreme Court of the State of Oklahoma granted.

No. 351. Terminal Warehouse Company, petitioner, *v.* Pennsylvania Railroad Company and Merchants Warehouse Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit granted.

No. 356. Wine Railway Appliance Company, petitioner, *v.* Enterprise Railway Equipment Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit granted.

No. 360. Pennsylvania Railroad Company, petitioner, *v.* Illinois Brick Company. Petition for writ of certiorari to the Appellate Court of the State of Illinois, First District, granted.

No. 377. Asa H. Whitfield, petitioner, *v.* The State of Ohio. Petition for writ of certiorari to the Supreme Court of the State of Ohio granted.

No. 379. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* San Joaquin Fruit & Investment Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted.

No. 399. Southern Railway Company, petitioner, *v.* Mrs. Olivia Cox Lunsford, as Administratrix of the Estate of J. M. Cox, Deceased. Petition for writ of certiorari to the Court of Appeals of the State of Georgia granted.

No. 401. The United States of America, petitioner, *v.* William M. Butler, et al., Receivers of Hoosac Mills Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit granted.

No. 403. George Ashwander et al., petitioners, *v.* Tennessee Valley Authority et al.; and

No. 404. George Ashwander et al., petitioners, *v.* Tennessee Valley Authority et al. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit granted.

No. 46. The United States of America, petitioner, *v.* Roger Kesterson and Bernord Roberts. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit granted and the case is assigned for argument immediately following No. 40.

No. 174. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Minnesota Tea Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit granted and the case is assigned for argument immediately following No. 61.

No. 175. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* E. C. Peterson; and

No. 176. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* E. C. Peterson. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit granted and the cases are assigned for argument immediately following No. 174.

No. 184. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* John J. Watts;

No. 185. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Hugh C. Sicard; and

No. 186. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Parker Sloane. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted and the cases are assigned for argument immediately following Nos. 175 and 176.

No. 187. The G. and K. Manufacturing Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit granted limited to the question of the application of the statutory provisions as to reorganization and the case is assigned for argument immediately following Nos. 184, 185, and 186.

No. 82. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Lucy A. Blumenthal. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit

granted and the case is assigned for argument immediately following Nos. 69 and 70.

No. 108. Joseph E. Swanson et al., as Trustees of the Lake View Land Association, petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted and the case is assigned for argument immediately following Nos. 78 and 79.

No. 238. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* E. E. Combs and Edward Everett, Trustees of E. E. Combs Well No. 2, Express Trust. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted and the case is assigned for argument immediately following No. 108.

No. 83. Norman W. Bingham, Jr., et al., etc., petitioners, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit granted and the case is assigned for argument immediately following No. 25.

No. 213. Industrial Trust Company and Orland S. Greene, Executors of the Estate of William M. Greene, petitioners, *v.* The United States. Petition for writ of certiorari to the Court of Claims granted and the case is assigned for argument immediately following No. 83.

No. 262. Louis J. Becker, Collector of Internal Revenue, petitioner, *v.* St. Louis Union Trust Company and William Edwin Guy, Executors of the Estate of William Evans Guy, Deceased. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit granted and the case is assigned for argument immediately following No. 213.

No. 110. The United States of America, petitioner, *v.* The First National Bank of Boston et al., Trustees, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit granted and the case is assigned for argument immediately following No. 24.

No. 111. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Frances G. Lee. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit granted and the case is assigned for argument immediately following No. 110.

No. 137. Kate A. Ogle, petitioner, *v.* Guy T. Helvering, commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted and the case is assigned for argument immediately following No. 111.

No. 232. Bronx Brass Foundry, Inc., petitioner, *v.* Irving Trust Company, As Trustee in Bankruptcy of J. R. Palmenberg's Sons, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted and the case is assigned for argument immediately following No. 125.

No. 375. Nettie Meyer, Anna Jacobson, Jacob Meyerhoff, et al., petitioners, *v.* Kenmore Granville Hotel Company et al.; and

No. 376. Nettie Meyer, Anna Jacobson, Jacob Meyerhoff, et al., petitioners, *v.* Kenmore Granville Hotel Company et al. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted, and the cases are assigned for argument immediately following No. 157.

No. 270. The Prudence Company, Inc., petitioner, *v.* Fidelity & Deposit Company of Maryland and American Bonding Company of Baltimore. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted, limited to the question of the measure of damages.

No. 273. Commonwealth Trust Company of Pittsburgh, Trustee, and Thomas B. MacMillan, et al., petitioners, *v.* Arthur R. Atwood, Receiver of the Bank of Pittsburgh National Association, etc. The petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit granted limited to the question of jurisdiction and its appropriate exercise.

No. 348. City of Lincoln, Nebraska, and Standard Accident Insurance Company, petitioners, *v.* L. A. Ricketts, as Trustee in Bankruptcy of Lincoln Trust Company, Bankrupt. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit granted limited to the question of the application of sec. 64b of the Bankruptcy Act.

No. 439. Rufus R. Rand, Jr., petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit granted and the case is assigned for argument immediately following No. 137.

No. 494. Isabel K. Dibblee, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted and the case is assigned for argument immediately following No. 439.

No. 38. Omaha Baum Iron Store, Inc., petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied. The motion to remand to the Court of Claims for further findings is also denied.

No. 147. International Agricultural Corporation et al., petitioners, *v.* Amtorg Trading Corporation. Petition for writ of certiorari to the United States Court of Customs and Patent Appeals denied for want of jurisdiction. Act of June 17, 1930, c. 497, sec. 337 (c), 46 Stat. 590, 703-704; U. S. Code, Title 19, sec. 1337 (c).

No. 42. The Chippewa Indians of Minnesota, petitioner, *v.* The United States and The Red Lake Band of Chippewa Indians of Minnesota (Intervenors). Petition for writ of certiorari to the Court of Claims denied.

No. 44. Florida Asphalt Pavement Manufacturing Company and W. L. Cobb, petitioners, *v.* Federal Reserve Bank of Atlanta. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 87. Myron B. Davis, petitioner, *v.* The Federal Reserve Bank of Atlanta. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 45. Kansas or Kaw Tribe of Indians, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 50. Miguel Munoz et al., Members of the Public Service Comm'n of Puerto Rico, petitioners, *v.* Porto Rico Railway, Light & Power Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 51. Carl Collier and Angelo D'Alessandro, petitioners, *v.* Bob King, as Sheriff of Lee County, Florida. Petition for writ of certiorari to the Supreme Court of the State of Florida denied.

No. 52. C. A. Skipper, petitioner, *v.* Doyle Schumacher, as Sheriff of Highlands County, Florida. Petition for writ of certiorari to the Supreme Court of the State of Florida denied.

No. 53. Metropolitan Life Insurance Company, petitioner, *v.* Rubin's Department Store, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 59. Kate Allerton Johnstone, as Executrix of the Estate of Allerton Johnstone, deceased, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 60. The New York, Chicago and St. Louis Railroad Company, petitioner, *v.* Frank T. Singleton, Howell Ellis, et al., etc. Petition for writ of certiorari to the Supreme Court of the State of Indiana denied.

No. 211. Georgetown Water, Gas & Electric Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari

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

No. 63. Elizabeth S. Michael et al., Executors, petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 64. Oregon Short Line Railroad Company, petitioner, *v.* Sydney (or Sidney) G. Roy. Petition for writ of certiorari to the Fifth Judicial District Court in and for Bannock County, State of Idaho, denied.

No. 65. Martin Engebretson, Trustee of the Estate of the Brickson Manufacturing Company, Bankrupt, petitioner, *v.* John T. Marcell, Harry S. Byrne, and John D. Wear, Trustees. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 66. Peter Binzel, Jr., 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. 68. Associated Indemnity Corporation, petitioner, *v.* Alberta Wilson, Individually and as next friend of John Wilson, Jr., a Minor. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 71. Liggett & Myers Tobacco Company, 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. 72. Peter Micca, Sr., petitioner, *v.* Wisconsin National Life Ins. Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 73. John T. Riddell, Inc., petitioner, *v.* The Athletic Shoe Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 74. Jerome J. Aull, petitioner, *v.* Lidepa Corporation et al. Petition for writ of certiorari to the Supreme Court of the State of Florida denied.

No. 77. The Texas and Pacific Railway Company, petitioner, *v.* The State of Texas et al. Petition for writ of certiorari to the Supreme Court of the State of Texas denied.

No. 80. Beulah G. Hollidge, petitioner, *v.* Colonial Trust Company. Petition for certiorari to the Superior Court in and for the County of Norfolk, Commonwealth of Massachusetts, denied.

No. 85. Thomas Campbell, a Bondholder, Claimant, petitioner, *v.* Alleghany Corporation; and

No. 86. Thomas Campbell, a Bondholder, Claimant, petitioner, *v.* Alleghany Corporation. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 88. Arthur H. Lamborn, Gerard P. Tamelng, et al., etc., petitioners, *v.* American Ship and Commerce Navigation Corporation and Fidelity & Deposit Company of Maryland. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 90. Ottenheimer Bros., Inc., and Peter B. Nelson, petitioners, *v.* Albert Libowitz. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 92. Louis Eckstein, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 93. Provident Life & Accident Insurance Company, petitioner, *v.* Fannie Brice Dance. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 94. Mrs. C. H. Oliver, petitioner, *v.* Iowa State Traveling Men's Association. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 95. Bunker Hill Country Club, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 96. Nisel A. Goldberg-Rudkowsky, petitioner, *v.* The Equitable Life Assurance Society of the United States. Petition for writ of certiorari to the Court of Appeals of the State of New York denied.

No. 140. Ivan Vasilevich Klochkov, petitioner, *v.* Petrogradski Mejdunarodni Commercheski Bank, etc. Petition for writ of certiorari to the Court of Appeals of the State of New York denied.

No. 98. Sarah E. Moore, Executrix of the Estate of Martin B. Moore, Deceased, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 99. Cities Service Company, petitioner, *v.* George Armsby, F. S. Baer, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 100. J. C. Pflueger, H. H. Pflueger, and George Rodiek, petitioners, *v.* George Sherman et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 101. President and Directors of the Manhattan Company et al., petitioners, *v.* Prudence-Bonds Corporation and Charles H. Kelby et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 105. William F. Zachritz, petitioner, *v.* St. Louis San Francisco Railway Company. Petition for writ of certiorari to the Supreme Court of the State of Missouri denied.

No. 106. The Lucky Tiger Combination Gold Mining 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. 107. Trapier K. Marshall, petitioner, *v.* South Carolina Tax Commission et al. Petition for writ of certiorari to the Supreme Court of the State of South Carolina denied.

No. 112. G. Allan Macrae and Richard D. Dear, Executors, et al., etc., petitioners, *v.* Walter B. Guy, Trustee, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 113. Lily-Tulip Cup Corporation and United States Machine Manufacturing Company, petitioners, *v.* American Lace Paper Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 118. Vivian Wycliffe Buie, 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. 119. Benjamin W. Dyer, 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. 120. Clarence G. Troup, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 141. Sydney M. Schoenberg, 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. 313. Luella Hoyt Slayton, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 121. Fred E. Keithley, petitioner, *v.* Fred W. Gross and Ida B. Gross. Petition for writ of certiorari to the Appellate Department of the Superior Court in and for the County of Los Angeles, State of California, denied.

No. 122. J. J. and M. Taxman Refining Company, Inc., petitioner, *v.* City of Wichita Falls (Texas). Petition for writ of certiorari to the Court of Civil Appeals, 2nd Supreme Judicial District, State of Texas, denied.

No. 123. Adolph Feiffer, petitioner, *v.* Irwin H. Mann and Marcus W. Pugh, Trading as the General Poultry Company. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 126. Mount Vernon Trust Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 129. Grace W. Dick, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 130. Pennsylvania Indemnity Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 131. People of the State of New York, *ex rel.* Federal Motor Truck Co., of New York, Inc., petitioner, *v.* Thomas M. Lynch et al., as and Constituting the State Tax Commission of New York. Petition for writ of certiorari to the Supreme Court of the State of New York denied.

No. 132. E. R. Fain, petitioner, *v.* Commissioner of Internal Revenue;

No. 133. Mrs. E. R. Fain, petitioner, *v.* Commissioner of Internal Revenue;

No. 134. Chas. P. McGaha, petitioner, *v.* Commissioner of Internal Revenue;

No. 135. Mrs. Chas. P. McGaha, petitioner, *v.* Commissioner of Internal Revenue; and

No. 136. L. D. Fain, petitioner, *v.* Commissioner of Internal Revenue. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 138. Alfred E. Devereaux, petitioner, *v.* Harry T. Belsey. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 139. G. M. Bradbury, petitioner, *v.* George L. Aycock, Receiver of First National Bank of Woodward, Oklahoma. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 142. The Dorsey Company, 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. 143. Charlotte F. Jones and John Ralston Jones, petitioners, *v.* Germantown Trust Company, Administrator Pendente Lite of The

Estate of Mary P. H. Gilford, Deceased. Petition for writ of certiorari to the Supreme Court of the State of Pennsylvania denied.

No. 144. Wood & Selick, Inc., petitioner, *v.* Canister Company; and

No. 209. Canister Company, petitioner, *v.* Wood & Selick, Inc. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 146. Y. Allen Holman, Sudie D. Holman, J. D. Holman, et al., petitioners, *v.* Gulf Refining Company of Louisiana et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 148. American Casualty Company of Reading, Pa., petitioner, *v.* J. S. Claverie, Trading as Claverie's Pharmacy. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 150. A. M. Macho, Administrator *de bonis non* of the Estate of Edward Carey, Deceased, etc., petitioner, *v.* Robert D. Brown and William M. Haslett, Executors of the Estate of Annie Carey, Deceased. Petition for writ of certiorari to the Supreme Court of the State of Minnesota denied.

No. 152. Realty Acceptance Corporation, petitioner, *v.* Henry G. Montgomery. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 155. Guaranty Trust Company of New York, Executor, Estate of James Gordon Bennett, Deceased, 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. 156. City of Milwaukee, petitioner, *v.* American Steamship Company, Valley Camp Steamship Company, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 158. S. R. Brame, petitioner, *v.* Keystone Credit Corporation et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 159. David Barclay Nevius, 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. 160. Robert N. Harper, petitioner, *v.* John F. Moran, Receiver of North Capital Savings Bank. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 258. Norman R. Hamilton, Receiver of the Potomac Savings Bank of Georgetown, District of Columbia, petitioner, *v.* Henry W.

Offutt and George W. Offutt, Trustees of the Estate of George W. Offutt, Deceased. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 161. Joseph W. Thompson and John F. Moran, Receiver of the Park Savings Bank, etc., petitioners, *v.* Park Savings Bank, Incorporated, etc., et al.; and

No. 162. Joseph W. Thompson and John F. Moran, Receiver of the Park Savings Bank, etc., petitioners, *v.* Park Savings Bank, Incorporated, etc., et al. Petition for writs of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 165. Baltimore & Ohio Railroad Company, petitioner, *v.* Amelia L. Wolf, Administratrix of the Goods, Chattels, and Credits of Joseph F. Wolf, Deceased, etc. Petition for writ of certiorari to the Supreme Court of the State of New York denied.

No. 167. Harvey J. Mallery, petitioner, *v.* Managers Securities Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 170. The City of Wheeling, petitioner, *v.* John F. Casey Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 171. Dakota Corporation, petitioner, *v.* Slope County, North Dakota, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 172. Dakota Corporation, petitioner, *v.* Slope County, North Dakota. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 177. Charles J. Long, Receiver of Collingswood National Bank, of Collingswood, New Jersey, petitioner, *v.* First Methodist Episcopal Church of Collingswood, New Jersey. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 179. Arthur A. Mayers, petitioner, *v.* Massachusetts Mutual Life Insurance Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 182. William E. Telling and J. A. Curtis, petitioners, *v.* Bellows Claude Neon Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 183. Winthrop Taylor, 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. 188. Fred Matalone, Harry M. Rogers, W. C. Phelon, et al., petitioners, *v.* Peoria Life Insurance Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 382. Union Guarantee & Mortgage Company, petitioner, *v.* George S. Van Schaick, Superintendent of Insurance of the State of New York, as Rehabilitator, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 189. Cary A. Hardee, Receiver, Federal American National Bank and Trust Company, et al., petitioners, *v.* American Security and Trust Company. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 191. Grace E. Lowendahl, petitioner, *v.* John H. Hessey, Trustee in Bankruptcy of L. Von Bokkelen, Inc., Bankrupt. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 198. The Baltimore Mail Steamship Company, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 201. City of Detroit, petitioner, *v.* Wyandotte Transportation Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 202. Robert G. Stone and Carrie M. Stone, Trustees under Will of Galen L. Stone, petitioners, *v.* Thomas W. White, Former Collector of Internal Revenue at Boston, Massachusetts. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 204. Helen Beatrice (Duveen) Crocker, et al., etc., petitioners, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 219. Lothar W. Faber, as Executor etc., petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 205. Edward G. Simms, Ella Pallas, Dorothea Simms, et al., petitioners, *v.* The Elyria Savings & Trust Company. Petition for writ of certiorari to the Supreme Court of the State of Ohio denied.

No. 206. Dorothea E. Simms, Theresa Gratz, Albert J. Pallas, petitioners, *v.* The Savings Depot & Trust Company. Petition for writ of certiorari to the Supreme Court of the State of Ohio denied.

No. 207. The Industrial Board of the State of New York, petitioner, *v. Delaware, Lackawanna & Western Railroad Company*. Petition for writ of certiorari to the Appellate Division, Third Judicial Department, of the Supreme Court of the State of New York denied.

No. 208. Standard Oil Company (New Jersey), petitioner, *v. The United States*. Petition for writ of certiorari to the Court of Claims denied.

No. 210. O. C. Moore and Mary G. Shine, as Administratrix of the Estate of P. C. Shine, deceased, petitioners, *v. Tumwater Paper Mills Company*. Petition for writ of certiorari to the Supreme Court of the State of Washington denied.

No. 212. Nathan Amchanitzky, petitioner, *v. The United States*. Petition for writ of certiorari to the Court of Claims denied.

No. 214. John M. Thal and Joseph Berlanstein, Co-Partners, etc., petitioners, *v. Credit Alliance Corporation*. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 215. *Ex Parte*: General Public Utilities Corporation, petitioner. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 216. Springfield Fire and Marine Insurance Company, petitioner, *v. W. H. Martin*. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 217. Massachusetts Protective Association, Inc., petitioner, *v. Lillian S. Picard, Administratrix of the Succession of M. S. Picard, Deceased*. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 221. Jackson Securities and Investment Company, petitioner, *v. W. E. Snead, Individually and as United States Collector of Internal Revenue*. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 222. American Steam Conveyor Corporation, petitioner, *v. The United States*; and

No. 223. American Steam Conveyor Corporation, petitioner, *v. The United States*. Petition for writs of certiorari to the Court of Claims denied.

No. 224. Gravel Products Corporation, petitioner, *v. Buffalo Gravel Corporation*. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 228. Virgil P. Randolph, Jr., and First and Merchants National Bank of Richmond, Virginia, Trustees of Virgil P. Randolph Trust, petitioners, *v. Guy T. Helvering, Commissioner of Internal*

Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 281. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Virgil P. Randolph, Jr., and First and Merchants National Bank of Richmond, Virginia, Trustees, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 229. The United States, petitioner, *v.* Indian Motorcycle Company. Petition for writ of certiorari to the Court of Claims denied.

No. 230. Jacob K. Newman and Elsa Schwartz Newman, Executors of the Estate of Edgar Newman, Deceased, petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 233. The United States of America, ex rel. Oscar Mannisto, petitioner, *v.* Rudolph Reimer, Commissioner of Immigration, Ellis Island, New York Harbor. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 234. Wilber J. Mansfield and Frank B. Mansfield, 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. 235. Georgia Railway & Electric Company and Georgia Power Company, petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 236. George D. Morgan, 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. 237. The Philadelphia National Bank, petitioner, *v.* H. D. Raff, Administrator of the Estate of Z. W. Davis, Deceased. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 240. Edward F. Hutton and Cox & Stevens, Inc., petitioners, *v.* Torger Torgerson. Petition for writ of certiorari to the Supreme Court of the State of New York denied.

No. 241. Brady Wright, Charles Watson, Robert Mays, et al., petitioners, *v.* Ayer & Lord Barge Company and Steamer "A. I. Baker." Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 242. The United States of America, on behalf of Various Trustees and Receivers of the Bankruptcy Court, etc., petitioners, *v.*

S. H. Squire, Superintendent of Banks of Ohio, etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 243. The People of Puerto Rico, petitioner, *v.* Luis F. Velazquez. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 244. The Sentinel Life Insurance Company, petitioner, *v.* Eda E. Blackmer. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 245. Navigazione Generale Italiana, petitioner, *v.* Philip Elting, Collector of Customs of the Port of New York. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 246. Mrs. Verna Weatherford Davis, Administratrix of the Estate of W. C. Davis, Deceased, petitioner, *v.* Louisville & Nashville Railroad Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 247. Bausch & Lomb Optical Company et al., petitioners, *v.* Roy M. Wahlgren et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 248. Evert A. Bancker, 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. 249. Ross M. Lindsay, as Receiver of the Workers Enterprise Bank of Bennettsville, South Carolina, petitioner, *v.* William Elliott and Robert Gage, as Receivers of the Peoples State Bank of South Carolina. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 250. Constance Carter (Wilkes) Hirsig, Joined by her husband, Lawrence M. Hirsig, petitioners, *v.* The Travelers Insurance Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 251. Brea Canon Oil Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 253. Montana, Wyoming & Southern Railroad Company, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 254. Walsh Construction Company, petitioner, *v.* United States Guarantee Company. Petition for writ of certiorari to the

United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 255. C. D. Curtis, Trustee, et al., petitioners, *v.* Susan B. Humphrey. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 256. Sommer & Maca Glass Machinery Corporation, Kurt Sommer and Paul Maca, petitioners, *v.* Jay M. Johnson and Johnson Fare Box Company, etc. Petition for writ of certiorari to the Appellate Court, First District, State of Illinois, denied.

No. 259. Blue Rose Oil Company, petitioner, *v.* People of the State of Illinois, ex rel. Otto Kerner, Attorney General of the State of Illinois. Petition for writ of certiorari to the Supreme Court of the State of Illinois denied.

No. 260. William E. Callison, petitioner, *v.* J. B. Pickens and John Mullins, Partners, Under the name and style of Western Sales Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No 261. H. L. Durell, petitioner, *v.* Herbert Pearson, Receiver of Holston-Union National Bank of Knoxville, Tennessee. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 263. Herman F. M. Mutzenbecher et al., petitioners, *v.* Sumner Ballard. Petition for writ of certiorari to the Court of Appeals of the State of New York denied.

No. 264. Standard Wholesale Phosphate and Acid Works, Inc., petitioner, *v.* The General Chemical Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 266. The People of Puerto Rico, petitioner, *v.* White Star Bus Line, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 267. Federico Stallforth, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 269. David G. Gustason, petitioner, *v.* California Trust Company, Santa Monica Land and Water Co., Ltd., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 271. Anne M. Evans, petitioner, *v.* Missouri State Life Insurance Company. Petition for writ of certiorari to the Supreme Court of the State of Missouri denied.

No. 274. Mortgage Loan Company and Repps B. Goodson, petitioners, *v.* Orville Livingston, Trustee in Bankruptcy of the Buckingham Realty Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 275. Clair McMullen, petitioner, *v.* Pennsylvania Railroad Company. Petition for writ of certiorari to the Supreme Court of the State of New York denied.

No. 276. Valentine G. Burton, 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. 277. William Gutenkunst, petitioner, *v.* The State of Wisconsin. Petition for writ of certiorari to the Supreme Court of the State of Wisconsin denied.

No. 278. Interstate Trust & Banking Company in Liquidation et al., petitioners, *v.* Jones County, Mississippi. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 282. J. Arthur House, 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. 284. Navigazione Generale Italiana, petitioner, *v.* Phillip Elting, as Collector of Customs of the Port of New York. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 286. William D. Chadick, 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. 291. George W. Balkwill, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue;

No. 292. George W. Balkwill, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue;

No. 293. George W. Balkwill, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue;

No. 294. George W. Balkwill, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue; and

No. 295. George W. Balkwill, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 296. Robert J. Hoage, Deputy Commissioner of the United States Employees' Compensation Commission and Annie Lurig, peti-

tioners, *v. Hartford Accident and Indemnity Company*. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 298. *The Niagara Falls Power Company, petitioner, v. The Water Power and Control Commission of the State of New York*. Petition for writ of certiorari to the Appellate Division Third Judicial Department, Supreme Court of the State of New York, denied.

No. 299. *Williams Pocahontas Coal Company, petitioner, v. Berwind Land Company*. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 300. *New England Newspaper Publishing Company, petitioner, v. Frank E. Bonner*. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 304. *Moses Cohen, petitioner, v. Commissioner of Internal Revenue*;

No. 305. *Nathan Rosenbaum, petitioner, v. Commissioner of Internal Revenue*;

No. 306. *Nathan Cohen, petitioner, v. Commissioner of Internal Revenue*; and

No. 307. *Edward Godfried, petitioner, v. Commissioner of Internal Revenue*. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 308. *A. E. Kerr, Trustee in Bankruptcy of the Estate of John Henry Kirby, petitioner, v. Southwestern Lumber Company of New Jersey*. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 310. *Oklahoma State Bank of Enid, petitioner, v. Fidelity & Deposit Company*. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 311. *L. J. Houze Convex Glass Company, petitioner, v. The United States*. Petition for writ of certiorari to the Court of Claims denied.

No. 314. *Henrietta Mitchell, petitioner, v. Citizens State Bank of Chicago and Otto J. Gondolf*. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 331. *Andrew K. Sorensen, petitioner, v. Chilton C. Collins, Trustee*. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 315. *Barnett Witt and Charles Witt, petitioners, v. Michael Berman, as Trustee in Bankruptcy of Williams Supply Co., Inc., Bankrupt*. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 318. Ward M. Canaday, Inc., petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

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

No. 321. Margaret M. Putnam et al., petitioners, *v.* Harold L. Ickes, Secretary of the Interior, et al.;

No. 322. Louis G. Lassig et al., petitioners, *v.* Harold L. Ickes, Secretary of the Interior, et al.;

No. 323. Charlotte Huegel Dunn et al., petitioners, *v.* Harold L. Ickes, Secretary of the Interior, et al.;

No. 324. John C. Abbot et al., petitioners, *v.* Harold L. Ickes, Secretary of the Interior, et al.;

No. 325. Olive Utt Hill et al., petitioners, *v.* Harold L. Ickes, Secretary of the Interior, et al.;

No. 326. Paul Everett Thompson et al., petitioners, *v.* Harold L. Ickes, Secretary of the Interior, et al.;

No. 327. Archibald Hull et al., petitioners, *v.* Harold L. Ickes, Secretary of the Interior, et al.; and

No. 328. Elmer Fordham et al., petitioners, *v.* Harold L. Ickes, Secretary of the Interior, et al. Petition for writs of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 329. Arthur O'Toole, petitioner, *v.* State of New Jersey. Petition for writ of certiorari to the Court of Errors and Appeals of the State of New Jersey denied.

No. 330. Freeport Texas Company, petitioner, *v.* Frank C. Bowers, as Executor of the Estate of Frank K. Bowers, Deceased. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 332. E. T. Hays, as Trustee in Bankruptcy of the Estate of Harris Brothers, et al., etc., petitioners, *v.* Versa Sue Harris, Nell M. Harris, Sweet Harris, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 333. Harold H. Woodbury and C. T. MacNeille, et al., etc., petitioners, *v.* Commerce Trust Company, First National Bank in St. Louis, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 334. William J. Dante, Executor of Lee Hutchins, Deceased, petitioner, *v.* Galen L. Tait, Collector of Internal Revenue for the District of Maryland. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 337. Floyd M. Boster, petitioner, *v.* First National Bank-Detroit, a Federal Banking Corporation, and C. O. Thomas, Receiver, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 338. W. A. Smith, C. H. Moses, and A. J. Kampner, petitioners, *v.* A. J. Russell, Former Collector of Internal Revenue for the District of Arkansas. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 339. B. Kuppenheimer & Company, Inc., petitioner, *v.* George S. Mornin, as Receiver of Commercial National Bank of Waterloo, Iowa, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 340. Frank Borgia, 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. 342. William L. Nellis, petitioner, *v.* Maryland Casualty Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 343. The Union Agricultural and Industrial College of Arkansas, Inc., et al, petitioners, *v.* Arkansas Baptist College, Inc., et al. Petition for writ of certiorari to the Supreme Court of the State of Arkansas denied.

No. 344. Henry D. Brown, petitioner, *v.* Eugene L. Garey and the Chase National Bank of the City of New York, as Executors of the Estate of James M. Hoyt, Deceased, et al. Petition for writ of certiorari to the Supreme Court of the State of New York denied.

No. 345. W. O. Irby, petitioner, *v.* State of Arkansas ex rel. Attorney General. Petition for writ of certiorari to the Supreme Court of the State of Arkansas denied.

No. 347. Samuel J. Ossen and Mamie Ossen, petitioners, *v.* Mutual Trust Life Insurance Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 352. Norge Corporation, petitioner, *v.* The Long Island Railroad Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 353. Arnold Constable Corporation, petitioner, *v.* Commercial Operating Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 354. Walter J. Kelley, Ancillary Administrator of the Estate of Edward A. Kelley, Deceased, petitioner, *v.* Robert S. Bright,

Executor of James G. Darden, Deceased. Petition for writ of certiorari to the Court of Appeals of the State of Maryland denied.

No. 355. E. Griffiths Hughes, Inc., petitioner, *v.* Federal Trade Commission. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 358. Continental Illinois National Bank & Trust Company of Chicago, petitioner, *v.* The Columbian National Life Insurance Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 359. Chicago Gravel Company, petitioner, *v.* The Columbian National Life Insurance Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 361. Seifer Furniture Company, petitioner, *v.* Charles L. Surprise, as Trustee in Bankruptcy of L. H. Seifer & Sons, Incorporated, Bankrupt. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 364. Ennalls Waggaman, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 365. John Wilson Brown, III, petitioner, *v.* Gesellschaft Fur Drahtlose Telegraphie, M. B. H., a Corporation. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 366. International Visible Systems Corporation, petitioner, *v.* Remington Rand, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 369. Wichita Falls and Southern Railroad Company, Frank Kell, and L. N. Bassett, petitioners, *v.* Henry M. Holbrook. Petition for writ of certiorari to the Supreme Court of the State of Texas denied.

No. 370. S. O. Pottorff, Receiver of the First National Bank of El Paso, Texas, petitioner, *v.* Adine Stafford, a Feme Sole. Petition for writ of certiorari to the Court of Civil Appeals of the State of Texas, Eighth Supreme Judicial District, denied.

No. 371. American-Hawaiian Steamship Company, petitioner, *v.* Fred Weisthoff et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 372. William D. Gordon, Secretary of Banking of the Commonwealth of Pennsylvania, petitioner, *v.* Bernard Heller. Petition for writ of certiorari to the Supreme Court of the State of Michigan denied.

No. 373. Union Guardian Trust Company, Receiver of Andy Battani and Julius Battani, etc., et al., petitioners, *v.* Guardian National Bank of Commerce of Detroit et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 378. Charles Lee Coggin, Trustee in Bankruptcy of W. Ellison Graham, petitioner, *v.* Hartford Accident & Indemnity Company, a Connecticut Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 380. W. B. Morton, 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. 383. Missouri Pacific Railroad Company, petitioner, *v.* D. B. Bartlett. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 384. Daniel Tracy Beers, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 387. Warner-Quinlan Company, petitioner, *v.* Swan-Finch Oil Corporation and Standard Oil Company of New Jersey. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 388. A. G. Triplett, R. M. Triplett, A. Nelson, et al., petitioners, *v.* Percival D. Lowell, Francis W. Dunmore, and Dubilier Condenser Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 389. Atlantic Coast Line Railroad Company, petitioner, *v.* Mrs. Josephine McDonald, Administratrix of the Estate of W. N. McDonald, Deceased. Petition for writ of certiorari to the Court of Appeals of the State of Georgia denied.

No. 390. Holmes Hall, petitioner, *v.* Universal Oil Products Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 391. Edward W. Dennis, petitioner, *v.* New York Central Railroad Company. Petition for writ of certiorari to the Supreme Court of the State of Ohio denied.

No. 393. North Western Refrigerator Line Company, petitioner, *v.* C. E. Ervin and T. M. Stevens, as Receivers of the Mobile & Ohio Railroad Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 394. Clifton Manufacturing Company, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 395. Annie S. Allen et al., petitioners, *v.* John C. Bethea et al. Petition for writ of certiorari to the Supreme Court of the State of South Carolina denied.

No. 397. Lake's Laundry, Inc., petitioner, *v.* Samuel G. Braun, Commercial Credit Corporation and the American Laundry Machinery Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 398. Dan C. Hesselberg and Jennie Hesselberg, petitioners, *v.* Aetna Life Insurance Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 400. Magnolia Petroleum Company et al., petitioners, *v.* J. H. Walker, Commissioner of the General Land Office of the State of Texas. Petition for writ of certiorari to the Supreme Court of the State of Texas denied.

No. 406. Peter Jenello, 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. 408. J. G. Dodson and Mrs. C. M. Dodson, Co-Partners Trading as the Ironized Yeast Company, petitioners, *v.* Federal Trade Commission. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 421. Ruben Condenser Company and P. R. Mallory & Co., Inc., petitioners, *v.* Aerovox Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 142, October Term, 1934. Noah Stewart, appellant, *v.* Robert Keyes et al.;

No. 552, October Term, 1934. The Youngstown Sheet & Tube Company et al., appellants, *v.* The United States of America et al.;

No. 601, October Term, 1934. Peters Patent Corporation, petitioner, *v.* Bates & Klinke, Inc.;

No. 648, October Term, 1934. Harold E. West et al., etc., appellants, *v.* Chesapeake & Potomac Telephone Company of Baltimore City;

No. 665, October Term, 1934. Angelo Herndon, appellant, *v.* The State of Georgia;

No. 704, October Term, 1934. Henry Clay Allison, appellant, *v.* The State of Texas;

No. 717, October Term, 1934. Louisville Joint Stock Land Bank, petitioner, *v.* William W. Radford, Sr.;

No. 887, October Term, 1934. United States of America, ex rel. Marcos Tetonis, petitioner, *v.* Frances Perkins, Secretary of Labor, et al., etc.;

No. 979, October Term, 1934. Abraham Dektor, petitioner, *v.* Overbrook National Bank of Philadelphia; and

No. 1002, October Term, 1934. *H. Newkirk Wheeler*, petitioner, *v. The United States of America*. The petitions for rehearing in these cases are severally denied.

No. —, original. The State of Georgia, complainant, *v. Henry Morgenthau, Jr., Secretary of the Treasury, et al.* Motion for leave to file bill of Complaint submitted by Mr. B. D. Murphy for the complainant.

No. 5. William D. Payne, petitioner, *v. The United States of America*. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Dismissed per stipulation of counsel.

No. 220. C. F. Smith Company, Kroger Grocery and Baking Company, Great Atlantic & Pacific Tea Company, et al., appellants, *v. Orville E. Atwood*, as Secretary of State of the State of Michigan, et al., etc. Appeal from the Supreme Court of the State of Michigan. Dismissed with costs, per stipulation of counsel.

No. 1. Edward B. Douglas, petitioner, *v. Levi M. Willcuts*, As Collector of Internal Revenue for the District of Minnesota. Argued by Mr. Leland W. Scott for the petitioner and by Mr. Assistant Attorney General Wideman for the respondent.

No. 2. Bayside Fish Flour Company, appellant, *v. J. Dale Gentry, Earl B. Gilmore, I. Zellerbach, et al.* Appeal from the District Court of the United States for the Northern District of California. Affirmed with costs pursuant to Rule 21 on motion of Mr. Ralph O. Marron for the appellees.

No. 3. Schuylkill Trust Company, appellant, *v. Commonwealth of Pennsylvania*. Argued by Mr. John Robert Jones for the appellant and by Mr. Manuel Kraus for the appellee. Leave granted to appellant to file additional brief within one week.

No. 6. Compagnie Generale Transatlantique, petitioner, *v. Philip Elting*, Collector of Customs, Port of New York; and

No. 7. Hamburg-American Line, petitioner, *v. Philip Elting*, Collector of Customs, Port of New York. Argued by Mr. Roger O'Donnell for the petitioners and by Mr. Assistant Attorney General MacLean for the respondent.

No. 8. James C. Colgate, appellant, *v. Erwin M. Harvey*, Tax Commissioner of the State of Vermont. Argument commenced by Mr. Edward J. Dimock for the appellant.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, October 15, will be as follows: Nos. 8, 9, 10, 14, 36, 11, 12, 13, 15 (and 16), and 17.

SUPREME COURT OF THE UNITED STATES

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

Gaines R. Barrett, of Union City, Ga.; George D. Busher, of New York City; Edwin A. Howes, of Boston, Mass.; Anthony A. E. DeLucia, of New Haven, Conn.; and Norris C. Bakke, of Denver, Colo., were admitted to practice.

No. 8. James C. Colgate, appellant, *v.* Erwin M. Harvey, Tax Commissioner of the State of Vermont. Argument continued by Mr. E. J. Dimock for the appellant; by Mr. Guy M. Page for the appellee and concluded by Mr. Seymour P. Edgerton for the appellee.

No. 9. Atlanta, Birmingham and Coast Railroad Company, appellant, *v.* The United States of America and Interstate Commerce Commission. Argued by Mr. Carl H. Davis for the appellant, and by Mr. Carl McFarland for the appellees.

No. 10. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* City Bank Farmers Trust Company, as Trustee, etc. Argued by Mr. David E. Hudson for the petitioner, and by Mr. Russell L. Bradford for the respondent.

No. 14. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Waldemar R. Helmholz, as Sole Devisee, etc. Argument commenced by Mr. David E. Hudson for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, October 16, will be as follows: Nos. 14, 36, 11, 12, 13, 15 (and 16), 17, 20, 21, and 23.

SUPREME COURT OF THE UNITED STATES

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

A. C. Muir, of Memphis, Tenn.; Norman A. Gray, of Washington, D. C.; John F. Ryan, of New York City; J. Aldrich Hall, of Washington, D. C.; Ray L. Chesebro, of Los Angeles, Calif.; Leo P. Kitchen, of Jacksonville, Fla.; Fernando G. Tranbarger, of Clarendon, Va.; Hyman I. Fischback, of New York City; and Charles Seligson, of New York City, were admitted to practice.

No. 14. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Waldemar R. Helmholtz, as Sole Devisee, etc. Argument continued by Mr. David E. Hudson for the petitioner, and concluded by Mr. James Quarles for the respondent.

No. 36. Thomas W. White, Former Collector of Internal Revenue, petitioner, *v.* Mary Adelaide Poor, et al., etc. Argued by Mr. David E. Hudson for the petitioner, and by Mr. H. LeBaron Sampson for the respondent.

No. 11. The Chandler & Price Company, petitioner, *v.* Brandtjen & Kluge, Inc., et al. Argument commenced by Mr. Wallace R. Lane for the petitioner, and continued by Mr. Dean S. Edmonds for the respondents.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, October 17, will be as follows: Nos. 11, 12, 13, 15 (and 16), 17, 21, 23, 31, 26, and 27.

SUPREME COURT OF THE UNITED STATES

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

Herbert L. Locke, of Augusta, Me.; Alexander M. Heron, of Washington, D. C.; Adrian T. Tate, of Washington, D. C.; and Frederick H. Van Houten, of Brooklyn, N. Y., were admitted to practice.

No. 11. The Chandler & Price Company, petitioner, *v.* Brandtjen & Kluge, Inc., et al. Argument continued by Mr. Dean S. Edmonds for the respondents, and concluded by Mr. Wallace R. Lane for the petitioner.

No. 12. American Surety Company of New York, petitioner, *v.* Westinghouse Electric Manufacturing Company et al. Argued by Mr. Hugh H. Obear for the petitioner, and by Mr. Edward H. Cushman for the respondents.

No. 13. Becker Steel Company of America, petitioner, *v.* Homer S. Cummings, Attorney General of the United States, etc., et al. Argued by Mr. E. Crosby Kindleberger for the petitioner, and by Mr. Assistant Attorney General Dickinson for the respondents.

No. 15. A. S. Alexander, H. D. Rummel, et al., petitioners, *v.* J. H. Hillman, Jr., et al.; and

No. 16. A. S. Alexander, H. D. Rummel, et al., petitioners, *v.* J. H. Hillman, Jr., et al. Argument commenced by Mr. David A. Reed for the petitioners, and continued by Mr. Alexander J. Barron for the respondents.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, October 18, will be as follows: Nos. 15 (and 16), 17, 21, 23, 31, 26, 27, 20, 34, and 28.

SUPREME COURT OF THE UNITED STATES

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

Albin C. Ahlberg, of Chicago, Ill.; Morris D. Meyer, of Houston, Tex.; Ezra Z. Shapiro, of Cleveland, Ohio; Louis Necho, of Philadelphia, Pa.; I. C. Blackwood, of Spartanburg, S. C.; Charles Edwin Paine, of Washington, D. C.; Walter Barton Herendeen, of Elmira, N. Y.; Benjamin Potoker, of New York City; and Allen W. Ashburn, of Los Angeles, Calif., were admitted to practice.

No. 34. Borax Consolidated, Limited, and Pacific Coast Borax Company, petitioners, *v.* The City of Los Angeles. Leave granted to file brief of the Standard Oil Company of California as *amicus curiae* on motion of Mr. Seth W. Richardson in that behalf with leave to petitioner to reply thereto by Friday next on motion of Mr. Allen W. Ashburn for the petitioner.

No. 15. A. S. Alexander, H. D. Rummel, et al., etc., petitioners, *v.* J. H. Hillman, Jr., et al.; and

No. 16. A. S. Alexander, H. D. Rummel, et al., etc., petitioners, *v.* J. H. Hillman, Jr., et al. Argument continued by Mr. Alexander J. Barron for the respondents, and concluded by Mr. David A. Reed for the petitioners.

No. 17. T. A. Morrissey and James M. O'Brien, Trustee, etc., petitioners, *v.* Commissioner of Internal Revenue. Argued by Mr. Theodore B. Benson for the petitioners, and by Mr. James W. Morris for the respondent.

No. 21. The United States, petitioner, *v.* Atlantic Mutual Insurance Company. Argued by Mr. J. Frank Staley for the petitioner, and by Mr. J. M. Lyeth for the respondent.

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

The day call for Monday, October 21, will be as follows: Nos. 23, 31, 26, 27, 20, 34, 28, 29, 24, and 110.

SUPREME COURT OF THE UNITED STATES

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

Percival E. Jackson, of New York City; John Joseph Baecher, of Norfolk, Va.; Raymond J. Compton, of Potlatch, Idaho; Walter A. Raymond, of Kansas City, Mo.; Antone E. Russell, of Spokane, Wash.; Arthur M. Kracke, of Chicago, Ill.; James M. Lown, of New York City; Richard Harrington Levet, of White Plains, N. Y.; Vernon E. Cook, of Oklahoma City, Okla.; Edward L. Loftin, of Asheville, N. C.; John H. Beasley, of Terre Haute, Ind.; James Daleo, of Kansas City, Mo.; Vera A. Mankinen, of Washington, D. C.; John J. Sirica, of Washington, D. C.; J. Justine Franco, of New York City; Carl E. Bailey, of Little Rock, Ark.; D. Fred Taylor, Jr., of Osceola, Ark.; and Curry Jackson Martin, of Chicago, Ill., were admitted to practice.

The Chief Justice announced the following orders of the Court:

No. 482. Bingham Land Company, appellant, *v.* Central Maine Power Company. Appeal from the Supreme Judicial Court of the State of Maine. *Per curiam*: The appeal herein is dismissed for the want of jurisdiction. Section 237 (a), Judicial Code, as amended by the Act of February 13, 1925 (43 Stat. 936, 937). Treating the papers whereon the appeal was allowed as a petition for writ of certiorari, as required by Section 237 (c), Judicial Code, as amended (43 Stat. 936, 938), the petition is denied.

No. 488. Percy H. Ostrander, as Administrator of the Estate of Clara H. Stoddard, deceased, et al., appellants, *v.* Fred W. Preece, as Administrator with the will annexed of the Estate of Joseph M. Stoddard, deceased, et al. Appeal from the Supreme Court of the State of Ohio. *Per curiam*: The appeal herein is dismissed for the want of a substantial federal question. *Maxwell v. Bugbee*, 250 U. S. 525, 540, 541-542; *Campbell v. California*, 200 U. S. 87, 95; *Magoun v. Illinois Trust & Savings Bank*, 170 U. S. 283, 288; *Mager v. Grima*, 8 How. 490, 493; *Frederickson v. State of Louisiana*, 23 How. 445, 447; *United States v. Perkins*, 163 U. S. 625, 627; *United States v. Fox*, 94 U. S. 315, 320-321.

The Chief Justice said:

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

No. —, original. State of Georgia, complainant, *v.* Henry Morgenthau, Jr., Secretary of the Treasury, et al. A rule is ordered to issue returnable on Monday, November 11, next, requiring the defendants to show cause why leave to file the Bill of Complaint should not be granted.

No. 193. Elinor Dorrance Hill, appellant, *v.* J. H. Thayer Martin, State Tax Commissioner, etc.; and

No. 194. Ethel M. Dorrance et al., appellants, *v.* J. H. Thayer Martin, State Tax Commissioner, etc. The motion to advance these cases is granted and the cases are assigned for argument on Monday, November 11, next.

No. 428. C. S. Tuttle et al., etc., petitioners, *v.* Sam Harris et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted.

No. 392. Maurice G. Clarke, Henry T. Clarke, and John T. Clarke, petitioners, *v.* The Hot Springs Electric Light and Power Company, etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 402. Jenny Wren Company, petitioner, *v.* Eugene O. Sykes, Hampson Gary, et al., etc. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 405. United States of America ex rel. Albert G. Christmas et al., petitioners, *v.* The City of Asbury Park, etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 407. Riverside & Dan River Cotton Mills, Inc., petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 409. Fremont C. Peck, Clara S. Peck, et al., etc., petitioners, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 410. George C. Shinn, Trustee in Bankruptcy of Edmund D. Rheem, petitioner, *v.* Lewis M. Milborne, Deputy Collector of Internal Revenue, etc. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 411. Robert K. Henry, State Treasurer of the State of Wisconsin, petitioner, *v.* Wadhams Oil Company. Petition for writ of certiorari to the Supreme Court of the State of Wisconsin denied.

No. 412. The Mutual Life Insurance Company of New York, petitioner, *v.* Joseph Markowitz and Rose Markowitz. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 413. New York Life Insurance Company, petitioner, *v.* Louis Y. Kaufman, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 414. Walter W. Austin, petitioner, *v.* C. O. Thomas, Receiver, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 415. Julius E. Schick, petitioner, *v.* Samuel Goldstein. Petition for writ of certiorari to the Supreme Court of the State of New York denied.

No. 416. The State of Missouri, at the relation of Weightstill Woods, petitioner, *v.* Hon. Nike G. Sevier. Petition for writ of certiorari to the Supreme Court of the State of Missouri denied.

No. 417. Root Refining Company, petitioner, *v.* Universal Oil Products Company; and

No. 418. Root Refining Company, petitioner, *v.* Universal Oil Products Company. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 419. James V. Allred, Governor of State of Texas et al., petitioners, *v.* Stanolind Oil & Gas Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 422. Chung Yim, 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. 423. Export Leaf Tobacco Company, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue;

No. 424. The Smith Paper Company, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue; and

No. 425. T. C. Williams Company, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 426. Jacksonville Terminal Company, petitioner, *v.* Geneva Blackshear, as Administratrix, etc. Petition for writ of certiorari to the Supreme Court of the State of Florida denied.

No. 429. Edwin W. Edwards, David Brown, et al., etc., petitioners, *v.* The Rector, Churchwardens, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 430. Wishnick-Tumpeer, Inc., petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 431. The Evening Star Newspaper Company, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 432. Walter B. Bedell, petitioner, *v.* The United States of America;

No. 433. L. E. (Len) Chapman, petitioner, *v.* The United States of America; and

No. 434. H. E. (Hank) Chapman, petitioner, *v.* The United States of America. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 436. Central Vermont Railway, Inc., petitioner, *v.* Leone C. Kierce, as Administratrix, etc.; and

No. 437. Central Vermont Railway, Inc., petitioner, *v.* Robert E. Pearson, as Administrator, etc. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 438. Dr. W. H. Quigley, 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. 165. Baltimore and Ohio Railroad Company, petitioner, *v.* Amelia L. Wolf, Administratrix, etc. Petition for rehearing denied.

ORDER

The Court will take a recess from Monday, October 28, to Monday, November 11 next.

No. 510. Frank Collis Bowers, as Executor, etc., petitioner, *v.* The Farmers' Loan and Trust Company, as Trustee, etc.; and

No. 511. Frank Collis Bowers, as Executor, etc., petitioner, *v.* The Farmers' Loan and Trust Company, as Trustee, etc. Time within which to file brief of respondent extended to December 1, next, on motion of Mr. Russell L. Bradford for the respondent.

No. 365. John Wilson Brown, III, petitioner, *v.* Gesellschaft Fur Drahtlose Telegraphie, M. B. H., a corporation. Order denying petition for writ of certiorari withheld on motion of Mr. Dale D. Drain for the petitioner.

No. —, original. State of Arkansas, complainant, *v.* State of Tennessee. Motion for leave to file bill of complaint submitted by Mr. Carl E. Baily for the complainant.

No. **23**. The Bassick Manufacturing Company, petitioner, *v.* The R. M. Hollingshead Company. Argued by Mr. Lynn A. Williams for the petitioner, and by Mr. Frank S. Busser for the respondent.

No. **31**. G. S. Rogers, Doing Business as Rex Duplex Fitting Company et al., petitioners, *v.* Alemite Corporation. Argued by Mr. Leonard L. Kalish for the petitioners, and by Mr. Lynn A. Williams for the respondent.

No. **26**. George W. McCandless, as Receiver of Duquesne Gas Corporation, petitioner, *v.* Maxime H. Furlaud et al. Argument commenced by Mr. Ralph Royall for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, October 22, will be as follows: Nos. **26**, **27**, **20**, **34**, **28**, **29**, **24**, **110**, **111**, and **439**.

SUPREME COURT OF THE UNITED STATES

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

James P. Donovan, of Washington, D. C.; John E. Gardner, of Chicago, Ill.; John Francis Hillyard, of Washington, D. C.; Claude E. Koss, of New York City; Robert Driscoll, of Minneapolis, Minn.; Harry B. Wassell, of Pittsburgh, Pa.; Campbell Yerger, of Memphis, Tenn.; Crawford Johnson, of St. Louis, Mo.; and Milton B. Ignatius, of New York City, were admitted to practice.

No. 26. George W. McCandless, as Receiver of Duquesne Gas Corporation, petitioner, *v.* Maxime H. Furlaud et al. Argument continued by Mr. Ralph Royall for the petitioner, by Mr. Louis B. Epstein for the respondent, and concluded by Mr. Ralph Royall for the petitioner.

No. 27. Bessie Villa and Max Peterson, appellants, *v.* George S. Van Schaick, Superintendent of Insurance of the State of New York. Argument commenced by Mr. Hartwell Cabell for the appellants. The Court declined to hear further argument.

No. 20. Raybestos-Manhattan, Inc., petitioner, *v.* The United States. Argued by Mr. Charles H. LeFevre for the petitioner and by Mr. A. F. Prescott for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, October 23, will be as follows: Nos. 34, 28, 29, 24, 110, 111, 439, 494, 25, and 262.

SUPREME COURT OF THE UNITED STATES

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

Arthur A. Goldsmith, of Portland, Ore.; Hugh T. Fullerton, of San Francisco, Calif.; Clark J. A. Hazelwood, of Milwaukee, Wis.; W. Ward Smith, of Evanston, Ill.; Edwin A. Falk, of New York City; George Washington Bains, of Bessemer, Ala.; and Harry S. Silverstein, of Denver, Colo., were admitted to practice.

No. 401. The United States of America, petitioner, *v.* William M. Butler et al., Receivers of Hoosac Mills Corporation. Motion to advance submitted by Mr. Solicitor General Reed for the petitioner in support of the motion and by Mr. Edward R. Hale, Mr. Bennett Sanderson, and Mr. Edmund M. Toland for the respondent in opposition thereto.

No. 34. Borax Consolidated Limited, et al., petitioners, *v.* The City of Los Angeles. Argued by Mr. A. W. Ashburn for the petitioners and by Mr. Loren A. Butts for the respondent.

No. 28. Pete Di Giovanni and Mary Di Giovanni, petitioners, *v.* Camden Fire Insurance Association. Argued by Mr. Harry L. Jacobs for the petitioners and by Mr. Walter A. Raymond for the respondent.

No. 29. Richey V. Graham, petitioner, *v.* The White-Phillips Company, Inc. Argument commenced by Mr. James J. Barbour for the petitioner and continued by Mr. William L. Patton for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, October 24, will be as follows: Nos. 29, 24, (110, 111, 439, and 494), 25, 262, 48, 32, 30, and 39.

SUPREME COURT OF THE UNITED STATES

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

E. Sara Rubenstein, of Dayton, Ohio; Ed C. Brewer, of Clarksdale, Miss.; David L. Davies, of Portland, Oreg.; John H. Caruthers, of St. Louis, Mo.; Jesse R. Smith, of Washington, D. C.; Elihu Holland Moore, of Newburn, Tenn.; and James W. Irwin, of Okmulgee, Okla., were admitted to practice.

No. 29. Richey V. Graham, petitioner, *v.* The White-Phillips Company, Inc. Argument continued by Mr. Wm. L. Patton for the respondent and concluded by Mr. James J. Barbour for the petitioner.

No. 24. Nancy K. McFeely, petitioner, *v.* Commissioner of Internal Revenue;

No. 110. The United States of America, petitioner, *v.* The First National Bank of Boston et al., Trustees, etc.;

No. 111. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Frances G. Lee;

No. 439. Rufus R. Rand, Jr., petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue; and

No. 494. Isabel K. Dibblee, petitioner, *v.* Commissioner of Internal Revenue. Three and three-fourths hours allowed for oral argument. Argument commenced by Mr. Robert Driscoll for the petitioners in Nos. 439 and 494; continued by Mr. H. B. Wassell for petitioner in No. 24; by Mr. Assistant Attorney General Wideman for the United States and the Commissioner of Internal Revenue; by Mr. George S. Fuller for the respondent in No. 110; by Mr. Hugh W. McCulloch for the respondent in No. 111; and concluded by Mr. Assistant Attorney General Wideman for the United States and Commissioner of Internal Revenue.

No. 25. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* St. Louis Union Trust Company, as Successor Trustee, etc. Argument commenced by Mr. David E. Hudson for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, October 25, will be as follows: Nos. 25, 262, 48, 32, 30, and 39.

SUPREME COURT OF THE UNITED STATES

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

James Lenox Banks, Jr., of New York City; John J. Cummings, of Boston, Mass.; Murray C. Bernays, of New York City; Mark L. Rowley, of Detroit, Mich.; Stanley Clarke, of New York City; and Homer L. McCormick, of Washington, D. C., were admitted to practice.

No. —. United States of America, Interstate Commerce Commission, et al., appellants, *v.* The Chesapeake & Ohio Railway Company et al. Motion to abate so much of final decree as stayed order of Interstate Commerce Commission submitted by Mr. Golden W. Bell for the appellants, with leave to appellees to file an opposition thereto by Monday next on motion of Mr. J. Carter Fort for the appellees.

No. 25. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* St. Louis Union Trust Company, as Successor Trustee, etc., et al. Argument continued by Mr. David E. Hudson for the petitioner, and concluded by Mr. Daniel N. Kirby for the respondents.

No. 262. Louis J. Becker, Collector of Internal Revenue, petitioner, *v.* St. Louis Union Trust Company et al. Argued by Mr. David E. Hudson for the petitioner, and by Mr. Crawford Johnson for the respondent. Leave granted respondent to file additional brief within five days.

No. 48. Pacific States Box and Basket Company, appellant, *v.* Max Gehlar, as Director of Agriculture of the State of Oregon, et al. S. T. White, present Director of Agriculture, and Frank McKennon, present Chief of Division of Plant Industry, substituted as parties appellees in place of Max Gehlar and Chas. A. Cole, respectively, on motion of Mr. Arthur A. Goldsmith.

No. 48. Pacific States Box and Basket Company, appellant, *v.* S. T. White, as Director of Agriculture of the State of Oregon, et al. Argued by Mr. Arthur A. Goldsmith for the appellant, and by Mr. Willis S. Moore for the appellees. Leave granted appellant to file a supplemental brief.

Adjourned until Monday, October 28 next, at 12 o'clock.

SUPREME COURT OF THE UNITED STATES

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

Franklin T. Hammond, Jr., of Boston, Mass.; Edward G. Sievers, of Washington, D. C.; William A. Strauch, of Washington, D. C.; Irving Sachs, of Bayonne, N. J.; William A. Wilson, of Pittsburgh, Pa.; Alvin H. Lane, of Dallas, Tex.; Selden S. McNeer, of Huntington, W. Va.; Frank H. Marks, of Chicago, Ill.; Isaac Davenport Thorp, of Rocky Mount, N. C.; Milton C. Murphy, of Lincoln, Nebr.; James Cumming Webster, of New York City; John D. Goodloe, 3rd, of Richmond, Ky.; and Lon B. Rogers, of Lexington, Ky., were admitted to practice.

The Chief Justice announced the following orders of the Court:

No. 485. Secesh Dredging, Mining and Milling Company, Inc., appellant, *v.* R. M. Carrey et al. Appeal from the Supreme Court of the State of Idaho. *Per curiam:* The appeal herein is dismissed for the want of jurisdiction. Section 237 (a), Judicial Code, as amended by the Act of February 13, 1925 (43 Stat. 936, 937). Treating the papers whereon the appeal was allowed as a petition for writ of certiorari, as required by Section 237 (c), Judicial Code, as amended (43 Stat. 936, 938), the petition is denied.

No. 27. Bessie Villa and Max Peterson, appellants, *v.* George S. Van Schaick, Superintendent of Insurance of the State of New York. Appeal from the Supreme Court of the State of New York. *Per curiam:* The appeal herein is dismissed for the want of a properly presented federal question. *Lynch v. New York*, 293 U. S. 52.

No. 549. The Chesapeake & Ohio Railway Company et al., appellants, *v.* The United States of America et al.; and

No. 550. The United States of America et al., appellants, *v.* The Chesapeake & Ohio Railway Company et al. In these cases probable jurisdiction is noted. The cases are advanced and assigned for argument on Wednesday, November 13 next. Consideration of the motion to abate so much of the decree as stayed the operation and enforcement of the order of the Interstate Commerce Commission is postponed to the hearing of the cases on the merits.

The Chief Justice said:

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

No. —, original. State of Arkansas, complainant, *v.* State of Tennessee. The motion for leave to file the bill of complaint herein is granted and process is ordered to issue returnable on Monday, January 6, 1936.

No. 401. The United States of America, petitioner, *v.* William M. Butler et al., Receivers of Hoosac Mills Corporation. The motion to advance is granted and the case is assigned for argument on Monday, December 9 next.

No. 497. St. Joseph Stock Yards Company, appellant, *v.* The United States of America and The Secretary of Agriculture. In this case probable jurisdiction is noted.

No. 443. The United States of America, petitioner, *v.* Certain Lands in the City of Louisville et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit granted.

No. 466. Thomas E. Cahill, petitioner, *v.* Mayflower Bus Lines, Inc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied for the reason that application for the writ of certiorari was not made within the time provided by law. Section 8 (a), Act of February 13, 1925 (43 Stat. 936, 940), U. S. Code, Title 28, Sec. 350. *Warshauer v. Lloyd Sabaudo S. A.*, 293 U. S. 610; *Medhurst v. S. S. "South American"*, 264 U. S. 587.

No. 440. Southern Pacific Company, petitioner, *v.* Edna C. Hackley, as Administratrix, etc. Petition for writ of certiorari to the District Court of Appeals, 3rd Appellate District, State of California, denied.

No. 441. Ellen Downey, Administratrix, etc., petitioner, *v.* Charles M. Thomson, Trustee of the Chicago and Eastern Illinois Railway Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 444. Trafford Oil and Gas Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 445. Madelene Geiger, as Administratrix, etc., petitioner, *v.* Henry J. Merle et al. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 449. H. Newkirk Wheeler, petitioner, *v.* Robert E. Clark, United States Marshal, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 450. Southern Pacific Company et al., petitioners, *v.* Robert McKinley, Administrator, etc. Petition for writ of certiorari to the Court of Civil Appeals, 8th Supreme Judicial District, State of Texas, denied.

No. 451. Southern Pacific Company et al., petitioners, *v.* William E. Clayton, Administrator, etc. Petition for writ of certiorari to the Court of Civil Appeals, 8th Supreme Judicial District, State of Texas, denied.

No. 452. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* James Speyer. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 453. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Emanuel Solomon Ullmann. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 454. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* W. L. Honnald. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 457. Shamrock Oil Company, 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. 459. Tracy C. Drake, John B. Drake, et al., petitioners, *v.* Metropolitan Life Insurance Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 460. Tracy C. Drake, John B. Drake, et al., petitioners, *v.* Metropolitan Life Insurance Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 461. Loretta H. West, petitioner, *v.* Bina West Miller et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 463. Bell-Dowlen Mills, petitioner, *v.* Mrs. Sallie Draper. Petition for writ of certiorari to the Supreme Court of the State of Tennessee denied.

No. 464. Board of Commissioners of the Port of New Orleans et al., petitioners, *v.* North American Fruit & Steamship Corpora-

tion et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 465. The Public Warehouses of Matanzas, Inc., etc., et al., petitioners, *v.* Fidelity & Deposit Company of Maryland. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 467. Keck Investment Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 470. Consumers Natural Gas 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. 471. Edwin S. George, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 472. Harold F. Johnston, Receiver of the First National Bank of Blissfield, Michigan, petitioner, *v.* Henry Goll et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 473. Andrew J. Baker, Ancillary Receiver of Van Camp Milk Company, petitioner, *v.* W. J. Kennedy Dairy Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 475. The Mutual Life Insurance Company of New York, petitioner, *v.* Mary Noel Gregory et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 483. Shawkee Manufacturing Company et al., petitioners, *v.* Hartford-Empire Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 484. United States Radiator Corporation, petitioner, *v.* Louise Ezzell Henderson. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 487. John B. Wolfe, petitioner, *v.* The Travelers Insurance Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. —, original. Ex parte: Thomas J. Mooney; and

No. 406. Peter Jenello, petitioner, *v.* The United States of America. Petitions for rehearing denied.

No. —, original. *Ex parte*: Northern Insurance Company of New York, petitioner. Motion for leave to file petition for writ of mandamus submitted by Mr. J. L. Kohl for the petitioner.

No. **273**. Commonwealth Trust Company of Pittsburgh, Trustee, etc., et al., petitioners, *v.* Arthur R. Atwood, Receiver of The Bank of Pittsburgh National Association. Avery J. Bradford, present Receiver of the Bank of Pittsburgh National Association substituted as the party respondent in place of Arthur R. Atwood, resigned, on motion of Mr. W. D. Stewart.

No. —, original. State of Texas, complainant, *v.* State of New Mexico et al. Motion for leave to file Bill of Complaint submitted by Mr. Richard F. Burges for the complainant.

No. **341**. Ethan McNabb and William Bagley, petitioners, *v.* The People of the State of California. On petition for writ of certiorari to the Supreme Court of the State of California. Dismissed on motion of counsel for the petitioners.

No. **513**. David Lipman, petitioner, *v.* Arthur V. Goebel et al. Motion to print an abbreviated record submitted by Mr. Harry N. Pritzker for the petitioner.

Adjourned until Monday, November 11 next, at 12 o'clock.

The day call for Monday, November 11, will be as follows: Nos 193 (and 194), 22, 30, 32, 35, 37, 39, 40, 46, and 41.

SUPREME COURT OF THE UNITED STATES

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

Humbert B. Powell, of Philadelphia, Pa.; John S. Hurley, of Manchester, N. H.; Thomas McNulty, of Jersey City, N. J.; John J. Dillon, of New York City; Harlan Besson, of Hoboken, N. J.; Otmar J. Pellet, of Hoboken, N. J.; Jacob Mertens, Jr., of New York City; Bernard Lee Blum, of Baltimore, Md.; Charles N. Warbasse, of Brooklyn, N. Y.; Robert E. Gnos, of Brooklyn, N. Y.; George G. Olshausen, of San Francisco, Calif.; Sol Silverman, of San Francisco, Calif.; Harold D. Fitzpatrick, of Meriden, Conn.; Mark F. Hughes, of New York City; Francis B. Delehanty, Jr., of New York City; Henry T. Ivers, of Seattle, Wash.; Edward J. Bennett, of New York City; Harold H. Corbin, of New York City; Gordon A. Goodwin, of Los Angeles, Calif.; and Charles N. Dewey, of Worcester, Mass., were admitted to practice.

No. 12. American Surety Company of New York, petitioner, *v.* Westinghouse Electric Manufacturing Company et al. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Judgment affirmed with costs, and cause remanded to the District Court of the United States for the Northern District of Florida. Opinion by Mr. Justice Cardozo. Dissenting opinion by Mr. Justice Roberts.

No. 26. George W. McCandless, as Receiver of Duquesne Gas Corporation, petitioner, *v.* Maxime H. Furlaud, Kingston Corporation, Byron Corporation, et al. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Decree of the Circuit Court of Appeals reversed and the decree of the District Court of the United States for the Southern District of New York modified as indicated in the opinion of this Court and, as thus modified, affirmed. Costs in this Court to be taxed against respondents. Opinion by Mr. Justice Cardozo. Dissenting opinion by Mr. Justice Roberts in which Mr. Justice McReynolds, Mr. Justice Sutherland, and Mr. Justice Butler concur.

No. 10. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* City Bank Farmers Trust Company, as Trustee under an agreement with Gertrude Feldman James, deceased. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment reversed and cause remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Roberts. Dissenting: Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Sutherland, and Mr. Justice Butler.

No. 14. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Waldemar R. Helmholz, as Sole Devisee and Legatee under the Will of Irene C. Helmholz, deceased. On writ of certiorari to the United States Court of Appeals for the District of Columbia. Judgment affirmed, and cause remanded to said Court of Appeals. Opinion by Mr. Justice Roberts. Mr. Justice Brandeis, Mr. Justice Stone, and Mr. Justice Cardozo concur in the result on the ground last stated in the opinion.

No. 36. Thomas W. White, Former Collector of Internal Revenue, petitioner, *v.* Mary Adelaide Poor et al., Surviving Executors. On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit. Judgment affirmed with costs, and cause remanded to the District Court of the United States for the District of Massachusetts. Opinion by Mr. Justice Roberts. Mr. Justice Brandeis, Mr. Justice Stone, and Mr. Justice Cardozo concur in the result.

No. 24. Nancy K. McFeely, petitioner, *v.* Commissioner of Internal Revenue; on writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit;

No. 110. The United States of America, petitioner, *v.* The First National Bank of Boston et al., Trustees, etc.; and

No. 111. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Frances G. Lee; on writs of certiorari to the United States Circuit Court of Appeals for the First Circuit;

No. 439. Rufus R. Rand, Jr., petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue; on writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit; and

No. 494. Isabel K. Dibblee, petitioner, *v.* Commissioner of Internal Revenue. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgment in No. 24 reversed and cause remanded to the United States Circuit Court of Appeals for the Third Circuit for further proceedings in conformity with the opinion of this Court; judgment in No. 110 affirmed and cause remanded to the District Court of the United States for the District of Massachusetts; judgment in No. 111 affirmed and cause remanded to the

United States Circuit Court of Appeals for the First Circuit; judgment in No. 439 reversed and cause remanded to the United States Circuit Court of Appeals for the Eighth Circuit for further proceedings in conformity with the opinion of this Court; judgment in No. 494 reversed and the cause remanded to the United States Circuit Court of Appeals for the Ninth Circuit for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Roberts. Mr. Justice Brandeis, Mr. Justice Stone and Mr. Justice Cardozo think that the judgment in each of these cases should go for the Government on the ground succinctly stated in the opinion of the Circuit Court of Appeals for the Second Circuit in *Ogle v. Helvering, Commissioner*, 77 F. (2d) 338.¹

No. 3. Schuylkill Trust Company, appellant, *v.* The Commonwealth of Pennsylvania. Appeal from the Supreme Court of the Commonwealth of Pennsylvania. Judgment reversed with costs, and cause remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Roberts. Dissenting opinion by Mr. Justice Cardozo, in which Mr. Justice Brandeis and Mr. Justice Stone join.

No. 20. Raybestos-Manhattan, Inc., petitioner, *v.* The United States. On writ of certiorari to the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Stone.

No. 28. Pete Di Giovanni and Mary Di Giovanni, petitioners, *v.* Camden Fire Insurance Association. On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Decree reversed with costs, and cause remanded to the District Court of the United States for the Western District of Missouri for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Stone.

No. 13. Becker Steel Company of America, petitioner, *v.* Homer S. Cummings, Attorney General of the United States, etc., et al. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Decree reversed, and cause remanded to the District Court of the United States for the Southern District of New York for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Stone. Dissenting opinion by Mr. Justice Roberts, in which Mr. Justice Sutherland concurs.

No. 11. The Chandler & Price Company, petitioner, *v.* Brandtjen & Kluge, Inc., and Joseph Freeman, Inc. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Decree affirmed with costs, and cause remanded to the District Court

¹No. 137. *Kate A. Ogle, petitioner, v. Guy T. Helvering, Commissioner of Internal Revenue.* On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment reversed per stipulation of counsel to abide the decision in No. 439, *Rufus B. Rand, Jr., petitioner, v. Guy T. Helvering, Commissioner of Internal Revenue.*

of the United States for the Eastern District of New York. Opinion by Mr. Justice Butler.

No. 25. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* St. Louis Union Trust Company, as Successor Trustee to Liberty Central Trust Company, etc., et al. On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Judgment affirmed, and cause remanded to the said Circuit Court of Appeals. Opinion by Mr. Justice Sutherland. Dissenting opinion by Mr. Justice Stone in which The Chief Justice, Mr. Justice Brandeis, and Mr. Justice Cardozo join.

No. 262. Louis J. Becker, Collector of Internal Revenue, petitioner, *v.* St. Louis Union Trust Company and William Edwin Guy, Executors, etc. On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Judgment affirmed with costs, and cause remanded to the District Court of the United States for the Eastern District of Missouri. Opinion by Mr. Justice Sutherland. Dissenting: The Chief Justice, Mr. Justice Brandeis, Mr. Justice Stone, and Mr. Justice Cardozo.

No. 9. Atlanta, Birmingham and Coast Railroad Company, appellant, *v.* The United States of America and The Interstate Commerce Commission. Appeal from the District Court of the United States for the Northern District of Georgia. Decree affirmed. Opinion by Mr. Justice Brandeis.

No. 29. Richey V. Graham, petitioner, *v.* The White-Phillips Company, Inc. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Decree affirmed with costs and cause remanded to the District Court of the United States for the Southern District of Illinois. Opinion by Mr. Justice McReynolds.

No. 1. Edward B. Douglas, petitioner, *v.* Levi M. Willcuts, as Collector of Internal Revenue for the District of Minnesota. On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Judgment affirmed with costs, and cause remanded to the District Court of the United States for the District of Minnesota. Opinion by Mr. Chief Justice Hughes.

No. 34. Borax Consolidated, Limited, and Pacific Coast Borax Company, petitioners, *v.* The City of Los Angeles. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Decree affirmed with costs, and cause remanded to the District Court of the United States for the Southern District of California. Opinion by Mr. Chief Justice Hughes. Mr. Justice McReynolds is of opinion that *Knight v. United States Land Association*, 142 U. S. 161, is controlling and that the decree of the District Court should be affirmed.

The Chief Justice announced the following orders of the Court:

No. 492. Walter N. Smith, appellant, *v.* General Hugh S. Johnson, Administrator of the N. R. A., et al. Appeal from the District Court of the United States for the Southern District of New York. *Per curiam*: The appeal herein is dismissed for the want of jurisdiction. Section 238, Judicial Code, as amended by the Act of February 13, 1925 (43 Stat. 936, 938).

No. 509. Joseph M. Purcell, appellant, *v.* New York Central Railroad Company. Appeal from the Supreme Court of the State of New York. *Per curiam*: The motion for leave to file statement as to jurisdiction is granted. The appeal herein is dismissed for the want of a properly presented federal question. *Home for Incurables v. City of New York*, 187 U. S. 155, 158; *Henkel v. Cincinnati*, 177 U. S. 170; *Seaboard Air Line Ry. v. Duvall*, 225 U. S. 477, 481; *Fullerton v. Texas*, 196 U. S. 192, 193-194; *Connecticut General Life Ins. Co. v. Johnson*, 296 U. S. — (decided October 14, 1935). The petition for a writ of certiorari is denied.

No. 530. The Capital Endowment Company, appellant, *v.* The State of Ohio, *ex rel.* C. H. Bowen, Supervisor of Bond Investment Companies. Appeal from the Supreme Court of the State of Ohio. *Per curiam*: The motion to dismiss the appeal herein is granted, and the appeal is dismissed for the reason that the judgment sought here to be reviewed is based upon a non-Federal ground adequate to support it. *Enterprise Irrig. Dist. v. Canal Co.*, 243 U. S. 157, 163-164; *McCoy v. Shaw*, 277 U. S. 302, 303; *Browne v. Union Pacific R. R. Co.*, 267 U. S. 255, 258-259.

No. 531. George Allison & Co., Inc., et al., appellants, *v.* The United States of America, and Interstate Commerce Commission. Appeal from the District Court of the United States for the Southern District of New York. *Per curiam*: The decree is affirmed. *Standard Oil Co. v. United States*, 283 U. S. 235, 241; *Brady v. United States*, 283 U. S. 804.

The Chief Justice said:

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

No. —, original. State of Texas, complainant, *v.* State of New Mexico. The motion for leave to file the Bill of Complaint herein is granted and process is ordered to issue returnable on Monday, January 13, 1936.

No. —, original. *Ex parte*: Northern Insurance Company of New York, petitioner. The motion for leave to file petition for writ of

mandamus herein is denied. *Ex parte*: United States, 287 U. S. 241, 248, 249.

No. 10, original. State of Wyoming, complainant, *v.* State of Colorado. The motion to reassign this case is granted and the case is set for hearing on Monday, February 10, 1936. Brief for complainant to be filed on or before December 5 next, and brief for defendant on or before January 25 next.

No. 2. Bayside Fish Flour Company, appellant, *v.* J. Dale Gentry et al. Pursuant to the stipulation of counsel the judgment entered in this case on October 14, 1935, is vacated and set aside and the case is restored to the docket, to be submitted without oral argument upon briefs to be filed by the appellant on or before December 2 next and by appellees on or before December 16 next.

No. 513. David Lipman, petitioner, *v.* Arthur V. Goebel and Edward Schatz. The motion for leave to print an abbreviated record is granted. Within ten days the respondents may present, for the consideration of the Court, any objections they may have to the record as abbreviated.

No. 563. James Walter Carter, petitioner, *v.* Carter Coal Company et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied. The motion for temporary restraining order and for temporary injunction is also denied.

No. 202. Robert G. Stone and Carrie M. Stone, Trustees, etc., petitioners, *v.* Thomas W. White, Former Collector, etc. The motion for extension of time within which to file petition for rehearing is granted.

No. 559. Arthur Gooch *v.* The United States of America. The motion for leave to proceed herein in forma pauperis is granted.

No. 562. Sam Mattes, petitioner, *v.* The United States of America. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. The motion for leave to proceed further herein in forma pauperis is denied, for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which a writ of certiorari should be granted. The petition for writ of certiorari is therefore also denied.

No. 529. Northern Pacific Railway Company, appellant, *v.* State of Washington; and

No. 520. John D. Bingaman, as Commissioner of Revenue of the State of New Mexico, et al., appellants, *v.* Golden Eagle Western Lines, Inc. In these cases probable jurisdiction is noted.

No. 490. Bus and Transport Securities Corporation, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari

to the United States Circuit Court of Appeals for the Third Circuit granted and the case is assigned for argument immediately following No. 187.

No. 566. Guy T. Helvering, Commissioner of Internal Revenue, *v.* William B. McIlvaine and John P. Wilson, Jr., Trustees, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted and the case is assigned for argument immediately following No. 169.

No. 448. National Box Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 455. The United States, petitioner, *v.* Ford Motor Company. Petition for writ of certiorari to the Court of Claims denied.

No. 462. Honorable Ernest A. O'Brien, 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. 468. J. M. Lee, As Comptroller of the State of Florida, petitioner, *v.* William R. Kenan, Jr., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 469. James D. Lowry, petitioner, *v.* J. Raymond McCarl, Comptroller General etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 476. H. Windt et al., petitioner, *v.* A. S. Lindy et al. Petition for writ of certiorari to the Supreme Court of the State of Tennessee denied.

No. 478. Charles C. Riggs, petitioner, *v.* Commissioner of Internal Revenue;

No. 479. Arthur H. Lamborn, petitioner, *v.* Commissioner of Internal Revenue;

No. 480. George H. Logan, petitioner, *v.* Commissioner of Internal Revenue; and

No. 481. Karl E. Lindgren, petitioner, *v.* Commissioner of Internal Revenue. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 486. Julius I. Peyser, petitioner, *v.* Edward B. McLean. Petition for writ of certiorari to the Court of Appeals of the State of Maryland denied.

No. 491. Wells Fargo Bank & Union Trust Co., as Executor, etc., petitioner *v.* John P. McLaughlin, Collector of Internal Revenue etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 474. Joseph Curreri, petitioner, *v.* George C. Vice, United States Marshal, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 493. Julius Levine & Company et al., petitioners, *v.* Automatic Paper Machine Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 495. Greensboro Gas Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 496. Intermountain Building and Loan Association et al., petitioners *v.* Guadalupe R. Gallegos et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 500. Adolph L. Bernheimer, petitioner, *v.* The First National Bank of Beverly Hills, etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 501. Aladdin Manufacturing Company, petitioner, *v.* The Mantle Lamp Company of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 502. Robert Simon, petitioner, *v.* City Cab Company, Inc. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 504. National Lead Company et al., petitioners, *v.* The City of St. Louis. Petition for writ of certiorari to the Supreme Court of the State of Missouri denied.

No. 506. John H. J. Reinhard, Trustee, etc., petitioner, *v.* Mark T. Bowers, Bankrupt et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 508. Irving Trust Company, as Trustee in Bankruptcy of Kountze Brothers, et al., petitioners, *v.* City of Los Angeles, California, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 512. Allen Moore et al., petitioners, *v.* Elizabeth H. Backus et al., etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 514. Washburn Crosby Company, petitioner, *v.* Dan M. Nee, Individually and as Collector, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 518. Frank C. Bowers, as Executor, etc., petitioner, *v.* Samuel Untermyer. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 519. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* George H. Chisholm. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 534. James Stanley Joyce, petitioner, *v.* Thomas J. Humbird et al.;

No. 535. William T. Joyce Company, petitioner, *v.* Thomas J. Humbird et al.; and

No. 536. William T. Joyce Company, petitioner, *v.* Thomas J. Humbird et al., etc. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 89. York Heating and Ventilating Corporation, appellant, *v.* Ameen Malooly et al.;

No. 118. Vivian Wycliffe Buie, petitioner, *v.* The United States of America;

No. 128. Justus B. Linderholm, petitioner, *v.* The State of Kansas;

No. 131. People of the State of New York, ex rel. Federal Motor Truck Co. of New York, Inc., petitioner, *v.* Thomas M. Lynch et al., etc.;

No. 152. Realty Acceptance Corporation, petitioner, *v.* Henry G. Montgomery;

No. 183. Winthrop Taylor, petitioner, *v.* Commissioner of Internal Revenue;

No. 212. Nathan Amchanitzky, petitioner, *v.* The United States;

No. 271. Anne M. Evans, petitioner, *v.* Missouri State Life Insurance Company;

No. 317. Georgia M. Spruill, petitioner, *v.* William T. Ballard et al.;

No. 329. Arthur O'Toole, petitioner, *v.* State of New Jersey;

No. 342. William L. Nellis, petitioner, *v.* Maryland Casualty Company;

No. 358. Continental Illinois National Bank & Trust Company of Chicago, petitioner, *v.* The Columbian National Life Insurance Company;

No. 359. Chicago Gravel Company, petitioner, *v.* The Columbian National Life Insurance Company;

No. 365. John Wilson Brown, III, petitioner, *v.* Gesellschaft fur Drahtlose Telegraphie M. B. H., a corporation;

No. 378. Charles Lee Goggin, Trustee, etc., petitioner, *v.* Hartford Accident & Indemnity Company;

No. 390. Holmes Hall, petitioner, *v.* Universal Oil Products Company et al.;

No. 419. James V. Allred, Governor, etc., et al., petitioners, *v.* Stanolind Oil & Gas Company et al.;

No. 426. Jacksonville Terminal Company, petitioner, *v.* Geneva Blackshear, as Administratrix etc.; and

No. 458. Peerless Stages, Inc., appellant, *v.* Railroad Commission of the State of California et al. Petitions for rehearing denied.

No. 49. Lee Moor, petitioner, *v.* Texas and New Orleans Railroad Company. Motion on behalf of the United States for leave to file a brief as amicus curiae and to appear and present oral argument submitted by Mr. Solicitor General Reed for the United States in support of the motion and by Mr. Edmund M. Toland in behalf of counsel for the petitioner in opposition thereto, and the motion granted.

No. 13, original. The State of Nebraska, complainant, *v.* The State of Wyoming. Motion of Platte Valley Public Power and Irrigation District for leave to intervene submitted by Mr. Arthur F. Mullen in support of the motion and by Mr. Ray E. Lee for the defendant in opposition thereto.

No. —, original. State of Georgia, complainant, *v.* Henry Morgenthau et al. Return to the rule to show cause presented.

No. 4. Peter Van Der Weyde, petitioner, *v.* Ocean Transport Company, Ltd., etc. Motion of respondent to print additional parts of the record submitted by Mr. Lane Summers, Mr. W. H. Hayden, and Mr. F. T. Merritt for the respondent.

No. 193. Elinor Dorrance Hill, appellant, *v.* J. H. Thayer Martin, State Tax Commissioner, etc.; and

No. 194. Ethel M. Dorrance et al., appellants, *v.* J. H. Thayer Martin, State Tax Commissioner, etc. Argument commenced by Mr. William A. Schnader for the appellants and continued by Mr. Duane E. Minard for the appellee.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, November 12, will be as follows: Nos. 193 (and 194), 22, 30, 32, 35, 37, 39, 40, 46, and 41.

SUPREME COURT OF THE UNITED STATES

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

Emmeline Elizabeth Ferris, of New York City; Otto George Kuklinski, of San Francisco, Calif.; Fred A. Ironside, Jr., of Butte, Mont.; and Garnet C. Rainey, of Los Angeles, Calif., were admitted to practice.

No. 193. Elinor Dorrance Hill, appellant, *v.* J. H. Thayer Martin, State Tax Commissioner of the State of New Jersey, et al., etc.; and

No. 194. Ethel M. Dorrance, George Morris Dorrance, M. D., et al., etc., appellants, *v.* J. H. Thayer Martin, State Tax Commissioner of the State of New Jersey, et al., etc. Argument continued by Mr. Duane E. Minard for the appellees; and concluded by Mr. Wm. A. Schnader for the appellants.

No. 22. The United States of America, appellant, *v.* Fred Hastings. Argued by Mr. Assistant Attorney General Keenan for the appellant, and by Mr. James M. Beck for the appellee.

No. 30. The Klamath and Moadoc Tribes et al., petitioners, *v.* The United States. Argued by Mr. G. Carroll Todd for the petitioners, and by Mr. Assistant Attorney General Blair for the respondent.

No. 32. Milwaukee County *v.* M. E. White Company. Argument commenced by Mr. Herbert H. Naujoks for Milwaukee County.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, November 13 will be as follows: Nos. 32, 549 (and 550), 35, 37, 39, 40, 46, 41, 43, and 47.

SUPREME COURT OF THE UNITED STATES

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

Frank N. Hickman, of Tulsa, Okla.; Henry T. Stetson, of Orange, N. J.; Walter S. Orr, of New York City; Francis L. Casey, of New York City; and A. A. Brock, of Sacramento, Calif., were admitted to practice.

No. 32. Milwaukee County *v.* M. E. White Company. Argument continued by Mr. Herbert H. Naujoks for Milwaukee County; by Mr. Irving Herriott for M. E. White Company; and concluded by Mr. Clark J. A. Hazelwood for Milwaukee County.

No. 549. The Chesapeake and Ohio Railway Company et al., appellants, *v.* The United States of America, Interstate Commerce Commission, et al.; and

No. 550. The United States of America, Interstate Commerce Commissioner, et al., appellants, *v.* The Chesapeake and Ohio Railway Company et al. Leave granted Mr. David C. Walls to appear and present oral argument for the Commonwealth of Kentucky, *pro hac vice*, on motion of Mr. Nelson Thomas in that behalf. Argument commenced by Mr. M. Carter Hall for Chesapeake and Ohio Railway Company et al.; continued by Mr. Nelson Thomas for the United States and Interstate Commerce Commission; by Mr. David C. Walls for the Commonwealth of Kentucky, *pro hac vice*, by special leave of Court; and concluded by Mr. Robert E. Quirk for Island Creek Coal Company.

No. 35. R. L. Wall, W. B. Tilton, et al., etc., appellants, *v.* Janet McNea, a feme sole. Argued by Mr. H. E. Carter for the appellants, and by Mr. D. C. Hall for the appellee.

No. 37. D. Del Vecchio, Trading as Peoples Hardware Stores, et al., petitioner, *v.* Bonnie L. Bowers. Argument commenced by Mr. James E. McCabe for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, November 14, will be as follows: Nos. 37, 39, 40, 46, 41, 43, 47, 54, 55 (56 and 57), and 58.

SUPREME COURT OF THE UNITED STATES

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

Benjamin F. Saltzstein, of Milwaukee, Wis.; Joseph K. Brown, of Bristol, Tenn.; Max M. Weisman, of Washington, D. C.; Philip Harper Allen, of Oakland, Calif.; John H. Schlintz, of Milwaukee, Wis.; Frank E. Withrow, of La Crosse, Wis.; J. R. Modrall, of Santa Fe, N. Mex.; and Joseph P. Brazy, of Milwaukee, Wis., were admitted to practice.

No. 37. *D. Del Vecchio, Trading as Peoples Hardware Stores et al., petitioners, v. Bonnie L. Bowers.* Argument continued by Mr. James E. McCabe for the petitioners; by Mr. John H. Burnett for the respondent; and concluded by Mr. James E. McCabe for the petitioners.

No. 39. *DeForest Hulburd, petitioner, v. Commissioner of Internal Revenue.* Argued by Mr. John E. Hughes for the petitioner, and by Mr. N. A. Townsend for the respondent.

No. 40. *The United States of America, petitioner, v. Gus L. Constantine, alias Dr. Gus.* Argued by Mr. Gordon Dean for the petitioner, and by Mr. William S. Pritchard for the respondent.

No. 46. *The United States of America, petitioner, v. Roger Kesterson et al.* Submitted by Mr. Solicitor General Reed, Mr. Assistant Attorney General Keenan, Mr. Mahlon D. Kiefer, Mr. Gordon Dean, and Mr. W. Marvin Smith for the petitioner, and by Mr. Frank Hickman for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, November 15, will be as follows: Nos. 41, 43, 47, 54, 55 (56 and 57), 58, 174, 175 (and 176), 61, and 184 (185 and 186).

SUPREME COURT OF THE UNITED STATES

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

Robert A. Lavender, of Washington, D. C.; William M. Anderson, of Jefferson City, Mo.; Wallace Reiss, of Milwaukee, Wis.; George H. Mirick, of Worcester, Mass.; Guy L. Webb, of Knoxville, Tenn.; Frederick W. P. Lorenzen, of New York City; and Harold L. Smith, of New York City, were admitted to practice.

No. 577. Rickert Rice Mills. Inc., petitioner, *v.* Rufus W. Fontenot, Individually, etc.;

No. 578. A. B. Dore, petitioner, *v.* Rufus W. Fontenot, Individually, etc.;

No. 579. United Rice Milling Products Co., Inc., petitioner, *v.* Rufus W. Fontenot, Individually, etc.;

No. 580. Baton Rouge Rice Mill, Inc., petitioner, *v.* Rufus Fontenot, Individually, etc.;

No. 581. T. Simon, petitioner, *v.* Rufus W. Fontenot, Individually, etc.;

No. 585. Levy Rice Milling Co., Inc., petitioner, *v.* Rufus W. Fontenot, Individually, etc.;

No. 586. Farmers Rice Milling Co., Inc., petitioner, *v.* Rufus W. Fontenot, Individually, etc.; and

No. 587. Noble-Trotter Rice Milling Co., Inc., petitioner, *v.* Rufus W. Fontenot, Individually, etc. Motion for time to file response to petitions for writs of certiorari and answers to motions for temporary injunctions submitted by Mr. Solicitor General Reed for the respondent in support of the motion, and by Mr. John P. Bullington for the petitioners in opposition thereto.

No. 403. George Ashwander et al., petitioners, *v.* Tennessee Valley Authority et al.; and

No. 404. George Ashwander et al., petitioners, *v.* Tennessee Valley Authority et al. Motion of respondent Tennessee Valley Authority to advance submitted by Mr. Solicitor General Reed in that behalf

with leave to Mr. James M. Beck for the petitioners, and to Mr. Solicitor General Reed to file memoranda respecting the time for filing brief of petitioners.

No. 41. General Utilities and Operating Company, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Argued by Mr. Hugh C. Bickford for the petitioner, and by Mr. J. Louis Monarch for the respondent.

No. 43. Clyde Mallory Lines, appellant, *v.* The State of Alabama, *ex rel.* State Docks Commission. Argued by Mr. Roscoe H. Hupper for the appellant, and by Mr. S. Palmer Gaillard, Jr., for the appellee.

No. 47. Fox Film Corporation, petitioner, *v.* A. B. Muller. Argued by Mr. Charles Evans Hughes, Jr., for the petitioner, and case submitted by Mr. Abram F. Myers for the respondent.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, November 18, will be as follows: Nos. 54, 55 (56 and 57), 58, 174, 175 (and 176), 61, 184 (185 and 186), 187, 490, and 67.

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SUPREME COURT OF THE UNITED STATES

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

Corwin R. Bennett, of Des Moines, Iowa; Vernon A. Vrooman, of Des Moines, Iowa; Chas. H. Keffer, of Amarillo, Tex.; Paul C. Whipp, of New York City; John M. Downes, of Scarsdale, N. Y.; Harry Cole Bates, of New York City; Thomas Fitzhugh, of Augusta, Ark.; Arnold Raum, of Swampscott, Mass.; E. Riley Campbell, of Los Angeles, Calif.; Paul A. Dever, of Cambridge, Mass.; James J. Ronan, of Boston, Mass.; John DeKalb Keith, of Gettysburg, Pa.; Wm. Clarence Sheely, of Gettysburg, Pa.; and Edson R. Sunderland, of Ann Arbor, Mich., were admitted to practice.

No. 48. Pacific States Box and Basket Company, appellant, *v.* S. T. White, as Director of Agriculture for the State of Oregon, et al. Appeal from the District Court of the United States for the District of Oregon. Decree affirmed with costs. Opinion by Mr. Justice Brandeis.

The Chief Justice said:

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

No. 35. R. L. Wall, W. B. Tilton, et al., etc., appellants, *v.* Janet McNee, a Feme Sole. Appeal from the District Court of the United States for the Southern District of Florida. *Per curiam*: As appellants, defendants below, are not state officers within the meaning of Sec. 266 of the Judicial Code (*Spielman Motor Co. v. Dodge*, 295 U. S. 89, 92; *Ex parte Collins*, 277 U. S. 565, 568; *Ex parte Public National Bank*, 278 U. S. 101, 104; *School District No. 7 v. Hunnicut*, 283 U. S. 810; *Ex parte Everglades Drainage District*, 293 U. S. 521; *Everglades Drainage Dist. v. Florida Ranch & Dairy Corp.*, 74 F. (2d) 914, 915, 916; *Rorick v. Everglades Drainage*, 27 F. (2d) 377, 380, 381), the decree herein is reversed and the cause remanded

to the District Court for further proceedings to be taken independently of Sec. 266 of the Judicial Code, *Gully v. Interstate Natural Gas Co.*, 292 U. S. 16, 18, 19.

No. —, original. *Ex parte*: Paysoff Tinkoff, petitioner, *v.* The motion for leave to file petition for writ of mandamus is denied.

No. —, original. State of Georgia, complainant, *v.* Henry Morgenthau, Jr., et al. The motion for leave to file the bill of complaint is granted and process is ordered to issue returnable on Monday, January 20, 1936.

No. 13, original. State of Nebraska, complainant, *v.* State of Wyoming. The motion of Platte Valley Public Power and Irrigation District for leave to intervene is denied.

No. 577. Rickert Rice Mills, Inc., petitioner, *v.* Rufus W. Fontenot, Individually, etc.;

No. 578. A. B. Dore, petitioner, *v.* Rufus W. Fontenot, Individually, etc.;

No. 579. United Rice Milling Products Co., Inc., petitioner, *v.* Rufus W. Fontenot, Individually, etc.;

No. 580. Baton Rouge Rice Mill, Inc., petitioner, *v.* Rufus Fontenot, Individually, etc.;

No. 581. T. Simon, petitioner, *v.* Rufus W. Fontenot, Individually, etc.;

No. 585. Levy Rice Milling Co., Inc., petitioner, *v.* Rufus W. Fontenot, Individually, etc.;

No. 586. Farmers Rice Milling Co., Inc., petitioner, *v.* Rufus W. Fontenot, individually, etc.;

No. 587. Noble-Trotter Rice Milling Co., petitioner, *v.* Rufus W. Fontenot, Individually, etc. The Government's motion for additional time to file answers to the motions for temporary injunctions and responses to the petitions for certiorari is granted, and the Government's time to file such answers and responses is extended to Thursday, November 21, at noon, with the understanding that no action will be taken by the Government by means of jeopardy assessment or otherwise to change the existing situation until the motions for injunctions have been passed upon by the Court. Petitioners may have until Friday, November 22, at noon, to file such replies to the answers and responses of the Government as they may be advised.

No. 403. George Ashwander et al., petitioners, *v.* Tennessee Valley Authority et al.; and

No. 404. George Ashwander et al., petitioners, *v.* Tennessee Valley Authority et al. The motion to advance these cases is granted and the cases are assigned for argument on Thursday, December 19 next. Brief for petitioners to be filed on or before December 2 and brief for respondents to be filed on or before December 16.

No. —. In the Matter of James L. Minnis. On considering the brief filed on October 21, 1935, by James L. Minnis, of San Francisco, California, a member of the Bar of this Court, in the case of *A-I Garage v. Lange Investment Company*, No. 489, of the October Term, 1935, and in particular the following statements on pages four and five thereof:

“Petitioner’s claim is not that the judges committed errors on a trial, but that they wilfully denied it a trial; not that they committed error in interpreting the lease or the law, but that they wilfully substituted for the lease fictions as affirmative facts, and for the law a fiction precisely the opposite of the law; not that the judges failed to deliberate, but that they did deliberate; not that they were exposed to temptation, but that they sought temptation and decided the case for two despicable purposes: one, to give petitioner’s money to respondent; the other, to enable pawnbrokers, lessors, and payees in innumerable installment purchase contracts of automobiles, baby buggies, electric refrigerators, household goods, musical instruments, radios, sewing machines, vacuum cleaners, washing machines, and a thousand other articles, to garner a harvest of penalties, which was approved by the judges of the state supreme court.”;

It is ordered that a rule issue, returnable within forty days, requiring said James L. Minnis to show cause why he should not be disbarred from further practice of the law in this Court for conduct unbecoming a member of the Bar of this Court.

No. 538. *Ashland Refining Company*, appellant, *v. Fred L. Fox*, in his own right, etc.;

No. 544. *The Pacific Telephone and Telegraph Company*, appellant, *v. The Tax Commission of the State of Washington et al.*;

No. 555. *Alice Lee Grosjean*, Supervisor of Public Accounts, etc., et al., appellants, *v. The Texas Company*;

No. 573. *Great Northern Railway Company*, appellant, *v. State of Washington*. In these cases probable jurisdiction is noted.

No. 551. *J. M. Wright et al.*, appellants, *v. Central Kentucky Natural Gas Company*. Further consideration of the question of the jurisdiction of this Court in this case is postponed to the hearing of the case on the merits.

No. 529. *Northern Pacific Railway Company*, appellant, *v. State of Washington*;

No. 573. *Great Northern Railway Company*, appellant, *v. State of Washington*; and

No. 544. *Pacific Telephone & Telegraph Co.*, appellant, *v. The Tax Commission of the State of Washington et al.* The motion to advance these cases is granted and the cases are assigned for argu-

ment on Monday, January 13 next, in the following order, viz: **529, 573, 544.**

No. 4. Peter Van Der Weyde, petitioner, *v.* Ocean Transport Company, Ltd., A Corporation, Claimant, et al. The petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit is granted, limited to the question of the application to this controversy of the Treaty of Commerce and Navigation of July 4, 1827, between the United States and the Kingdom of Sweden and Norway (8 Stat. 346). The motion of respondent, Ocean Transport Co., Ltd., to print additional parts of the record is denied.

No. 525. Great Western Power Company of California, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 489. A-1 Garage, petitioner, *v.* Lange Investment Company. Petition for writ of certiorari to the District Court of Appeals, 1st Appellate District, State of California, denied.

No. 503. A. T. Hudspeth, petitioner, *v.* State of Arkansas. Petition for writ of certiorari to the Supreme Court of the State of Arkansas denied.

No. 505. Marie De Beauvais Richards, petitioner, *v.* Nancye M. Lorleberg. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 507. Mobile and Ohio Railroad Company, petitioner, *v.* G. H. Rogers, Administrator, etc. Petition for writ of certiorari to the Supreme Court of the State of Missouri denied.

No. 521. Fannie V. W. Heard et al., petitioners, *v.* Houston Gulf Gas Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 522. Albert V. Foster, petitioner, *v.* The City of Chickasha, Oklahoma. Petition for writ of certiorari to the Supreme Court of the State of Oklahoma denied.

No. 264. Standard Wholesale Phosphate and Acid Works, Inc., petitioner, *v.* The General Chemical Company;

No. 285. Evans Terry Company, appellant, *v.* State of Mississippi, ex rel. Greek L. Rice, Attorney General etc., et al.;

No. 362. Howard J. Short, appellant, *v.* Board of the School District of Upper Moreland Township, Pennsylvania et al.; and

No. 416. The State of Missouri, at the Relation of Weightstill Woods, petitioner, *v.* Hon. Nike G. Sevier, Judge, and others. Petitions for rehearing denied.

ORDER

The Court will take a recess from Monday, November 25, to Monday, December 9, next.

No. 10, original, October Term, 1934. The State of New Jersey, complainant, *v.* City of New York. Return to rule to show cause presented.

No. 54. George Everett Legg, petitioner, *v.* E. St. John, Trustee. Leave granted Mr. Clayton Scyphers to appear and present oral argument for the respondent, *pro hac vice*, on motion of Mr. Robert Burrow in that behalf. Argument commenced by Mr. Wm. Marshall Bullitt for the petitioner; continued by Mr. Robert Burrow for the respondent; by Mr. Clayton Scyphers for the respondent, *pro hac vice*, by special leave of Court, and concluded by Mr. Henry Roberts for the petitioner. Leave granted respondent to file additional brief by Friday next.

No. 55. Hopkins Federal Savings and Loan Association, etc., et al., petitioners, *v.* Peter A. Cleary et al.;

No. 56. Reliance Building and Loan Association, petitioner, *v.* Peter A. Cleary et al.; and

No. 57. Northern Building and Loan Association, petitioner, *v.* Peter A. Cleary et al. Argument commenced by Mr. Emery J. Woodall for the petitioners, and continued by Mr. Horace Russell for the petitioners, and by Mr. Joseph P. Brazy for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, November 19, will be as follows: Nos. 55 (56 and 57), 58, 174, 175 (and 176), 61, 184 (185 and 186), 187, 490, 67, and 69 (and 70).

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SUPREME COURT OF THE UNITED STATES

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

Lewis B. Eastmead, of Union City, N. J.; Ralph E. Tibbetts, of Boston, Mass.; Carl W. Johnson, of San Antonio, Tex.; Robert D. Steefel, of New York City; Arnold Rumwell, of Palo Alto, Calif.; J. W. Anderson, of Chattanooga, Tenn.; L. J. Benckenstein, of Beaumont, Tex.; Richard Huggard, of Columbus, Ohio; Julius I. Puente, of New York City; Robert J. Beatty, of Columbus, Ohio; and Chelsea O. Inman, of St. Louis, Mo., were admitted to practice.

No. 55. Hopkins Federal Savings and Loan Association, etc., et al., petitioners, *v.* Peter A. Cleary et al.;

No. 56. Reliance Building and Loan Association, petitioner, *v.* Peter A. Cleary et al.; and

No. 57. Northern Building and Loan Association, petitioner, *v.* Peter A. Cleary et al. Argument concluded by Mr. Benjamin Poss for the respondents.

No. 58. Robert H. Via, appellant, *v.* The State Commission on Conservation and Development of the State of Virginia. Argument commenced by Mr. William J. Hughes, Jr., for the appellant. The Court declined to hear further argument.

No. 174. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Minnesota Tea Company. Argued by Mr. J. Louis Monarch for the petitioner, and by Mr. Homer Hendricks for the respondent.

No. 175. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* E. C. Peterson; and

No. 176. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* E. C. Peterson. Argued by Mr. J. Louis Monarch for the petitioner, and by Mr. James G. Nye for the respondents.

No. 61. John A. Nelson Company, petitioner, *v.* Commissioner of Internal Revenue. Argument commenced by Mr. J. S. Seidman for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, November 20, will be as follows: Nos. 61, 184 (185 and 186), 187, 490, 67, 69 (and 70), 82, 78 (and 79), 108, and 238.

SUPREME COURT OF THE UNITED STATES

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

Ferdinand D. Masucci, of Newark, N. J.; Arthur J. Mellott, of Kansas City, Mo.; Robert F. Carey, of Chicago, Ill.; Robert Raymond Hanley, of Chicago, Ill.; Howard N. Kenyon, of Quantico, Va.; and Emmett J. McCarthy, of Chicago, Ill., were admitted to practice.

No. 61. John A. Nelson Company, petitioner, *v.* Commissioner of Internal Revenue. Argument continued by Mr. J. S. Seidman for the petitioner, by Mr. J. Louis Monarch for the respondent, and concluded by Mr. J. S. Seidman for the petitioner.

No. 184. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* John J. Watts;

No. 185. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Hugh C. Sicard; and

No. 186. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Parker Sloane. Argued by Mr. J. Louis Monarch for the petitioner and by Mr. Samuel Seabury for the respondents.

No. 187. The G. & K. Manufacturing Company, petitioner, *v.* Commissioner of Internal Revenue. Argued by Mr. Llewellyn A. Luce for the petitioner and by Mr. J. Louis Monarch for the respondent.

No. 490. Bus and Transport Securities Corporation, petitioner, *v.* Commissioner of Internal Revenue. Argued by Mr. Albert E. James for the petitioner and by Mr. J. Louis Monarch for the respondent.

No. 67. Morris Miller, petitioner, *v.* Irving Trust Company, as Trustee, etc. Argument commenced by Mr. Robert D. Steefel for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, November 21, will be as follows: Nos. 67, 69 (and 70), 82, 78 (and 79), 108, 238, 83, 213, 114, and 151.

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SUPREME COURT OF THE UNITED STATES

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

Arthur W. Watwood, of Aberdeen, S. D.; William Croft Jennings, of Washington, D. C.; James T. Duffy, of Washington, D. C.; Joseph R. Harmon, of Chicago, Ill.; W. Glenn Harmon, of San Francisco, Calif.; Ernest L. Wilkinson, of Washington, D. C.; Edward S. Hayden, of Jersey City, N. J.; Robert J. Sykes, of New York City; and Kenneth E. Walser, of New York City, were admitted to practice.

No. 67. Morris Miller, petitioner, *v.* Irving Trust Company, as Trustee, etc. Argument continued by Mr. Robert D. Steefel for the petitioner, and concluded by Mr. Lester D. Melzer for the respondent.

No. 69. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Edmund O. Schweitzer; and

No. 70. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Edmund O. Schweitzer. Argued by Mr. Assistant Attorney General Wideman for the petitioner, and by Mr. Hugh W. McCulloch for the respondent.

No. 82. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Lucy A. Blumenthal. Argued by Mr. Assistant Attorney General Wideman for the petitioner, and by Mr. Eugene Blumenthal for the respondent.

No. 78. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Coleman-Gilbert Associates; and

No. 79. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Coleman-Gilbert Associates. Argued by Mr. Assistant Attorney General Morris for the petitioner, and by Mr. Ralph E. Tibbetts for the respondent.

No. 108. Joseph E. Swanson et al., as Trustees etc., petitioners, *v.* Commissioner of Internal Revenue. Argument commenced by Mr. Arnold R. Baar for the petitioners.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, November 22, will be as follows: Nos. 108, 238, 83, 213, 114, and 151.

SUPREME COURT OF THE UNITED STATES

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

Francis L. Gillespie, of St. Louis, Mo.; Alvan J. Goodbar, of St. Louis, Mo.; Carl A. Mead, of New York City; William J. O'Neill, of New York City; Jose A. Fernandez Diez, of San Juan, P. R.; Virginia H. Mayfield, of Birmingham, Ala.; Nina Gluckstein, of Mobile, Ala.; L. B. Mann, of Washington, D. C.; and Earle Clark Calhoun, of Washington, D. C., were admitted to practice.

No. 108. Joseph E. Swanson et al., as Trustees, etc., petitioners, *v.* Commissioner of Internal Revenue. Argument concluded by Mr. Assistant Attorney General Morris for the respondent.

No. 238. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* E. E. Combs and Edward Everett, Trustees, etc. Argued by Mr. Assistant Attorney General Morris for the petitioner, and by Mr. Dana Latham for the respondents.

No. 83. Norman W. Bingham, Jr., et al., etc., petitioners, *v.* The United States of America. Argued by Mr. George S. Fuller for the petitioners, and by Mr. David E. Hudson for the respondent.

No. 213. Industrial Trust Company et al., Executors, etc., petitioners, *v.* The United States. Argued by Mr. Charles P. Taft for the petitioners, and by Mr. David E. Hudson for the respondent.

Adjourned until Monday, November 25 next, at 12 o'clock.

SUPREME COURT OF THE UNITED STATES

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

Thomas McE. Johnston, of Miami, Fla.; Grady Seals Aiken, of Atlanta, Ga.; Harris Nelson Street, of Providence, R. I.; Harris Berlack, of New York City; Aubrey St. C. Wardwell, of Washington, D. C.; Frederick H. Bowers, of Huntington, Ind.; Joseph M. Bearman, of Memphis, Tenn.; Thomas J. Collins, of St. Petersburg, Fla.; and Joseph Kurtz Horton, of Los Angeles, Calif., were admitted to practice.

No. 549. The Chesapeake and Ohio Railway Company et al., appellants, *v.* The United States of America et al.; and

No. 550. The United States of America et al., appellants, *v.* The Chesapeake and Ohio Railway Company et al. Appeals from the District Court of the United States for the Southern District of West Virginia. Decree denying injunction and dismissing the bill of complaint affirmed. *Per curiam* opinion, announced by Mr. Chief Justice Hughes.

The Chief Justice announced the following order of the Court:

No. 58. Robert H. Via, appellant, *v.* The State Commission on Conservation and Development of the State of Virginia. Appeal from the District Court of the United States for the Western District of Virginia. *Per curiam*: The decree is affirmed on the ground that appellant has an adequate remedy at law. Insurance Co. *v.* Bailey, 13 Wall. 616, 623; Grand Chute *v.* Winegar, 15 Wall. 373, 375, 376; Gaines *v.* Nicholson, 9 How. 356, 364-365; Wehrman *v.* Conklin, 155 U. S. 314, 326.

The Chief Justice said:

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

ORDER

Rule 70½ of the rules of practice in equity heretofore promulgated by this Court (226 U. S., Appendix; 281 U. S. 773) is amended to read as follows:

“In deciding suits in equity, including those required to be heard before three judges, the court of first instance shall find the facts specially and state separately its conclusions of law thereon; and, in granting or refusing interlocutory injunctions, the court of first instance shall similarly set forth its findings of fact and conclusions of law which constitute the grounds of its action.

“Such findings and conclusions shall be entered of record and, if an appeal is taken from the decree, shall be included by the clerk in the record which is certified to the appellate court under rules 75 and 76.”

No. —, original. *Ex parte*: Francis Scalse. The motion for leave to file petition for writ of mandamus is denied.

No. —, original. *Ex parte*: Lloyd Rubin. The motion for leave to file petition for writ of habeas corpus is denied.

No. —. Jesse Margaret Wilson Budlong, appellant, *v.* Milton John Budlong. The application for allowance of appeal, having been considered by the whole Court, is denied.

No. 202. Robert G. Stone et al., Trustees, petitioners, *v.* Thomas W. White, Former Collector, etc. Upon consideration of the motion of petitioners, and the time for presenting a petition for rehearing of the application for writ of certiorari herein having been extended to the end of the present term,

It is ordered that the entry of judgment herein by the District Court of the United States for the District of Massachusetts be, and it hereby is, stayed until the expiration of the present term of this Court, or until further order of the Court.

No. 546. United States Shipping Board Merchant Fleet Corporation et al., petitioners, *v.* Thomas E. Rhodes; and

No. 547. J. F. T. O'Connor, Comptroller of the Currency, etc., et al., petitioners, *v.* Thomas E. Rhodes. Petitions for writs of certiorari to the United States Court of Appeals for the District of Columbia granted, limited to the question of the right of respondent, to bring this suit without prior demand upon, and refusal by, the Comptroller of the Currency or the receiver, or both.

No. 577. Rickert Rice Mills, Inc., petitioner, *v.* Rufus W. Fontenot, Individually, etc.;

No. 578. A. B. Dore, petitioner, *v.* Rufus W. Fontenot, Individually, etc.;

No. 579. United Rice Milling Products Co., Inc., petitioner, *v.* Rufus W. Fontenot, Individually, etc.;

No. 580. Baton Rouge Rice Mill, Inc., petitioner, *v.* Rufus W. Fontenot, Individually, etc.;

No. 581. T. Simon, petitioner, *v.* Rufus W. Fontenot, Individually, etc.;

No. 585. Levy Rice Milling Co., Inc., petitioner, *v.* Rufus W. Fontenot, Individually, etc.;

No. 586. Farmers Rice Milling Co., Inc., petitioner, *v.* Rufus W. Fontenot, Individually, etc.; and

No. 587. Noble-Trotter Rice Milling Co., Inc., petitioner, *v.* Rufus W. Fontenot, Individually, etc. The petitions for writs of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit are granted, and the cases are assigned for argument on Monday, December 16 next. The motions for injunction restraining the collection of the assailed tax, pending the hearing and determination of the causes in this Court, are granted, upon condition that the amount of the assailed taxes, as they accrue from month to month, shall be paid over to a depository to be appointed by the Court, the order for injunction to be settled by the Chief Justice upon two days' notice.

Mr. Justice Brandeis, Mr. Justice Stone, and Mr. Justice Cardozo dissent from the action of the Court in granting the injunction.

No. 533. Duparquet Huot & Moneuse Co., E. E. Alley Co. et al., petitioners, *v.* Frysinger Evans et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted, and the case is assigned for argument immediately following No. 428.

No. 532. John D. Kitrell, etc., petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied. The application for bail is also denied.

No. 560. The United States of America, petitioner, *v.* Grahame Wood et al., etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied. Mr. Justice Roberts took no part in the consideration or decision of this application.

No. 446. The Choctaw Nation, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 447. The Choctaw and Chickasaw Nations, petitioners, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 515. Koutei (Kotei) Sugaya, petitioner, *v.* Edward L. Haff, as District Director of Immigration, etc. Petition for writ of cer-

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

No. 516. Pennsylvania Indemnity Company, petitioner, *v.* Virginia E. MacLaughlin, Administratrix, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 526. Julius Maximillian Blumen, alias Julius M. Busch et al., petitioners, *v.* Edward L. Haff, District Director of Immigration, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 527. In Re: George J. Gross, petitioner. Petition for writ of certiorari to the Supreme Court of the State of Pennsylvania denied.

No. 537. Hillerich & Bradsby Company, petitioner, *v.* Hanna Manufacturing Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 542. Asiatic Petroleum Company, Limited, 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. 554. P. J. Leithauser, petitioner, *v.* Hartford Fire Insurance Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 498. Allen C. Weissman Company, Inc., et al., petitioners, *v.* Louis Denison et al., etc.; and

No. 499. Allen C. Weissman Company, Inc., et al., petitioners, *v.* Lehigh Bernstein Manufacturing Corporation. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 523. George W. Egbert, as Superintendent of Banks of the State of New York, petitioner, *v.* Stephen Callaghan et al., as Trustees, etc.; and

No. 524. John Garlick et al., petitioners, *v.* The Prudence Company, Inc., et al. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 381. Board of Liquidation, City Debt of New Orleans et al., appellants, *v.* The Board of Commissioners of the Port of New Orleans et al.;

No. 449. H. Newkirk Wheeler, petitioner, *v.* Robert E. Clark, United States Marshal, etc.;

No. 459. Tracy C. Drake et al., petitioners, *v.* Metropolitan Life Insurance Company et al.;

No. 460. Tracy C. Drake et al., petitioners, *v.* Metropolitan Life Insurance Company et al. Petitions for rehearing denied.

No. 388. A. G. Triplett et al., petitioners, *v.* Percival D. Lowell et al. Motion for leave to file petition for rehearing submitted by Mr. James P. Burns in behalf of counsel for the petitioners.

No. —, original. State of Arizona, complainant, *v.* State of California et al. Motion for leave to file bill of complaint submitted by Mr. James R. Moore for the complainant.

No. —. In the matter of Holmes Hall. Return to rule to show cause presented.

No. 84. Edwin T. McKnight, petitioner, *v.* Commonwealth of Massachusetts. Petition for writ of certiorari to the Supreme Judicial Court of the Commonwealth of Massachusetts dismissed on motion of counsel for the petitioner.

Adjourned until Monday, December 9, next at 12 o'clock.

The day call for Monday, December 9, will be as follows: Nos. 401, 49, 109, 114, 116, 115, 124, 125, 232, and 127.

SUPREME COURT OF THE UNITED STATES

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

John A. Gosnell, of Little Rock, Ark.; John V. Spalding, of Boston, Mass.; Ernest Scott, of Philadelphia, Pa.; Malcolm Crawford, of Louisville, Ky.; Warren F. Farr, of Boston, Mass.; Clay R. Apple, of Greeley, Colo.; Ben S. Fisher, of Washington, D. C.; Hamilton M. Dawes, of New York City; Franklin S. Edmonds, of Philadelphia, Pa.; John D. Featherstone, of Greenwood, S. C.; Albert C. Todd, of Greenwood, S. C.; Robert F. Campbell, of Houston, Tex.; Frederick H. Spotts, of Philadelphia, Pa.; Jacob W. Rhine, of Philadelphia, Pa.; David G. Smith, of Paterson, N. J.; Isaac A. Penny-packer, of Philadelphia, Pa.; John F. Evans, of Paterson, N. J.; Randal B. Lewis, of Paterson, N. J.; Al. Philip Kane, of Washington, D. C.; Harley E. Peters, of Columbus, Ohio; Lewis A. Darrow, of Philadelphia, Pa.; Louis A. Hellerstein, of Denver, Colo.; Hiram Beach Carpenter, of New York City; Walter G. Bouldin, of Birmingham, Ala.; J. Paul Farrell, of McKeesport, Pa.; Linford G. Curry, of McKeesport, Pa.; D. J. Bourg, of Washington, D. C.; Archibald G. Robertson, of Richmond, Va.; Harold Roland Shapiro, of New York City; John R. Coen, of Denver, Colo.; William S. Collen, of Chicago, Ill.; William J. Otjen, of Enid, Okla.; Gordon W. Daisley, of Washington, D. C.; S. R. Greer, of Mission, Tex.; Leon E. Gold, of New York City; Maurice L. Rabbino, of New York City; Lester E. Waterbury, of New York City; Ralph H. Hudson, of Washington, D. C.; John T. Callahan, of New York City; Malcolm K. Harris, of Danville, Va.; and Allison E. Stuart, of La Fayette, Ind., were admitted to practice.

No. 39. DeForest Hulburd, petitioner, *v.* Commissioner of Internal Revenue. 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 order of the Board of Tax Appeals affirmed, and cause remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Cardozo.

No. 55. Hopkins Federal Savings and Loan Association, etc., et al., petitioners, *v.* Peter A. Cleary, S. N. Schafer, and H. F. Ibach, Constituting the Banking Commission of the Banking Department of the State of Wisconsin;

No. 56. Reliance Building and Loan Association, petitioner, *v.* Peter A. Cleary, S. N. Schafer, and H. F. Ibach, as the Banking Commission of the Banking Department of the State of Wisconsin et al.; and

No. 57. Northern Building and Loan Association, petitioner, *v.* Peter A. Cleary, S. N. Schafer, and H. F. Ibach, as the Banking Commission of the Banking Department of the State of Wisconsin et al. On writs of certiorari to the Supreme Court of the State of Wisconsin. Judgments affirmed with costs. Opinion by Mr. Justice Cardozo.

No. 37. D. Del Vecchio, Trading as Peoples Hardware Stores, and Merchants Mutual Casualty Company, petitioners, *v.* Bonnie L. Bowers. On writ of certiorari to the United States Court of Appeals for the District of Columbia. Judgment reversed, and cause remanded to the Supreme Court of the District of Columbia for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Roberts.

No. 40. The United States of America, petitioner, *v.* Gus L. Constantine, alias Dr. Gus. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Judgment affirmed, and cause remanded to the District Court of the United States for the Northern District of Alabama. Opinion by Mr. Justice Roberts. Dissenting opinion by Mr. Justice Cardozo in which Mr. Justice Brandeis and Mr. Justice Stone join.

No. 46. The United States of America, petitioner, *v.* Roger Kesterson and Bernord Roberts. On writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit. Judgment affirmed, and cause remanded to the District Court of the United States for the Northern District of Oklahoma. Opinion by Mr. Justice Roberts. Dissenting: Mr. Justice Brandeis, Mr. Justice Stone, and Mr. Justice Cardozo.

No. 43. Clyde Mallory Lines, appellant, *v.* The State of Alabama *ex rel.* State Docks Commission. Appeal from the Supreme Court of the State of Alabama. Judgment affirmed with costs. Opinion by Mr. Justice Stone.

No. 32. Milwaukee County *v.* M. E. White Company. On certificate from the United States Circuit Court of Appeals for the Seventh Circuit. Question answered "Yes." Opinion by Mr. Justice Stone. Mr. Justice McReynolds and Mr. Justice Butler think that the question should be answered "no."

No. 15. A. S. Alexander, H. D. Rummel, and George S. Baton, as Receivers, etc., petitioners, *v.* J. H. Hillman, Jr., A. B. Sheets, Thomas Watson, et al.; and

No. 16. A. S. Alexander, H. D. Rummel, and George S. Baton, as Receivers, etc., petitioners, *v.* J. H. Hillman, Jr., A. B. Sheets, Thomas Watson, et al. On writs of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit. Decrees reversed with costs, and cases remanded to the District Court of the United States for the Southern District of West Virginia for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Butler.

No. 30. The Klamath and Moadoc Tribes and Yahooskin Band of Snake Indians, petitioners, *v.* The United States. On writ of certiorari to the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Butler. Mr. Justice McReynolds took no part in the consideration or decision of this case.

No. 67. Morris Miller, petitioner, *v.* Irving Trust Company, as Trustee in Bankruptcy of Sarnoff-Irving Hat Stores, Inc., Bankrupt. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Decree affirmed with costs, and cause remanded to the District Court of the United States for the Southern District of New York. Opinion by Mr. Justice Butler.

No. 10, Original. October Term, 1934. State of New Jersey, complainant, *v.* City of New York. Defendant's motion for leave to file petition for construction or modification of decree granted. Decreed that facts alleged therein do not constitute a violation of the decree of December 4, 1933. Decree announced by Mr. Justice Butler.

No. 47. Fox Film Corporation, petitioner, *v.* A. B. Muller. On writ of certiorari to the Supreme Court of the State of Minnesota. Writ of certiorari dismissed for want of jurisdiction. Opinion by Mr. Justice Sutherland. The Chief Justice took no part in the consideration or decision of this case.

No. 83. Norman W. Bingham, Jr., et al., etc., petitioners, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit. Judgment reversed, and cause remanded to the District Court of the United States for the District of Massachusetts for further proceedings in conformity with the opinion of this case. Opinion by Mr. Justice Sutherland. Concurring: The Chief Justice, Mr. Justice Brandeis, Mr. Justice Stone, and Mr. Justice Cardozo.

No. 213. Industrial Trust Company and Orland S. Greene, Executors of the Estate of William M. Greene, petitioners, *v.* The United States. On writ of certiorari to the Court of Claims. Judgment

reversed, and cause remanded for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Sutherland.

No. 41. General Utilities and Operating Company, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit. Judgment reversed, and cause remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice McReynolds.

No. 22. The United States of America, appellant, *v.* Fred Hastings. Appeal from the District Court of the United States for the Northern District of Mississippi. Judgment affirmed. Opinion by Mr. Chief Justice Hughes.

The Chief Justice announced the following orders of the Court:

No. 545. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Francis J. Stokes. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. *Per curiam*: The petition for writ of certiorari in this case is granted. Decree reversed. *Douglas v. Willcuts*, 296 U. S. — (decided November 11, 1935); *Helvering v. Schweitzer*, 296 U. S. — (decided this day); *Helvering v. Blumenthal*, 296 U. S. — (decided this day).

No. 69. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Edmund O. Schweitzer; and

No. 70. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Edmund O. Schweitzer. On writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. *Per curiam*: Decrees reversed. *Douglas v. Willcuts*, 296 U. S. — (decided November 11, 1935).

No. 82. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Lucy A. Blumenthal. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. *Per curiam*: Decree reversed. *Douglas v. Willcuts*, 296 U. S. — (decided November 11, 1935); *Helvering v. Schweitzer*, 296 U. S. — (decided this day).

The Chief Justice said:

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

No. —. In the matter of *Holmes Hall*. This Court, by order of October 14, 1935, having directed the issue of a rule requiring *Holmes Hall* to show cause why he should not be disbarred from

the practice of the law in this Court for conduct unbecoming a member of the Bar of this Court, and the said Holmes Hall having filed return to said rule,

It is ordered that the rule to show cause and the return aforesaid, together with all papers which have been filed with the Clerk of this Court in relation to this matter, be, and the same hereby are, referred to Mr. J. Harry Covington, Mr. John Spalding Flannery, and Mr. F. Regis Noel, of Washington, D. C., as a committee of the bar of this Court, to make such inquiry into the matter as may be necessary or appropriate and thereupon to make a report and recommendation respecting the final action to be taken herein by this Court conformably to Rule 2, paragraph 5 of the Rules of this Court.

No. —. In the matter of Ralph J. Baker. A rule is ordered to issue, returnable within forty days, requiring Ralph J. Baker, of Cambridge, Massachusetts, a member of the Bar of this Court, to show cause why he should not be disbarred from further practice of the law in this Court for conduct unbecoming a member of the Bar of this Court.

No. —, Original. State of Arizona, complainant, *v.* State of California et al. A rule is ordered to issue requiring the defendants to show cause on or before January 13, next, why leave to file the Bill of Complaint herein should not be granted. Complainant shall have three weeks from the date of service of the returns to the rule within which to reply thereto if so advised.

No. 593. Rececca F. Jones, petitioner, *v.* Jefferson Standard Life Insurance Company. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit; and

No. 606. A. J. Richardson, petitioner, *v.* Chicago, Rock Island & Gulf Railway Company. On petition for writ of certiorari to the Supreme Court of the State of Texas. The motions for leave to proceed further herein in forma pauperis are denied, for the reason that the Court, upon examination of the papers herein submitted finds no ground upon which writs of certiorari should be granted. The petitions for writs of certiorari are therefore also denied.

No. 388. A. G. Triplett et al., petitioners, *v.* Percival D. Lowell. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit. It is ordered that the petition for rehearing in this case be, and it hereby is, granted. The order heretofore entered on October 14, 1935, denying the petition for writ of certiorari in this case is vacated, and it is ordered that the petition for writ of certiorari be, and the same hereby is granted. The case is assigned for argument immediately following No. 590.

No. 539. Stephen Callaghan et al., petitioners, *v.* Reconstruction Finance Corporation; and

No. 540. Theodore Stitt, petitioner, *v.* Reconstruction Finance Corporation. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 552. Lincoln L. McCandless 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 granted.

No. 543. Hamilton Gas Company, petitioner, *v.* Clarence L. Harper et al., etc. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit; and

No. 569. Hamilton Gas Company, debtor, petitioner, *v.* E. McLain Watters et al., etc. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit. Petitions for writs of certiorari denied. Mr. Justice Roberts took no part in the consideration or decision of these applications.

No. 528. Noxon Chemical Products Company, Inc., petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 541. Rainier National Park Company, petitioner, *v.* Harold H. Henneford et al. Petition for writ of certiorari to the Supreme Court of the State of Washington denied.

No. 548. Southern Pacific Company, a corporation, petitioner, *v.* Leila Mae Walton, Administratrix, etc. Petition for writ of certiorari to the District Court of Appeals, State of California, denied.

No. 556. Godfrey Updike, Mabel S. Gunn, et al., etc., petitioners, *v.* Manufacturers Trust Company. Petition for writ of certiorari to the Supreme Court of the State of New York, Appellate Division, denied.

No. 557. Joseph T. Ryerson & Son, Inc., petitioner, *v.* Bullard Machine Tool Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 570. V. Vivaudou, Inc., petitioner, *v.* Commissioner of Internal Revenue; and

No. 571. Alfred H. Smith Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 574. The Electric Auto-Lite Company, petitioner, *v.* P. & D. Manufacturing Company, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 582. Bruno Richard Hauptmann, petitioner, *v.* The State of New Jersey. Petition for writ of certiorari to the Court of Errors and Appeals of the State of New Jersey denied.

No. 510. Frank Collis Bowers, as Executor of the last will and Testament of Frank K. Bowers, deceased, etc., petitioner, *v.* The Farmers' Loan and Trust Company, as Trustee, etc.; and

No. 511. Frank Collis Bowers, as Executor of the last will and testament of Frank K. Bowers, deceased, etc., petitioner, *v.* The Farmers' Loan and Trust Company, as Trustee, etc. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 553. Edward Endelman, petitioner, *v.* Reconstruction Finance Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 558. The United States of America to the use of R. Bland Phelps, Trading as R. B. Phelps Stone Co., petitioner, *v.* Maiatico Construction Company, Inc. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 561. Charles H. McCarthy, 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. 564. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Blaine L. Stoner. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 565. George J. Donahue, petitioner, *v.* Frederick W. Rockwell et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 567. The Armand Company, Inc., petitioner, *v.* Federal Trade Commission. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 572. Nannie Counselman, Executrix, etc., petitioner, *v.* Rufus F. Pritzer. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 576. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* The Pennsylvania Company for Insurance on Lives and Granting Annuities, et al., etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 10. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* City Bank Farmers Trust Company, as Trustee, etc.;

No. 24. Nancy K. McFeely, petitioner, *v.* Commissioner of Internal Revenue;

No. 110. The United States of America, petitioner, *v.* First National Bank of Boston; et al., etc.;

No. 111. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Frances G. Lee;

No. 439. Rufus R. Rand, Jr., petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue;

No. 494. Isabel K. Dibblee, petitioner, *v.* Commissioner of Internal Revenue;

No. 26. George W. McCandless, as Receiver of Duquesne Gas Corporation, petitioner, *v.* Maxime H. Furlaud et al.;

No. 34. Borax Consolidated, Limited, and Pacific Coast Borax Company, petitioners, *v.* The City of Los Angeles;

No. 146. Y. Allen Holman et al., petitioners, *v.* Gulf Refining Company of Louisiana et al.;

No. 514. Washburn Crosby Company, petitioner, *v.* Dan M. Nee, Individually, etc.; and

No. 531. George Allison & Co., Inc., et al., appellants, *v.* The United States of America et al. Petitions for rehearing denied.

No. 551. J. M. Wright and F. A. Forsythe, appellants, *v.* Central Kentucky Natural Gas Company et al. Motion to fix amount of supersedeas and for stay of execution submitted by Mr. Lon B. Rogers for the appellants in support of the motion, and by Mr. Henry L. Duncan, Mr. Dyke L. Hazelrigg, Mr. Chester J. Gerkin, Mr. William L. Wallace, Mr. J. A. Edge, Mr. Maurice H. Thatcher, Mr. John H. Connaughton, and Mr. Raymond M. Hudson for the appellees in opposition thereto.

No. 157. St. Louis Can Company, petitioner, *v.* General American Life Insurance Company et al. On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Writ of certiorari dismissed per stipulation of counsel.

No. 401. The United States of America, petitioner, *v.* William M. Butler et al., Receivers of Hoosac Mills Corporation. Four hours allowed for oral argument and leave granted three counsel to address the Court for respondents. Argument commenced by Mr. Solicitor General Reed for the petitioner, and continued by Mr. George Wharton Pepper for the respondents.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, December 10, will be as follows: Nos. 401, 49, 109, 127, 114, 116, 115, 124, 125, and 232.

SUPREME COURT OF THE UNITED STATES

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

H. L. McCracken, of Oklahoma City, Okla.; Earl Foster, of Oklahoma City, Okla.; Robert D. O'Callaghan, of New York City; Henry N. Shabsin, of Oak Park, Ill.; Richard Wait, of Boston, Mass.; George W. Kilgus, of Manhasset, N. Y.; Morgan J. O'Brien 2nd, of New York City; LeRoy H. Hines, of San Francisco, Calif.; Gilbert P. Brush, of New York City; Charles R. Hoffmann, of San Francisco, Calif.; Kenneth S. Harrison, of Washington, D. C.; John I. Dugan, of Washington, D. C.; Herbert M. Lautmann, of Chicago, Ill.; Leonard M. Rieser, of Chicago, Ill.; and Elmer W. Maher, of New York City, were admitted to practice.

No. 401. The United States of America, petitioner, *v.* William M. Butler et al., Receivers of Hoosac Mills Corporation. Argument continued by Mr. George Wharton Pepper; by Mr. Edward R. Hale; and by Mr. Bennett Sanderson for the respondents, and concluded by Mr. Solicitor General Reed for the petitioner.

No. 49. Lee Moor, petitioner, *v.* Texas and New Orleans Railroad Company. Argument commenced by Mr. Thornton Hardie for the petitioner; continued by Mr. Henry E. Hackney for the petitioner; by Mr. Ben C. Dey for the respondent; and by Mr. Solicitor General Reed for the United States as *amicus curiae*, by special leave of Court.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, December 11, will be as follows: Nos. 49, 109, 127, 114, 116, 115, 124, 125, 232, and 151.

SUPREME COURT OF THE UNITED STATES

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

Dean Prichard Kimball, of Chicago, Ill.; Edwin P. Kilroe, of New York City; Philip F. Herrick, of Washington, D. C.; Philip W. Shepard, of Washington, D. C.; Roswell S. Nichols, of New York City; George E. Parks, of Washington, D. C.; Irwin Arnovitz, of Salt Lake City, Utah; William McCraw, of Dallas, Tex.; and H. Grady Chandler, of Austin, Tex., were admitted to practice.

No. 427. George S. Ingraham et al., appellants, *v.* Henry Hanson. Motion of the Tax Commission of the State of Utah and others for leave to file a brief as *amici curiae* and for leave to appear and present oral argument submitted by Mr. Irwin Arnovitz in that behalf.

No. 49. Lee Moor, petitioner, *v.* Texas and New Orleans Railroad Company. Further argument waived and case submitted on briefs.

No. 109. The United States of America, appellant, *v.* Halsey, Stuart & Co., Inc., et al. Argued by Mr. Walter Brower for the appellant, and by Mr. John W. Davis for the appellees.

No. 127. Radio Corporation of America, petitioner, *v.* Raytheon Manufacturing Company. Argument commenced by Mr. John W. Davis for the petitioner; continued by Mr. Edward F. McClennen for the respondent; and concluded by Mr. Richard Wait for the petitioner.

No. 114. Juan Posadas, Jr., Collector of Internal Revenue for the Philippine Islands, petitioner, *v.* The National City Bank of New York. Juan Posadas, Jr., Collector of Internal Revenue of the Commonwealth Government of the Philippine Islands, substituted as the party petitioner on motion of Mr. William Catron Rigby for the petitioner.

No. 114. Juan Posadas, Jr., Collector of Internal Revenue of the Commonwealth Government of the Philippine Islands, petitioner, *v.* The National City Bank of New York. Argument commenced by Mr. William Catron Rigby for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, December 12, will be as follows: Nos. 114, 116, 115, 124, 125, 232, 15, 169, 566, and 173 (and 280).

SUPREME COURT OF THE UNITED STATES

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

Edward Francis Smith, of Boston, Mass.; Clyde J. Cover, of Fort Wayne, Ind.; Edgar Thomson Zook, of San Francisco, Calif.; Jonathan Edward Phillips, of San Francisco, Calif.; and Matthew Brown, of Boston, Mass., were admitted to practice.

No. 114. Juan Posadas, Jr., Collector of Internal Revenue of the Commonwealth Government of the Philippine Islands, petitioner, *v.* The National City Bank of New York. Argument continued by Mr. William Cattron Rigby for the petitioner; by Mr. Carl A. Mead for the respondent; and concluded by Mr. William Cattron Rigby for the petitioner.

No. 116. State of Oklahoma *ex rel.* Oklahoma Tax Commission et al., petitioners, *v.* Barndall Refineries, Inc., et al. Argument commenced by Mr. C. D. Cund for the petitioners; continued by Mr. L. G. Owen for the respondents; and concluded by Mr. Earl Foster for the petitioners.

No. 115. The Public Service Commission of Puerto Rico, petitioner, *v.* Horace Havemeyer et al. Argument commenced by Mr. William Cattron Rigby for the petitioners, and continued by Mr. Ralph S. Rounds for the respondents.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, December 13, will be as follows: Nos. 115, 124, 125, 232, 151, 169, 566, 173 (and 280), 149, and 195 (196 and 197).

SUPREME COURT OF THE UNITED STATES

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

Joseph E. Taylor, of San Francisco, Calif.; G. Dexter Blount, of Denver, Colo.; Meyer Turin, of New York City; H. Malcolm Lovett, of Houston, Tex.; Garrett Chamberlain Rush, of Washington, D. C.; Robert Perret, of New York City; and Anselm P. Anderson, of New York City, were admitted to practice.

No. 115. The Public Service Commission of Puerto Rico, petitioner, *v.* Horace Havemeyer et al. Argument continued by Mr. Ralph S. Rounds for the respondents and concluded by Mr. William Cattron Rigby for the petitioner.

No. 124. Corporation Commission of the State of Oklahoma et al., appellants, *v.* Logan W. Cary, Trustee, etc. Argued by Mr. Holmes Baldridge for the appellants, and by Mr. Streeter B. Flynn and Mr. Robert M. Rainey for the appellee.

No. 125. Palmer Clay Products Company, petitioner, *v.* Matthew Brown, Trustee. Argued by Mr. Edward F. Smith for the petitioner, and by Mr. Matthew Brown for the respondent.

No. 232. Bronx Brass Foundry, Inc., petitioner, *v.* Irving Trust Company, as Trustee, etc. Argued by Mr. M. H. Goldstein for the petitioner, and by Mr. Charles H. Houston for the respondent.

No. 151. Isaac Chapman, petitioner, *v.* R. J. Hoage, Deputy Commissioner, etc., et al. Argument commenced by Mr. Harlan Wood for the petitioner.

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

The day call for Monday, December 16, will be as follows: Nos. 151, 577 (578, 579, 580, 581, 585, 586, and 587), 169, 566, 149, 195 (196 and 197), 173 (and 280), 2, 75 (and 76), and 178.

SUPREME COURT OF THE UNITED STATES

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

William A. McSwain, of Chicago, Ill.; George E. Allen, of Okolona, Miss.; Charles B. Cannon, of Chicago, Ill.; Cecil Sims, of Nashville, Tenn.; Geo. H. Armistead, Jr., of Nashville, Tenn.; Thos. J. Taylor, of Athens, Tenn.; Wm. C. Snow, of Cheyenne, Wyo.; Robert L. Judd, of Salt Lake City, Utah; A. L. Wirin, of Washington, D. C.; Edward W. McMahon, of New York City; Justin R. Whiting, of New York City; Willard D. Campbell, of Cambridge, Ohio; Douglas W. McGregor, of Houston, Tex.; and Denis McGinn, of Escanaba, Mich., were admitted to practice.

No. 8. James C. Colgate, appellant, *v.* Erwin M. Harvey, Tax Commissioner of the State of Vermont. Appeal from the Supreme Court of the State of Vermont. Judgment reversed with costs, and cause remanded to said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Sutherland. Dissenting opinion by Mr. Justice Stone, in which Mr. Justice Brandeis and Mr. Justice Cardozo concur.

No. 193. Elinor Dorrance Hill, appellant, *v.* J. H. Thayer Martin, State Tax Commissioner of the State of New Jersey et al., etc.; and

No. 194. Ethel M. Dorrance, George Morris Dorrance, M. D., Arthur C. Dorrance et al., etc., appellants, *v.* J. H. Thayer Martin, State Tax Commissioner of the State of New Jersey et al. Appeals from the District Court of the United States for the District of New Jersey. Decrees affirmed with costs. Opinion by Mr. Justice Brandeis. Mr. Justice Stone took no part in the consideration or decision of this case.

No. 61. John A. Nelson Company, petitioner, *v.* Commissioner of Internal Revenue. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Judgment reversed and cause remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice McReynolds.

No. 174. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Minnesota Tea Company;

No. 175. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* E. C. Peterson; and

No. 176. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* L. T. Peterson. On writs of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Judgments affirmed and causes remanded to the said Circuit Court of Appeals. Opinion by Mr. Justice McReynolds.

No. 184. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* John J. Watts;

No. 185. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Hugh C. Sicard; and

No. 186. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Parker Sloane. On writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment affirmed and cases remanded to the said Circuit Court of Appeals. Opinion by Mr. Justice McReynolds.

No. 187. The G and K Manufacturing Company, petitioner, *v.* Commissioner of Internal Revenue. On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit. Judgment reversed and cause remanded to the Circuit Court of Appeals with direction to that Court to remand the case to the Board of Tax Appeals for determination of the value of the retained assets and such further proceedings as may be necessary. Opinion by Mr. Justice McReynolds.

No. 490. Bus and Transport Securities Corporation, petitioner, *v.* Commissioner of Internal Revenue. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Judgment affirmed and cause remanded to the said Circuit Court of Appeals. Opinion by Mr. Justice McReynolds.

No. 17. T. A. Morrissey and James M. O'Brien, Trustees of an Express Trust known as "Western Avenue Golf Club", petitioners, *v.* Commissioner of Internal Revenue. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgment affirmed and cause remanded to the said Circuit Court of Appeals. Opinion by Mr. Chief Justice Hughes.

No. 108. Joseph E. Swanson et al., as Trustees of the Lake View Land Association, petitioners, *v.* Commissioner of Internal Revenue. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Judgment affirmed and cause remanded to the said Circuit Court of Appeals. Opinion by Mr. Chief Justice Hughes.

No. 238. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* E. E. Combs and Edward Everett, Trustees of E. E. Combs Well No. 2, Express Trust. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgment reversed and cause remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Chief Justice Hughes.

No. 78. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Coleman-Gilbert Associates; and

No. 79. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Coleman-Gilbert Associates. On writs of certiorari to the United States Circuit Court of Appeals for the First Circuit. Decrees of the Circuit Court of Appeals reversed and orders of the Board of Tax Appeals affirmed, and causes remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Chief Justice Hughes.

The Chief Justice said:

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

No. —, original. Ex parte: Mauro Piergiovanni, petitioner. Motion for leave to file petition for writ of habeas corpus denied.

No. —, original. Basil H. Pollitt, petitioner. Motions for leave to file petition for writ of mandamus and for leave to institute suit against the State of Virginia denied.

No. —, original. Ex parte: Paysoff Tinkoff, petitioner. Motion for an extension of time to file petition for rehearing granted.

No. —. In the matter of William P. Deppe. The motion of William P. Deppe of October 25, 1935, is denied.

No. 268. The Sugar Institute, Inc., et al., appellants, *v.* The United States of America. This case is assigned for argument on Monday, February 3, next.

No. 551. J. M. Wright and F. A. Forsythe, appellants, *v.* Central Kentucky Natural Gas Company et al. Motion to fix amount for supersedeas and for stay of execution is denied.

No. 427. George S. Ingraham et al., appellants, *v.* Henry Hanson. Motion for leave to file brief of the Tax Commission of the State of Utah et al. as *amici curiae* is granted. The motion of the Attorney General of the State for leave to participate in the oral argument is granted provided agreement is obtained from counsel for appellee to share the allotted time.

No. 597. Borden's Farm Products Company, Inc., appellant, *v.* Peter G. Ten Eyck, as Commissioner of Agriculture, etc., et al. In this case probable jurisdiction is noted. The motion to advance is granted and the case is assigned for argument on Monday, January 6, next.

No. 568. Jeremiah G. Menihan, 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. 575. First National Bank of Chicago, as Successor Trustee, etc., petitioner, *v.* First National Bank of Wheaton et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 584. The National City Bank of New York and City Bank Farmers Trust Company, petitioners, *v.* Irving Trust Company, as Trustee, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 588. Chemical Bank & Trust Company, as Successor Trustee, petitioner, *v.* Prudence-Bonds Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 589. Harry G. Haskell, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 591. State of Delaware, petitioner, *v.* Irving Trust Company, Trustee, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 477. The United States of America, petitioner, *v.* The Glidden Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

ORDER

The Court will take a recess from Monday, December 23, to Monday, January 6, next.

No. 13, Original. The State of Nebraska, complainant, *v.* The State of Wyoming. Motion for leave to file amended and supplemental answer submitted by Mr. Robert R. Rose for the defendant.

No. 2. Bayside Fish Flour Company, appellant, *v.* J. Dale Gentry et al. Submitted by Mr. Roy Daily for the appellant. No brief for the appellees.

No. 151. Isaac Chapman, petitioner, *v.* R. J. Hoage, Deputy Commissioner, etc., et al. Argument continued by Mr. Harlan Wood for the petitioner, by Mr. G. Bowdoin Craighill for the respondents, and concluded by Mr. Harlan Wood for the petitioner.

No. 577. Rickert Rice Mills, Inc., petitioner, *v.* Rufus W. Fontenot, Individually, etc.;

No. 578. A. B. Dore, petitioner, *v.* Rufus W. Fontenot, Individually, etc.;

No. 579. United States Rice Milling Products Co., Inc., petitioner, *v.* Rufus W. Fontenot, Individually, etc.;

No. 580. Baton Rouge Rice Mill, Inc., petitioner, *v.* Rufus W. Fontenot, Individually, etc.;

No. 581. T. Simon, petitioner, *v.* Rufus W. Fontenot, Individually, etc.;

No. 585. Levy Rice Milling Co., Inc., petitioner, *v.* Rufus W. Fontenot, Individually, etc.;

No. 586. Farmers Rice Milling Co., Inc., petitioner, *v.* Rufus W. Fontenot, Individually, etc.; and

No. 587. Noble-Trotter Rice Milling Co., Inc., petitioner, *v.* Rufus W. Fontenot, Individually, etc. Four hours allowed for oral argument. Argument commenced by Mr. John P. Bullington for the petitioners.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, December 17, will be as follows: Nos. 577 (578, 579, 580, 581, 585, 586 and 587), 169, 566, 149, 195 (196 and 197), 173 (and 280), 75 (and 76), 192, 218, and 226 (and 227).

SUPREME COURT OF THE UNITED STATES

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

Alfred L. Green, of New York City; Ernest F. Henry, of Washington, D. C.; Francis W. Sullivan, of Washington, D. C.; James J. Metcalfe, of Chicago, Ill.; C. Robert Bellatti, of Blackwell, Okla.; and George Bruce Brooks, of New York City, were admitted to practice.

No. 577. Rickert Rice Mills, Inc., petitioner, *v.* Rufus W. Fontenot, Individually, etc.;

No. 578. A. B. Dore, petitioner, *v.* Rufus W. Fontenot, Individually, etc.;

No. 579. United States Rice Milling Products Co., Inc., petitioner, *v.* Rufus W. Fontenot, Individually, etc.;

No. 580. Baton Rouge Rice Mill, Inc., petitioner, *v.* Rufus W. Fontenot, Individually, etc.;

No. 581. T. Simon, petitioner, *v.* Rufus W. Fontenot, Individually, etc.;

No. 585. Levy Rice Milling Co., Inc., petitioner, *v.* Rufus W. Fontenot, Individually, etc.;

No. 586. Farmers Rice Milling Co., Inc., petitioner, *v.* Rufus W. Fontenot, Individually, etc.; and

No. 587. Noble-Trotter Rice Milling Co., Inc., petitioner, *v.* Rufus W. Fontenot, Individually, etc. Argument continued by Mr. John P. Bullington for the petitioners; by Mr. Assistant Attorney General Wideman for the respondent; and concluded by Mr. Homer L. Bruce for the petitioners.

No. 169. United States Trust Company of New York, Trustee, etc., petitioner, *v.* Commissioner of Internal Revenue. Argued by Mr. Clay Judson for the petitioner, and by Mr. J. Louis Monarch for the respondent.

No. 566. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* William B. McIlvaine et al., etc. Argued by Mr. J. Louis Monarch for the petitioner, and by Mr. Clay Judson for the respondents.

No. 149. The Texas and Pacific Railway Company, appellant, *v.* The State of Texas et al. Argument commenced by Mr. T. D. Gresham for the appellant, and continued by Mr. H. Grady Chandler for the appellees.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, December 18, will be as follows: Nos. 149, 195 (196 and 197), 173 (and 280), 75 (and 76), 192, 218, 273, and 283.

SUPREME COURT OF THE UNITED STATES

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

Jerome K. Kennedy, of New York City; James A. Light, of Bloomington, Ill.; Sam W. Oliver, of Dadeville, Ala.; Douglass Clark, of Birmingham, Ala.; Charles Joseph McCarthy, of Providence, R. I.; Arthur E. White, of Los Angeles, Calif.; Jos. F. Johnston, of Birmingham, Ala.; Conrad M. Kennedy, of Fredonia, Kans.; and John H. Wilson, of Washington, D. C., were admitted to practice.

No. 149. The Texas and Pacific Railway Company, appellant, *v.* The State of Texas et al. Argument continued by Mr. William McCraw for the appellees and concluded by Mr. T. D. Gresham for the appellant.

No. 195. The United States of America, petitioner, *v.* Bank of New York and Trust Company et al.;

No. 196. The United States of America, petitioner, *v.* President and Directors of the Manhattan Company; and

No. 197. The United States of America, petitioner, *v.* Louis H. Pink. Argument commenced by Mr. David E. Hudson for the petitioner; continued by Mr. Frederick B. Campbell and by Mr. Samson Selig for the respondent, Bank of New York and Trust Company in No. 195; by Mr. Hartwell Cabell for respondent, Assecuranz Union von 1865, Intervenor, in No. 195; by Mr. Robert J. Sykes for the respondents in No. 196; by Mr. John M. Downes for the respondent in No. 197; and concluded by Mr. David E. Hudson for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, December 19, will be as follows: Nos. 403 (and 404), 75 (and 76), 173 (and 280), 192, and 218.

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SUPREME COURT OF THE UNITED STATES

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

Bessie Margolin, of New Orleans, La.; Joseph C. Swidler, of Knoxville, Tenn.; Frank Montgomery, of Knoxville, Tenn.; Robert Lee Glenn, of Florence, Ala.; L. B. Bolt, Jr., of Knoxville, Tenn.; Rembert Marshall, of Atlanta, Ga.; W. B. R. Guion, of New Bern, N. C.; and Romulus A. Nunn, of New Bern, N. C., were admitted to practice.

No. **264**. Standard Wholesale Phosphate and Acid Works, Inc., petitioner, *v.* The General Chemical Company. Motion for leave to file a second petition for rehearing submitted by Mr. Clair W. Fairbank for the petitioner.

No. **403**. George Ashwander et al., petitioner, *v.* Tennessee Valley Authority et al.; and

No. **404**. George Ashwander et al., petitioners, *v.* Tennessee Valley Authority et al. Five hours allowed for oral argument. Argument commenced by Mr. Forney Johnston for the petitioner; and continued by Mr. John Lord O'Brian for the respondent Tennessee Valley Authority.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, December 20, will be as follows: Nos. **403** (and **404**), **75** (and **76**), **173** (and **280**), and **192**.

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SUPREME COURT OF THE UNITED STATES

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

Charles S. Macaulay, of Chicago, Ill.; John E. McCoy, of Chicago, Ill.; James O. Wynn, of New York City; Bainbridge Colby, of New York City; Leonard Weinberg, of Baltimore, Md.; Harry J. Green, of Baltimore, Md.; Frederick H. Wagener, of Lincoln, Nebr.; Frederick G. Hawxby, of Auburn, Nebr.; and R. M. Jefferies, of Walterboro, S. C., were admitted to practice.

No. 403. George Ashwander et al., petitioners, *v.* Tennessee Valley Authority et al.; and

No. 404. George Ashwander et al., petitioners, *v.* Tennessee Valley Authority et al. Argument continued by Mr. Solicitor General Reed for the respondent Tennessee Valley Authority and concluded by Mr. James M. Beck for the petitioner; and cases submitted by Mr. W. H. Mitchell for respondent City of Florence, Alabama; by Mr. Thomas W. Martin, by Mr. Perry W. Turner, and by Mr. William Logan Martin for respondent Alabama Power Company; and by Mr. Courtland Palmer and Mr. Jehu T. Stokely for respondent Chemical Bank & Trust Company.

No. 75. The United States of America, petitioner, *v.* Safety Car Heating and Lighting Company; and

No. 76. John R. Rogers, Collector of Internal Revenue for the Fifth District of New Jersey, petitioner, *v.* Safety Car Heating and Lighting Company. Argued by Mr. J. P. Jackson for the petitioners, and by Mr. Thomas G. Haight for the respondent.

No. 173. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Samuel A. Salvage; and

No. 280. Samuel A. Salvage, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Argued by Mr. John G. Jackson for Salvage, and by Mr. Assistant Solicitor General Bell for Helvering, Commissioner.

Adjourned until Monday, December 23, next, at 12 o'clock.

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SUPREME COURT OF THE UNITED STATES

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

Loretta Laden, of Rockford, Ill.; Henry W. Keyes, Jr., of Boston, Mass.; and John W. Poteet, Jr., of Washington, D. C., were admitted to practice.

No. 127. Radio Corporation of America, petitioner, *v.* Raytheon Manufacturing Company. On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit. Decree affirmed with costs, and cause remanded to the District Court of the United States for the District of Massachusetts. Opinion by Mr. Justice Cardozo.

No. 109. The United States of America, appellant, *v.* Halsey, Stuart & Co., Inc., et al. Appeal from the District Court of the United States for the Eastern District of Wisconsin. Appeal dismissed. *Per curiam* opinion announced by Mr. Chief Justice Hughes.

No. 124. Corporation Commission of the State of Oklahoma, Reford Bond, Jack Walton, et al., appellants, *v.* Logan W. Cary, Trustee for Consolidated Gas Service Company, Debtor. Appeal from the District Court of the United States for the Western District of Oklahoma. Decree affirmed with costs. *Per curiam* opinion announced by Mr. Chief Justice Hughes.

The Chief Justice announced the following order of the Court:

No. 149. The Texas and Pacific Railway Company, appellant, *v.* The State of Texas et al. Appeal from the Supreme Court of the State of Texas. *Per curiam*: The appeal herein is dismissed for the want of a substantial federal question. *Zucht v. King*, 260 U. S. 174, 176; *Sugarman v. United States*, 249 U. S. 182, 184; *Re v. Kansas*, 278 U. S. 191.

The Chief Justice said:

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

No. —, original. State of Arizona, complainant, *v.* State of California et al. The time within which returns to the rule to show cause shall be filed is extended until February 24, 1936, pursuant to the stipulation of counsel.

No. 13, original. State of Nebraska, complainant, *v.* State of Wyoming. The motion for leave to file amended and supplemental answer is granted. It is ordered that the State of Colorado be made a party defendant to this suit and that process issue against the State of Colorado in accordance with the prayer of the amended and supplemental answer of the State of Wyoming, returnable on Monday, March 2 next.

No. 559. Arthur Gooch *v.* The United States of America. This case is advanced and assigned for argument on Monday, January 13, next after the cases heretofore assigned for that day.

No. 626. Sam Pugliese, petitioner, *v.* Byron H. Uhl, as District Director of Immigration and Naturalization. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. The motion for leave to proceed further herein in forma pauperis is denied for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which a writ of certiorari should be issued. The petition for writ of certiorari is therefore also denied.

No. 610. Norfolk and Western Railway Company, appellant, *v.* State of North Carolina, on relation of A. J. Maxwell, etc. Further consideration of the question of the jurisdiction of this Court in this case is postponed to the hearing of the case on the merits.

No. 583. M. D. Chandler, Receiver of Diamond Motor Parts Company, petitioner, *v.* John Peketz. Petition for writ of certiorari to the Supreme Court of the State of Colorado granted.

No. 602. New York Life Insurance Company, petitioner, *v.* Demetrios P. Viglas. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit granted.

No. 636. James Walter Carter, petitioner, *v.* Carter Coal Company et al.; and

No. 651. Guy T. Helvering, Commissioner of Internal Revenue, et al., petitioners, *v.* James Walter Carter et al. Petitions for writs of certiorari to the United States Court of Appeals for the District of Columbia granted.

No. 649. R. C. Tway Coal Company et al., petitioners, *v.* Selden R. Glenn, Individually, and as Collector etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit granted.

No. 650. R. C. Tway Coal Company et al., petitioners, *v.* C. H. Clark. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit granted.

No. 594. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* The New York Central Railroad Company;

No. 595. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* The New York Central Railroad Company; and

No. 596. The New York Central Railroad Company, petitioner, *v.* Commissioner of Internal Revenue. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 611. Leathem Smith-Putnam Navigation Company, petitioner, *v.* Henry Osby, Gunnar Pearson, et al., etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 542. Asiatic Petroleum Company (Delaware), Limited, petitioner, *v.* Commissioner of Internal Revenue; and

No. 264. Standard Wholesale Phosphate and Acid Works, Inc., petitioner, *v.* The General Chemical Company. Petitions for rehearing denied.

Adjourned until Monday, January 6, 1936 at 12 o'clock.

The day call for Monday, January 6, will be as follows: Nos. 597, 178, 192, 199, 218, 226 (and 227), 265, 270, 272, and 252.

SUPREME COURT OF THE UNITED STATES

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

George F. Foley, of Worcester, Mass.; Alger Hiss, of Washington, D. C.; William Henry Yarborough, Jr., of Raleigh, N. C.; W. T. Anglin, of Holdenville, Okla.; Barnet Kaprow, of Brooklyn, N. Y.; David L. Weissman, of Brooklyn, N. Y.; Louis H. Yarrut, of New Orleans, La.; Harry Emmet McEnerny, of New Orleans, La.; Azzo Joseph Plough, of New Orleans, La.; Percival H. Stern, of New Orleans, La.; Harold D. Shaft, of Grand Forks, N. D.; William Augustus Bootle, of Macon, Ga.; J. Warren Madden, of Pittsburgh, Pa.; R. P. Lichtenwalner of Rockford, Ill.; Louis S. Wallach, of Brooklyn, N. Y.; Maurice Henry Blinken, of Yonkers, N. Y.; John Warren, of Jersey City, N. J.; Peter P. Artaserse, of Jersey City, N. J.; and Francis R. Kirkham, of Washington, D. C., were admitted to practice.

No. 75. The United States of America, petitioner, *v.* Safety Car Heating and Lighting Company; and

No. 76. John R. Rogers, Collector of Internal Revenue for the Fifth District of New Jersey, petitioner, *v.* Safety Car Heating and Lighting Company. On writs of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Judgments reversed and cases remanded to the District Court of the United States for the District of New Jersey for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Cardozo. Dissenting: Mr. Justice Sutherland, Mr. Justice Butler, and Mr. Justice Roberts.

No. 401. The United States of America, petitioner, *v.* William M. Butler et al., Receivers of Hoosac Mills Corporation. On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit. Judgment affirmed, and cause remanded to the District Court of the United States for the District of Massachusetts. Opinion by Mr. Justice Roberts. Dissenting opinion by Mr. Justice Stone in which Mr. Justice Brandeis and Mr. Justice Cardozo concur.

No. 116. State of Oklahoma *ex rel.* Oklahoma Tax Commission, H. L. McCracken, Chairman, et al., petitioners, *v.* Barnsdall Refineries, Inc., The Carter Oil Company, Champlin Refining Company et al. On writ of certiorari to the Supreme Court of the State of Oklahoma. Judgment affirmed with costs. Opinion by Mr. Justice Stone.

No. 151. Isaac Chapman, petitioner, *v.* R. J. Hoage, Deputy Commissioner, District of Columbia Compensation District, U. S. Employees' Compensation Commission et al. On writ of certiorari to the United States Court of Appeals for the District of Columbia. Judgment reversed with costs and cause remanded to the said Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Stone.

No. 115. The Public Service Commission of Puerto Rico, petitioner, *v.* Horace Havemeyer et al. On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit. Judgment reversed with costs, and cause remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Butler.

No. 114. Juan Posadas, Jr., Collector of Internal Revenue of the Commonwealth Government of the Philippine Islands, petitioner, *v.* The National City Bank of New York. On writ of certiorari to the Supreme Court of the Philippine Islands. Judgment affirmed with costs. Opinion by Mr. Justice Sutherland.

No. 54. George Everett Legg, petitioner, *v.* E. St. John, Trustee. On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. Judgment affirmed with costs, and cause remanded to the District Court of the United States for the Eastern District of Tennessee. Opinion by Mr. Justice Brandeis.

No. 195. The United States of America, petitioner, *v.* Bank of New York and Trust Company;

No. 196. The United States of America, petitioner, *v.* President and Directors of the Manhattan Company; and

No. 197. The United States of America, petitioner, *v.* Louis H. Pink. On writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Decrees affirmed, and cases remanded to the District Court of the United States for the Southern District of New York. Opinion by Mr. Chief Justice Hughes.

No. 169. United States Trust Company of New York, Trustee under deed of trust of John P. Wilson, petitioner, *v.* Commissioner of Internal Revenue. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment of the Circuit Court of Appeals reversed and order of the Board of Tax Appeals affirmed and cause remanded to the said Circuit Court of

Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Chief Justice Hughes.

No. 566. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* William B. McIlvaine and John P. Wilson, Jr., Trustees under deed of Trust of John P. Wilson. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Judgment affirmed, and cause remanded to the said Circuit Court of Appeals. Opinion by Mr. Chief Justice Hughes.

The Chief Justice said:

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

No. —, original. *Ex parte*: Paysoff Tinkhoff, petitioner. The application for extension of time to file petition for rehearing is denied.

No. —, John C. Burt, petitioner, *v.* General Electric Co. The application of John C. Burt, dated December 28, 1935, is denied.

ORDER

It is ordered by this Court that the bond of the Marshal, Frank K. Green, dated January 1, 1936, be, and the same is, this day approved and recorded.

No. 648. William Gillis, petitioner, *v.* The City of New York. On petition for writ of certiorari to the Supreme Court of the State of New York. The motion for leave to proceed further herein in forma pauperis is denied, for the reason that the Court, upon examination of the papers herein submitted finds no ground upon which a writ of certiorari should be issued. The petition for writ of certiorari is therefore also denied.

No. 625. Georgia Railway & Electric Company et al., appellants, *v.* City of Decatur. Further consideration of the question of the jurisdiction of this Court in this case and of the motion to dismiss or affirm is postponed to the hearing of the case on the merits.

No. 628. Fisher's Blend Station, Inc., appellant, *v.* The Tax Commission of the State of Washington et al. In this case probable jurisdiction is noted.

No. 599. Edward A. Leahy, petitioner, *v.* State Treasurer of Oklahoma et al. Petition for writ of certiorari to the Supreme Court of the State of Oklahoma granted.

No. 623. Stelly Frazie, petitioner, *v.* Orleans Dredging Company. Petition for writ of certiorari to the Supreme Court of the State of Mississippi denied for the want of a final judgment.

No. 513. David Lipman, petitioner, *v.* Arthur V. Goebel and Edward Shatz. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 592. Jesse H. Shreve, Archie C. Shreve, 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. 598. Twin Falls Land & Water Company, petitioner, *v.* Twin Falls Canal Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 600. Lincoln Mortgage & Title Guaranty Company et al., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 601. Murray Brand, 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. 603. A. W. Kline, Receiver of Kirksey Chevrolet Company, petitioner, *v.* General Motors Acceptance Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 607. General Motors Corporation, petitioner, *v.* Preferred Electric & Wire Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 614. The Ouachita National Bank in Monroe, petitioner, *v.* Hamburg Bank and Lizzie Blanks. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 615. Chicago, Milwaukee, St. Paul & Pacific Railroad Company, petitioner, *v.* Clarence Goldhammer. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 622. Edwin H. W. Harlan, Trustee, etc., petitioner, *v.* John Archer. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 604. J. M. Sartor et al., petitioners, *v.* Arkansas Natural Gas Co. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 605. George Hall, *alias* George Manning, petitioner, *v.* The State of California. Petition for writ of certiorari to the Supreme Court of the State of California denied.

No. 608. Amelia Anderson et al., petitioners, *v.* St. Louis Coke & Iron Corporation et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 609. Floyd J. Cook, petitioner, *v.* Asa B. Cutler and F. W. Cutler, Individually, etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 612. Manus Muller & Company, Inc., petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 616. Fred W. Planert, petitioner, *v.* Cosmopolitan Bond & Mortgage Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 617. Robin P. Allen, petitioner, *v.* The Cloisters Building Corporation et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 618. Public Service Commission of the State of Missouri et al., etc., petitioners, *v.* State of Missouri at the relation of Cities Service Gas Company. Petition for writ of certiorari to the Supreme Court of the State of Missouri denied.

No. 619. Signal Gasoline Corporation, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 620. Daniel C. Mulloney, 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. 631. Railway Engineering Equipment Company et al., petitioners, *v.* Oregon Short Line Railroad Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 69. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Edmund O. Schweitzer; and

No. 70. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Edmund O. Schweitzer;

No. 545. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Francis J. Stokes;

No. 548. Southern Pacific Company, petitioner, *v.* Leila Mae Walton, Administratrix, etc.;

No. 574. The Electric Auto-Lite Company, petitioner, *v.* P. & D. Manufacturing Company, Inc.; and

No. 593. Rebecca F. Jones, petitioner, *v.* Jefferson Standard Life Insurance Company. Petitions for rehearing denied.

No. —, original. *Ex parte*: Harold J. Kattelman, doing business as H. J. Kattelman Company, bankrupt, petitioner. Motion for leave to file petition for writ of prohibition submitted by Mr. Marvin Farrington in behalf of counsel for the petitioner.

No. —, In re Ralph J. Baker. Return to rule to show cause presented.

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

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

No. 6, original. The State of New York et al., complainants, *v.* The State of Illinois et al. Semiannual report of defendant, Sanitary District of Chicago, dated January 1, 1936, presented.

No. 12, original. The State of Wisconsin, complainant, *v.* The State of Michigan. Supplemental report of the Special Master, proposed decree and exceptions of complainant; and joint motion for time to settle record, file briefs, and to set time for argument on exceptions presented.

No. 14, original. The State of Arkansas, complainant, *v.* The State of Tennessee. Answer and cross-bill of the defendant presented.

No. 597. Borden's Farm Products Company, Inc., appellant, *v.* Peter G. Ten Eyck, as Commissioner of Agriculture, etc., et al. Argued by Mr. Walter E. Hope for the appellant; by Mr. Samuel Kramer for the appellee, The State of New York; and by Mr. Henry S. Manley for appellee, Ten Eyck, as Commissioner, etc., et al. Leave granted appellant to file reply brief within three days.

No. 178. Great Northern Railway Company, petitioner, *v.* J. J. Weeks, State Tax Commissioner et al. Argument commenced by Mr. F. G. Dorety for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, January 7, will be as follows: Nos. 178, 192, 199, 218, 226 (and 227), 265, 270, 272, 252, and 287 (288, 289, 290, and 316).

SUPREME COURT OF THE UNITED STATES

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

B. P. Gambrell, of Atlanta, Ga.; Madrid B. Loftin, of Little Rock, Ark.; Theodore Levin, of Detroit, Mich.; Juan A. A. Sedillo, of Santa Fe, N. M.; and Karl H. Michelet, of Chicago, Ill., were admitted to practice.

No. 178. Great Northern Railway Company, petitioner, *v.* J. J. Weeks, State Tax Commissioner et al. Argument continued by Mr. F. G. Dorety for the petitioner; by Mr. Harold D. Shaft for the respondents; and concluded by Mr. F. G. Dorety for the petitioner.

No. 192. Herbert Lester Tyson, petitioner, *v.* The United States of America. Argued by Mr. J. M. Broughton for the petitioner, and by Mr. Will G. Beardslee for the respondent.

No. 199. Frederick D. Dismuke, petitioner, *v.* The United States of America. Argued by Mr. W. A. Bootle for the petitioner, and by Mr. Alexander Holtzoff for the respondent.

No. 218. Bertram J. Cahn, Executor etc., petitioner, *v.* The United States. Argument commenced by Mr. John W. Townsend for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, January 8, will be as follows: Nos. 218, 226 (and 227), 265, 270, 272, 252, 287 (288, 289, 290 and 316), 283, 301, and 302.

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

Edward Righthor, of New Orleans, La.; Thomas E. White, of New York City; William Henry Maynard, of Jackson, Miss.; Howard Addison Traul, of Bellefontaine, Ohio; Lawrence Zupp, of Bellefontaine, Ohio; Chas. J. Rivet, of New Orleans, La.; Theo J. McGee, of Columbus, Ga.; Stephen E. Chaffee, of Sunnyside, Wash.; Bernard L. Swirsky, of New York City; Isadore Polier, of New York City; William Dow Conn, Jr., of Jackson, Miss.; Orrin G. Judd, of Brooklyn, N. Y.; and Januarius Arthur Mullen, of Omaha, Nebr., were admitted to practice.

No. 218. Bertram J. Cahn, Executor, etc., petitioner, *v.* The United States. Argument continued by Mr. John W. Townsend for the petitioner; by Mr. Guy Patten for the respondent; and concluded by Mr. John W. Townsend for the petitioner.

No. 226. Manhattan General Equipment Company, petitioner, *v.* Commissioner of Internal Revenue; and

No. 227. Collier Service Corporation, Formerly Broadway Subway Advertising Co., Inc., petitioner, *v.* Commissioner of Internal Revenue. Argued by Mr. Laurence Graves for the petitioners, and by Mr. Assistant Solicitor General Bell for the respondent.

No. 265. The United States of America, petitioner, *v.* Ray Keith Atkinson. Argued by Mr. Will G. Beardslee for the petitioner, and by Mr. Warren E. Miller for the respondent.

No. 270. The Prudence Company, Inc., petitioner, *v.* Fidelity & Deposit Company of Maryland et al. Leave granted petitioner to file reply brief within five days. Argument commenced by Mr. Alfred T. Davison for the petitioner, and continued by Mr. John W. Davis for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, January 9, will be as follows: Nos. 270, 272, 252, 287 (288, 289, 290, and 316), 283, 301, 302, 303, 312, and 349.

SUPREME COURT OF THE UNITED STATES

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

Earl Brewer, of Jackson, Miss.; Harold J. Waples, of Ironwood, Mich.; Gaylord Lee Clark, of Baltimore, Md.; Russell N. Pickett, of Trenton, Mo.; Theodore H. Lassagne, of San Francisco, Calif.; Emmet Alpha, of New Orleans, La.; and Sydney Rosenthal, of New York City, were admitted to practice.

No. **270.** The Prudence Company, Inc., petitioner, *v.* Fidelity & Deposit Company of Maryland and American Bonding Company of Baltimore. Argument continued by Mr. John W. Davis for the respondents and concluded by Mr. Alfred T. Davison for the petitioner.

No. **272.** The United States of America, petitioner, *v.* Frank Rizzo, Claimant of 146,157 Gallons of Alcohol. Argued by Mr. Charles E. Wyzanski, Jr., for the petitioner, and by Mr. Milton R. Kroopf for the respondent. Motion to dismiss submitted by Mr. Milton R. Kroopf for the respondent.

No. **252.** International Steel and Iron Company, appellant, *v.* National Surety Company. Argument commenced by Mr. Cecil Sims for the appellant. The Court declined to hear further argument.

No. **287.** Camille V. Treigle, appellant, *v.* Acme Homestead Association;

No. **288.** Camille V. Treigle, appellant, *v.* Thrift Homestead Association;

No. **289.** Treigle Sash Factory, Inc., appellant, *v.* Conservative Homestead Association;

No. **290.** Treigle Sash Factory, Inc., appellant, *v.* Union Homestead Association; and

No. **316.** Joseph Mitchell, appellant, *v.* Conservative Homestead Association. Argued by Mr. Alex W. Swords for the appellants, and by Mr. Delvaile H. Theard for the appellees.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, January 10, will be as follows: Nos. **283, 301, 302, 303, 312, 349, 4, 351, 375** (and **376**), and **33**.

SUPREME COURT OF THE UNITED STATES

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

Esmond Phelps, of New Orleans, La.; Ben A. Maslan, of Seattle, Wash.; Howard B. Gist, of Alexandria, La.; Edward B. Greensfelder, of St. Louis, Mo.; James J. Davidson, Jr., of Lafayette, La.; J. P. Patterson, of Los Angeles, Calif.; and G. Wallace Bates, of Minneapolis, Minn., were admitted to practice.

No. **252**. International Steel and Iron Company, appellant, *v.* National Surety Company. Further consideration of this cause postponed for two weeks on motion of Mr. Cecil Sims for the appellant.

No. **283**. Baltimore National Bank, petitioner, *v.* State Tax Commission of Maryland. Argument commenced by Mr. Edwin F. A. Morgan for the petitioner; continued by Mr. Herbert R. O'Connor and by Mr. William L. Henderson for the respondent; and concluded by Mr. Gaylord Lee Clark for the petitioner.

No. **301**. Ed Brown, Henry Shields, et al., petitioners, *v.* State of Mississippi. Argued by Mr. Earl Brewer for the petitioners, and by Mr. W. D. Conn and Mr. W. H. Maynard for the respondent.

No. **302**. Violet Trapping Company, Inc., appellant, *v.* Lucille May Grace, Register State Land Office, etc. Argument commenced by Mr. Edward Rightor for the appellant.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, January 13, will be as follows: Nos. **302**, **529** (**573** and **544**), **559**, **303**, **312**, **349**, **4**, **351**, **375** (and **376**), and **33**.

SUPREME COURT OF THE UNITED STATES

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

Glenn Alcorn, of Tulsa, Okla.; Fendall Marbury, of Baltimore, Md.; Leo Lyng, of St. Louis, Mo.; W. F. Rampendahl, of Muskogee, Okla.; Charles B. Barnes, Jr., of Hingham, Mass.; Charles Denby, Jr., of Philadelphia, Pa.; George A. Eberly, of Lincoln, Neb.; Alva M. Cummins, of Lansing, Mich.; James A. Waechter, of St. Louis, Mo.; Mark D. Eagleton, of St. Louis, Mo.; Seymour Ellenbogen, of Albany, N. Y.; H. Vernon Eney, of Baltimore, Md.; Walter S. Foster, of Lansing, Mich.; and Daniel D. Glasser, of Chicago, Ill.; were admitted to practice.

No. 577. Rickert Rice Mills, Inc., petitioner, *v.* Rufus W. Fontenot, Individually and as Acting United States Collector, etc.;

No. 578. A. B. Dore, petitioner, *v.* Rufus W. Fontenot, Individually and as Acting United States Collector, etc.;

No. 579. United Rice Milling Products Co., Inc., petitioner, *v.* Rufus W. Fontenot, Individually and as Acting United States Collector, etc.;

No. 580. Baton Rouge Rice Mill, Inc., petitioner, *v.* Rufus W. Fontenot, Individually and as Acting United States Collector, etc.;

No. 581. T. Simon, petitioner, *v.* Rufus W. Fontenot, Individually and as Acting United States Collector, etc.;

No. 585. Levy Rice Milling Co., Inc., petitioner, *v.* Rufus W. Fontenot, Individually and as Acting United States Collector, etc.;

No. 586. Farmers Rice Milling Co., Inc., petitioner, *v.* Rufus W. Fontenot, Individually and as Acting United States Collector, etc.; and

No. 587. Noble-Trotter Rice Milling Co., Inc., petitioner, *v.* Rufus W. Fontenot, Individually and as Acting United States Collector, etc. On writs of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Decrees of the District Court of the United States for the Eastern District of Louisiana vacated with costs and causes remanded to said District Court for the entry of decrees enjoining collection of the assailed exaction. Opinion by Mr. Justice Roberts.

No. 173. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Samuel A. Salvage; and

No. 280. Samuel A. Salvage, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. On writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Decree affirmed and cases remanded to the said Circuit Court of Appeals. Opinion by Mr. Justice McReynolds.

No. 49. Lee Moor, petitioner, *v.* Texas and New Orleans Railroad Company. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Writ of certiorari dismissed with costs. *Per curiam* opinion announced by Mr. Chief Justice Hughes.

The Chief Justice said:

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

No. 218. Bertram J. Cahn, Executor of the Will of Jonas Kuppenheimer, deceased, petitioner, *v.* The United States. On writ of certiorari to the Court of Claims. *Per curiam*: The judgment is reversed upon the authority of *Knox v. McElligott*, 258 U. S. 546.

No. —. In the matter of Ralph J. Baker. The clerk of this Court having reported the failure of Ralph J. Baker, a member of the Bar of this Court to deposit a check of the clerk of this Court for \$15.45 issued to him on November 10, 1934, as counsel for petitioner in the case of *Central Iron & Steel Co. v. United States*, No. 80, October Term, 1934; and it appearing to the Court that Ralph J. Baker had failed to answer or respond to four letters sent him by the Clerk of this Court under dates of February 1, 1935, February 28, 1935, April 6, 1935, and November 2, 1935, with respect to the said check; and a rule having issued December 9, 1935, directing him to show cause why he should not be disbarred from the practice of the law in this Court for conduct unbecoming a member of the Bar of this Court; and Ralph J. Baker, having made return to the rule, apologizing for his neglect, and the check issued to him having been deposited,

It is ordered that the respondent, Ralph J. Baker, be, and he is hereby, reprimanded for unjustified failure in a duty owed by him as a member of the Bar of this Court to respond to communications addressed to him by the Clerk of this Court pertaining to the business of the Court;

And it is further ordered that the rule to show cause aforesaid be, and it is hereby, discharged.

No. —. *In re* William P. Deppe. The petition for reconsideration of order denying motion of October 25, 1935, is denied.

No. —. *In re* Florence Steele-Beck. Petition for leave to file suit against the State of Ohio is denied.

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

No. —, original. *Ex parte*: Harold J. Kattelman, petitioner. The motion for leave to file petition for writ of prohibition is denied.

No. —, original. *In re* Laurence Marks, petitioner. The application for leave to file petition for writ of habeas corpus is denied.

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

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

No. 6, original. State of New York et al., complainants, *v.* The State of Illinois et al. The semiannual report of defendant, Sanitary District of Chicago, dated January 1, 1936, is received and ordered filed.

No. 12, original. State of Wisconsin, complainant, *v.* State of Michigan. The supplemental report of the Special Master is received and ordered filed. On consideration of the joint motion of counsel it is ordered that the record be settled by January 27, next; briefs of the parties to be filed on or before February 17, next; and that the case be assigned for argument on Monday, March 2, next.

No. 14, original. The State of Arkansas, complainant, *v.* The State of Tennessee. The answer and cross-bill of defendant is received and ordered filed.

No. 2. Bayside Fish Flour Company, appellant, *v.* J. Dale Gentry et al. In view of the gravity of the questions involved, the Court directs that oral argument be had, and the case is set for oral argument on Monday, February 10, 1936.

No. 665. Ann Mathy, Administratrix of the Estate of Vital Mathy, deceased, petitioner, *v.* Chicago & Northwestern Railway Company. On petition for writ of certiorari to the Supreme Court of the State of Michigan. The motion for leave to proceed further herein *in forma pauperis* is denied, for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which a writ of certiorari should be issued. The petition for writ of certiorari is therefore also denied.

No. 655. C. H. Acker, Doing Business as C. H. Acker & Company, et al., appellants, *v.* The United States of America et al.; and

No. 656. The United States of America et al. appellants, *v.* J. M. Corrick et al., etc. In these cases probable jurisdiction is noted.

No. 613. L. M. McKinley, Trustee, etc., petitioner, *v.* Gus H. Hirschfeld, Executor, etc. Petitioner for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 624. Irving Wexler, 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. 653. D. B. Wilson, petitioner, *v.* Bernitz Furnace Appliance Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

ORDER

The Court will take a recess from Monday, January 20, to Monday, February 3, next.

No. —, original. Ex parte: Jesse C. Duke, petitioner. Motion for leave to file petition for writ of mandamus submitted by Mr. Jesse C. Duke *pro se*.

No. 15, original. State of Texas, complainant, *v.* State of New Mexico et al. Motion of defendants to dismiss bill of complaint presented.

No. 302. Violet Trapping Company, Inc., appellant, *v.* Lucille May Grace, Register State Land Office, etc. Argument continued by Mr. Edward Rightor for the appellant. The Court declined to hear further argument.

No. 529. Northern Pacific Railway Company, appellant, *v.* State of Washington;

No. 573. Great Northern Railway Company, appellant, *v.* State of Washington; and

No. 544. The Pacific Telephone and Telegraph Company, appellant, *v.* The Tax Commission of the State of Washington et al. Argument commenced by Mr. L. B. daPonte for the appellant in No. 529; continued by Mr. Thomas Balmer for the appellant in No. 573; by Mr. Otto B. Rupp for the appellant in No. 544; by Mr. R. G. Sharpe and Mr. Walter L. Baumgartner for the appellees; and concluded by Mr. L. B. daPonte for the appellant in No. 529.

No. 559. Arthur Gooch *v.* The United States of America. Argument commenced by Mr. W. F. Rampendahl for Gooch.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, January 14, will be as follows: Nos. 559, 303, 312, 349, 4, 351, 375 (and 376), 33, 346, and 356.

SUPREME COURT OF THE UNITED STATES

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

George E. Billett, of Chicago, Ill.; Charles M. Kennedy, of Austin, Tex.; Lee S. Tillotson, of St. Albans, Vt.; James F. Ryan, of Dubuque, Iowa; Neville Miller, of Louisville, Ky.; Gilbert Nurick, of Harrisburg, Pa.; and Edwin Foster Blair, of New York City, were admitted to practice.

No. 559. Arthur Gooch *v.* The United States of America. Argument continued by Mr. W. F. Rampendahl for Gooch, and concluded by Mr. Gordon Dean for The United States.

No. 303. Alice Lee Grosjean, Supervisor of Public Accounts, etc., appellant, *v.* American Press Company, Inc., et al. Argued by Mr. Charles J. Rivet for the appellant and by Mr. Esmond Phelps and Mr. Elisha Hanson for the appellees.

No. 312. The Baltimore and Ohio Railroad Company et al., appellants, *v.* The United States of America et al. Argument commenced by Mr. E. L. Beach for the appellants.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, January 15, will be as follows: Nos. 312, 349, 4, 351, 375 (and 376), 356, 33, 346, 428, and 533.

SUPREME COURT OF THE UNITED STATES

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

Leonidas P. Embry, of California, Mo.; James E. Lightle, of Searcy, Ark.; Maurice Walk, of Chicago, Ill.; John F. Sinclair, of Minneapolis, Minn.; Lloyd H. Landau, of New York City; Rufus Gilbert Poole, of Chicago, Ill.; Margaret H. Harrison, of San Francisco, Calif.; Harry A. Honker, of Lebanon, Pa.; Merville K. Hobbs, of Chicago, Ill.; William H. Abbott, of Chicago, Ill.; Claude A. Roth, of Chicago, Ill.; and Burnett Wolfson, of Los Angeles, Calif., were admitted to practice.

No. 312. The Baltimore and Ohio Railroad Company et al., appellants, *v.* The United States of America et al. Argument continued by Mr. E. L. Beach for the appellants; by Mr. Edward M. Reidy for the appellees, The United States and Interstate Commerce Commission; by Mr. Frank W. Gwathmey for the appellees, Atlantic Coast Line R. R. Co. et al.; and concluded by Mr. E. L. Beach for the appellants.

No. 349. Mayflower Farms, Inc., appellant, *v.* Charles H. Baldwin, Commissioner, etc., et al. Peter G. Ten Eyck, present Commissioner of Agriculture and Markets of the State of New York, substituted as a party appellee in place of Charles H. Baldwin on motion of Mr. Henry S. Manley for the appellees.

No. 349. Mayflower Farms, Inc., appellant, *v.* Peter G. Ten Eyck, Commissioner, etc., et al. Argued by Mr. Seymour Ellenbogen for the appellant and by Mr. Henry S. Manley for the appellees.

No. 4. Peter Van Der Weyde, petitioner, *v.* Ocean Transport Company, Ltd., etc., et al. Submitted by Mr. John P. Hannon, Mr. William P. Lord, and Mr. Andrew G. Haley for the petitioner and by Mr. Lane Summers, Mr. W. H. Hayden, and Mr. F. T. Merritt for the respondents, with leave to petitioner to file a brief by Friday next.

No. 351. Terminal Warehouse Company, petitioner, *v.* Pennsylvania Railroad Company et al. Argument commenced by Mr. Thomas Raeburn White for the petitioner and continued by Mr.

John Hampton Barnes for the respondent, Pennsylvania Railroad Company.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, January 16, will be as follows: Nos. 351, 375 (and 376), 356, 33, 346, 428, and 533.

SUPREME COURT OF THE UNITED STATES

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

Samuel D. Ferster, of New York City; Elmer J. Ryan, of South St. Paul, Minn.; Edward E. Tuttle, of Los Angeles, Calif.; Edward Rager, of New York City; Don Kenneth Jones, of Chicago, Ill.; Vincent O'Brien, of Chicago, Ill.; Isadore H. Colton, of Newark, N. J.; Clarence E. Hall, of Philadelphia, Pa.; Charles F. Engle, of Natchez, Miss.; Geo. M. Kellogg, Jr., of Chicago, Ill.; and Jason L. Honigman, of Detroit, Mich., were admitted to practice.

No. 401. The United States of America, petitioner, *v.* William M. Butler et al., etc. Motion that mandate issue forthwith submitted by Mr. Edmund M. Toland for the respondents in support of the motion and by Mr. Solicitor General Reed for the petitioner in opposition thereto.

No. —, original. Ex parte: Bruno Richard Hauptmann, petitioner. Motion for leave to file petition for writ of habeas corpus and for a stay of execution submitted by Mr. Neil Burkinshaw for the petitioner. Motion for leave to file petition for writ of habeas corpus denied.

No. 351. Terminal Warehouse Company, petitioner, *v.* Pennsylvania Railroad Company et al. Argument continued by Mr. John Hampton Barnes for the respondent, Pennsylvania Railroad Company; by Mr. Robert T. McCracken for the respondent, Merchants Warehouse Company; and concluded by Mr. John J. Hickey for the petitioner.

No. 375. Nettie Meyer, Anna Jacobson, et al., petitioners, *v.* Kenmore Granville Hotel Company et al.; and

No. 376. Nettie Meyer, Anna Jacobson, et al., petitioners, *v.* Kenmore Granville Hotel Company et al. Argued by Mr. Meyer Abrams for the petitioners, and by Mr. I. E. Ferguson for the respondents.

No. 356. Wine Railway Appliance Company, petitioner, *v.* Enterprise Railway Equipment Company. Argued by Mr. Gilbert P.

Ritter for the petitioner, and by Mr. M. K. Hobbs for the respondent.

No. **33**. The United States of America, petitioner, *v.* The State of California. Argument commenced by Mr. Assistant Solicitor General Bell for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, January 17, will be as follows: Nos. **33**, **346**, **428**, and **533**.

SUPREME COURT OF THE UNITED STATES

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

Edwin R. Wolff, of New York City; Clyde A. Norton, of New York City; and Paul J. Culhane, of Washington, D. C., were admitted to practice.

No. 633. James F. Bishop, as Administrator, etc., et al., petitioners, *v.* St. Joseph-Chicago Steamship Company. Leave granted to file brief opposing petition for writ of certiorari on motion of Mr. Charles R. Hickox for the respondent.

No. 151. Isaac Chapman, petitioner, *v.* R. J. Hoage, Deputy Commissioner, etc., et al. Mandate ordered to issue forthwith on motion of Mr. Harlan Wood for the petitioner.

No. 218. Bertram J. Cahn, Executor, etc., petitioner, *v.* The United States. Mandate ordered to issue forthwith on motion of Mr. Julian T. Cromelin for the petitioner.

No. 577. Ricker Rice Mills, Inc., petitioner, *v.* Rufus W. Fontenot, Individually, etc.;

No. 578. A. B. Dore, petitioner, *v.* Rufus W. Fontenot, Individually, etc.;

No. 579. United Rice Milling Products Co., Inc., petitioner, *v.* Rufus W. Fontenot, Individually, etc.;

No. 580. Baton Rouge Rice Mill, Inc., petitioner, *v.* Rufus W. Fontenot, Individually, etc.;

No. 581. T. Simon, petitioner, *v.* Rufus W. Fontenot, Individually, etc.;

No. 585. Levy Rice Milling Co., Inc., petitioner, *v.* Rufus W. Fontenot, Individually, etc.;

No. 586. Farmers Rice Milling Co., Inc., petitioner, *v.* Rufus W. Fontenot, Individually, etc.; and

No. 587. Noble-Trotter Rice Milling Co., Inc., petitioner, *v.* Rufus W. Fontenot, Individually, etc. Motion to approve order for the release of impounded funds and motion that mandates issue forthwith submitted by Mr. Homer L. Bruce for the petitioners in support of the motions and by Mr. Solicitor General Reed for the respondent in opposition thereto.

No. 33. The United States of America, petitioner, *v.* The State of California. Argued by Mr. Assistant Solicitor General Bell for the petitioner, and by Mr. Ralph O. Marron for the respondent.

No. 346. Matson Navigation Company et al., appellants, *v.* State Board of Equalization of the State of California et al. Argued by Mr. Maurice E. Harrison for the appellants, and by Mr. H. H. Linney for the appellees.

No. 428. C. S. Tuttle, Albert J. Peterson, et al., etc., petitioners, *v.* Sam Harris, J. Rose, et al., etc. Argued by Mr. George T. Buckingham for the petitioners, and by Mr. Maurice Walk for the respondents.

No. 533. Duparquet Huot & Moneuse Co. et al., Inc., petitioners, *v.* Frysinger Evans et al. Argued by Mr. Harold Harper for the petitioners, and by Mr. Daniel A. Shirk for the respondents.

Adjourned until Monday, January 20 next 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 Stone, Mr. Justice Roberts, and Mr. Justice Cardozo.

William W. Barron, of St. Paul, Minn.; Samuel Rothstein, of New York City; Harold Korzenik, of New York City; Jno. A. Sennett, Jr., of Mason City, Iowa; Eugene T. Edwards, of El Paso, Tex.; James P. Lynch, Jr., of Mobile, Ala.; Gordon P. Peyton, of Alexandria, Va.; John S. Mosby, of Lepanto, Ark.; Paul B. Eaton, of Charlotte, N. C.; Sterling P. Bond, of St. Louis, Mo.; Roy H. Callahan, of New York City; Robert E. Hannegan, of St. Louis, Mo.; Thomas Hart Kennedy, of Los Angeles, Calif.; and Thomas A. Carpenter, of Dallas, Tex., were admitted to practice.

The Chief Justice announced the following order of the Court:

No. **637**. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Edna T. Stevens et al., etc. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. *Per curiam*: Petition for writ of certiorari granted. Judgment reversed on authority of *Helvering v. City Bank Farmers Trust Co.*, 296 U. S. 85.

The Chief Justice said:

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

No. —, original. *Ex parte*: Jesse C. Duke, petitioner. The motion for leave to file petition for writ of mandamus is denied.

No. **15**, original. State of Texas, complainant, *v.* State of New Mexico. It is ordered that this case be assigned for argument on the motion to dismiss on Monday, March 2 next.

No. **633**. James F. Bishop, as Administrator, etc., et al., petitioner, *v.* St. Joseph-Chicago Steamship Company. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. The motion for leave to proceed further herein *in forma pauperis* is denied for the reason that the Court, upon consideration of the papers herein submitted finds no ground upon

which a writ of certiorari should be issued. The petition for writ of certiorari is therefore also denied.

No. 638. John F. Moran, Receiver, etc., appellant, *v.* Loudoun National Bank of Leesburg, Virginia. Further consideration of the question of the jurisdiction of this Court in this case is postponed to the hearing of the case on the merits.

No. 660. The United States of America, appellant, *v.* Elgin, Joliet and Eastern Railway Company; and

No. 663. Wheeling Steel Corporation, appellant, *v.* Fred L. Fox, State Tax Commissioner etc., et al. In these cases probable jurisdiction is noted.

No. 629. Blakely D. McCaughn, Collector of Internal Revenue, etc., petitioner, *v.* Real Estate Land Title and Trust Company et al., etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit granted.

No. 621. Commonwealth of Pennsylvania, ex rel. Charles J. Margiotti, Attorney General, petitioner, *v.* William J. Kyle, Acting Collector etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 627. Sadie Minton, petitioner, *v.* Coast Property Corporation et al. Petition for writ of certiorari to the Supreme Court of the State of Oregon denied.

No. 630. J. T. Timmons, petitioner, *v.* Commonwealth of Virginia. Petition for writ of certiorari to the Supreme Court of Appeals of the State of Virginia denied.

No. 632. Aetna Insurance Company et al., petitioners, *v.* Atlantic Coast Line Railroad Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 647. Julian W. Fretwell, petitioner, *v.* Gillette Safety Razor Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 652. The City of Philadelphia, petitioner, *v.* Standard Oil Company of Pennsylvania. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 666. Compania de Inversiones Internacionales, petitioner, *v.* Industrial Mortgage Bank of Finland, etc. Petition for writ of certiorari to the Supreme Court of the State of New York denied.

No. 401. The United States of America, petitioner, *v.* William M. Butler et al., Receivers of Hoosac Mills Corporation. Motion of counsel for respondents that the mandate issue forthwith granted.

No. 577. Rickert Rice Mills, Inc., petitioner, *v.* Rufus W. Fontenot, Individually, etc.;

No. 578. A. B. Dore, petitioner, *v.* Rufus W. Fontenot, Individually, etc.;

No. 579. United Rice Milling Products Co., Inc., petitioner, *v.* Rufus W. Fontenot, Individually, etc.;

No. 580. Baton Rouge Rice Mill, Inc., petitioner, *v.* Rufus W. Fontenot, Individually, etc.;

No. 581. T. Simon, petitioner, *v.* Rufus W. Fontenot, Individually, etc.

No. 585. Levy Rice Milling Co., Inc., petitioner, *v.* Rufus W. Fontenot, Individually, etc.;

No. 586. Farmers Rice Milling Co., Inc., petitioner, *v.* Rufus W. Fontenot, Individually, etc.; and

No. 587. Noble-Trotter Rice Milling Co., Inc., petitioner, *v.* Rufus W. Fontenot, Individually, etc. Petition for rehearing denied.

No. 577. Rickert Rice Mills, Inc., petitioner, *v.* Rufus W. Fontenot, Individually, etc.;

No. 578. A. B. Dore, petitioner, *v.* Rufus W. Fontenot, Individually, etc.;

No. 579. United Rice Milling Products Co., Inc., petitioner, *v.* Rufus W. Fontenot, Individually, etc.;

No. 580. Baton Rouge Rice Mill, Inc., petitioner, *v.* Rufus W. Fontenot, Individually, etc.;

No. 581. T. Simon, petitioner, *v.* Rufus W. Fontenot, Individually, etc.;

No. 585. Levy Rice Milling Co., Inc., petitioner, *v.* Rufus W. Fontenot, Individually, etc.;

No. 586. Farmers Rice Milling Co., Inc., petitioner, *v.* Rufus W. Fontenot, Individually, etc.;

No. 587. Noble-Trotter Rice Milling Co., Inc., petitioner, *v.* Rufus W. Fontenot, Individually, etc. Motion of counsel for petitioners that mandates issue forthwith granted.

No. 577. Rickert Rice Mills, Inc., petitioner, *v.* Rufus W. Fontenot, Individually, etc.;

No. 578. A. B. Dore, petitioner, *v.* Rufus W. Fontenot, Individually, etc.;

No. 579. United Rice Milling Products Co., Inc., petitioner, *v.* Rufus W. Fontenot, Individually, etc.;

No. 580. Baton Rouge Rice Mills, Inc., petitioner, *v.* Rufus W. Fontenot, Individually, etc.;

No. 581. T. Simon, petitioner, *v.* Rufus W. Fontenot, Individually, etc.;

No. 585. Levy Rice Milling Co., Inc., petitioner, *v.* Rufus W. Fontenot, Individually, etc.;

No. 586. Farmers Rice Milling Co., Inc., petitioner, *v.* Rufus W. Fontenot, Individually, etc.; and

No. 587. Noble-Trotter Rice Milling Co., Inc., petitioner, *v.* Rufus W. Fontenot, Individually, etc. Order to release funds signed and entered.

No. 252. International Steel and Iron Company, appellant, *v.* National Surety Company. Further consideration of this cause postponed for a period of thirty days from January 24 next.

No. 16, original. The State of Georgia, complainant, *v.* Henry Morgenthau, Jr., Individually, etc., et al. The motion to dismiss and answer of the defendants received and ordered filed. Case assigned for argument on motion to dismiss on Tuesday, February 4 next.

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

The day call for Monday, February 3, will be as follows: Nos. 268, 335 (and 336), 348, 273, 350, 360, 377, 386, 396, and 399.

SUPREME COURT OF THE UNITED STATES

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

Herman Marx, of Newark, N. J.; Philip Mandelbaum, of Newark, N. J.; Mildred Eichbaum, of Columbus, Ohio; Arthur Clark, of Washington, D. C.; Knowlton Durham, of New York City; Robert L. Barton, of Columbus, Ohio; Fred Hinkle, of Wichita, Kans.; Don W. Stewart, of Lincoln, Neb.; Edwin Vail, of Lincoln, Neb.; Herman William Bernstein, of New York City; Orville Zimmerman, of Kennett, Mo.; Jack W. Bain, of Houston, Tex.; Homer H. Breland, of New York City; James John Lewis, of Washington, D. C.; William Henry Jacobs, of New York City; Jacob Saul Barschay, of New York City; Schuyler C. Mowrer, of Indianapolis, Ind.; Geo. E. McKernon, of Reno, Nev.; Hyman Zettler, of New York City; Abram S. Turletaub, of Bayonne, N. J.; Rupert A. Boehmer, of Lincoln, Nebr.; Laurence A. Crosby, of New York City; Roland C. Foerster, of San Francisco, Calif.; Richard Wayne Wilson, of Billings, Mont.; and Samuel Mark London, of Youngstown, Ohio, were admitted to practice.

No. 270. The Prudence Company, Inc., petitioner, *v.* Fidelity & Deposit Company of Maryland et al. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Decree modified as indicated in the opinion of this Court and as thus modified, affirmed and the case remanded to the District Court of the United States for the Southern District of New York. Opinion by Mr. Justice Cardozo.

No. 283. Baltimore National Bank, petitioner, *v.* State Tax Commission of Maryland. On writ of certiorari to the Court of Appeals of the State of Maryland. Judgment affirmed with costs. Opinion by Mr. Justice Cardozo.

No. 533. Duparquet Huot & Moneuse Co., E. E. Alley Co., Inc., and H. B. Day Co., Inc., petitioners, *v.* Frysinger Evans, Du-wel Cleaning Contracting Co., et al. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Decree

affirmed with costs and cause remanded to the District Court of the United States for the Southern District of New York. Opinion by Mr. Justice Cardozo. Mr. Justice Van Devanter took no part in the consideration or decision of this case.

No. 428. C. S. Tuttle, Albert J. Peterson, et al., etc., petitioners, *v.* Sam Harris, J. Rose, and I. Gordon, petitioning creditors. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Decree reversed with costs, and cause remanded to the 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 Cardozo. Mr. Justice Van Devanter took no part in the consideration or decision of this case.

No. 287. Camille V. Treigle, appellant, *v.* Acme Homestead Association;

No. 288. Camille V. Treigle, appellant, *v.* Thrift Homestead Association;

No. 289. Treigle Sash Factory, Inc., appellant, *v.* Conservative Homestead Association;

No. 290. Treigle Sash Factory, Inc., appellant, *v.* Union Homestead Association; and

No. 316. Joseph Mitchell, appellant, *v.* Conservative Homestead Association. Appeals from the Supreme Court of the State of Louisiana. Judgments reversed with costs, and cases remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Roberts.

No. 265. The United States of America, petitioner, *v.* Ray Keith Atkinson. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Judgment affirmed and cause remanded to the District Court of the United States for the Western District of Texas. Opinion by Mr. Justice Stone.

No. 375. Nettie Meyer, Anna Jacobson, et al., petitioners, *v.* Kenmore Granville Hotel Company et al.; and

No. 376. Nettie Meyer, Anna Jacobson, et al., petitioners, *v.* Kenmore Granville Hotel Company et al. On writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Decrees affirmed with costs and cases remanded to the District Court of the United States for the Northern District of Illinois. Opinion by Mr. Justice Stone. Mr. Justice Van Devanter took no part in the consideration or decision of this case.

No. 199. Frederick D. Dismuke, petitioner, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Judgment affirmed and cause remanded to the District Court of the United States for the Middle District of Georgia. Opinion by Mr. Justice Stone.

No. 33. The United States of America, petitioner, *v.* State of California. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgment reversed and cause remanded to the District Court of the United States for the Northern District of California for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Stone.

No. 178. Great Northern Railway Company, petitioner, *v.* J. J. Weeks, State Tax Commissioner, et al., etc. On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Decree reversed with costs, and cause remanded to the District Court of the United States for the District of North Dakota for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Butler. Dissenting opinion by Mr. Justice Stone in which Mr. Justice Brandeis and Mr. Justice Cardozo join.

No. 226. Manhattan General Equipment Company, petitioner, *v.* Commissioner of Internal Revenue; and

No. 227. Collier Service Corporation, Formerly Broadway Subway Advertising Co., Inc., petitioner *v.* Commissioner of Internal Revenue. On writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Decrees affirmed and cases remanded to the said Circuit Court of Appeals. Opinion by Mr. Justice Sutherland.

No. 192. Herbert Lester Tyson, petitioner, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit. Judgment affirmed and cause remanded to the District Court of the United States for the Eastern District of North Carolina. Opinion by Mr. Justice McReynolds.

No. 559. Arthur Gooch *v.* The United States of America. On certificate from the United States Circuit Court of Appeals for the Tenth Circuit. Both questions answered in the affirmative. Opinion by Mr. Justice McReynolds.

No. 4. Peter Van Der Weyde, petitioner, *v.* Ocean Transport Company, Ltd. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgment reversed with costs and cause remanded to the District Court of the United States for the Western District of Washington for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Chief Justice Hughes.

No. 302. Violet Trapping Company, Inc., appellant, *v.* Lucille May Grace, Register State Land Office, et al. Appeal from the Supreme Court of the State of Louisiana. Judgment affirmed with costs. *Per curiam* opinion announced by Mr. Chief Justice Hughes.

The Chief Justice said:

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

No. 657. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* W. Judson Coxe. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

Per Curiam: The petition for writ of certiorari is granted. Judgment reversed on authority of *Douglas v. Willcuts*, 296 U. S. 1; *Helvering v. Schweitzer*, 296 U. S. — (decided December 9, 1935); *Helvering v. Blumenthal*, 296 U. S. — (decided December 9, 1935); *Helvering v. Stokes*, 296 U. S. — (decided December 9, 1935).

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

No. 54. George Everett Legg, petitioner, *v.* E. St. John, Trustee. It is ordered by this Court that the opinion of this Court in this case be, and it hereby is, amended as follows:

That the word "recognized" appearing in line 5 from the bottom of page 3 be deleted and that the word "common" be substituted therefor so that the sentence will read as follows: "The term 'insurance' as there used referred only to legal reserve life insurance, the kind of insurance to which a cash surrender value was a common incident."

No. 707. Howard Shores, 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. The motion for leave to proceed further herein *in forma pauperis* is denied, for the reason that the Court, upon consideration of the papers herein submitted finds no ground upon which a writ of certiorari should be issued. The petition for writ of certiorari is therefore also denied.

No. 312. The Baltimore and Ohio Railroad Company et al., appellants, *v.* The United States of America et al. It is ordered that this case be restored to the docket and assigned for reargument on Monday, March 2 next.

No. 686. Fred O. Morgan, Doing business as Fred O. Morgan Sheep Commission Company et al., appellants, *v.* The United States of America et al. In this case probable jurisdiction is noted.

No. 640. J. Edward Jones, petitioner, *v.* Securities and Exchange Commission. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 643. The United States of America, petitioner, *v.* W. V. Knott, as State Treasurer, etc., et al. Petition for writ of certiorari to the Supreme Court of the State of Florida granted.

No. 674. The Asiatic Petroleum Company, Limited, petitioner, *v.* The Insular Collector of Customs. Petition for writ of certiorari to the Supreme Court of the Philippine Islands granted.

No. 659. Frank T. Hines, Administrator of Veterans' Affairs, etc., petitioner, *v.* Minnie Stein, as Guardian, etc. Petition for writ of certiorari to the Superior Court of the State of Pennsylvania granted.

No. 634. Branson Benton, 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. 639. J. Edward Jones, petitioner, *v.* Securities and Exchange Commission. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 644. Carl K. Withers, as Commissioner of Banking, etc., petitioner, *v.* W. V. Knott, as State Treasurer, etc., et al.; and

No. 645. Carl K. Withers, as Commissioner of Banking, etc., petitioner, *v.* Louis F. Snedigar et al., etc. Petition for writs of certiorari to the Supreme Court of the State of Florida denied.

No. 654. S. B. Knotts, Sr., petitioner, *v.* The First Carolinas Joint Stock Land Bank of Columbia, South Carolina, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 661. Olen C. Basford, petitioner, *v.* Standard Shipping Company. Petition for writ of certiorari to the Supreme Court of the State of New York denied.

No. 690. T. L. White, Guardian of Witchcote White, petitioner, *v.* H. C. O'Neal, Receiver, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 635. Catherine Wilson, Founder Trustee of Catherine Wilson Estate, Ltd., etc., petitioner, *v.* Raymond A. Carroll et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 641. Vernon Tetzke, petitioner, *v.* Trust No. 2988 of the Foreman Trust and Savings Bank, etc.; and

No. 642. Vernon Tetzke, petitioner, *v.* Trust No. 2988 of the Foreman Trust and Savings Bank, etc. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 668. The Trust Company of Chicago, as Successor Trustee, etc., petitioner, *v.* Trust No. 2988 of the Foreman Trust and Savings Bank, etc.; and

No. 669. The Trust Company of Chicago, as Successor Trustee, etc., petitioner, *v.* Trust No. 2988 of the Foreman Trust and Savings Bank, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 646. Delaware, Lackawanna & Western Railroad Company, petitioner, *v.* The Industrial Board of the State of New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of the State of New York denied.

No. 662. Graham P. Hunt, as Receiver of Roberts & Hall, petitioner, *v.* American Steel Foundries. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 680. William T. Alford, as Domiciliary Administrator etc., et al., petitioners, *v.* Herman D. Cornell. Petition for writ of certiorari to the Surrogate's Court, New York County, State of New York denied.

No. 683. John E. Moore Company, Owner and Claimant etc., petitioner, *v.* Pan American Petroleum & Transport Company; and

No. 684. Pan American Petroleum & Transport Company, petitioner, *v.* Steamtug "Margaret A. Moran", Moran Towing & Transportation Company, Inc. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 75. The United States of America, petitioner, *v.* Safety Car Heating and Lighting Company; and

No. 76. John R. Rogers, Collector of Internal Revenue etc., petitioner, *v.* Safety Car Heating and Lighting Company;

No. 115. The Public Service Commission of Puerto Rico, petitioner, *v.* Horace Havemeyer et al.;

No. 606. A. J. Richardson, petitioner, *v.* Chicago, Rock Island & Gulf Railway Company;

No. 608. Amelia Anderson et al., petitioners, *v.* St. Louis Coke & Iron Corporation et al.;

No. 617. Robin P. Allen, petitioner, *v.* The Cloisters Building Corporation et al.;

No. 631. Railway Engineering Equipment Company et al., petitioners, *v.* Oregon Short Line Railroad Company; and

No. 665. Ann Mathy, Administratrix etc., petitioner, *v.* Chicago & Northwestern Railway Company. Petitions for rehearing denied.

No. 102. General Outdoor Advertising Co., Inc. et al., appellants, *v.* William F. Callahan et al.;

No. 103. General Outdoor Advertising Co. Inc. et al., appellants, *v.* Samuel Hoar et al.; and

No. 104. Charles I. Brink, appellant, *v.* William F. Callahan et al. Appeals from the Supreme Judicial Court of the Commonwealth of Massachusetts. Appeals dismissed with costs on motion of counsel for the appellants.

No. 670. Theron L. Gustin, Doing Business under the name and style of Philadelphia Toro Co., petitioner, *v.* Worthington Mower Company; and

No. 671. Theron L. Gustin, Doing business under the name and style of Philadelphia Toro Co., petitioner *v.* Worthington Mower Company. On petition for writs of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Dismissed per stipulation of counsel.

No. 712. The United States of America, appellant, *v.* Frank L. Layton et al. Appeal from the District Court of the United States for the District of Minnesota. Appeal dismissed on motion of counsel for the appellant.

No. 268. The Sugar Institute, Inc. et al., appellants, *v.* The United States of America. Six hours allowed for oral argument. Argument commenced by Mr. John C. Higgins for the appellants.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, February 4, will be as follows: Nos. 268, 16 original, 335 (and 336), 348, 273, 350, 360, 377, 386, and 396.

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

Gaston D. Chesteen, of Wichita Falls, Tex.; Colin F. Stam, of Washington, D. C.; Alfons B. Landa, of Washington, D. C.; John J. Hooker, of Nashville, Tenn.; Dorothy Straus, of New York City; Ralph Ulsh, of Buffalo, N. Y.; John W. Gwynne, of Waterloo, Iowa; Thurlow G. Lewis, of Benton, Ill.; Scerial Thompson, of Harrisburg, Ill.; Thomas A. E. Lally, of Spokane, Wash.; Edward C. Eicher, of Washington, Iowa; Joe T. Rogers, of Wichita, Kans.; and Claude Pepper, of Tallahassee, Fla., were admitted to practice.

No. 268. The Sugar Institute, Inc. et al., appellants, *v.* The United States of America. Argument continued by Mr. John C. Higgins for the appellants; by Mr. Angus D. MacLean and Mr. Walter L. Rice for the appellee; and concluded by Mr. John C. Higgins for the appellants.

No. 16, original. The State of Georgia, complainant, *v.* Henry Morgenthau, Jr., Individually, etc., etc. Passed at the request of counsel until March 2 next on motion of Mr. Solicitor General Reed.

No. 335. George Noble and William Noble, petitioners, *v.* The City of Oklahoma City, etc.; and

No. 336. Robert W. Higgins et al., petitioners, *v.* The City of Oklahoma City, etc. Argument commenced by Mr. Charles H. Garnett for the petitioners.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, February 5, will be as follows: Nos. 335 (and 336), 348, 273, 350, 360, 377, 386, 396, 399, and 442.

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SUPREME COURT OF THE UNITED STATES

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

Alfred Crane McKenzie, of Brooklyn, N. Y.; Raymond R. Fiero, of Brooklyn, N. Y.; Douglas B. Steimle, of New York City; Robert Lewis Kirkpatrick, of Pittsburgh, Pa.; Carroll E. Day, of Grand Forks, N. D.; J. Harold Williams, of Hartford, Conn.; George Gilmer, of Charlottesville, Va.; George Arthur Lee, of Lincoln, Neb.; Abraham Gottfried, of Los Angeles, Calif.; Jas. M. Naylor, of San Francisco, Calif.; and John F. Condon, Jr., of New York City, were admitted to practice.

No. 335. George Noble and William Noble, petitioners, *v.* The City of Oklahoma City, etc.; and

No. 336. Robert W. Higgins et al., petitioners, *v.* The City of Oklahoma City, etc. Argument continued by Mr. Charles H. Garnett and by Mr. Warren E. Libby for the petitioners; by Mr. Harlan Deupree and by Mr. W. H. Brown for the respondent; and concluded by Mr. Joe T. Rogers for the petitioners.

No. 348. City of Lincoln, Nebraska, et al., petitioners, *v.* L. A. Ricketts, as Trustee, etc. Argued by Mr. Don W. Stewart for the petitioners, and by Mr. R. A. Boehmer for the respondent.

No. 273. Commonwealth Trust Company of Pittsburgh, Trustee et al., petitioners, *v.* Avery J. Bradford, Receiver, etc. Argument commenced by Mr. Wm. A. Wilson for the petitioners.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, February 6, will be as follows: Nos. 273, 350, 360, 377, 386, 396, 399, 442, 538, and 539 (and 540).

SUPREME COURT OF THE UNITED STATES

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

Harry A. Goldman, of Los Angeles, Calif.; Charles Stewart Slatton, of San Antonio, Tex.; William G. Comb, of Detroit, Mich.; Ben S. Wendelken, of Colorado Springs, Colo.; David L. Dickson, of Chicago, Ill.; John Hamilton King, of Willimantic, Conn.; Stephen Z. Gobozy, of Cleveland, Ohio; L. H. Dunten, of Fort Wayne, Ind.; Sabin S. Russell, of Danielson, Conn.; Richard V. Willcox, of Columbus, Ohio; George L. Hollett, of Clarendon, Va.; and Edward D. Smith, of Atlanta, Ga., were admitted to practice.

No. **273**. Commonwealth Trust Company of Pittsburgh, Trustee, et al., petitioners, *v.* Avery J. Bradford, Receiver, etc. Argument continued by Mr. William A. Wilson for the petitioners; by Mr. John G. Frazer for the respondent; and concluded by Mr. George P. Barse for the respondent.

No. **350**. Northwestern Bell Telephone Company, appellant, *v.* Nebraska State Railway Commission. Argued by Mr. Charles M. Bracelen for the appellant; and by Mr. Edwin Vail and Mr. John E. Benton for the appellee.

No. **360**. Pennsylvania Railroad Company, petitioner, *v.* Illinois Brick Company. Argument commenced by Mr. Frederic D. McKenney for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, February 7, will be as follows: Nos. **360, 377, 386, 396, 399, 442, 538, 539** (and **540**), **379**, and **427**.

SUPREME COURT OF THE UNITED STATES

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

John Paul Erwin, of Philadelphia, Pa.; Geo. G. Hannan, of Olympia, Wash.; Charles Z. Randall, of Pendleton, Oreg.; Rogert D. Moore, of University City, Mo.; Ernest Schein, of Chicago, Ill.; Ruth Naus, of San Francisco, Calif.; Geo. M. Naus, of San Francisco, Calif.; and Norman W. Neukom, of Los Angeles, Calif., were admitted to practice.

No. **360**. Pennsylvania Railroad Company, petitioner, *v.* Illinois Brick Company. Motion to dismiss submitted by Mr. Abraham R. Miller for the respondent and the motion denied. Argument continued by Mr. Frederic D. McKenney for the petitioner; by Mr. Abraham R. Miller for the respondent; and concluded by Mr. David L. Dickson for the petitioner.

No. **377**. Asa H. Whitfield, petitioner, *v.* The State of Ohio. Argued by Mr. Wm. Logan Martin for the petitioner, and by Mr. John W. Bricker and Mr. Alfred Clum for the respondent.

No. **386**. Phillips Petroleum Company et al., appellants, *v.* R. O. Jenkins. Argument commenced by Mr. Rayburn L. Foster for the appellants, and continued by Mr. Robert C. Knox for the appellee.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, February 10, will be as follows: Nos. **386**, 11 original, **10** original, **2**, **396**, **399**, **442**, **538**, **379**, **539** (and **540**).

SUPREME COURT OF THE UNITED STATES

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

Walter Slack, of San Francisco, Calif.; Leonard L. Barrett, of New York City; Vincent dePaul McDevitt, of Philadelphia, Pa.; Colbert Coldwell McClain, of Philadelphia, Pa.; Daniel G. Murphy, of Philadelphia, Pa.; Thomas J. Meehan, Jr., of New York City; Clarence A. Graham, of Zanesville, Ohio; Ernest B. Graham, of Zanesville, Ohio; Joseph V. McKee, of New York City; Samuel William Jensch, of Chicago, Ill.; Harold Barkley Wahl, of Jacksonville, Fla.; Paul F. Hannah, of Washington, D. C.; John P. Kelso, of Washington, D. C.; Darwin Bryan, of San Francisco, Calif.; H. Glenn Duis, of Portsmouth, Ohio; Andrew Pangrace, of Cleveland, Ohio; Fred B. Whalen, of St. Louis, Mo.; William C. Fitts, Jr., of Knoxville, Tenn.; Wm. A. Bryans, III, of Fort Collins, Colo.; and Robert S. Denvir, of St. Louis, Mo., were admitted to practice.

No. 597. Borden's Farm Products Company, Inc., appellant, *v.* Peter G. Ten Eyck, as Commissioner of Agriculture and Markets of the State of New York et al., etc. Appeal from the District Court of the United States for the Southern District of New York. Decree affirmed with costs. Opinion by Mr. Justice Roberts. Dissenting opinion by Mr. Justice McReynolds in which Mr. Justice Van Devanter, Mr. Justice Sutherland, and Mr. Justice Butler join.

No. 349. Mayflower Farms, Inc., appellant, *v.* Peter G. Ten Eyck, as Commissioner of the Department of Agriculture and Markets of the State of New York et al. Appeal from the Supreme Court of the State of New York. 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 Roberts. Dissenting opinion by Mr. Justice Cardozo, in which Mr. Justice Brandeis, and Mr. Justice Stone join.

No. 303. Alice Lee Grosjean, Supervisor of Public Accounts for the State of Louisiana, appellant, *v.* American Press Company, Inc., et al. Appeal from the District Court of the United States for the Eastern District of Louisiana. Decree affirmed with costs. Opinion by Mr. Justice Sutherland.

No. 125. Palmer Clay Products Company, petitioner, *v.* Matthew Brown, Trustee. On writ of certiorari to the Municipal Court of the City of Boston, County of Suffolk, Commonwealth of Massachusetts. Judgment affirmed with costs. Opinion by Mr. Justice Brandeis.

No. 232. Bronx Brass Foundry, Inc., petitioner, *v.* Irving Trust Company, as Trustee in Bankruptcy of J. R. Palmenberg's Sons, Inc. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Decree affirmed with costs and cause remanded to the District Court of the United States for the Southern District of New York. Opinion by Mr. Justice Brandeis.

The Chief Justice announced the following order of the Court:

No. 725. Ed Levell, appellant, *v.* Lacey Simpson, Warden, Kansas, State Penitentiary. Appeal from the Supreme Court of the State of Kansas. *Per curiam*: The appeal herein is dismissed for the want of a substantial federal question. *Moore v. Missouri*, 159 U. S. 673; *McDonald v. Massachusetts*, 180 U. S. 311; *Graham v. West Virginia*, 224 U. S. 616.

The Chief Justice said:

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

No. 721. Mallory H. Taylor, Jr., et al., petitioners, *v.* The United States of America. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit; and

No. 726. Ed Hector, petitioner, *v.* Court Smith, Warden, et al. On petition for writ of certiorari to the Supreme Court of the State of California. The motions for leave to proceed further herein *in forma pauperis* are denied for the reason that the Court, upon examination of the papers herein submitted finds no grounds upon which writs of certiorari should be issued. The petitions for writs of certiorari are therefore also denied.

No. 692. Hartford Accident & Indemnity Company, appellant, *v.* The People of the State of Illinois, *ex rel.* Walter W. McLaughlin, Director of Agriculture;

No. 709. Paul V. McNutt, Governor of the State of Indiana, et al., appellants, *v.* General Motors Acceptance Corporation of Indiana, Inc.; and

No. 710. Paul V. McNutt, Governor of the State of Indiana, et al., appellants, *v.* McHenry Chevrolet Co., Inc.; and

No. 715. The Atlantic Lumber Company, appellant, *v.* Commissioner of Corporations and Taxation of the Commonwealth of Massachusetts. Further consideration of the question of the jurisdiction

of this Court in these cases is postponed to the hearing of the cases on the merits.

No. 727. Bibb Graves, as Governor of the State of Alabama, et al., etc., appellants, *v.* The Texas Company. In this case probable jurisdiction is noted.

No. 664. J. W. Tipton, petitioner, *v.* Atchison, Topeka & Santa Fe Railway Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted.

No. 672. Leon M. Gleckman, 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. 673. Otto R. Emrich, Samuel Dolf et al., petitioners, *v.* Leslie Erickson as Trustee, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 682. Remington Rand, Inc., petitioner, *v.* General Fireproofing Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 685. Parker V. Lucas, 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. 695. Clayton M. Hogue and Berrien County Package Company, petitioners, *v.* Bryan Wise. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 700. William F. Madden, 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.

ORDER

The Court will take a recess from Monday, February 17 to Monday, March 2 next.

No. 287. Camille V. Treigle, appellant, *v.* Acme Homestead Association;

No. 288. Camille V. Treigle, appellant, *v.* Thrift Homestead Association;

No. 289. Treigle Sash Factory, inc., appellant, *v.* Conservative Homestead Association;

No. 290. Treigle Sash Factory, appellant, *v.* Union Homestead Association; and

No. 316. Joseph Mitchell, appellant, *v.* Conservative Homestead Association. Motion that mandates issue forthwith submitted by Mr. Alex W. Swords for the appellants in support of the motion and by Mr. Delvaille H. Theard for the appellees in opposition thereto.

No. 386. Phillips Petroleum Company, a Corporation, et al., appellants, *v.* R. O. Jenkins. Argument continued by Mr. Robert C. Knox for the appellee and concluded by Mr. Rayburn L. Foster for the appellants.

No. 396. Charles Gause, appellant, *v.* Detroit Trust Company of Detroit, etc. Argued by Mr. Henry B. Graves and by Mr. Mark L. Rowley for the appellant, and by Mr. Jason L. Honigman for the appellee.

No. 399. Southern Railway Company, petitioner, *v.* Mrs. Olivia Cox Lunsford, as Administratrix, etc. Submitted by Mr. G. E. Maddox, Mr. H. O'B. Cooper, Mr. Sidney S. Alderman, and Mr. S. R. Prince for the petitioner, and by Mr. Reuben R. Arnold and Mr. B. P. Gambrell for the respondent.

No. 11, original. The State of Washington, complainant, *v.* The State of Oregon. Argument on exceptions to the report of the Special Master commenced by Mr. George G. Hannan for the complainant and continued by Mr. Charles Z. Randall for the defendant.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, February 11th, will be as follows: Nos. 11, original, 10, original, 2, 442, 538, 379, 539 (and 540), 427, 546 (and 547), and 599.

SUPREME COURT OF THE UNITED STATES

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

Charles D. Moore, of Salt Lake City, Utah; Gail H. Butt, of New Lexington, Ohio; Donald Gallagher, of Lincoln, Neb.; Lasher B. Gallagher, of Los Angeles, Calif.; G. B. Fulton, of Pawhuska, Okla.; O. A. Tangren, of Delta, Utah; Maurice McNerney, of Washington, D. C.; Robert Graham Wilson, of New York City; Benjamin C. Grosscup, of Seattle, Wash.; Marshall L. Allison, of Lavonia, Ga.; Claude H. Anderson, of Indianapolis, Ind.; and David James Shipman, of Chicago, Ill., were admitted to practice.

No. 599. Edward A. Leahy, petitioner, *v.* State Treasurer of Oklahoma et al. Submitted by Mr. C. S. Macdonald for the petitioner and by Mr. C. D. Cund and Mr. C. W. King for the respondent.

No. 11, original. The State of Washington, complainant, *v.* The State of Oregon. Argument on exceptions to the report of the Special Master continued by Mr. Charles Z. Randall and Mr. George T. Cochran for the defendant; and concluded by Mr. George G. Hannan for the complainant.

No. 10, original. State of Wyoming, complainant, *v.* State of Colorado. Four hours allowed for oral argument and leave granted three counsel to address the Court for the defendant. Argument commenced by Mr. Ray E. Lee for the complainant; continued by Mr. James A. Greenwood for the complainant; and by Mr. Shrader P. Howell and Mr. Wm. R. Kelly for the defendant.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, February 12, will be as follows: Nos. 10 original, 2, 442, 538, 379, 539 (and 540), 427, 546 (and 547), 497, and 551.

SUPREME COURT OF THE UNITED STATES

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

Brady Cole, of Houston, Tex.; George Gilbert Palmer, of New York City; Bigham D. Eblen, of Detroit, Mich.; Harry Hoffman, of New York City; Emily Panzie Harper, of Louisville, Ky.; Mary Vashti Jones, of Zanesville, Ohio; James B. Alley, of New York City; and J. Kentner Elliott, of Chicago, Ill., were admitted to practice.

No. 10, original. State of Wyoming, complainant, *v.* State of Colorado. Argument continued by Mr. Wm. R. Kelly and Mr. C. D. Todd for the defendant; and concluded by Mr. James A. Greenwood for the complainant.

No. 2. Bayside Fish Flour Company, appellant, *v.* J. Dale Gentry et al. Argued by Mr. Walter Slack for the appellant; and by Mr. Darwin Bryan for the appellees.

No. 442. Gulf Refining Company, appellant, *v.* Fred L. Fox, in his individual right, etc. Argument commenced by Mr. Arthur S. Dayton for the appellant, and continued by Mr. Homer A. Holt for the appellee.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, February 13, will be as follows: Nos. 442, 538, 379, 539 (and 540), 427, 497, 546 (and 547), 551, and 583.

SUPREME COURT OF THE UNITED STATES

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

Maurice J. Mahoney, of Washington, D. C.; Ernest Russell, of Washington, D. C.; Alfred K. Cherry, of Washington, D. C.; Clarence L. Parker, of Washington, D. C.; Murray M. Flack, of Washington, D. C.; Simon M. Newman, of Washington, D. C.; Sidney L. Foulston, of Wichita, Kans.; Frederick W. Newton, of New York City; Charles J. Tobin, of Albany, N. Y.; Louis William Gering, Jr., of Parma, Ohio; Orlin F. Goudy, of Cleveland, Ohio; Thomas Vennum, of Minneapolis, Minn.; and Willis E. Donley, of Menomonie, Wis., were admitted to practice.

No. 442. Gulf Refining Company, appellant, *v.* Fred L. Fox, in his individual right, etc. Argument continued by Mr. Homer A. Holt for the appellee; and concluded by Mr. Arthur S. Dayton for the appellant.

No. 538. Ashland Refining Company, appellant, *v.* Fred L. Fox, in his own right, etc. Argued by Mr. E. L. McDonald for the appellant; and by Mr. Homer A. Holt for the appellee.

No. 379. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* San Joaquin Fruit & Investment Company. Argued by Mr. Assistant Attorney General Wideman for the petitioner, and by Mr. George M. Naus for the respondent.

No. 539. Stephen Callaghan et al., petitioners, *v.* Reconstruction Finance Corporation; and

No. 540. Theodore Stitt, petitioner, *v.* Reconstruction Finance Corporation. Argument commenced by Mr. Percival E. Jackson for the petitioner in No. 439; and continued by Mr. Theodore Stitt *pro se* in No. 540.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, February 14, will be as follows: Nos. 539 (and 540), 427, 497, 546 (and 547), 551, and 583.

SUPREME COURT OF THE UNITED STATES

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

Daniel A. Reed, of Dunkirk, N. Y.; Arthur Campbell Stickley, II, of Clarendon, Va.; John F. Hunter, of Toledo, Ohio; James R. Hoffman, of Denver, Colo.; John L. J. Hart, of Denver, Colo.; and G. N. Dagger, of Clarendon, Va., were admitted to practice.

No. 539. Stephen Callaghan et al., petitioners, *v.* Reconstruction Finance Corporation; and

No. 540. Theodore Stitt, petitioner, *v.* Reconstruction Finance Corporation. Argument continued by Mr. Theodore Stitt for the petitioner in No. 540; and concluded by Mr. Eli W. Debevoise for the respondent.

No. 427. George S. Ingraham et al., appellants, *v.* Henry Hanson. Argument commenced by Mr. Arson P. Soule for the appellants; continued by Mr. Charles D. Moore and Mr. O. A. Tangren for the appellee; by Mr. Grover A. Giles for the State Tax Commission of the State of Utah as *amicus curiae*, by special leave of Court, and concluded by Mr. Arson P. Soule for the appellants.

No. 546. United States Shipping Board Merchant Fleet Corporation et al., petitioners, *v.* Thomas E. Rhodes; and

No. 547. J. F. T. O'Connor, Comptroller of the Currency, et al., petitioners, *v.* Thomas E. Rhodes. Argued by Mr. George P. Barse for the petitioners in No. 547; and by Mr. Hugh H. Obear for the respondent; and case submitted by Mr. Solicitor General Reed for the petitioners in No. 546.

Adjourned until Monday, February 17 at 12 o'clock.

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SUPREME COURT OF THE UNITED STATES

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

Edward K. McDermott, of Omaha, Nebr.; Clark W. Jennings, of Orlando, Fla.; Arthur R. Wood, of Detroit, Mich.; R. T. McCluggage, of El Dorado, Kans.; Carrie E. Hunter, of Elizabethton, Tenn.; Frank A. F. Severance, of New York City; Fred Patterson, of Honolulu, T. H.; Edward F. Platow, of New York City; Eug. H. Walet, Jr., of New Orleans, La.; and Elmer E. Johnston, of Wallace, Idaho, were admitted to practice.

No. 301. Ed Brown, Henry Shields, and Yank Ellington, petitioners, *v.* State of Mississippi. On writ of certiorari to the Supreme Court of the State of Mississippi. Judgment reversed with costs, and cause remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Chief Justice Hughes.

No. 403. George Ashwander et al., petitioners, *v.* Tennessee Valley Authority et al.; and

No. 404. George Ashwander et al., petitioners, *v.* Tennessee Valley Authority et al. On writs of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Decree affirmed and cases remanded to the District Court of the United States for the Northern District of Alabama. Opinion by Mr. Chief Justice Hughes. Concurring opinion by Mr. Justice Brandeis in which Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Cardozo join. Separate opinion by Mr. Justice McReynolds.

The Chief Justice announced the following order of the Court:

No. 396. Charles Gause, appellant, *v.* Detroit Trust Company of Detroit, a Michigan Corporation, Receiver of Guaranty Trust Company of Detroit, etc. Appeal from the Supreme Court of the State of Michigan. *Per curiam*: The motion of the appellee to dismiss the appeal herein is granted, and the appeal is dismissed for reason that the judgment sought here to be reviewed is based upon a non-federal ground adequate to support it. *Bell Telephone Co. v. Van*

Dyke, 296 U. S.—(decided October 14, 1935); *Enterprise Irrigation District v. Canal Co.*, 243 U. S. 157, 162, 165; *Hale v. Lewis*, 181 U. S. 473, 479, 480; *Eustis v. Bolles*, 150 U. S. 361, 368, 370.

The Chief Justice said:

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

No. —. In the matter of James L. Minnis. This Court, by order of November 18, 1935, having directed the issue of a rule requiring James L. Minnis, of San Francisco, California, a member of the Bar of this Court, to show cause why he should not be disbarred from the practice of the law in this Court for conduct unbecoming a member of the Bar of this Court in filing a brief in this Court, on October 21, 1935, in the case of *A-1 Garage v. Lange Investment Company*, No. 489 of the October Term, 1935, which brief contained in particular the following statements on pages four to five thereof:

“Petitioner’s claim is not that the judges committed errors on a trial, but that they willfully denied it a trial; not that they committed error in interpreting the lease or the law, but that they willfully substituted for the lease fictions as affirmative facts, and for the law a fiction precisely the opposite of the law; not that the judges failed to deliberate, but that they did deliberate; not that they were exposed to temptation, but that they sought temptation and decided the case for two despicable purposes; one, to give petitioner’s money to respondent; the other, to enable pawnbrokers, lessors, and payees in innumerable installment purchase contracts of automobiles, baby buggies, electric refrigerators, household goods, musical instruments, radios, sewing machines, vacuum cleaners, washing machines, and a thousand other articles, to garner a harvest of penalties, which was approved by the judges of the state supreme court.”;

a rule having issued and respondent having made return thereto, acknowledging his mistake, expressing his regret, disclaiming any intent to reflect upon the judges to whom reference is made in said statements, and completely apologizing therefor;

It is ordered by this Court (1) that the offensive statements be, and they are hereby, stricken from the files of this Court; (2) that the apology of respondent be accepted and that the rule be, and it is hereby, discharged.

No. —, original. *Ex parte*: H. Charles O’Dell, petitioner;

No. —, original. *Ex parte*: Charles E. Phillips, petitioner;

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

No. 287. Camille V. Treigle, appellant, *v.* Acme Homestead Association;

No. 288. Camille V. Treigle, appellant, *v.* Thrift Homestead Association;

No. 289. Treigle Sash Factory, Inc., appellant, *v.* Conservative Homestead Association;

No. 290. Treigle Sash Factory, Inc., appellant, *v.* Union Homestead Association; and

No. 316. Joseph Mitchell, appellant, *v.* Conservative Homestead Association. The motion that mandates issue forthwith is denied.

No. 252. International Steel and Iron Company, appellant, *v.* National Surety Company. This case is reassigned for argument on Wednesday, March 11 next.

No. 667. The "Arizona", Antone Mardesich and Wife, et al., petitioners, *v.* Antonia Anelich, as Administratrix, etc. Petition for writ of certiorari to the Supreme Court of the State of Washington granted.

No. 676. George S. Beadle, petitioner, *v.* Alfred Spencer. Petition for writ of certiorari to the Supreme Court of the State of California granted.

No. 696. Chicago Great Western Railroad Company, petitioner, *v.* Mary Rambo, as Administratrix, etc. Petition for writ of certiorari to the Supreme Court of the State of Minnesota granted.

No. 675. William R. Perkins, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 677. Electric Boat Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 678. The National Cash Register Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 687. The Wichita Association of Credit Men, and M. E. Garrison, petitioners, *v.* Claude I. Depew et al.; and

No. 688. The Wichita Association of Credit Men, Inc., and M. E. Garrison, petitioners, *v.* State of Kansas, ex rel. Clarence V. Beck, Attorney General. Petition for writs of certiorari to the Supreme Court of the State of Kansas denied.

No. 694. Ohio Hardware Mutual Insurance Company, petitioner, *v.* Northeast Georgia Land Company, Inc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 697. Richard Tallman Galatas, petitioner, *v.* The United States of America;

No. 698. Herbert Allen Farmer, petitioner, *v.* The United States of America; and

No. 699. Frank B. Mulloy, petitioner, *v.* The United States of America. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 701. The N. P. Severin Company, a co-partnership of which N. P. Severin and A. N. Severin are members, et al., petitioners, *v.* Edithe Young, by Stella Young, her mother and nearest friend. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 702. Veolay, Inc., J. E. Bernard & Co., Inc., petitioners, *v.* The United States of America. Petition for writ of certiorari to the Court of Customs and Patent Appeals denied.

No. 375. Nettie Meyer, Anna Jacobson, et al., petitioners, *v.* Kenmore Granville Hotel Company et al.;

No. 376. Nettie Meyer, Anna Jacobson, et al., petitioners, *v.* Kenmore Granville Hotel Company et al.; and

No. 627. Sadie Minton, petitioner, *v.* Coast Property Corporation et al. Petitions for rehearing denied.

ORDER

It is ordered by this Court that George Wharton Pepper, of Philadelphia, Pennsylvania, be, and he hereby is, appointed a member of the Advisory Committee appointed June 3, 1935, to assist the Court in the preparation of a unified system of general rules for cases in equity and actions at law in the District Courts of the United States and in the Supreme Court of the District of Columbia, in place of George W. Wickersham, deceased.

No. 743. Frank O. Lowden, James E. Gorman, et al., etc., *v.* Northwestern National Bank and Trust Company of Minneapolis, Minnesota, etc. Motion to bring up the entire record and cause submitted by Mr. A. Rea Williams in behalf of counsel for Frank O. Lowden et al.

No. 517. Nicolas Trinidad et al., petitioners, *v.* The Roman Catholic Archbishop of Manila. Suggestion of a diminution of the record and motion for writ of certiorari submitted by Mr. Gabriel la O for the respondent.

Adjourned until Monday, March 2 next, at 12 o'clock.

The day call for Monday, March 2, will be as follows: Nos. 497, 12 original, 15 original, 312, 16 original, 443, 551, 583, 590, and 388.

SUPREME COURT OF THE UNITED STATES

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

Joseph Goodman, of St. Louis, Mo.; Freeland L. Jackson, of St. Louis, Mo.; Walter G. Dunnington, of New York City; Frank E. Hook, of Ironwood, Mich.; Florence E. Brown, of Washington, D. C.; Donna V. Seare, of Salt Lake City, Utah; Carl B. Rix, of Milwaukee, Wis.; Todd Wool, of New York City; George S. Hills, of New York City; Leland J. Culbertson, of Meadville, Pa.; Edmund B. Shea, of Milwaukee, Wis.; and Alexander M. Hamburg, of New York City, were admitted to practice.

No. **351**. Terminal Warehouse Company, petitioner, *v.* Pennsylvania Railroad Company and Merchants Warehouse Company. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Judgment affirmed with costs and cause remanded to the District Court of the United States for the Eastern District of Pennsylvania. Opinion by Mr. Justice Cardozo. Mr. Justice McReynolds concurs in the result. Mr. Justice Roberts took no part in the consideration or decision of this case.

No. **11**, original. The State of Washington, complainant, *v.* The State of Oregon. Master's report confirmed and bill of complaint dismissed. Opinion by Mr. Justice Cardozo.

No. **335**. George Noble and William Noble, petitioners, *v.* The City of Oklahoma City, a municipal corporation; and

No. **336**. Robert W. Higgins et al., petitioners, *v.* The City of Oklahoma City, a municipal corporation. On writs of certiorari to the Supreme Court of the State of Oklahoma. Judgments reversed with costs and cases remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Roberts.

No. **379**. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* San Joaquin Fruit & Investment Company. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgment reversed and cause remanded to the said

Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Roberts.

No. 539. Stephen Callaghan, Percival E. Jackson, and William M. Greve, Individually and as Trustees, etc., petitioners, *v.* Reconstruction Finance Corporation; and

No. 540. Theodore Stitt, petitioner, *v.* Reconstruction Finance Corporation. On writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Decree affirmed and cause remanded to the District Court of the United States for the Eastern District of New York. Opinion by Mr. Justice Stone.

No. 350. Northwestern Bell Telephone Company, appellant, *v.* Nebraska State Railway Commission. Appeal from the Supreme Court of the State of Nebraska. Judgment affirmed with costs. Opinion by Mr. Justice Stone.

No. 346. Matson Navigation Company, The Oceanic Steamship Company and Matson Terminals, Inc., appellants, *v.* State Board of Equalization of the State of California et al. Appeal from the Supreme Court of the State of California. Judgment affirmed with costs. Opinion by Mr. Justice Butler.

No. 360. Pennsylvania Railroad Company, petitioner, *v.* Illinois Brick Company. On writ of certiorari to the Appellate Court of the State of Illinois, First District. Judgment reversed with costs, and cause remanded to the said Appellate Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Butler.

No. 2. Bayside Fish Flour Company, appellant, *v.* J. Dale Gentry, Earl B. Gilmore, I. Zellerbach, et al. Appeal from the District Court of the United States for the Northern District of California. Decree affirmed with costs. Opinion by Mr. Justice Sutherland.

No. 377. Asa H. Whitfield, petitioner, *v.* The State of Ohio. On writ of certiorari to the Supreme Court of the State of Ohio. Judgment affirmed with costs. Opinion by Mr. Justice Sutherland. Mr. Justice Van Devanter, Mr. Justice McReynolds, and Mr. Justice Stone concur in the result.

No. 544. The Pacific Telephone and Telegraph Company, appellant, *v.* The Tax Commission of the State of Washington et al.;

No. 573. Great Northern Railway Company, appellant, *v.* The State of Washington; and

No. 529. Northern Pacific Railway Company, appellant, *v.* State of Washington. Appeals from the Supreme Court of the State of Washington. Judgments affirmed with costs. Opinion by Mr. Justice Brandeis.

No. 599. Edward A. Leahy, petitioner, *v.* State Treasurer of Oklahoma, Ray O. Weems, as State Treasurer, et al. On writ of certiorari to the Supreme Court of the State of Oklahoma. Judgment affirmed with costs. Opinion by Mr. Justice Brandeis.

No. 356. Wine Railway Appliance Company, petitioner, *v.* Enterprise Railway Equipment Company. On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. Decree reversed with costs and cause remanded to the District Court of the United States for the Northern District of Ohio for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice McReynolds.

No. 399. Southern Railway Company, petitioner, *v.* Mrs. Olivia Cox Lunsford, as Administratrix of the estate of J. M. Cox, deceased. On writ of certiorari to the Court of Appeals of the State of Georgia. Judgment reversed with costs and cause remanded to the said Court of Appeals for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice McReynolds.

No. 348. City of Lincoln, Nebraska, and Standard Accident Insurance Company, petitioners, *v.* L. A. Ricketts, as Trustee in Bankruptcy of Lincoln Trust Company, bankrupt. On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Decree reversed with costs and cause remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Chief Justice Hughes.

No. 427. George S. Ingraham, Sherwood Green, and Edward P. McKenna, et al., appellants, *v.* Henry Hanson. Appeal from the Supreme Court of the State of Utah. Judgment affirmed with costs. Opinion *per curiam* announced by Mr. Chief Justice Hughes.

No. 442. Gulf Refining Company, appellant, *v.* Fred L. Fox, in his individual right and in his official capacity as Tax Commissioner of the State of West Virginia; and

No. 538. Ashland Refining Company, appellant, *v.* Fred L. Fox, in his own right and in his official capacity as Tax Commissioner of the State of West Virginia. Appeals from the District Court of the United States for the Southern District of West Virginia. Decrees affirmed with costs. Opinion *per curiam* announced by Mr. Chief Justice Hughes.

No. 546. United States Shipping Board Merchant Fleet Corporation, and Homer S. Cummings, Attorney General of the United States, etc., petitioners, *v.* Thomas E. Rhodes; and

No. 547. J. F. T. O'Connor, Comptroller of the Currency of the United States, et al., petitioners, *v.* Thomas E. Rhodes. On writs of certiorari to the United States Court of Appeals for the District

of Columbia. Judgment affirmed with costs and cause remanded to the said United States Court of Appeals. Opinion *per curiam* announced by Mr. Chief Justice Hughes.

The Chief Justice announced the following orders of the Court:
No. 729. Jewish Mental Health Society, appellant, *v.* Village of Hastings, William Steinschneider, Richard H. Shreve, et al. Appeal from the Supreme Court of the State of New York. *Per curiam:* The motion of the appellees to dismiss the appeal herein is granted, and the appeal is dismissed for the want of a substantial federal question. *Euclid v. Ambler Co.*, 272 U. S. 365, 387-389; *Jack Lewis, Inc., v. Mayor and City Council of Baltimore et al.*, 290 U. S. 585; *Cusack Co. v. City of Chicago*, 242 U. S. 526, 530, 531; *Hadacheck v. Los Angeles*, 239 U. S. 394; *Reinman v. Little Rock*, 237 U. S. 171, 176, 177.

No. 762. Lansing Drop Forge Company, appellant, *v.* American State Savings Bank. Appeal from the Supreme Court of the State of Michigan. *Per curiam:* The motion of the appellee to dismiss the appeal herein granted, and the appeal is dismissed for the reason that the judgment sought here to be reviewed is based upon a non-federal ground adequate to support it. *Fox Film Corp. v. Muller*, 296 U. S. 207, 210, 211; *Petrie v. Nampa, etc., Irrigation District*, 248 U. S. 154, 157; *Enterprise Irrigation District v. Canal Company*, 243 U. S. 157, 163, 164.

The Chief Justice said:

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

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

No. 13, original. State of Nebraska complainant, *v.* State of Wyoming. The return day fixed by the order of this Court of December 23, 1935, is extended until May 4 next.

No. 743. Frank O. Lowden, James E. Gorman, et al., etc., *v.* Northwestern National Bank and Trust Company of Minneapolis, Minnesota, etc. The motion to bring up the entire record and cause is denied.

No. 765. Joseph Kristy, petitioner, *v.* State of California. On petition for writ of certiorari to the Supreme Court of the State of California. The motion for leave to proceed further herein in forma pauperis is denied for the reason that the Court, upon the examina-

tion of the papers herein submitted finds no ground upon which a writ of certiorari should be issued. The petition for writ of certiorari is therefore also denied.

No. 745. Premier-Pabst Sales Company, appellant, *v.* Walter T. Grosscup et al.;

No. 746. The Pennsylvania Railroad Company et al., appellants, *v.* The Public Utilities Commission of Ohio et al.; and

No. 758. International Business Machines Corporation, appellant, *v.* The United States of America. In these cases probable jurisdiction is noted.

No. 766. Samuel Zimmern et al., petitioners, *v.* The United States of America. The motion for leave to proceed in forma pauperis is granted. The petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is also granted.

No. 517. Nicolas Trinidad et al., petitioners, *v.* The Roman Catholic Archbishop of Manila. The motion of the respondent for writ of certiorari to correct a diminution of the record is granted. The petition for writ of certiorari to the Supreme Court of the Philippine Islands is denied.

No. 658. City of Galveston, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 681. Andre Fourchy, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 689. The Lambs, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 691. Dixie Margarine Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 693. Stock Market Finance, Inc., et al., petitioners, *v.* Securities and Exchange Commission. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 703. Metropolitan Building Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 704. The United States of America, ex rel. A. B. Pattison, Administrator of the Estate of Amos Hamilton, deceased, et al., petitioners, *v.* Harold L. Ickes, Secretary of the Department of Interior, etc. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 705. County of Prince William, etc., petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 706. Twin City Barge and Gravel Company, petitioner, *v.* Peter E. Whalen. Petition for writ of certiorari to the Appellate Court of the State of Illinois, Third District, denied.

No. 708. George Rice, Adolph Lucash, et al., petitioners, *v.* The United Electric Coal Companies. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 711. Oregon Short Line Railroad Company, petitioner, *v.* George P. Claris. Petition for writ of certiorari to the Supreme Court of the State of Idaho denied.

No. 713. The Alton Railroad Company, petitioner, *v.* The Industrial Commission of Illinois et al. Petition for writ of certiorari to the Circuit Court of McLean County, State of Illinois, denied.

No. 716. William G. Breslin, Jr., p. p. a., petitioner, *v.* Boston & Maine Railroad. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 719. Berthold-Jennings Lumber Co. et al., petitioners, *v.* St. Louis, Iron Mountain and Southern Railway Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 728. Ruth Clarke Bliss, petitioner, *v.* Arthur Lorraine Bliss. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 736. Katherine R. Simpkins, petitioner, *v.* Maggie McDermott. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 714. Edward D. Loughman, Receiver of the National City Bank of the City of New Rochelle, petitioner, *v.* Augustus S. Wittnebel. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 717. Robert C. Bruce and Charles Neal Bruce, Minors, etc., et al., petitioners, *v.* Globe Indemnity Company; and

No. 718. Robert C. Bruce and Charles Neal Bruce, Minors, etc., et al., petitioners, *v.* Globe Indemnity Company. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 720. Jefferson Island Salt Mining Co., Inc., et al., petitioners, *v.* The State of Louisiana. Petition for writ of certiorari to the Supreme Court of the State of Louisiana denied. Mr. Justice Butler took no part in the consideration or decision of this application.

No. 722. The Northern Pacific Terminal Company of Oregon, petitioner, *v.* City of Portland, Joseph K. Carson, Jr., Mayor of the City of Portland, Oregon, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 723. Southeastern Brewing Company, petitioner, *v.* W. P. Blackwell, as Secretary of State for the State of South Carolina, and Old South Brewing Company, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 730. Grand Trunk Western Railroad Company, Successor, etc., petitioner, *v.* H. W. Nelson Company, Incorporated. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 738. J. B. Shepherd, Trustee in Bankruptcy of Summers Hardware Company, bankrupt, petitioner, *v.* Banking & Trust Company of Jonesboro, Trustee, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 287. Camille V. Treigle, appellant, *v.* Acme Homestead Association;

No. 288. Camille V. Treigle, appellant, *v.* Thrift Homestead Association;

No. 289. Treigle Sash Factory, Inc., appellant, *v.* Conservative Homestead Association;

No. 290. Treigle Sash Factory, Inc., appellant, *v.* Union Homestead Association; and

No. 316. Joseph Mitchell, appellant, *v.* Conservative Homestead Association;

No. 226. Manhattan General Equipment Company, petitioner, *v.* Commissioner of Internal Revenue; and

No. 227. Collier Service Corporation, etc., petitioner, *v.* Commissioner of Internal Revenue;

No. 403. George Ashwander et al., petitioners, *v.* Tennessee Valley Authority et al.; and

No. 404. George Ashwander et al., petitioners, *v.* Tennessee Valley Authority et al.;

No. 641. Vernon Tetzke, petitioner, *v.* Trust No. 2988, etc.; and

No. 642. Vernon Tetzke, petitioner, *v.* Trust No. 2988, etc.;

No. 680. William T. Alford, as Domiciliary Administrator, etc., et al., petitioners, *v.* Herman D. Cornell; and

No. 725. Ed Levell, appellant, *v.* Lacey Simpson, Warden, etc. Petitions for rehearing denied.

ORDER

It is ordered by this Court that paragraph 1 of Rule 12 of the Rules of this Court, be amended so as to read as follows:

"1. Upon the presentation of a petition for the allowance of an appeal to this court, from any court, to any judge or justice empowered by law to allow it, there shall be presented by the applicant a separate typewritten statement particularly disclosing the basis upon which it is contended that this court has jurisdiction upon appeal to review the judgment or decree in question. The statement shall refer distinctly (a) to the statutory provision believed to sustain the jurisdiction; (b) to the statute of the state, or statute or treaty of the United States, the validity of which is involved (giving the volume and page where the statute or treaty may be found in the official edition), setting it out verbatim or appropriately summarizing its pertinent provisions; and (c) to the date of judgment or decree sought to be reviewed and the date upon which the application for appeal is presented.

"The statement shall show that the nature of the case and of the rulings of the court was such as to bring the case within the jurisdictional provisions relied on, including a statement of the grounds upon which it is contended the questions involved are substantial (*Zucht v. King*, 260 U. S. 174, 176, 177), and shall cite the cases believed to sustain the jurisdiction.

"If the appeal is from a state court the statement shall specify the stage in the proceedings in the court of first instance, and in the appellate court, at which, and the manner in which, the federal questions sought to be reviewed were raised; the method of raising them (e. g., by a pleading, by request to charge and exceptions, by assignment of error); and the way in which they were passed upon by the court; with pertinent quotations of specific portions of the record, or summary thereof, with specific reference to the places in the record where the matter appears (e. g., ruling on exception, portion of the court's charge and exception thereto, assignment of error), as will support the assertion that the rulings of the court were of a nature to bring the case within the statutory provision believed to confer jurisdiction on this court.

"The applicant shall append to the statement a copy of any opinions delivered upon the rendering of the judgment or decree sought to be reviewed, including earlier opinions in the same case, or opinions in companion cases, reference to which may be necessary to ascertain the grounds of the judgment or decree.

"If the appeal is from an interlocutory decree of a specially constituted District Court of the United States (Judicial Code, sec. 266; U. S. C., Tit. 28, sec. 380), the statement must also include a showing

of the matters in which it is claimed that the court has abused its discretion in granting or denying the interlocutory injunction. (*Alabama v. United States*, 279 U. S. 229.)”

It is further ordered that this amendment shall apply to all petitions for appeals presented on or after July 1, 1936.

No. 8, original. Commonwealth of Kentucky, complainant, *v.* The State of Indiana. Report No. 12 of defendant state of Indiana dated February 27, 1936, presented.

No. 16, original. The State of Georgia, complainant, *v.* Henry Morgenthau, Jr., Individually etc., et al. Bill of complaint dismissed on motion of counsel for the complainant.

No. 497. St. Joseph Stock Yards Company, appellant, *v.* The United States of America and the Secretary of Agriculture. Argued by Mr. Ross Dean Rynder for the appellant and by Mr. Assistant Attorney General Dickinson for the appellees.

No. 12, original. The State of Wisconsin, complainant, *v.* The State of Michigan. Argument on the objections of the complainant to the supplemental report of the Special Master commenced by Mr. A. J. Bieberstein for the complainant.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, March 3, will be as follows: Nos. 12 original, 15 original, 312, 443, 551, 583, 590, 388, 520, and 525.

SUPREME COURT OF THE UNITED STATES

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

George M. Corlett, of Monte Vista, Colo.; E. Eugene Cox, of Camilla, Ga.; Lamar P. Cox, of Camilla, Ga.; Shackelford Miller, Jr., of Louisville, Ky.; John W. Murdock, of Wabasha, Minn.; Arthur B. Lanphier, of Albany, N. Y.; Harold L. Reeve, of Chicago, Ill.; Stuart W. Scott, of Terre Haute, Ind.; Henry W. Carter, of Toledo, Ohio; John Henry Mc Nerney, of Toledo, Ohio; Walter H. Anderson, of Pocatello, Idaho; Clyde Bowen, of Pocatello, Idaho; William T. Gossett, of New York City; William E. Richardson, of Reading, Pa.; Edward B. Gibson, of Washington, D. C.; and Quiney D. Adams, of Santa Fe, N. M.; were admitted to practice.

No. **12**, original. The State of Wisconsin, complainant, *v.* The State of Michigan. Argument on the objections of the complainant to the supplemental report of the Special Master continued by Mr. A. J. Bieberstein for the complainant; and concluded by Mr. Edward A. Bilitzke for the defendant.

No. **15**, original. The State of Texas, complainant, *v.* The State of New Mexico, et al. Argument on the motion of defendants to dismiss commenced by Mr. A. T. Hannett for the defendants in support of the motion; continued by Mr. Richard F. Burges and Mr. H. Grady Chandler for the complainant in opposition thereto; and concluded by Mr. Pearce C. Rodey for the defendants.

No. **312**. The Baltimore and Ohio Railroad Company et al., appellants, *v.* The United States of America et al. Reargument commenced by Mr. E. L. Beach for the appellants; and continued by Mr. Edward M. Reidy for the appellees, The United States and Interstate Commerce Commission.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, March 4, will be as follows: Nos. **312**, **583**, **551**, **590**, **388**, **520**, **525**, **443**, **555**, and **602**.

SUPREME COURT OF THE UNITED STATES

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

Wm. Loe Sears, Jr., of Jacksonville, Fla.; William H. F. Millar, of Chicago, Ill.; John W. Chapman, of Santa Fe, New Mex.; Frank McGuire, of Washington, D. C.; Guy A. Gladson, of Chicago, Ill.; and Bryce Leland Hamilton, of Chicago, Ill., were admitted to practice.

No. 312. The Baltimore and Ohio Railroad Company et al., appellants, *v.* The United States of America et al. Reargument continued by Mr. Frank W. Gwathmey for the appellees Atlantic Coast Line R. R. Co. et al.; and concluded by Mr. E. L. Beach for the appellants.

No. 583. M. D. Chandler, Receiver of Diamond Motor Parts Company, petitioner, *v.* John Peketz. Argued by Mr. Thomas Venum for the petitioner and by Mr. A. D. Quaintance as *amicus curiae* by special leave of Court. No appearance for the respondent.

No. 551. J. M. Wright and F. A. Forsythe, appellants, *v.* Central Kentucky Natural Gas Company et al. Argument commenced by Mr. Lon B. Rogers for the appellants. The Court declined to hear further argument.

No. 590. The Mantle Lamp Company of America *v.* Aluminum Products Company. Argued by Mr. George I. Haight for the Mantle Lamp Company of America; and by Mr. William Nevarre Cromwell for Aluminum Products Company.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday will be as follows: Nos. 388, 520, 525, 443, 555, 602, 610, 625, 628, and 420.

SUPREME COURT OF THE UNITED STATES

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

A. A. F. Seawell, of Raleigh, N. C.; Harry McMullan, of Raleigh, N. C.; Neal L. Thompson, of Chattanooga, Tenn.; Malcolm Fooshee, of New York City; A. S. Gold, of Los Angeles, Calif.; and Edwin L. Richardson, of Minden, La., were admitted to practice.

No. 443. The United States of America, petitioner, *v.* Certain Lands in the City of Louisville, etc. On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. Dismissed on motion of Mr. Solicitor General Reed for the petitioner.

No. 679. The United States of America, petitioner, *v.* George W. Clarke et al. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. Dismissed on motion of Mr. Solicitor General Reed for the petitioner.

No. 388. A. G. Triplett, R. M. Triplett, et al., petitioners, *v.* Percival D. Lowell et al. Argued by Mr. Samuel E. Darby, Jr., for the petitioners and by Mr. Clifton V. Edwards for the respondents.

No. 520. John D. Bingaman, as Commissioner of Revenue of the State of New Mexico, et al., appellants, *v.* Golden Eagle Western Lines, Inc. Argument commenced by Mr. J. R. Modrall for the appellants; continued by Mr. Ivan Bowen for the appellee; and concluded by Mr. Quincy D. Adams for the appellants.

No. 525. Great Western Power Company of California, petitioner, *v.* Commissioner of Internal Revenue. Argued by Mr. Thomas R. Dempsey for the petitioner, and by Mr. John MacC. Hudson for the respondent.

No. 555. Alice Lee Grosjean, Supervisor of Public Accounts of the State of Louisiana, et al., appellants, *v.* The Texas Company. Argument commenced by Mr. Justin C. Daspit for the appellants, and continued by Mr. R. C. Milling for the appellee.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, March 6th, will be as follows: Nos. 555, 602, 610, 625, 628, 663, 640, 420, 638, and 629.

SUPREME COURT OF THE UNITED STATES

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

Wm. K. Hall, of Houston, Tex.; Jack I. Resnicoff, of Washington, D. C.; Charles Hollister Blish, of Shreveport, La.; Nathaniel P. Wharton, of Boston, Mass.; Whitwell W. Coxe, of Roanoke, Va.; and Thomas P. Healy, of New York City, were admitted to practice.

No. 555. Alice Lee Grosjean, Supervisor of Public Accounts of the State of Louisiana, et al., appellants, *v.* The Texas Company. Argument continued by Mr. R. C. Milling for the appellee; and concluded by Mr. E. L. Richardson for the appellants.

No. 602. New York Life Insurance Company, petitioner, *v.* Demetrios P. Viglas. Argued by Mr. F. H. Nash for the petitioner, and by Mr. Harris J. Booras for the respondent.

No. 610. Norfolk and Western Railway Company, appellant, *v.* State of North Carolina, on relation of A. J. Maxwell, Commissioner of Revenue. Argued by Mr. F. M. Rivinus for the appellant, and by Mr. A. A. F. Seawell for the appellee.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, March 9, will be as follows: Nos. 625, 628, 663, 640, 420, 638, 629, 643, 674.

SUPREME COURT OF THE UNITED STATES

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

A. E. Funk, of Frankfort, Ky.; Morris L. Swartzberg, of Ft. Worth, Tex.; Francis J. Morgan, of Yonkers, N. Y.; Donald G. Graham, of Seattle, Wash.; John J. Burns, of Belmont, Mass.; Mortimer S. Gordon, of New York City; Guy B. Hardy, of Clarendon, Va.; Emil Nunez, of New York City; Kent E. Keller, of Ava, Ill.; and Shepard Broad, of New York City, were admitted to practice.

No. 272. The United States of America, petitioner, *v.* Frank Rizzo, Claimant of 146,157 Gallons of Alcohol. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Order reversed and cause remanded to the Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court, and with direction to that Court to pay to the United States the proceeds of the sale of the alcohol now in the registry after deducting the usual court charges. Opinion by Mr. Justice Brandeis.

The Chief Justice announced the following order of the Court:

No. 555. Alice Lee Grosjean, Supervisor of Public Accounts of the State of Louisiana et al., appellants, *v.* The Texas Company. Appeal from the District Court of the United States for the Eastern District of Louisiana. *Per curiam*: The decree granting an interlocutory injunction is affirmed. *Alabama v. United States*, 279 U. S. 229, 231; *United Gas Company v. Public Service Commission*, 278 U. S. 322, 326, 327; *Langer v. Grandin Farmers Cooperative Elevator Company*, 292 U. S. 605; *Baldwin, Commissioner, v. G. A. F. Seelig, Inc.*, 293 U. S. 522.

The Chief Justice said:

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

No. 15, original. The State of Texas, complainant, *v.* The State of New Mexico et al. The motion to dismiss the bill of complaint is

denied and the defendants are allowed twenty days within which to answer the bill.

No. 8, original. Commonwealth of Kentucky, complainant, *v.* State of Indiana et al. Report No. 12 of defendant State of Indiana is received and ordered to be filed.

No. 772. Howard Morf, Doing business under the firm name and style of Pacific Wholesale Automobile Company, appellant, *v.* John D. Bingaman, Commissioner of Revenue for the State of New Mexico. In this case probable jurisdiction is noted.

No. 778. Michael C. Jones, petitioner, *v.* The State of Florida. On petition for writ of certiorari to the Supreme Court of the State of Florida. The motion for leave to proceed further herein in forma pauperis is denied for the reason that the Court, upon consideration of the papers herein submitted, finds no ground upon which a writ of certiorari should be issued. The petition for writ of certiorari is therefore also denied.

No. 747. Henry A. Wallace, Secretary of Agriculture, et al., petitioners, *v.* Arthur W. Cutten. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted.

No. 724. Cinema Supplies, Inc., Joseph A. Numero and Theodore Karatz, petitioners, *v.* Western Electric Company, Incorporated, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 731. E. C. Street, Trustee of the Estate of J. F. Collins, Bankrupt, petitioner, *v.* Pacific Indemnity Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 732. Franklin B. Richards, 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. 734. Frederick A. Mann, petitioner, *v.* George Schneeberger, Individually etc. Petition for writ of certiorari to the Supreme Court of the State of New York denied.

No. 735. Calf Leather Tanners' Association, Ohio Leather Company, et al., petitioners, *v.* Henry Morgenthau, Jr., Secretary of the Treasury of the United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 737. Peoples Bank & Trust Company of Westfield, petitioner, *v.* United States Fidelity & Guaranty Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 740. R. J. Reynolds Tobacco Company, petitioner, *v.* C. H. Robertson, Collector of Internal Revenue for the District of North Carolina. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 744. Wilbur Newton, Trustee in Bankruptcy of M. E. Traylor & Company, a Bankrupt, petitioner, *v.* The Colorado National Bank of Denver. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 750. Lawyers Mortgage Company, 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 denied.

No. 199. Frederick D. Dismuke, petitioner, *v.* The United States of America; and

No. 695. Clayton M. Hogue and Berrien County Package Company, petitioner, *v.* Bryan Wise. Petitions for rehearing denied.

ORDER

The Court will take a recess from Monday, March 16, to Monday, March 30, next.

No. 636. James Walter Carter, petitioner, *v.* Carter Coal Company et al. Leave granted to file brief of the State of Illinois as amicus curiae on motion of Mr. Kent E. Keller in that behalf.

No. 625. Georgia Railway & Electric Company et al., appellants, *v.* City of Decatur. Argued by Mr. Walter T. Colquitt for the appellants and by Mr. James A. Branch for the appellee.

No. 628. Fisher's Blend Station, Inc., appellant, *v.* The Tax Commission of the State of Washington et al. Argued by Mr. Godfrey Goldmark and by Mr. Donald Graham for the appellant and by Mr. E. P. Donnelly for the appellees.

No. 663. Wheeling Steel Corporation, appellant, *v.* Fred L. Fox, State Tax Commissioner of West Virginia et al. Argument commenced by Mr. J. E. Bruce for the appellant and continued by Mr. Homer A. Holt for the appellees.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, March 10, will be as follows: Nos. 663, 640, 420, 638, 629, 643, and 674.

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

John Ross Thompson, of Little Rock, Ark.; J. F. Koone, of Clinton, Ark.; Fred L. Fox, of Charleston, W. Va.; Leslie W. Fricke, of Chicago, Ill.; W. McKay Skillman, of Detroit, Mich.; Richard B. Russell, Jr., of Winder, Ga.; Redick O'Bryan, of St. Louis, Mo.; Guy E. Williams, of Little Rock, Ark.; John Baxter, of Dermott, Ark.; and John C. Stevenson, of Seattle, Wash., were admitted to practice.

No. 663. Wheeling Steel Corporation, appellant, *v.* Fred L. Fox, State Tax Commissioner of West Virginia, et al. Leave granted to file amendment to record on motion of Mr. Wright Hugus for the appellant.

No. 663. Wheeling Steel Corporation, appellant, *v.* Fred L. Fox, State Tax Commissioner of West Virginia, et al. Argument continued by Mr. Homer A. Holt for the appellees and concluded by Mr. Wright Hugus for the appellant.

No. 640. J. Edward Jones, petitioner, *v.* Securities and Exchange Commission. Three hours allowed for oral argument. Argument commenced by Mr. Harry O. Glasser for the petitioner; and continued by Mr. John J. Burns and Mr. Solicitor General Reed for the respondent; and by Mr. James M. Beck for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, March 11, will be as follows: Nos. 640, 252, 636 (651, 649, and 650), 420, 638, 629, 643, and 674.

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SUPREME COURT OF THE UNITED STATES

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

L. Ebersole Gaines, of Fayetteville, W. Va.; Mortimer Weinbach, of Brooklyn, N. Y.; Allen Heald, of Washington, D. C.; A. Shelby Winstead, of Louisville, Ky.; Cecil L. Freedman, of Washington, D. C.; Thurlow G. Essington, of Chicago, Ill.; David P. Janes, of Jefferson City, Mo.; Ferdinand J. Schaaf, of Olympia, Wash.; George K. Stoddard, of Washington, D. C.; and Jacob Shamberg, of Chicago, Ill., were admitted to practice.

No. 640. J. Edward Jones, petitioner, *v.* Securities and Exchange Commission. Argument concluded by Mr. James M. Beck for the petitioner.

No. 252. International Steel and Iron Company, appellant, *v.* National Surety Company. Argued by Mr. Cecil Sims for the appellant, and by Mr. Charles C. Trabue for the appellee.

No. 636. James Walter Carter, petitioner, *v.* Carter Coal Company et al.;

No. 651. Guy T. Helvering et al., petitioners, *v.* James Walter Carter et al.;

No. 649. R. C. Tway Coal Company et al., petitioners, *v.* Selden R. Glenn, Individually and as Collector, etc.; and

No. 650. R. C. Tway Coal Company et al., petitioners, *v.* C. H. Clark. Seven hours allowed for oral argument. Argument commenced by Mr. Frederick H. Wood for James Walter Carter in Nos. 636 and 651; and continued by Mr. Charles I. Dawson for the petitioners in Nos. 649 and 650.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, March 12, will be as follows: Nos. 636, (651, 649, and 650), 420, 638, 629, and 674.

SUPREME COURT OF THE UNITED STATES

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

Arthur F. Driscoll, of New York City; Omar J. Veley, of Washington, D. C.; Leland Taliaferro, of Newark, N. J.; Milton Marks, of San Francisco, Calif.; Lyman Henry, of San Francisco, Calif.; Arthur G. Connolly, of Wilmington, Del.; John P. Hancock, of Wilmington, Del.; and Earle M. Daniels, of Los Angeles, Calif., were admitted to practice.

No. 636. James Walter Carter, petitioner, *v.* Carter Coal Company et al.;

No. 651. Guy T. Helvering et al., petitioners, *v.* James Walter Carter et al.;

No. 649. R. C. Tway Coal Company et al., petitioners, *v.* Selden R. Glenn, Individually and as Collector, etc.; and

No. 650. R. C. Tway Coal Company et al., petitioners, *v.* C. H. Clark. Argument continued by Mr. Charles I. Dawson for the petitioners in Nos. 649 and 650; by Mr. Assistant Attorney General Dickinson for the Government officers, respondents in Nos. 636 and 649 and petitioners in No. 651; and concluded by Mr. Frederick H. Wood for James Walter Carter in Nos. 636 and 651; and case submitted by Mr. Karl J. Hardy for Carter Coal Company et al., respondents in No. 651, and by Mr. Joseph Selligman for the respondent in No. 650.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, March 13, will be as follows: Nos. 420, 638, 629, and 674.

SUPREME COURT OF THE UNITED STATES

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

Osmer C. Fitts, of Ludlow, Vt.; J. Warren Brock, of Philadelphia, Pa.; Angus Roy Shannon, Jr., of Chicago, Ill.; Julius H. Johnson, of Pierre, S. Dak.; Edwin E. Garrett, of Leesburg, Va.; Ben Moore, of Charleston, W. Va.; Ralph P. Messano, of Jersey City, N. J.; Wallace P. Berkowitz, of Jersey City, N. J.; William C. FitzGibbon, of Indianapolis, Ind.; Walter J. Little, of San Francisco, Calif.; Roy Hamlin, of Hannibal, Mo.; and Edward A. Ryan, of Worcester, Mass., were admitted to practice.

No. —, original. *Ex parte*: United States Naturopathic Association, Ltd., etc., et al., petitioners. Motion for leave to file petition for writ of mandamus submitted by Mr. Milton Strasburger in behalf of counsel for the petitioners.

No. 420. The United States of America et al., appellants, *v.* The State of Idaho et al. Argued by Mr. Daniel W. Knowlton for the appellants, the United States and Interstate Commerce Commission, and by Mr. Maurice H. Greene for the appellees.

No. 638. John F. Moran, Receiver of the Continental Trust Company, appellant, *v.* Loudoun National Bank of Leesburg, Virginia. Argument commenced by Mr. Brice Claggett for the appellant. The Court declined to hear further argument.

No. 629. Blakely D. McCaughn, Collector of Internal Revenue for the First District of Pennsylvania, petitioner, *v.* Real Estate Land Title and Trust Company et al., etc. Argued by Mr. Assistant Attorney General Jackson for the petitioner and by Mr. Franklin S. Edmonds for the respondent.

No. 674. The Asiatic Petroleum Company, Ltd., petitioner, *v.* The Insular Collector of Customs. Argued by Mr. William D. Whitney for the petitioner, and by Mr. L. S. Tillotson for the respondent.

Adjourned until Monday, March 16, next at 12 o'clock.

SUPREME COURT OF THE UNITED STATES

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

Wm. Madden Hill, of Dallas, Tex.; H. G. Butler, of Dallas, Tex.; Fred R. Seibert, of St. Marys, Ohio; Connor B. Shaw, of Chicago, Ill.; Colman Gray, of New York City; Benjamin H. Neblett, of Los Angeles, Calif.; Charles H. Evans, of Washington, D. C.; Roberts B. Thomas, of New York City; Malcolm F. Halliday, of Washington, D. C.; Raiemond E. Dee, of New York City; Charles Corbin Quitman, of Los Angeles, Calif.; Samuel I. Sacks, of Philadelphia, Pa.; H. Winship Wheatley, Jr., of Hyattsville, Md.; Milton Katz, of New York City; James E. Markham, of Lowell, Mass.; Jno. A. Senneff, of Mason City, Iowa; H. Warren Buckler, Jr., of Baltimore, Md.; Roy W. Stoddard, of Reno, Nev.; and Earl Street, of Denton, Tex., were admitted to practice.

No. 525. Great Western Power Company of California, petitioner, *v.* Commissioner of Internal Revenue. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment affirmed and cause remanded to the said Circuit Court of Appeals. Opinion by Mr. Justice Roberts.

No. 551. J. M. Wright and F. A. Forsythe, appellants, *v.* Central Kentucky Natural Gas Company, City of Lexington, Kentucky, J. W. Delph, et al. Appeal from the Court of Appeals of the State of Kentucky. Judgment affirmed with costs. Opinion *per curiam* announced by Mr. Chief Justice Hughes.

The Chief Justice announced the following order of the Court:

No. 638. John F. Moran, Receiver of the Continental Trust Company, appellant, *v.* Loudoun National Bank of Leesburg, Virginia. Appeal from the Supreme Court of Appeals of the State of Virginia. *Per curiam*: The motion of the appellee to dismiss the appeal herein is granted, and the appeal is dismissed for the want of a final judgment. *Haseltine v. Cent. Bank of Springfield*, 183 U. S. 130; *Schlosser v. Hemphill*, 198 U. S. 173, 175; *Louisiana Navigation Co. v. Oyster Commission*, 226 U. S. 99, 100, 101; *Coe v. Armour Fertilizer Works*, 237 U. S. 413, 418, 419.

The Chief Justice said:

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

No. 12, original. The State of Wisconsin, complainant, *v.* The State of Michigan. Final decree and order fixing compensation and allowing expenses of the Special Master entered.

No. 11, original. The State of Washington, complainant, *v.* The State of Oregon. Order fixing compensation of the Special Master entered.

No. —, original. *Ex parte*: United States Naturopathic Association et al., petitioners. The motion for leave to file petition for writ of mandamus is denied.

No. —. *In re* Disbarment of Joseph M. Fitzgerald. It having been reported to the Court that Joseph M. Fitzgerald, of Scottsbluff, Nebraska, a member of the bar of this Court, has been disbarred from the practice of the law in the Supreme Court of the State of Nebraska;

It is ordered that the said Joseph M. Fitzgerald be, and he is hereby, suspended from the practice of the law in this Court, and that a rule issue returnable within forty (40) days requiring the said Fitzgerald to show cause why he should not be disbarred from the practice of the law in this Court.

No. —. *In re* Edmond C. Fletcher. The motion to vacate order of disbarment is denied.

No. 790. Clyde P. Driscoll, petitioner, *v.* The United States of America. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. The motion for leave to proceed further herein *in forma pauperis* is denied for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which a writ of certiorari should be issued. The petition for writ of certiorari is therefore also denied.

No. 739. Wisconsin Tax Commission, petitioner, *v.* The Newport Company and Newport Industries, Inc. Petition for writ of certiorari to the Supreme Court of the State of Wisconsin denied.

No. 741. Fourth National Bank in Wichita, Kansas, petitioner, *v.* Gainesville National Bank in Gainesville et al.; and

No. 742. Fourth National Bank in Wichita, Kansas, petitioner, *v.* Gainesville National Bank in Gainesville et al. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 748. Frank P. Carpenter et al., Trustees, petitioners, *v.* Thomas W. White, Collector of Internal Revenue; and

No. 749. Parkhill Manufacturing Company, petitioner, *v.* Thomas W. White, Collector of Internal Revenue. Petition for writs of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 751. Title Guarantee and Trust Company, petitioner, *v.* Frank Collis Bowers, Executor, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 753. James J. Fradkin, 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. 754. Bernard H. Ridder, Bankrupt, petitioner, *v.* Nell Ridder. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 755. Mississippi Cottonseed Products Company, petitioner, *v.* George L. Sheldon, Collector of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 756. The New York Central Railroad Company, petitioner, *v.* Charles B. Cooley, as Administrator, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. —, original. State of Arizona, complainant, *v.* State of California et al. Returns to rule to shows cause and motion on behalf of Fred Colter and others for leave to intervene presented.

Adjourned until Monday, March 30, next, at 12 o'clock.

The day call for Monday, March 30, will be as follows: Nos. 552, 643, 664, 676, 692, 696, 709, 710, 667, and 715.

SUPREME COURT OF THE UNITED STATES

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

Sallie C. Bryant, of Maysville, Ky.; J. Russell Cades, of Honolulu, T. H.; C. Thomas Busha, Jr., of Great Falls, Mont.; Fred M. Vinson, of Ashland, Ky.; Harold Allen Gates, of New York City; Robert L. Stern, of New York City; Otto Kerner, of Springfield, Ill.; Louis Salinger, of Chicago, Ill.; Stanley C. Myers, of Miami, Fla.; Ralph A. Stone, of St. Paul, Minn.; Thos. C. Mapother, Jr., of Louisville, Ky.; Louis R. Kagan, of Jersey City, N. J.; George R. Milstein, of Jersey City, N. J.; C. Stanley Smith, of Morristown, N. J.; Elmer S. King, of Morristown, N. J.; James H. Goodier, of New York City; Fred J. Fredrickson, of Valley City, N. Dak.; John M. Lynham, of Washington, D. C.; Daffan Gilmer, of Houston, Tex.; Leo E. Sievert, of Los Angeles, Calif.; Stephen Hardy Simes, of Richmond, Va.; and Lewis Franklin Powell, Jr., of Richmond, Va., were admitted to practice.

No. 602. New York Life Insurance Company, petitioner, *v.* Demetrios P. Viglas. On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit. Judgment of the Circuit Court of Appeals reversed with costs and the judgment of the District Court affirmed and case remanded to the District Court of the United States for the District of Massachusetts. Opinion by Mr. Justice Cardozo.

No. 610. Norfolk and Western Railway Company, appellant, *v.* State of North Carolina, on relation of A. J. Maxwell, Commissioner of Revenue. Appeal from the Supreme Court of the State of North Carolina. Judgment affirmed with costs. Opinion by Mr. Justice Cardozo.

No. 252. International Steel and Iron Company, appellant, *v.* National Surety Company. Appeal from the Supreme Court of the State of Tennessee. Judgment reversed with costs and cause remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Roberts.

No. 674. The Asiatic Petroleum Company (Philippine Islands), Limited, petitioner, *v.* The Insular Collector of Customs. On writ of certiorari to the Supreme Court of the Philippine Islands. Judgment reversed with costs and cause remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Roberts.

No. 388. A. G. Triplett, R. M. Triplett, A. Nelson, et al., petitioners *v.* Percival D. Lowell, Francis W. Dunmore, and Dubilier Condenser Corporation. On writ of certiorari to the United States Circuit Court of Appeals for the Fourth; and

No. 590. The Mantle Lamp Company of America *v.* Aluminum Products Company. On certificate from the United States Circuit Court of Appeals for the Seventh Circuit. Decree in No. 388 affirmed with costs and cause remanded to the District Court of the United States for the District of Maryland. Certificate in No. 590 dismissed. Opinion by Mr. Justice Stone.

No. 628. Fisher's Blend Station, Inc., appellant, *v.* The Tax Commission of the State of Washington et al. Appeal from the Supreme Court of the State of Washington. Judgment reversed with costs and cause remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Stone.

No. 386. Phillips Petroleum Company, a corporation, and United States Fidelity & Guaranty Company, appellants, *v.* R. O. Jenkins. Appeal from the Supreme Court of the State of Arkansas. Judgment affirmed with costs. Opinion by Mr. Justice Butler.

No. 520. John D. Bingaman, as Commissioner of Revenue of the State of New Mexico, et al., appellants, *v.* Golden Eagle Western Lines, Inc. Appeal from the District Court of the United States for the District of New Mexico. Decree affirmed with costs. Opinion by Mr. Justice Sutherland.

No. 273. Commonwealth Trust Company of Pittsburgh, Trustee, and Thomas B. MacMillan, et al., petitioners, *v.* Avery J. Bradford, Receiver of the Bank of Pittsburgh National Association, etc. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Decree affirmed with costs and cause remanded to the District Court of the United States for the Western District of Pennsylvania. Opinion by Mr. Justice McReynolds.

No. 625. Georgia Railway & Electric Company, Georgia Railway & Power Company and Georgia Power Company, appellants, *v.* City of Decatur. Appeal from the Supreme Court of the State of Georgia. Judgment affirmed with costs. Opinion by Mr. Justice McReynolds.

No. 268. The Sugar Institute, Inc., The American Sugar Refining Company, et al., appellants, *v.* The United States of America. Appeal from the District Court of the United States for the Southern District of New York. Decree modified and affirmed. Opinion by Mr. Chief Justice Hughes. Mr. Justice Sutherland and Mr. Justice Stone took no part in the consideration or decision of this case.

No. 629. Blakely D. McCaughn, Collector of Internal Revenue for the First District of Pennsylvania, petitioner, *v.* Real Estate Land Title and Trust Company and Douglas MacFarlan, Executors, etc. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Judgment of the Circuit Court of Appeals reversed with costs and judgment of the District Court affirmed and cause remanded to the District Court of the United States for the Eastern District of Pennsylvania. Opinion *per curiam* announced by Mr. Chief Justice Hughes.

No. 583. M. D. Chandler, Receiver of Diamond Motor Parts Company, petitioner, *v.* John Peketz. On writ of certiorari to the Supreme Court of the State of Colorado. Judgment reversed with costs and cause remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion *per curiam* announced by Mr. Chief Justice Hughes.

The Chief Justice said:

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

No. —, original. State of Arizona, complainant, *v.* State of California et al. Ordered that this case be set for argument on the motion for leave to file the bill of complaint and on the returns to the rule to show cause on Tuesday, April 28 next. The motion for leave to file petition to intervene of Fred T. Colter et al. is denied.

No. 808. Tene Bimbo, petitioner, *v.* The United States of America. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia. The motion for leave to proceed further herein *in forma pauperis* is denied for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which a writ of certiorari should be issued. The petition for writ of certiorari is therefore also denied.

No. 767. Duplate Corporation and Pittsburgh Plate Glass Company, petitioners, *v.* Triplex Safety Glass Company of North America; and

No. 768. Duplate Corporation and Pittsburgh Plate Glass Company, petitioners, *v.* Triplex Safety Glass Company of North America. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Third Circuit granted.

No. 774. Corinne S. Koshland, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted.

No. 782. State of Missouri, Creditor, petitioner, *v.* John T. Ross, Trustee, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit granted.

No. 838. Frederick L. Morehead, as Warden, etc., petitioner, *v.* People ex rel. Joseph Tipaldo. Petition for writ of certiorari to the Supreme Court of the State of New York granted. The motion to advance is granted and the case is assigned for argument on Tuesday, April 28 next.

No. 733. Charles A. Blume, petitioner, *v.* The United States. The motion for certiorari to correct a diminution of the record is denied. Petition for writ of certiorari to the Court of Claims denied.

No. 757. J. M. Lee, as Comptroller of the State of Florida, et al., petitioners, *v.* Leon S. Freeman and Philip Weltner, Receivers, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 761. Robert C. Gillis, petitioner, *v.* Galen H. Welch, United States Collector of Internal Revenue, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 764. The New York, Chicago & St. Louis Railroad Company, petitioner, *v.* Lena C. Meek, Administratrix, etc. Petition for writ of certiorari to the Supreme Court of the State of Missouri denied.

No. 771. Scranton-Lackawanna Trust Company, Trustee, etc., petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 795. E. K. Wood Lumber Company, petitioner, *v.* Signe Andersen, as Administratrix, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 759. Mitchell Irrigation District, petitioner, *v.* The State of Nebraska, ex rel. C. A. Soreson, Attorney General, et al. Petition for writ of certiorari to the Supreme Court of the State of Nebraska denied.

No. 760. R. R. Cole and Wife, Mabel F. Cole, petitioners, *v.* Norristown-Penn Trust Company; and

No. 801. Norristown-Penn Trust Company, petitioner, *v.* R. R. Cole and Wife, Mabel F. Cole. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 763. William Wingert, et al., Surviving Executors, etc., petitioners, *v.* Edwin J. Smead, et al., Trustees, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 769. Jno. P. Nutt Company, Inc., a corporation, et al., petitioners, *v.* State of South Carolina *ex relatione* John M. Daniel, Attorney General. Petition for writ of certiorari to the Supreme Court of the State of South Carolina denied.

No. 775. Gloria Morgan Vanderbilt, petitioner, *v.* Gertrude Vanderbilt Whitney. Petition for writ of certiorari to the Supreme Court of the State of New York, Appellate Division, denied.

No. 781. Clarence H. Small, Administrator, etc., petitioner, *v.* The Pennsylvania Railroad Company. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia, denied.

No. 834. Burco, Inc., petitioner, *v.* J. B. Whitworth and F. Donald Fenhagen, Trustees, etc., et al.; and

No. 835. Burco, Inc., petitioner, *v.* J. B. Whitworth and F. Donald Fenhagen, Trustees, etc., et al. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit, denied.

No. 346. Matson Navigation Company et al., appellants, *v.* State Board of Equalization of the State of California et al.;

No. 360. Pennsylvania Railroad Company, petitioner, *v.* Illinois Brick Company;

No. 379. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* San Joaquin Fruit & Investment Company; and

No. 399. Southern Railway Company, petitioner, *v.* Mrs. Olivia Cox Lunsford, as Administratrix, etc. Petitions for rehearing denied.

No. 720. Jefferson Island Salt Mining Co., Inc., et al., petitioners, *v.* The State of Louisiana. Petition for rehearing denied. Mr. Justice Butler took no part in the consideration or decision of this application.

ORDER

It is ordered that Rule XLIX of the General Orders in Bankruptcy be, and it hereby is, amended, effective immediately, to read as follows:

XLIX

PROCEEDINGS UNDER SECTION 77 OF THE ACT

The following additional rules shall apply to proceedings under section 77 of the Act:

1. Each Circuit Court of Appeals shall cause written notice to be given to the judges of the district courts within the circuit of the names and addresses of the persons from time to time designated and qualified to act as special masters under the provisions of subsection (c) of section 77.

2. The clerk of the district court in which proceedings under section 77 are brought shall forthwith transmit to the Interstate Commerce Commission copies of (a) the answer, if any, of the railroad corporation, or the pleading of any creditor controverting facts alleged in the petition; (b) the order approving or dismissing the petition; (c) any order (1) directing the debtor to give notice and fixing the date of a hearing on the appointment of a trustee or trustees, (2) appointing or removing a trustee, or (3) confirming the appointment of legal counsel for the trustee or trustees, or removing such counsel; (d) any application by a trustee for authority to issue certificates, and any order authorizing such issuance; (e) such schedules and reports as may be submitted by the officers of the corporation or trustees with respect to the conduct of the debtor's affairs and the fairness of any proposed plan, and all orders issued to the trustee or trustees with respect to the operation of the corporation's business, together with the petitions upon which the orders were based; (f) the lists of bondholders, creditors, and stockholders required to be filed under paragraph (4) of subsection (c) of section 77, and any other information concerning the security holders filed pursuant to the order of the court; (g) any order determining the time within which the claims of creditors may be filed or evidenced, the manner in which such claims may be filed or evidenced and allowed, and the division of creditors and stockholders into classes, and any order respecting the exercise of any power by any person or committee representing any creditor or stockholder; (h) any order allowing or rejecting such claims, or extending the time within which they may be filed or evidenced; (i) any order directing the trustee or trustees to report facts pertaining to irregularities, fraud, misconduct, or mismanagement, and any report made pursuant to such order; (j) any order directing the debtor or the trustee or trustees to keep records and accounts, in addition to those prescribed

by the commission, for the segregation and allocation of earnings and expense; (k) any order approving the special employment of assistants requested by the commission; (l) any application for allowances of compensation and expenses under the provisions of paragraphs (2) and (12) of subsection (c) of section 77, upon receipt of which the commission shall determine the maximum limits of such allowances and file with the court its report and order thereon, and any order making allowances for compensation and expenses under said paragraphs; (m) any order issued upon the petition of the commission for the reference of particular matters to a special master, and the report of such master thereon; (n) any order allowing interested parties to intervene in the proceedings, any minute of appearance by a person other than interveners, and any rule defining matters upon which notice shall be given to other than interveners; (o) any order extending the time for filing a plan; (p) any motion to dismiss the proceedings because of undue delay in a reasonably expeditious reorganization of the debtor, and notice of any hearing with reference to dismissing the proceedings for such cause; (q) any notice of the time within which parties in interest may file with the court objections to the plan approved by the commission, and any objection to such plan and any claim for equitable treatment filed by a party in interest; (r) any order affirming a finding of the commission affecting the requirement that the plan be submitted to creditors or stockholders as provided in the second paragraph of subsection (e) of section 77; (s) any order entered on the disapproval of the plan, and the judge's opinion stating his conclusions and reasons for such disapproval; (t) if the plan is not confirmed, the order, with the judge's opinion stating his conclusions and reasons therefor, dismissing the proceedings or referring the case back to the commission for further proceedings, and, if the case is referred back to the commission, a copy of the evidence received in any hearings with reference to confirmation; (u) the order confirming the plan, with the judge's opinion stating his conclusions and reasons therefor, and any order directing the transfer or other disposition of the property; (v) the final decree; and (w) such other papers filed in the proceedings as the commission may request of the clerk or the court may direct him to transmit. All papers filed with the court shall have attached thereto such copies as the clerk may require in carrying out this general order.

3. The commission shall forthwith cause to be filed in the district court having jurisdiction of the proceedings, copies of (a) any order ratifying the appointment of a trustee or trustees; (b) each report and order authorizing the issue of trustees' certificates; (c) each order or call for a hearing, with a statement of its purposes; (d) each plan of reorganization, other than the debtor's, filed with the commission; (e) any report finding a plan to be prima facie

impracticable; (f) any order refusing to approve a plan, together with the commission's report stating fully the reasons for its conclusions; (g) any petition for further hearing on a plan, and any supplemental order modifying any plan, together with the report stating the reasons for such modification; (h) the written acceptances of any plan which is finally approved; (i) any order granting authority for the issuance of securities or for other steps contemplated by the plan; (j) any order issued to the trustee or trustees with respect to the operation of the corporation's business; (k) any order issued under the provisions of subsection (p) of section 77 authorizing the solicitation, use, employment or action under or pursuant to proxies, authorizations, or deposit agreements; and (l) such other papers filed in the proceedings as the court may direct or the commission deem pertinent. All proceedings before the commission under section 77 shall be conducted in accordance with its rules of practice and such special instructions, rules, and regulations as it may issue pursuant to the provisions of said section.

4. All process to be served outside of the district in which proceedings under section 77 are pending shall be returnable at such time as the judge shall determine, and shall be directed to and served by the United States marshal for the district in which service is to be effected.

No. —, original. *Ex parte*: George T. Mortimer, petitioner. Motion for leave to file petition for writ of mandamus submitted by Mr. John F. Condon, Jr., for the petitioner.

No. 15, original. State of Texas, complainant, *v.* State of New Mexico et al. Answers of defendants, and motion to make additional parties defendant, presented.

No. 784. The United States, petitioner, *v.* H. & B. American Machine Company. On petition for writ of certiorari to the Court of Claims. Dismissed per stipulation of counsel.

No. 552. Lincoln L. McCandless and Elizabeth J. McCandless, his wife, petitioners, *v.* The United States of America. Argument commenced by Mr. Urban Earl Wild for the petitioners; continued by Mr. Julius Russell Cades for the petitioners; and concluded by Mr. Assistant Attorney General Blair for the respondent.

No. 643. The United States of America, petitioner, *v.* W. V. Knott, as State Treasurer, etc., et al. Argument commenced by Mr. Alger Hiss for the petitioner and continued by Mr. C. L. Waller for the respondent, D. M. Lowry, Receiver, etc.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, March 31, will be as follows: Nos. 643, 664, 676, 692, 696, 709 (and 710), 667, 715, 727, and 743.

SUPREME COURT OF THE UNITED STATES

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

Elmer F. Marchino, of Vincennes, Ind.; Leo M. Gardner, of Indianapolis, Ind.; Joseph P. McNamara, of Indianapolis, Ind.; Arthur L. Israel, of Chicago, Ill.; Eugene Untermyer, of New York City; Harry H. Hitzeman, of Chicago, Ill.; M. J. Donnelly, of Chicago, Ill.; James M. Bailey, of Seattle, Wash.; Dwight Wilbur Zundel, of Seattle, Wash.; Vincent D. Nicholson, of Philadelphia, Pa.; Louis Effingham de Forest, of New York City; Albert Gray Avery, of New York City; and H. Parker Sharp, of Pittsburgh, Pa., were admitted to practice.

No. 797. Gavin W. Craig, petitioner, *v.* The United States of America; and

No. 798. Joseph Weinblatt, petitioner, *v.* The United States of America. Motion to defer consideration of petition for writs of certiorari submitted by Mr. Gavin W. Craig *pro se*, and the motion denied.

No. 797. Gavin W. Craig, petitioner, *v.* The United States of America; and

No. 798. Joseph Weinblatt, petitioner, *v.* The United States of America. The application for writs of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is dismissed upon the ground that it is premature, without prejudice to a renewal of the application within thirty days after action by the Circuit Court of Appeals on the petition for rehearing.

No. 643. The United States of America, petitioner, *v.* W. V. Knott, as State Treasurer, etc., et al. Argument continued by Mr. C. L. Waller for the respondent, D. M. Lowry, Receiver, etc.; by Mr. H. E. Carter for the respondent, W. V. Knott, State Treasurer, etc.; by Mr. Herbert U. Feibelman for the respondent, Carl K. Withers, as Commissioner of Banking & Insurance of the State of New Jersey; and concluded by Mr. Alger Hiss for the petitioner.

No. 664. J. W. Tipton, petitioner, *v.* Atchison, Topeka & Santa Fe Railway Company. Argued by Mr. Leo E. Sivert for the respondent and case submitted by Mr. Herman A. Bachrack for the petitioner.

No. 676. George S. Beadle, petitioner, *v.* Alfred Spencer. Argued by Mr. Harold M. Sawyer for the petitioner and case submitted by Mr. John L. McNab for the respondent.

No. 692. Hartford Accident & Indemnity Company, appellant, *v.* The People of the State of Illinois, *ex rel.* Walter W. McLaughlin, Director of Agriculture. Argument commenced by Mr. J. F. Dammann for the appellant. The Court declined to hear further argument.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, April 1, will be as follows: Nos. 696, 709 (and 710), 667, 715, 727, 743, 766, 655, 656, and 746.

SUPREME COURT OF THE UNITED STATES

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

J. H. Marion, of Charlotte, N. C.; Wall Doxey, of Holly Springs, Miss.; William E. Bussell, of Greenfield, Ind.; Wm. Henry Gallagher, of Detroit, Mich.; Stanley B. Ecker, of New York City; and Millard Caldwell, of Milton, Fla., were admitted to practice.

No. 696. Chicago Great Western Railroad Company, petitioner, *v.* Mary Rambo, as Administratrix, etc. Argued by Mr. Harry S. Stearns for the petitioner and by Mr. Harold E. Stassen for the respondent.

No. 709. Paul V. McNutt, Governor of the State of Indiana, et al., appellants, *v.* General Motors Acceptance Corporation of Indiana, Inc.; and

No. 710. Paul V. McNutt, Governor of the State of Indiana, et al., appellants, *v.* McHenry Chevrolet Co., Inc. Argument commenced by Mr. Joseph W. Hutchinson for the appellants; continued by Mr. John Thomas Smith and by Mr. Phillips W. Haberman for the appellees; and concluded by Mr. Leo M. Gardner for the appellants.

No. 667. The "Arizona" Antone Mardesich and wife, et al., petitioners, *v.* Antonia Anelich, as Administratrix, etc. Argument commenced by Mr. Ralph S. Pierce for the petitioners.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, April 2, will be as follows: Nos. 667, 715, 727, 743, 766, 655, 656, 746, and 758.

SUPREME COURT OF THE UNITED STATES

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

Howard B. Donaldson, of Watertown, N. Y.; A. Norman Somers, of Brooklyn, N. Y.; Leo E. Forquer, of New Lexington, Ohio; Harding J. McGuire, of San Francisco, Calif.; Garfield E. Breese, of Mason City, Iowa; Andrew J. Priest, of Dallas, Tex.; and Morgan M. Moulder, of Camdenton, Mo., were admitted to practice.

No. **667**. The "Arizona" Antone Mardesich and wife, et al., petitioners, *v.* Antonia Anelich, as Administratrix, etc. Argument continued by Mr. Ralph S. Pierce for the petitioners and concluded by Mr. Wilbur Zundel for the respondent.

No. **715**. The Atlantic Lumber Company, appellant, *v.* Commissioner of Corporations and Taxation of the Commonwealth of Massachusetts. Argued by Mr. Robert C. McKay for the appellant and by Mr. James J. Ronan for the appellee.

No. **727**. Bibb Graves, as Governor of the State of Alabama, et al., etc., appellants, *v.* The Texas Company. Argument commenced by Mr. F. H. Moore for the appellants; and continued by Mr. John S. Coleman for the appellee; and by Mr. Richard T. Rives for the appellants.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, April 3, will be as follows: Nos. **727**, **743**, **766**, **655**, **656**, **746**, and **758**.

SUPREME COURT OF THE UNITED STATES

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

Riley Joseph Wilson, Jr., of Ruston, La.; Henry Gladden Norris, of Farmerville, La.; Gaylord R. Hawkins, of Indianapolis, Ind.; Weston B. Grimes, of Minneapolis, Minn.; Charles Allen Bowman, of Kansas City, Kans.; K. Wilson Corder, of Atlanta, Ga.; Reuben A. Garland, of Atlanta, Ga.; Harry Shapiro, of Philadelphia, Pa.; Cecil J. Randall, of Columbus, Ohio; William Bundy Bartels, of Columbus, Ohio; and Winston S. Howard, of Denver, Colo., were admitted to practice.

No. 727. Bibb Graves, as Governor of the State of Alabama, et al., etc., appellants, *v.* The Texas Company. Argument concluded by Mr. Richard T. Rives for the appellants.

No. 743. Frank O. Lowden, James E. Gorman, et al., etc., *v.* Northwestern National Bank and Trust Company of Minneapolis, Minnesota, etc. Argued by Mr. Edward S. Stringer and by Mr. Marcus L. Bell for Lowden et al., Trustees etc., and by Mr. Claude G. Krause for Northwestern National Bank & Trust Co., etc.

No. 766. Samuel Zimmern et al., petitioners, *v.* The United States of America. Argued by Mr. Lawrence Koenigsberger for the petitioner, and by Mr. Charles E. Wyzanski, Jr., for the respondent.

No. 655. C. H. Acker, Doing business as C. H. Acker & Company, et al., appellants, *v.* The United States of America et al. Argument commenced by Mr. George I. Haight for the appellants, and continued by Mr. Assistant Attorney General Dickinson for the appellees.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, April 6, will be as follows: Nos. 655, 656, 659, 746, 758, and 660.

SUPREME COURT OF THE UNITED STATES

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

Geo. W. Coleman, of West Palm Beach, Fla.; Rex G. Hardy, of Los Angeles, Calif.; Hallock C. Sherrard, of Pittsburgh, Pa.; J. Will Taylor, of LaFollette, Tenn.; Marion Lee Marshall, of Chicago, Ill.; George F. Mulligan, Jr., of Chicago, Ill.; David L. Klein, of New York City; Truman Leonard Styner, of East Orange, N. J.; W. Carroll Hunter, of White Hall, Md.; Chas. O. Rundall, of Chicago, Ill.; W. Fenimore Cooper, of Los Angeles, Calif.; Howard G. Wilson, of New York City; J. Courtney Ivey, of Detroit, Mich.; Clarence Thomas, of Hammond, Ind.; Vincent A. Baldauf, of Pittsburgh, Pa.; and Edward E. Odom, of Clarendon, Va., were admitted to practice.

No. 640. J. Edward Jones, petitioner, *v.* Securities and Exchange Commission. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment reversed and cause remanded to the District Court of the United States for the Southern District of New York for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Sutherland. Dissenting opinion by Mr. Justice Cardozo in which Mr. Justice Brandeis and Mr. Justice Stone join.

The Chief Justice announced the following orders of the Court:

No. 856. Samuel J. Foley, as District Attorney of the County of Bronx, et al., appellants, *v.* Sara M. Wachs. Appeal from the District Court of the United States for the Southern District of New York. *Per curiam*: The motion for leave to file jurisdictional statement is granted. The decree granting an interlocutory injunction is affirmed. *Alabama v. United States*, 279 U. S. 229, 231; *Langer v. Grandin Farmers Cooperative Elevator Co.*, 292 U. S. 605; *Baldwin, Comm'r v. G. A. F. Seelig, Inc.*, 293 U. S. 522; *Grosjean, Supervisor, etc. v. The Texas Co.* — U. S. — (decided March 9, 1936).

No. 817. P. J. Carlin Construction Co. and The Travelers Insurance Company, appellants, *v.* Edward Heaney and State Industrial Board of the State of New York. Appeal from the Supreme Court of the State of New York. *Per curiam:* The appeal herein is dismissed for the want of jurisdiction. Section 237 (a) Judicial Code as amended by the Act of February 13, 1925 (43 Stat. 936, 937); *Citizens National Bank v. Durr*, 257 U. S. 99, 106; *Jett Bros. Distilling Co. v. Carrollton*, 252 U. S. 1, 5, 6; *Indian Territory Co. v. Board of Equalization*, 287 U. S. 573; *Lewis v. New York*, 289 U. S. 709. Treating the papers whereon the appeal was allowed as a petition for a writ of certiorari, section 237 (c), Judicial Code as amended (43 Stat. 936, 938), certiorari is granted.

The Chief Justice said:

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

No. 787. The National City Bank of New York City, petitioner, *v.* William D. Oelbermann, etc., et al. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. *Per curiam:* Petition for writ of certiorari granted. The judgment is modified by substituting a direction for a judgment of dismissal on the merits with costs in place of the direction for a new trial, and, as so modified, is affirmed. *Baltimore & C. Line v. Redman*, 295 U. S. 654.

No. —, original. *Ex parte:* George T. Mortimer, petitioner. The motion for leave to file petition for writ of mandamus is denied.

No. 15, original. State of Texas, complainant, *v.* State of New Mexico et al. The answers of the defendants are received and ordered to be filed. The motion to make additional parties defendant is denied.

No. 858. Joseph Poresky, petitioner, *v.* Morgan T. Ryan, Registrar of Motor Vehicles. On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit; and

No. 865. Loeb L. Cossack, 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. The motions for leave to proceed further herein *in forma pauperis* are denied for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which writs of certiorari should be issued. The petitions for writs of certiorari are therefore also denied.

No. 824. Joseph H. Barwise et al., appellants, *v.* George H. Shepard, as Comptroller of the State of Texas et al. Further consideration of the question of the jurisdiction of this Court in this case is postponed to the hearing of the case on the merits.

No. 849. Joseph Loporto and Angelina Loporto, appellants, *v.* The Druiss Company, Inc. In this case probable jurisdiction is noted.

No. 777. Jean Bourdieu, petitioner, *v.* Pacific Western Oil Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted.

No. 785. Frank M. McKey, Trustee in Bankruptcy, petitioner, *v.* Maurice Paradise, as Trustee; and

No. 786. Frank M. McKey, Trustee in Bankruptcy, petitioner, *v.* Maurice Paradise, as Trustee. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted.

No. 752. William D. Oelbermann, Allison E. McCown, et al., etc., petitioners, *v.* The National City Bank of New York. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 770. Mrs. J. L. Wimberly et al., petitioners, *v.* Cowan Investment Corporation et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 773. J. T. Knight & Son, Inc., petitioner, *v.* Superior Fire Insurance Company of Pittsburgh, Pennsylvania. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 776. Hartford Accident and Indemnity Company, petitioner, *v.* James M. Jones. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 779. Berryman Henwood, Trustee of St. Louis Southwestern Railway Company, debtor, petitioner, *v.* Anglo-Continentale Treuhand, A. G. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 780. The McCarthy Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 783. Sam R. Beard, William Carroll, et al., petitioners, *v.* The United States of America. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 788. Charles E. Van Vleck and Natalie J. Van Vleck, petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 789. Keller, Heumann & Thompson Company, Inc., petitioners, *v.* Conway P. Coe. Petition for writ of certiorari to the United States Court of Customs and Patent Appeals denied.

No. 791. Atlantic Coast Line Railroad Company, petitioner, *v.* Commissioner of Internal Revenue; and

No. 792. Carolina, Clinchfield and Ohio Railway, petitioner, *v.* Commissioner of Internal Revenue. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 793. The Old Line Life Insurance Company of America, petitioner, *v.* Ira J. Fulton, Superintendent of Banks of the State of Ohio, etc., et al. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 799. Joe F. Patterson, Robert Wingfield, et al., petitioners, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 802. C. Wilbur Miller, petitioner, *v.* Chester F. Hockley and Henry E. Treide, as Receivers, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 850. Ivie Watson et al., petitioners, *v.* J. F. T. O'Conner, Comptroller of the Currency et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 842. Charles D. Huston, Individually and as Collector of Internal Revenue for the District of Iowa, petitioner, *v.* Iowa Soap Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

ORDER

The Court will take a recess from Monday, April 13, to Monday, April 27, next.

No. 866, October Term, 1934. Everett Mills, a corporation, petitioner, *v.* The United States. Motion for leave to file petition for rehearing submitted by Mr. O. Walker Taylor for the petitioner and the motion denied.

No. 270. The Prudence Company, Inc., petitioner, *v.* Fidelity & Deposit Company of Maryland et al. Motion to construe or amend mandate submitted by Mr. Martin A. Schenck in behalf of counsel for the petitioner.

No. 655. C. H. Acker, Doing business as C. H. Acker & Company et al., appellants, *v.* The United States of America et al. Argument continued by Mr. Assistant Attorney General Dickinson for the appellees, and concluded by Mr. George I. Haight for the appellants.

No. 656. The United States of America et al., appellants, *v.* J. M. Corrick et al. Argued by Mr. Assistant Attorney General Dickinson for the appellants, and by Mr. George I. Haight for the appellees.

No. 659. Frank T. Hines, Administrator of Veterans' Affairs, petitioner, *v.* Minnie Stein, as Guardian, etc. Argument commenced by Mr. James T. Brady for the petitioner and continued by Mr. David A. Reed for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, April 7, will be as follows: Nos. 659, 746, 758, and 660.

SUPREME COURT OF THE UNITED STATES

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

John Jennings, Jr., of Knoxville, Tenn.; Lydia Bernhardina Johnson, of Pierre, S. Dak.; Allen W. Gullion, of New Castle, Ky.; Fred E. Fuller, of Toledo, Ohio; Edward W. Kelsey, Jr., of Toledo, Ohio; Harley Alvin Watkins, of Toledo, Ohio; Lloyd C. Hooks, of Miami, Fla.; Thurman Wright, of Linton, N. Dak.; and Albert Allan Kelly, of South Pittsburg, Tenn., were admitted to practice.

No. 659. Frank T. Hines, Administrator of Veterans' Affairs, petitioner, *v.* Minnie Stein, as Guardian, etc. Argument continued by Mr. David A. Reed for the respondent and concluded by Mr. Edward E. Odom for the petitioner.

No. 746. The Pennsylvania Railroad Company et al., appellants, *v.* The Public Utilities Commission of Ohio et al. Three hours allowed for oral argument. Argument commenced by Mr. Frederic D. McKenney for the appellants; continued by Mr. August G. Gutheim and Mr. Donald C. Power for the appellees, Public Utilities Commission of Ohio et al.; by Mr. Don Rose for the appellee, Pittsburgh Coal Company; and by Mr. Guernsey Orcutt for the appellants.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, April 8, will be as follows: Nos. 746, 758, and 660.

SUPREME COURT OF THE UNITED STATES

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

Leon O. Moses, of Austin, Tex.; Marvin Redman Hall, of Austin, Tex.; Geo. R. Tuttle, of San Francisco, Calif.; Maury Maverick, of San Antonio, Tex.; W. Sterling Cole, of Bath, N. Y.; Louis Ken Thaler, of Ithaca, N. Y.; Darrell T. Lane, of Salt Lake City, Utah; Ernest L. Miller, of Clinton, Iowa; Arthur L. Sherin, of Boston, Mass.; and Geo. T. Whatley, of Lewisville, Ark., were admitted to practice.

No. 746. The Pennsylvania Railroad Company et al., appellants, *v.* The Public Utilities Commission of Ohio et al. Argument concluded by Mr. Guernsey Orcutt for the appellants.

No. 758. International Business Machines Corporation, appellant, *v.* The United States of America. Argument commenced by Mr. Martin A. Schenck for the appellant; continued by Mr. Assistant Attorney General Dickinson for the appellee; and concluded by Mr. Drury W. Cooper for the appellant.

No. 660. The United States of America, appellant, *v.* Elgin, Joliet and Eastern Railway Company. Three hours allowed for oral argument. Argument commenced by Mr. Assistant Solicitor General Bell for the appellant.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, April 9, will be as follows: No. 660.

SUPREME COURT OF THE UNITED STATES

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

J. Donald Dinning, of Louisville, Ky.; Alan J. McBean, of New York City; Edward S. Greenbaum, of New York City; Samuel Resnicoff, of New York City; Robert M. Morrison, of Boston, Mass.; Wm. H. Chamberlain, of Cleveland, Ohio; and Casper William Ooms, of Chicago, Ill., were admitted to practice.

No. 660. The United States of America, appellant, *v.* Elgin, Joliet and Eastern Railway Company. Argument continued by Mr. Assistant Solicitor General Bell for the appellant; and concluded by Mr. Nathan L. Miller for the appellee.

Adjourned until Monday, April 13 next, at 12 o'clock.

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SUPREME COURT OF THE UNITED STATES

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

Donald B. Stookey, of Chicago, Ill.; Ralph K. Chase, of New York City; Edmund Burke, Jr., of New York City; Cushman S. Radebaugh, of Orlando, Fla.; Henry Lloyd-Martin Knight, of Little Rock, Ark.; Francis I. Howley, of New York City; Thos. William O'Hara, of Rawlins, Wyo.; Frank H. Hursey, Jr., of Lakeland, Fla.; Henry Schaefer, Jr., of Los Angeles, Calif.; A. H. Roberts, Jr., of Nashville, Tenn.; Elbert M. Barron, of Sherman, Tex.; Donald J. Marran, of New York City; David H. Wilkison, of St. Petersburg, Fla.; Charles W. Hunt, of St. Petersburg, Fla.; Walter H. Taylor, of Kalamazoo, Mich.; Geo. E. Hise, of Des Moines, Iowa; Lester R. McCash, of Seattle, Wash.; Guy T. Morris, of New York City; William C. Searl, of Lansing, Mich.; Donald P. Schuur, of Detroit, Mich.; Rebekah S. Greathouse, of Washington, D. C.; Elmer McClain, of Lima, Ohio; Earl C. Adams, of Los Angeles, Calif.; Lewis Cruickshank, of Los Angeles, Calif.; Raymond M. Grossman, of Chicago, Ill.; Tobias C. Phillips, of Roanoke, Va.; Esther Antell, of New York City; Stanley Burke, of San Francisco, Calif.; and A. H. Roberts, of Nashville, Tenn., were admitted to practice.

No. 857. Thomas Cole Hart, appellant, *v.* Commonwealth of Virginia. Appeal from the Supreme Court of Appeals of the Commonwealth of Virginia. Dismissed for want of jurisdiction. Opinion *per curiam*, announced by Mr. Chief Justice Hughes.

No. 810. Clarence Schenebeck, appellant, *v.* Will W. McCrary, W. Hamp Young, et al. Appeal from the Supreme Court of the State of Arkansas. Judgment affirmed with costs. Opinion *per curiam*, announced by Mr. Chief Justice Hughes.

The Chief Justice said:

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

No. 168. John Michalek, petitioner, *v.* United States Gypsum Company. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. *Per curiam*: The petition for writ of certiorari is granted. The judgment is reversed with respect to the fifth cause of action with directions to remand the case to the District Court for further proceedings. Schmidt *v.* The Merchants Despatch Transportation Co., 270 N. Y. 287.

No. —, original. *Ex parte*: Arthur O'Toole, petitioner. The motion for leave to file petition for writ of habeas corpus is denied.

No. 270. The Prudence Company, Inc., petitioner, *v.* Fidelity & Deposit Company of Maryland et al. The motion to construe or amend the mandate is denied.

No. 772. Howard Morf, Doing business under the firm name and style of Pacific Wholesale Automobile Company, appellant, *v.* John D. Bingaman, Commissioner, etc. The motion to join in the appeal is granted.

No. 898. United States Fidelity and Guaranty Company, appellant, *v.* John D. Bingaman, Commissioner, etc. In this case probable jurisdiction is noted and the case is consolidated for hearing with No. 772.

No. 847. Henry C. Hill, Warden, etc., *v.* The United States ex rel. Thomas M. Wampler. Motion of Thomas M. Wampler for leave to proceed *in forma pauperis* granted.

No. 883. Arthur Gooch, petitioner, *v.* The United States of America. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit;

No. 885. Margaret Shea Lynch, 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; and

No. 888. Benjamin F. Rhoads, petitioner, *v.* Ralph A. Kurtz. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. The motions for leave to proceed further herein *in forma pauperis* are denied for the reason that the Court, upon examination of the papers herein submitted finds no ground upon which writs of certiorari should be issued. The petitions for writs of certiorari are therefore also denied.

No. 843. John K. Valentine, as Chairman, etc., et al., appellants, *v.* The Great Atlantic & Pacific Tea Company et al.;

No. 844. John K. Valentine, as Chairman etc., et al., appellants, *v.* Graham Department Stores Company et al.; and

No. 845. John K. Valentine, as Chairman etc., et al., appellants, *v.* Walgreen Co. et al. In these cases probable jurisdiction is noted.

No. 804. Lewis J. Valentine, Police Commissioner etc., et al., petitioners, *v.* The United States of America, on the relation of B. Coles Neidecker;

No. 805. Lewis J. Valentine, Police Commissioner etc., et al., petitioners, *v.* The United States of America on the relation of George W. Neidecker; and

No. 806. Lewis J. Valentine, Police Commissioner etc., et al., petitioners, *v.* The United States of America on the relation of Aubrey Neidecker. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 828. L. P. Chisholm, Waller Holladay, et al., petitioners, *v.* W. B. Gilmer, Receiver etc. Petition for writ of certiorari to the United States Circuit of Appeals for the Fourth Circuit granted limited to the question of the jurisdiction of the District Court.

No. 859. C. L. Ashton et al., petitioners, *v.* Cameron County Water Improvement District No. One. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit granted and case assigned for argument on Tuesday April 28th next after the cases heretofore assigned for that day.

No. 800. Robert Aron, Rachel Levy, et al., petitioners, *v.* The Pennsylvania Railroad Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 809. Frederic D. Summerall, petitioner, *v.* United Fruit Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 811. Brooklyn Trust Company, as Trustee, etc., 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. 812. Hocking Glass Company, petitioner, *v.* Newton M. Miller, Collector of Internal Revenue, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 813. Lyda Glenn Van Doren, petitioner, *v.* Oak Park Trust and Savings Bank, and

No. 814. Lyda Glenn Van Doren, petitioner, *v.* Oak Park Trust and Savings Bank. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 816. The International Alliance of Theatrical Stage Employees, etc., et al., petitioners *v.* William Cameron et al. Petition for writ of certiorari to the Court of Errors and Appeals of the State of New Jersey denied.

No. 818. F. F. Boone, Receiver, etc., et al., petitioners, *v.* American Veterinary Medical Association et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 819. Robin P. Allen, petitioner, *v.* The Cloisters Building Corporation et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 821. Harold J. Kattelman, Bankrupt, petitioner, *v.* William S. Madden, Receiver, etc.; and

No. 822. Harold J. Kattelman, Bankrupt, petitioner, *v.* William S. Madden, Receiver, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 825. Marion L. Miller, petitioner, *v.* The Travelers Insurance Company of Hartford, Connecticut. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 829. Jacob Berman, petitioner, *v.* William M. McDonnell, United States Marshal, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 836. Kansas City Bridge Co., petitioner, *v.* State Highway Commission in the State of Arkansas. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 866. Fidelity and Deposit Company of Maryland, petitioner, *v.* The Pennsylvania Railroad Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 268. The Sugar Institute, Inc., et al., appellants, *v.* The United States of America. Motion to tax additional printing costs submitted by Mr. Solicitor General Reed for the appellee in support of the motion and by Mr. John C. Higgins and Mr. Edward J. McGratty, Jr., for the appellants in opposition thereto.

No. 838. Frederick L. Morehead, as Warden, etc., petitioner, *v.* People *ex rel.* Joseph Tipaldo. Thirty minutes time granted Dean G. Acheson for the presentation of oral argument on behalf of certain States as *amici curiae* on motion of Mr. Dean G. Acheson in that behalf.

No. 796. Isaac N. Frost and American Surety Company of New York, petitioners, *v.* The United States of America. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Dismissed on motion of counsel for the petitioner.

Adjourned until Monday, April 27 next at 12 o'clock.

The day call for Monday, April 27, will be as follows: Nos. 745, 747, 686, 772 (and 898), 774, 767 (and 768), and 847.

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SUPREME COURT OF THE UNITED STATES

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

Grover T. Owens, of Little Rock, Ark.; John Marshall Giltinon, of Chicago, Ill.; Warren Lee Pierson, of Los Angeles, Calif.; Charles J. Lynch, Jr., of Cedar Rapids, Iowa; William M. Dallas, of Cedar Rapids, Iowa; F. Carter Johnson, Jr., of New Orleans, La.; Richard J. Beamish, of Harrisburg, Pa.; Walter Clifford Bowman, of Chicago, Ill.; Julius L. Goldstein, of New York City; Hadley W. Libbey, of Washington, D. C.; Solomon H. Feldman, of Washington, D. C.; Samuel Kaplon, of Summit, N. J.; James F. Johnson, of McMinnville, Tenn.; Charles J. Munz, Jr., of Denver, Colo.; David Colby Bond, of Concordia, Kans.; Harry L. Greene, of Atlanta, Ga.; Arthur Magid, of Chicago, Ill.; Frank H. Sloss, of San Francisco, Calif.; Edward Miller, of Boston, Mass.; Samuel Miller, of Boston, Mass.; Morris Sokolove, of Boston, Mass.; John T. McLaughlin, of Reno, Nev.; Chester C. Lydick, of Moline, Ill.; George X. Levine, of New York City; Edward A. Aaronson, of Washington, D. C.; Louis Padgett, of New York City; Edward M. Brennan, of Providence, R. I.; James McEvoy, of Baltimore, Md.; Harry L. Dunn, of Los Angeles, Calif.; Agnes Bryant Dickinson, of Columbus, Ohio; Edward Dumbauld, of Uniontown, Pa.; W. B. Lewis, of Harlingen, Tex.; William Leander Hall, of Hominy, Okla.; Geo. E. Remley, of Santa Fe, New Mex.; Ralph Kilpatrick Pierson, of Compton, Calif.; Samuel A. Pleasants, of New York City; Horace A. Segelbaum, of Harrisburg, Pa.; Henry McClernan, of Shelby, Mont.; and Richard A. Turner, of Los Angeles, Calif., were admitted to practice.

No. 743. Frank O. Lowden, James E. Gorman, and Joseph B. Fleming, as Trustees of the Estate of the Chicago, Rock Island and Pacific Railway Company, *v.* Northwestern National Bank and Trust Company of Minneapolis, Minnesota, formerly the Northwestern National Bank of Minneapolis, Minnesota. On certificate from the United States Circuit Court of Appeals for the Eighth Circuit. Certificate dismissed. Opinion by Mr. Justice Cardozo.

No. 766. Samuel Zimmern 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. Judgment reversed and cause remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Cardozo.

No. 746. The Pennsylvania Railroad Company, Erie Railroad Company, The Baltimore and Ohio Railroad Company, and the Pittsburgh and Lake Erie Railroad Company, appellants, *v.* The Public Utilities Commission of Ohio, John W. Bricker, Attorney General of the State of Ohio, and Pittsburgh Coal Company. Appeal from the District Court of the United States for the Southern District of Ohio. Decree affirmed with costs. Opinion by Mr. Justice Cardozo.

No. 664. J. W. Tipton, petitioner, *v.* Atchison, Topeka & Santa Fe Railway Company. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgment affirmed with costs and cause remanded to the District Court of the United States for the Southern District of California. Opinion by Mr. Justice Roberts. Mr. Justice Cardozo concurs in the result.

No. 692. Hartford Accident & Indemnity Company, appellant, *v.* The People of the State of Illinois, *ex rel.* Walter W. McLaughlin, Director of Agriculture. Appeal from the Supreme Court of the State of Illinois. Judgments affirmed with costs. Opinion by Mr. Justice Roberts.

No. 667. The "Arizona", Antone Mardesich and wife, Peter Mardesich and wife, and General Casualty Company of America, petitioners, *v.* Antonia Anelich, as Administratrix of the Estate of Mario Anelich, deceased. On writ of certiorari to the Supreme Court of the State of Washington. Judgment affirmed with costs. Opinion by Mr. Justice Stone.

No. 676. George S. Beadle, petitioner, *v.* Alfred Spencer. On writ of certiorari to the Supreme Court of the State of California. Judgment affirmed with costs. Opinion by Mr. Justice Stone.

No. 758. International Business Machines Corporation, appellant, *v.* The United States of America. Appeal from the District Court of the United States for the Southern District of New York. Decree affirmed. Opinion by Mr. Justice Stone. Mr. Justice Roberts took no part in the consideration or decision of this case.

No. 420. The United States of America, The Interstate Commerce Commission and The Oregon Short Line Railroad Company, appellants, *v.* The State of Idaho, and J. D. Rigney, et al., Constituting and as the Public Utilities Commission of the State of Idaho. Appeal from the District Court of the United States for the District of Utah. Decree affirmed. Opinion by Mr. Justice Brandeis.

No. 659. Frank T. Hines, Administrator of Veterans' Affairs (United States Veterans' Administration), petitioner, *v.* Minnie Stein, as Guardian of the Estate of Edmund J. Stein, a weak-minded person. On writ of certiorari to the Superior Court at Pittsburgh, State of Pennsylvania. Decree affirmed. Opinion by Mr. Justice McReynolds.

No. 696. Chicago Great Western Railroad Company, petitioner, *v.* Mary Rambo, as Administratrix of the estate of Roy C. Rambo, deceased. On writ of certiorari to the Supreme Court of the State of Minnesota. Judgment reversed with costs, and cause remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice McReynolds. Mr. Justice Brandeis took no part in the consideration or decision of this case.

No. 497. St. Joseph Stock Yards Company, appellant, *v.* The United States of America and The Secretary of Agriculture. Appeal from the District Court of the United States for the Western District of Missouri. Decree affirmed. Opinion by Mr. Chief Justice Hughes. Concurring: Mr. Justice Brandeis, Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Cardozo.

The Chief Justice announced the following orders of the Court:

No. 867. H. M. Brown, appellant, *v.* The State of South Carolina. Appeal from the Supreme Court of the State of South Carolina. *Per curiam*: The appeal herein is dismissed for the want of a final judgment. *Bostwick v. Brinkerhoff*, 106 U. S. 3; *Meagher v. Minnesota Thresher Mfg. Co.*, 145 U. S. 608, 610, 611; *Georgia Ry. Co. v. Decatur*, 262 U. S. 432, 437; *Moran, Rec'r. v. Loudon National Bank*, 297 U. S. — (decided March 16, 1936).

No. 869. J. Harry Miles and Frank L. Moore, appellants, *v.* Department of Treasury of the State of Indiana et al. Appeal from the Supreme Court of the State of Indiana. *Per curiam*: The appeal herein is dismissed upon the ground that the appellants have failed to show any interest entitling them to invoke the protection of the federal constitution. *Tyler v. Judges of Court of Registration*, 179 U. S. 405, 406, 407, 410; *Southern Ry Co. v. King*, 217 U. S. 524, 534; *Standard Stock Food Co. v. Wright*, 225 U. S. 540, 550.

The Chief Justice said:

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

No. —, *In Re Disbarment of Joseph M. Fitzgerald*. It having been shown to the Court that Joseph M. Fitzgerald, of Scottsbluff,

Nebraska, a member of the bar of this Court, has been disbarred from the practice of the law by the Supreme Court of the State of Nebraska,

And it appearing that by order of March 16, 1936, this Court suspended the said Joseph M. Fitzgerald from the practice of law in this Court and directed that a rule issue requiring him to show cause, under Rule 2, why he should not be disbarred from the further practice of the law in this Court,

And it appearing that said rule was duly issued and served upon the respondent, and the return day of the rule having passed and no return or answer to the rule having been filed by or in behalf of the respondent,

It is now here ordered that Joseph M. Fitzgerald be, and he is hereby, disbarred, and that his name be stricken from the roll of attorneys admitted to practice in this Court.

No. 268. The Sugar Institute, Inc., et al., appellants, *v.* The United States of America. On consideration of the motion to require appellants to pay the cost of printing exhibits and supplemental record, the Court directs that said cost be divided equally between the appellants and the appellee.

No. 956. Mountain States Power Company, appellant, *v.* Public Service Commission of Montana et al.; and

No. 957. Mountain States Power Company, appellant, *v.* Public Service Commission of Montana et al. The application for an injunction pending appeal is set for oral argument on Monday, May 4th next.

No. 905. John Jobissy, petitioner, *v.* Thomas H. Murphy, Warden of Clinton Prison, et al. On petition for writ of certiorari to the Supreme Court of the State of New York;

No. 914. Michael I. Kustoff, petitioner, *v.* State Bar of California. On petition for writ of certiorari to the Supreme Court of the State of California;

No. 841. Simeon Cabanero and Luis Mangornong, et al., petitioners, *v.* Ramon Torres, as Secretary of Labor, et al. On petition for writ of certiorari to the Supreme Court of the Commonwealth of the Philippines;

No. 932. Harry A. Gorson, petitioner, *v.* The State of North Carolina, *ex rel.* The Attorney General of North Carolina. On petition for writ of certiorari to the Supreme Court of the State of North Carolina; and

No. 882. Jesse C. Duke, petitioner, *v.* The Committee on Grievances of the Supreme Court of the District of Columbia et al. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia. The motions for leave to proceed

further herein *in forma pauperis* are denied for the reason that the Court, upon examination of the papers herein submitted finds no ground upon which writs of certiorari should be issued. The petitions for writs of certiorari are therefore also denied.

No. 878. Great Northern Railway Company, appellant, *v.* State of Washington. Further consideration of the question of the jurisdiction of this Court in this case is postponed to the hearing of the case on the merits.

No. 887. State Board of Equalization of the State of California et al., appellants, *v.* Young's Market Company et al. In this case probable jurisdiction is noted.

No. 837. Pick Manufacturing Company, petitioner, *v.* General Motors Corporation et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted.

No. 853. Mechanics Universal Joint Company et al., petitioners, *v.* A. B. Culhane, Receiver, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted.

No. 864. M. J. Pupahl, as Receiver etc., petitioner, *v.* Estate of Elvira J. Parks, deceased. Petition for writ of certiorari to the Appellate Court, First District, State of Illinois, granted.

No. 877. Baxter N. Foust, Administrator, etc., petitioner, *v.* Munson Steamship Lines, Debtor in Reorganization. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 794. M. G. Norton, petitioner, *v.* Lyon Van & Storage Co. et al. Petition for writ of certiorari to the District Court of Appeal, State of California, denied.

No. 807. County of Westchester, petitioner, *v.* Montrose Contracting Company, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 815. Cinema Patents Company, Inc., petitioner, *v.* Columbia Pictures Corporation, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 820. E. H. Norton et ux., petitioners, *v.* Braniff Investment Co. et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 823. London Shoe Company, Inc., petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 827. Leonard P. Walsh, petitioner, *v.* Anna Rosenberg. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 833. William M. Robinson, 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. 839. E. E. Carnahan, petitioner, *v.* Missouri-Kansas-Texas Railway Company. Petition for writ of certiorari to the Supreme Court of the State of Missouri denied.

No. 840. Joseph Adamowicz et al., petitioners, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 846. Louis Piquett, 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. 852. The Equitable Life Assurance Society of the United States, petitioner, *v.* F. W. Salmen. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 803. Wong Shong Been, petitioner, *v.* Marie A. Proctor, as Commissioner of Immigration, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 826. Harold H. Henneford et al., petitioners, *v.* Paramount Pictures Distributing Co., Inc., et al. Petition for writ of certiorari to the Supreme Court of the State of Washington denied.

No. 830. Moses Landau, petitioner, *v.* The United States Attorney 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. 831. N. C. Outlaw, 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. 832. Fidelity and Deposit Company of Maryland, 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. 848. City National Bank of Clinton, Iowa, et al., petitioners, *v.* Gus Flood. Petition for writ of certiorari to the Supreme Court of the State of Iowa denied.

No. 855. George A. Peak, 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. 861. Maryland Casualty Company, petitioner, *v.* Harold A. Moore, as Trustee. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 868. Max L. Simon, petitioner, *v.* State of New Jersey. Petition for writ of certiorari to the Court of Errors and Appeals of the State of New Jersey denied.

No. 870. M. S. Hawkins and L. H. Windholz, as Receivers etc., et al., petitioners, *v.* The Railroad Credit Corporation; and

No. 871. M. S. Hawkins and L. H. Windholz, as Receivers etc., et al., petitioners, *v.* The Railroad Credit Corporation. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 873. Claude Emerson Du Vall, 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. 875. Zurich General Accident & Liability Insurance Company, Ltd., petitioner, *v.* Lexie Daffern. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 386. Phillips Petroleum Company et al., appellants, *v.* R. O. Jenkins;

No. 388. A. G. Triplett et al., petitioners, *v.* Percival D. Lowell et al.;

No. 583. M. D. Chandler, Receiver etc., petitioner, *v.* John Peketz;

No. 733. Charles A. Blume, petitioner, *v.* The United States; and

No. 865. Loeb L. Cossack, petitioner, *v.* The United States of America. Petitions for rehearing denied.

ORDER

It is ordered that the call of the docket be suspended for the term upon the conclusion of the arguments in the cases on call for today and those assigned for April 28 and that the Court will then take a recess until Monday, May 18, and from that day as may be ordered.

No. 686. Fred O. Morgan, doing business as Fred O. Morgan Sheep Commission Company, et al., appellants, *v.* The United States of America et al. Motion to substitute New Amsterdam Casualty Company as a party appellant in the place and stead of Harry J. Kennaley submitted by Mr. Challen B. Ellis in that behalf.

No. 838. Frederick L. Morehead, as Warden, etc., petitioner, *v.* People *ex rel.* Joseph Tipaldo. Motion of Towel & Napkin Launderers' Association, Inc., and Interborough Coat & Apron Supply Association, Inc., for leave to file brief as *amici curiae* submitted by Mr. George X. Levine and the motion denied.

No. 745. Premier-Pabst Sales Company, appellant, *v.* Walter T. Grosscup et al. Argument commenced by Mr. M. J. Donnelly for the appellant and continued by Mr. C. J. Lynch, Jr., for the appellant. The Court declined to hear further argument.

No. 747. Henry A. Wallace, Secretary of Agriculture, et al., petitioners, *v.* Arthur W. Cutten. Argument commenced by Mr. Wendell Berge for the petitioners. The Court declined to hear further argument.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, April 28, will be as follows: Nos. — Original-Arizona *v.* California, 838, 859, 686, 772 (and 898), 774, 767 (and 768), and 847.

SUPREME COURT OF THE UNITED STATES

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

J. S. Whitney, of Storm Lake, Iowa; Wales H. Madden, of Amarillo, Tex.; Charles Donald Ellison, of Oklahoma City, Okla.; Wm. W. Blackney, of Flint, Mich.; J. Ashley Mason, of Washington, D. C.; Joseph H. Hays, of Chicago, Ill.; Amos M. Mathews, of Sioux City, Iowa; Joseph Swart, of Buffalo, N. Y.; Welcome W. Bender, of Elizabeth, N. J.; Oliver S. Titcomb, of Providence, R. I.; Howard K. James, of Alameda, Calif.; Harry J. Finkelstein, of Boston, Mass.; Chas. D. Long, of St. Louis, Mo.; R. Gibson Taylor, of Washington, D. C.; Paul R. Naefe, of Boston, Mass.; Charles M. Goetz, of Washington, D. C.; Donald Conrad McGovern, of Jacksonville, Fla.; and Milton G. Schanupp, of Lansing, Mich., were admitted to practice.

No. —, original. State of Arizona, complainant, *v.* State of California et al. Three hours allowed for oral argument. Argument commenced by Mr. James R. Moore for the complainant; continued by Mr. William W. Ray for the defendants, State of Colorado et al.; by Mr. Phil D. Swing for the defendants, State of California et al.; and concluded by Mr. James R. Moore for the complainant.

No. 838. Frederick L. Morehead, as Warden, etc., petitioner, *v.* People ex rel. Joseph Tipaldo. Argument commenced by Mr. Henry Epstein for the petitioner; continued by Mr. Dean G. Acheson for the States of Connecticut, Illinois, Massachusetts, New Hampshire, New Jersey, and Rhode Island, as *amici curiae*, by special leave of court; and by Mr. Arthur Levitt for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, April 29, will be as follows: Nos. 838, 859, 686, 772 (and 898), 774, 767 (and 768), and 847.

SUPREME COURT OF THE UNITED STATES

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

Margaret Clarke Hunt, of Washington, D. C.; A. Lane Cricher, of Washington, D. C.; Joseph C. Hooper, of Ann Arbor, Mich.; Edward H. Hammond, of Baltimore, Md.; John K. Evans, of Columbus, Ohio; and Lowell E. Gay, of Zanesville, Ohio, were admitted to practice.

No. 838. Frederick L. Morehead, as Warden, etc., petitioner, *v.* People *ex rel.* Joseph Tipaldo. Argument continued by Mr. Nathan L. Miller for the respondent and concluded by Mr. Henry Epstein for the petitioner.

No. 859. C. L. Ashton et al., petitioners, *v.* Cameron County Water Improvement District No. One. Argued by Mr. Palmer Hutcheson for the petitioners, and by Mr. David M. Wood and Mr. W. B. Lewis for the respondent.

No. 686. Fred O. Morgan, Doing Business as Fred O. Morgan Sheep Commission Company, et al., appellants, *v.* The United States of America et al. Argument commenced by Mr. Frederick H. Wood for the appellants.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, April 30, will be as follows: Nos. 686, 772 (and 898), 774, 767 (and 768), and 847.

SUPREME COURT OF THE UNITED STATES

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

Claude B. Stephenson, of Centerville, Tenn.; James McCormick Mitchell, of Buffalo, N. Y.; Joseph Walter Bingham, of Palo Alto, Calif.; Roger D. Branigin, of Louisville, Ky.; William R. Glisson, of Washington, D. C.; David Ziskind, of Los Angeles, Calif.; Angelo Piranio, of Dallas, Tex.; Perlle P. Fallon, of New York City; Thos. D. Goode, of Washington, D. C.; and J. Stephen Doyle, Jr., of Baltimore, Md., were admitted to practice.

No. 686. Fred O. Morgan, Doing business as Fred O. Morgan Sheep Commission Company et al., appellants, *v.* The United States of America et al. Argument continued by Mr. Frederick H. Wood for the appellants; by Mr. Assistant Attorney General Dickinson for the appellees; and concluded by Mr. John B. Gage for the appellants.

No. 772. Howard Morf, Doing business under the firm name and style of Pacific Wholesale Automobile Company, appellant *v.* John D. Bingaman, Commissioner, etc.; and

No. 898. United States Fidelity and Guaranty Company, appellant, *v.* John D. Bingaman, Commissioner, etc. Argument commenced by Mr. Ralph K. Pierson for the appellants; and continued by Mr. George E. Remley for the appellants, and by Mr. Quincy D. Adams for the appellee.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, May 1, will be as follows: Nos. 772 (and 898), 774, 767 (and 768), and 847.

SUPREME COURT OF THE UNITED STATES

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

A. Harry Moore, of Jersey City, N. J.; Maurice J. Cronin, of Jersey City, N. J.; Benedict Wolf, of Washington, D. C.; John R. Brook, of New York City; James W. Donoghue, of New York City; William Alexander Ekwall, of Portland, Oreg.; Chas. L. South, of Coleman, Tex.; J. Malcolm Strelitz, of Marion, Ohio; Warren W. Grimes, of Washington, D. C.; Paul N. Critchlow, of Pittsburgh, Pa.; Thos. H. Creighton, Jr., of Washington, D. C.; James Barnes Boyer, of Washington, D. C.; Elisabeth Prender Buchanan, of Washington, D. C.; George Walter Smith, of Washington, D. C.; W. E. Morse, of Jackson, Miss.; Handley Lamar Henderson, of Washington, D. C.; Loring W. Post, of Washington, D. C.; and Berryman Green, of Norfolk, Va., were admitted to practice.

No. 772. Hoard Morf, Doing business under the firm name and style of Pacific Wholesale Automobile Company, appellant, *v.* John D. Bingaman, Commissioner, etc.; and

No. 898. United States Fidelity and Guaranty Company, appellant, *v.* John D. Bingaman, Commissioner, etc. Argument continued by Mr. Quincy D. Adams for the appellee and concluded by Mr. Frank H. Patton for the appellee.

No. 774. Corinne S. Koshland, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Argued by Mr. John C. Altman for the petitioner and by Mr. Assistant Attorney General Jackson for the respondent.

No. 767. Duplate Corporation and Pittsburgh Plate Glass Company, petitioners, *v.* Triplex Safety Glass Company of North America; and

No. 768. Duplate Corporation and Pittsburgh Plate Glass Company, petitioners, *v.* Triplex Safety Glass Company of North America. Argument commenced by Mr. William Watson Smith for the petitioners, and continued by Mr. A. L. O'Shea for the respondent.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, May 4, will be as follows: Nos. 767 (and 768), and 847.

SUPREME COURT OF THE UNITED STATES

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

Max O'Rell Truitt, of St. Louis, Mo.; Charles T. Corey, of New York City; Samuel S. Levine, of New York City; Thomas A. Quinn, of New York City; Cleveland Dear, of Alexandria, La.; Aaron Harry Crowell, of Washington, D. C.; Mary Redmond, of Kansas City, Mo.; Arthur Vollmer, of Port Angeles, Wash.; Bernard H. Conn, of Washington, D. C.; Edwin R. McNeill, of Pawnee, Okla.; James M. Ross, of Manila, P. I.; Carrington T. Marshall, of Columbus, Ohio; J. Paul St. Sure, of Oakland, Calif.; Russell Jay McCaughey, of Chicago, Ill.; and Luther W. Tatge, of Chicago, Ill., were admitted to practice.

The Chief Justice announced the following order of the Court:

No. 921. James Dean Collins, appellant, *v.* Helene Streitz. Appeal from the Supreme Court of the State of Arizona. *Per curiam:* The motion of the appellee to dismiss the appeal herein is granted and the appeal is dismissed for the want of properly presented substantial federal questions. (1) *Central Loan & Trust Co. v. Campbell*, 173 U. S. 84, 98; *Hammond Packing Co. v. Arkansas*, 212 U. S. 322, 349; *Ownby v. Morgan*, 256 U. S. 94, 111; *Washington v. Superior Court*, 289 U. S. 361, 366; (2) *Cleveland & Pittsburgh R. R. v. Cleveland*, 235 U. S. 50, 53; *Hiawasse Power Co. v. Carolina-Tenn. Co.*, 252 U. S. 341, 344; *Whitney v. California*, 274 U. S. 357, 360; *White River Co. v. Arkansas*, 279 U. S. 692, 700.

The Chief Justice said:

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

No. —, original. *Ex parte:* Basil H. Pollitt, petitioner. The motion for leave to file petition for writ of habeus corpus is denied.

No. 947. J. S. Belt, petitioner, *v.* Fred G. Zerbst, Warden of the United States Penitentiary, at Leavenworth, Kansas. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit. The motion for leave to proceed further

herein in forma pauperis is denied for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which a writ of certiorari should be issued. The petition for writ of certiorari is therefore also denied.

No. 946. F. A. Werk et al., appellants, *v.* The Lorain Street Savings and Trust Company et al. Further consideration of the question of the jurisdiction of this Court in this case is postponed to the hearing of the case on the merits.

No. 879. Essex Razor Blade Corporation, petitioner, *v.* Gillette Safety Razor Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit granted.

No. 851. Sun-Maid Raisin Growers of California, petitioner, *v.* California Packing Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 860. City of Dallas, petitioner, *v.* George Gardner, as Trustee, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 862. George E. Brimmer, petitioner, *v.* Union Oil Company of California. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 863. The West Missouri Power Company, petitioner, *v.* The City of Washington, Washington County, Kansas, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 876. Whitney Realty Company, Ltd., et al., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 880. Jerome Rosenberg and Leslie Lester, as Receiver, petitioners, *v.* The United States of America et al. Petition for writ of certiorari to the Surrogates' Court, State of New York, denied.

No. 881. Duke Power Company and Southern Public Utilities Company, petitioners, *v.* South Carolina Tax Commission. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 884. Houbigant, Inc., petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 890. Metro-Goldwyn Pictures Corporation et al., petitioners, *v.* Edward Sheldon et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 892. Uproar Company, petitioner, *v.* National Broadcasting Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 915. Murray Baldwin, Individually et al., etc., petitioners, *v.* National Savings and Trust Company, Trustee, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 952. Guaranty Trust Company of New York, petitioner, *v.* Joseph C. Monier and Clifford M. Story, Co-partners, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 791. Atlantic Coast Line Railroad Company, petitioner, *v.* Commissioner of Internal Revenue; and

No. 792. Carolina, Clinchfield and Ohio Railway, petitioner, *v.* Commissioner of Internal Revenue. Petition for rehearing denied.

No. 901. The C. M. Kemp Manufacturing Company, petitioner, *v.* William F. Hoeltke. Motion for leave to file brief of General Motors Corporation, Ford Motor Company, and others as *amici curiae* submitted by Mr. Thomas Francis Howe in that behalf.

No. 13, original. The State of Nebraska, complainant, *v.* The State of Wyoming et al. Answer and cross-bill of the State of Colorado presented.

No. 872. Jesse E. Smith, Collector of Revenue of Greene County, Missouri, et al., *v.* The Ajax Pipe Line Company. Motion to bring up the entire record and cause submitted by Mr. L. G. Owen and Mr. Charles F. Newman for The Ajax Pipe Line Company.

No. 767. Duplate Corporation et al., petitioners, *v.* Triplex Safety Glass Company of North America; and

No. 768. Duplate Corporation et al., petitioners, *v.* Triplex Safety Glass Company of North America. Argument continued by Mr. A. L. O'Shea for the respondent and concluded by Mr. William Watson Smith for the petitioner.

No. 847. Henry C. Hill, Warden, etc., *v.* The United States, *ex rel.* Thomas M. Wampler. Argued by Mr. Gordon Dean for Hill, Warden, etc. and by Mr. Robert E. Lynch for Wampler.

No. 956. Mountain States Power Company, appellant, *v.* Public Service Commission of Montana et al.; and

No. 957. Mountain States Power Company, appellant, *v.* Public Service Commission of Montana et al. Argued on motion for injunction pending appeal by Mr. Hance H. Cleland for the appellant, and by Mr. A. H. Angstman for the appellees.

No. 956. Mountain States Power Company, appellant, *v.* Public Service Commission of Montana et al.; and

No. 957. Mountain States Power Company, appellant, *v.* Public Service Commission of Montana et al. The motion for injunction pending appeal is granted upon condition that the impounding be continued, as provided by the restraining order in the court below, and that bond be given in the same amount as therein provided. The order to be settled on notice. Mr. Justice Brandeis dissents.

Adjourned until Monday May 18 next at 12 o'clock.

SUPREME COURT OF THE UNITED STATES

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

Lody Huml, of Cleveland, Ohio; Edward C. Maguire, of New York City; Cecil R. Hall, of Atlanta, Ga.; Leon B. Catlett, of Little Rock, Ark.; Henderson Arlo Melville, of Washington, D. C.; Geo. H. Hill, Jr., of Tupelo, Miss.; Samuel H. Sabin, of Washington, D. C.; Orville L. Hubbard, of Dearborn, Mich.; John L. Mokersky, of Inkster, Mich.; Frederick S. Kellogg, of Montclair, N. J.; Newell Blair, of Joplin, Mo.; Joseph Sahagen, of Boston, Mass.; James W. Paramore, of San Francisco, Calif.; M. Tench Tilghman, of Oklahoma City, Okla.; John D. Harris, of St. Petersburg, Fla.; Michael G. Alenick, of Newark, N. J.; Edner Clyde Algire, of Silver Springs, Md.; Louis Bondy, of Newark, N. J.; Marvin Franklin Bischoff, of Bowie, Md.; Thomas Homer Davis, of Topeka, Kans.; Mabel Benson Sakis, of Washington, D. C.; Boykin C. Wright, of New York City; Sydney Ehrlich, of East Falls Church, Va.; Harry M. Creech, of San Francisco, Calif.; Alfred Aram, of San Jose, Calif.; John Russell Juten, of Washington, D. C.; Carl E. Croson, of Seattle, Wash.; Rawleigh Lewis Tremain, of Washington, D. C.; Joseph L. Heffernan, of Youngstown, Ohio; Frank Steinberg, of New York City; Abraham J. Nydick, of Philadelphia, Pa.; Howard F. Guthery, of Marion, Ohio; Richard Rollo Trexler, of Chicago, Ill.; Katheryn M. Doherty, of Washington, D. C.; J. Garner Anthony, of Honolulu, T. H.; Edward J. Farrelly, of New York City; Clyde H. Stewart, of Delta, Colo.; Francis N. R. Redfern, of Adelphi, Ohio; Louis M. Day, of Chillicothe, Ohio; William R. Walsh, of Cleveland, Ohio; Henry M. Gretsche, of New York City; Edwin M. Sturtevant, of Baltimore, Md.; Tracy E. Herrick, of Cleveland, Ohio; Clyde T. Warren, of Baltimore, Md.; Charles J. Bufalino, of Pittston, Pa.; Nathan Hyman, of Wilkes-Barre, Pa.; Howard Gwin, of Washington, D. C.; and Leonard O. Carson, of Tulsa, Okla., were admitted to practice.

No. 767. Duplate Corporation and Pittsburgh Plate Glass Company, petitioners, *v.* Triplex Safety Glass Company of North America; and

No. 768. Duplate Corporation and Pittsburgh Plate Glass Company, petitioners, *v.* Triplex Safety Glass Company of North America. On writs of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Decrees modified and affirmed and cases remanded to the District Court of the United States for the Western District of Pennsylvania. Opinion by Mr. Justice Cardozo. Mr. Justice Van Devanter took no part in the consideration or decision of this case.

No. 847. Henry C. Hill, Warden United States Northeastern Penitentiary *v.* The United States, *ex rel.* Thomas M. Wampler. On certificate from the United States Circuit Court of Appeals for the Third Circuit. Answer to the first question is that the provision in question is void. Second question answered "No" and third question answered "Yes." Opinion by Mr. Justice Cardozo.

No. 23. The Bassick Manufacturing Company, petitioner, *v.* The R. M. Hollingshead Company. On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit; and

No. 31. G. S. Rogers, Doing business as Rex Duplex Fitting Company, and R. W. Dusenberry, petitioners, *v.* Alemite Corporation. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Decree in No. 23 affirmed with costs and cause remanded to the District Court of the United States for the Western District of Tennessee; decree in No. 31 reversed with costs and cause remanded to the District Court of the United States for the Western District of Pennsylvania for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Roberts. The Chief Justice took no part in the consideration or decision of these cases.

No. 655. C. H. Acker, doing business as C. H. Acker & Company et al., appellants, *v.* The United States of America et al. Appeal from the District Court of the United States for the Northern District of Illinois. Decree affirmed. Opinion by Mr. Justice Roberts.

No. 656. United States of America et al., appellants, *v.* J. M. Corrick and L. J. Keleher, a partnership, etc. Appeal from the District Court of the United States for the Northern District of Illinois. Decree reversed and cause remanded to said District Court with directions to dismiss the bill. Opinion by Mr. Justice Roberts.

No. 774. Corinne S. Koshland, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgment reversed and cause remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Roberts. Dissenting: Mr. Justice Stone and Mr. Justice Cardozo.

No. 772. Howard Morf, Doing Business under the firm name and style of Pacific Wholesale Automobile Company, appellant, *v.* John D. Bingaman, Commissioner of Revenue for the State of New Mexico; and

No. 898. United States Fidelity and Guaranty Company, appellant, *v.* John D. Bingaman, Commissioner of Revenue for the State of New Mexico. Appeals from the District Court of the United States for the District of New Mexico. Decree affirmed with costs. Opinion by Mr. Justice Stone.

No. 312. The Baltimore and Ohio Railroad Company, The Pennsylvania Railroad Company, et al., appellants, *v.* The United States of America et al. Appeal from the District Court of the United States for the Eastern District of Virginia. Decree affirmed. Opinion by Mr. Justice Butler. Concurring opinion by Mr. Justice Brandeis, in which Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Cardozo join.

No. 727. Bibb Graves, as Governor of the State of Alabama, et al., etc., appellants, *v.* The Texas Company. Appeal from the District Court of the United States for the Middle District of Alabama. Decree affirmed with costs. Opinion by Mr. Justice Butler. Dissenting opinion by Mr. Justice Cardozo, in which Mr. Justice Brandeis joins. Mr. Justice Stone took no part in the consideration or decision of this case.

No. 636. James Walter Carter, petitioner, *v.* Carter Coal Company, George L. Carter, et al., and

No. 651. Guy T. Helvering et al., petitioners, *v.* James Walter Carter et al. On writs of certiorari to the United States Court of Appeals for the District of Columbia;

No. 649. R. C. Tway Coal Company, Kentucky Cardinal Coal Corporation, et al., petitioners, *v.* Selden R. Glenn, Individually, etc.; and

No. 650. R. C. Tway Coal Company, R. C. Tway, President and Director of R. C. Tway Coal Company, et al., petitioners, *v.* C. H. Clark. On writs of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. Decree in No. 636 reversed and decree in No. 651 affirmed and cases remanded to the Supreme Court of the District of Columbia for further proceedings in conformity with the opinion of this Court; decrees in No. 649 and No. 650 reversed with costs and cases remanded to the District Court of the United States for the Western District of Kentucky for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Sutherland. Separate opinion by Mr. Chief Justice Hughes. Dissenting opinion in Nos. 636, 649, and 650 by Mr. Justice Cardozo in which Mr. Justice Brandeis and Mr. Justice Stone join. Mr. Justice Brandeis, Mr. Justice Stone, and Mr. Justice Cardozo concur in the result in No. 651.

No. 552. Lincoln L. McCandless and Elizabeth J. McCandless, his wife, petitioners, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgment reversed and cause remanded to the District Court of the United States for the Territory of Hawaii for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Sutherland.

No. 745. Premier-Pabst Sales Company, appellant, *v.* Walter T. Grosscup, W. Worrell Wagner, et al. Appeal from the District Court of the United States for the Eastern District of Pennsylvania. Decree affirmed with costs. Opinion by Mr. Justice Brandeis.

No. 747. Henry A. Wallace, Secretary of Agriculture, et al., petitioners, *v.* Arthur W. Cutten. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Decree affirmed, and cause remanded to the said United States Circuit Court of Appeals. Opinion by Mr. Justice Brandeis.

No. 6. Compagnie Generale Transatlantique, petitioner, *v.* Philip Elting, Collector of Customs, Port of New York; and

No. 7. Hamburg-American Line, petitioner, *v.* Philip Elting, Collector of Customs, Port of New York. On writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgments reversed with costs, and cases remanded to the District Court of the United States for the Southern District of New York for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Van Devanter.

No. 709. Paul V. McNutt, Governor of the State of Indiana, et al., appellants, *v.* General Motors Acceptance Corporation of Indiana, Inc. Appeal from the District Court of the United States for the Southern District of Indiana. Decree reversed with costs and cause remanded to said District Court with directions to dismiss the bill of complaint for want of jurisdiction. Opinion by Mr. Chief Justice Hughes. Mr. Justice Stone took no part in the consideration or decision of this case.

No. 710. Paul V. McNutt, Governor of the State of Indiana, et al., appellants, *v.* McHenry Chevrolet Co., Inc. Appeal from the District Court of the United States for the Southern District of Indiana. Decree reversed with costs and cause remanded to the said District Court with directions to dismiss the bill of complaint. Opinion by Mr. Chief Justice Hughes. Mr. Justice Stone took no part in the consideration or decision of this case.

No. 663. Wheeling Steel Corporation, appellant, *v.* Fred L. Fox, State Tax Commissioner of West Virginia, et al. Appeal from the Circuit Court of Ohio County, State of West Virginia. Judgment affirmed with costs. Opinion by Mr. Chief Justice Hughes.

The Chief Justice said:

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

No. 872. Jesse E. Smith, Collector of Revenue of Greene County, Missouri, et al. *v.* The Ajax Pipe Line Company. On certificate from the United States Circuit Court of Appeals for the Eighth Circuit. Per curiam: The motion to bring up the entire record and cause is denied. The certificate is dismissed. *Jewell v. Knight*, 123 U. S. 426, 433; *Cross v. Evans*, 167 U. S. 60, 63; *B. & O. R. R. Co. v. Interstate Commerce Commission*, 215 U. S. 216, 221; *United States v. Mayer*, 235 U. S. 55, 66; *Larrabee Flour Mills Co. v. First National Bank of Dublin*, 290 U. S. 594; *Mantle Lamp Co. v. Aluminum Products Co.*, No. 590, October Term 1935, decided March 30, 1936.

No. —, original. Ex parte: Axel Hagman, petitioner. The motion for leave to file petition for writ of habeas corpus is denied.

No. —, original. Ex parte: Daisy C. Tegtmeyer, petitioner. The application for leave to file petition for writ of habeas corpus is denied.

No. —, original. Ex parte: Lloyd Rubin, petitioner. The application for leave to file petition for writ of habeas corpus is denied.

No. —, original. Ex parte: William Fox, petitioner; and

No. —, original. Ex parte: William Fox, petitioner. The motion for leave to file petition for writs of certiorari is denied.

No. 2, original. State of Vermont, complainant, *v.* State of New Hampshire. The application for the appointment of a Special Commissioner to locate and mark additional points on the boundary is granted and Samuel S. Gannett is appointed Special Commissioner for that purpose.

No. 13, original. State of Nebraska, complainant, *v.* State of Wyoming. The answer and cross bill of the State of Colorado is ordered to be filed and leave is granted to the States of Nebraska and Wyoming to answer within 60 days.

No. 901. The C. M. Kemp Manufacturing Company, petitioner, *v.* William F. Hoeltke. The motion for leave to file brief of General Motors Corporation and others as amici curiae is denied.

No. 270. The Prudence Company, Inc., petitioner, *v.* Fidelity & Deposit Company of Maryland et al. It is ordered that the mandate of this Court in the above-entitled cause on file in the District Court of the United States for the Southern District of New York

be, and the same is hereby, recalled; and that said mandate be amended so as to give petitioner recovery for additional costs in the sum of \$908.40, being the expenses incurred in furnishing records for the use of this Court.

No. 951. Hans Lindh and Effie Lindh, his wife, petitioners, *v.* Booth Fisheries Corporation. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit;

No. 994. Anna D. Moyerman, petitioner, *v.* Gifford N. Hale, Trustee, etc. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit; and

No. 999. Cindrella Davis, Administratrix, etc., petitioner, *v.* Joseph Ruzicka. On petition for writ of certiorari to the Court of Appeals of the State of Maryland. The motions for leave to proceed further herein *in forma pauperis* are denied for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which writs of certiorari should be issued. The petitions for writs of certiorari are therefore also denied.

No. 956. Mountain States Power Company, appellant, *v.* Public Service Commission of Montana et al.; and

No. 957. Mountain States Power Company, appellant, *v.* Public Service Commission of Montana et al. In these cases probable jurisdiction is noted.

No. 961. The Atlantic Refining Company, appellant, *v.* Commonwealth of Virginia. Further consideration of the question of the jurisdiction of this Court in this case is postponed to the hearing of the case on the merits.

No. 894. William Fox, petitioner, *v.* Capital Company, a California Corporation. Petition for writ of certiorari to review the order of the United States Circuit Court of Appeals for the Second Circuit of March 5, 1936, dismissing the appeal from the order of the United States District Court for the Southern District of New York, entered on February 20, 1936, granted limited to the question of the jurisdiction of the Circuit Court of Appeals.

No. 911. James B. Gully, State Tax Collector etc., petitioner, *v.* First National Bank of Meridian. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit granted limited to the question of the jurisdiction of the District Court.

No. 895. Algernon S. Schafer, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue;

No. 896. Edward Schafer, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue; and

No. 897. Leonard Schafer, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Petition for writs of certiorari to the United States Court of Appeals for the District of Columbia granted.

No. 903. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Illinois Life Insurance Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted.

No. 904. KVOS, Inc., petitioner, *v.* The Associated Press. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted.

No. 934. Duke Power Company et al., petitioners, *v.* Greenwood County et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit granted.

No. 988. Tennessee Publishing Company, petitioner, *v.* American National Bank et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit granted.

No. 916. A. C. Spark Plug Company, petitioner, *v.* Motor Improvements, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied. The Chief Justice and Mr. Justice Roberts took no part in the consideration and decision of this application.

No. 854. Porto Rico Brokerage Co., Inc., et al., petitioners, *v.* The United States. Petition for writ of certiorari to the United States Court of Customs and Patent Appeals denied.

No. 874. J. F. Welborn et al., as Trustees, etc., et al., petitioners, *v.* The Burns Trading Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 889. National Casket Company, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 893. William Fox, petitioner, *v.* Capital Company, a California Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 899. Camden Fire Insurance Association, petitioner, *v.* George H. Martin. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 900. Arthur H. Ensminger, petitioner, *v.* Lehigh Valley Railroad Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 901. The C. M. Kemp Manufacturing Company, petitioner, *v.* William F. Hoeltke. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 902. Citizens Passenger Railway Company of Philadelphia et al., petitioners, *v.* The Public Service Commission of the Commonwealth of Pennsylvania. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 910. Robin P. Allen and Francis M. Allen, petitioners, *v.* Georgian Hotel Corporation et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 912. Nathan Wolff and Craig-Musgrove, Inc., petitioners, *v.* Jordan Marsh Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 943. Marion C. Oliver et al., petitioners, *v.* City of Richmond; and

No. 944. A. B. Ruddock, petitioner, *v.* City of Richmond. Petition for writs of certiorari to the Supreme Court of Appeals of the Commonwealth of Virginia denied.

No. 891. Trojan Powder Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 908. Crown Willamette Paper Company, petitioner, *v.* John P. McLaughlin, as Collector of United States Internal Revenue, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 909. William S. McConnaughey et al., petitioners, *v.* Personal Industrial Bankers, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 913. Michael Madsen, petitioner, *v.* Baltimore Mail Steamship Company. Petition for writ of certiorari to the Supreme Court of the State of New York, Appellate Division, 2nd Department, denied.

No. 917. Courier Publishing Company, Inc., petitioner, *v.* Police Jury of the Parish of Tangipahoa et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 918. Louise McGrew Moffett, Executrix etc., et al., petitioners, *v.* R. O. Robbins, Administrator, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 919. Sherman H. Kleinschmidt et al., petitioners, *v.* S. Mayner Wallace. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 922. The Evans Products Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 924. The Likly & Rockett Trunk Company, petitioner, *v.* The Provident Mutual Life Insurance Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 925. Gans Steamship Line, petitioner, *v.* Frank C. Bowers, as Executor, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 926. The Rudolph Wurlitzer Company, petitioner, *v.* Commissioner of Internal Revenue; and

No. 927. The Wurlitzer Grand Piano Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 929. Henry L. Doherty, petitioner, *v.* Leon S. Knowlton; and

No. 930. Henry L. Doherty, petitioner, *v.* Joseph O. Tremblay. Petition for writs of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 933. John Leonardi et al., petitioners, *v.* The Chase National Bank of the City of New York. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 940. Fireman's Mutual Aid Association of the City of Richmond, petitioner, *v.* Commonwealth of Virginia. Petition for writ of certiorari to the Supreme Court of Appeals of the Commonwealth of Virginia denied.

No. 941. Sun Indemnity Company of New York et al., petitioners, *v.* Bruckner-Mitchell, Inc. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 945. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Franklin J. Matchette. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 955. Cornell S. Franklin, petitioner, *v.* Walter Chalaire. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 958. T. Anraku, Trading under the Fictitious name and style of Tokyo Lamp Co., etc., petitioner, *v.* General Electric Company; and

No. 959. Pacific Importing Company et al., petitioners, *v.* General Electric Company. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 819. Robin P. Allen, petitioner, *v.* The Cloisters Building Corporation et al.;

No. 858. Joseph Poresky, petitioner, *v.* Morgan T. Ryan, Registrar of Motor Vehicles; and

No. 885. Margaret Shea Lynch, petitioner, *v.* The United States of America. Petitions for rehearing denied.

No. —, original. *Ex parte*: Lee Nichols, State Tax Commissioner, petitioner. Motion for leave to file petition for writ of mandamus submitted by Mr. Peter O. Sathre for the petitioner.

The Chief Justice announced the following order:

ORDER

The Court will take a recess from today until next Monday and from that day until Monday, June 1, upon which day it will adjourn for the term.

No motions, except motions for admission to practice, will be received after Monday, May 25.

Adjourned until Monday, May 25 next, at 12 o'clock.

SUPREME COURT OF THE UNITED STATES

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

Alexander G. Gould, of Boston, Mass.; Raymond J. Cannon, of Milwaukee, Wis.; Dewey Frank Fagerburg, of Chicago, Ill.; Nelson Daniel Zimmerman, of State College, Pa.; Albert J. Rapp, of Ann Arbor, Mich.; Jules C. Goldstone, of Los Angeles, Calif.; George Pettus Raney III, of Tampa, Fla.; Bertrand Wesley Gearhart, of Fresno, Calif.; Homer W. Buckley, of Oakland, Calif.; Abram C. Joseph, of Baltimore, Md.; George Burton Pearson, Jr., of Newark, Del.; Alexander L. Nichols, of Wilmington, Del.; Ivan Culbertson, of Wilmington, Del.; Earl C. Berger, of New York City; Stewart D. Flanagan, of St. Louis, Mo.; Russell H. Matthias, of Chicago, Ill.; Sophronia Jane Lasica, of Washington, D. C.; James Alexander Bell, of Washington, D. C.; M. Ann Joachim, of Detroit, Mich.; Edwin D. Steel, Jr., of Wilmington, Del.; B. Carroll Reece, of Johnson City, Tenn.; Thomas B. Gilchrist, of New York City; W. Lloyd Kitchel, of New York City; Percy Lee Gassaway, of Coalgate, Okla.; Harvey J. Gunderson, of Vermillion, S. Dak.; George C. Ellsworth, of Cleveland, Ohio; John J. Smolenski, of Grand Rapids, Mich.; John J. Esch, of Washington, D. C.; Mark F. Esch, of Washington, D. C.; Floyd Milburn Hinshaw, of Los Angeles, Calif.; Charles B. Spencer, of Pittsburgh, Pa.; Aribert F. Wild, of Chicago, Ill.; Melba Stucky Billig, of Chevy Chase, Md.; Thomas Clifford Billig, of Chevy Chase, Md.; Louis M. Mantynband, of Chicago, Ill.; David L. Krooth, of Washington, D. C.; Carl A. Landis, of Minneapolis, Minn.; Michael T. Corcoran, of Denver, Colo.; William T. Croft, of St. Paul, Minn.; Paul O. Ritter, of New York City; James R. Kirkland, of Washington, D. C.; Leonard C. Jeffries, of New York City; Elphege Desgres, of Washington, D. C.; Curtis Carl Henderson, of Preston, Miss.; Catherine Ehrmantraut Hoffmann, of Washington, D. C.; Augusta de Laguna Spaulding, of Washington, D. C.; Grace McEl-downey, of Washington, D. C.; and James J. Laughlin, of Washington, D. C., were admitted to practice.

No. —, original. State of Arizona, complainant, *v.* State of California et al. Motion for leave to file bill of complaint denied. Opinion by Mr. Justice Stone.

No. 715. The Atlantic Lumber Company, appellant, *v.* Commissioner of Corporations and Taxation of the Commonwealth of Massachusetts. Appeal from the Supreme Judicial Court of the Commonwealth of Massachusetts. Judgment affirmed with costs. Opinion by Mr. Justice Sutherland.

No. 643. The United States of America, petitioner, *v.* W. V. Knott, as State Treasurer and ex officio Insurance Commissioner of the State of Florida et al. On writ of certiorari to the Supreme Court of the State of Florida. Decree reversed and cause remanded to said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Brandeis.

No. 660. The United States of America, appellant, *v.* Elgin, Joliet and Eastern Railway Company. Appeal from the District Court of the United States for the Northern District of Illinois. Decree affirmed. Opinion by Mr. Justice McReynolds. Dissenting opinion by Mr. Justice Stone in which Mr. Justice Brandeis and Mr. Justice Cardozo concur.

No. 859. C. L. Ashton et al., petitioners, *v.* Cameron County Water Improvement District No. One. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Judgment reversed with costs and cause remanded to the District Court of the United States for the Southern District of Texas for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice McReynolds. Dissenting opinion by Mr. Justice Cardozo in which The Chief Justice, Mr. Justice Brandeis, and Mr. Justice Stone join.

No. 21. The United States, petitioner, *v.* Atlantic Mutual Insurance Company. On writ of certiorari to the Court of Claims. Judgment reversed and cause remanded to the said Court of Claims for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Van Devanter.

No. 686. Fred O. Morgan, Doing Business as Fred O. Morgan Sheep Commission Company et al., appellants, *v.* The United States of America and the Secretary of Agriculture. Appeal from the District Court of the United States for the Western District of Missouri. Decree reversed and cause remanded to the said District Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Chief Justice Hughes.

The Chief Justice announced the following order of the Court:

No. 990. Warner Bros. Pictures, Inc., et al., appellants, *v.* The United States of America. Appeal from the District Court of the United States for the Eastern District of Missouri. *Per curiam:* The motion of the appellee to affirm is granted and the decree is affirmed. Pullman's Car Co. *v.* Transportation Co., 171 U. S. 138, 145-146; McGowan *v.* Columbia River Packers' Ass'n., 245 U. S. 352, 358; Ex parte Skinner & Eddy Corp., 265 U. S. 86, 93-94; Jones *v.* Securities and Exchange Comm'n, — U. S. — (decided April 6, 1936).

The Chief Justice said:

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

No. 991. E. M. Piper and United States Fidelity and Guaranty Company, appellants, *v.* John D. Bingaman, Commissioner of Revenue of the State of New Mexico. Appeal from the District Court of the United States for the District of New Mexico. *Per curiam:* The decree is affirmed on the authority of Morf *v.* Bingaman, — U. S. — (decided May 18, 1936).

No. —, original. Ex parte: Lee Nichols, petitioner. A rule is ordered to issue requiring the respondent to show cause on or before Monday, October 5, next why leave to file the petition for writ of mandamus should not be granted.

No. —, original. Ex parte: Charles H. Gifford, petitioner. The motion for leave to file petition for writ of mandamus is denied.

No. 1014. Loeb L. Cossack, 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. The motion for leave to proceed further herein *in forma pauperis* is denied for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which a writ of certiorari should be issued. The petition for writ of certiorari is, therefore, also denied.

No. 1000. W. H. H. Chamberlin, Inc., appellant, *v.* Elmer F. Andrews, Industrial Commissioner of the State of New York, et al.; and

No. 1001. E. C. Stearns & Co., appellant, *v.* Elmer F. Andrews, Industrial Commissioner of the State of New York, et al. Further consideration of the question of the jurisdiction of this Court in these cases is postponed to the hearing of the cases on the merits.

No. 923. Estella Wadsworth Cate et al., petitioners, *v.* Eliza Wadsworth Beasley et al. Petition for writ of certiorari to the Supreme Court of the State of Oklahoma granted.

No. 928. Jose Rivera Soler & Co., Inc., petitioner, *v.* The United States Firemen's Insurance Company of Philadelphia. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit granted.

No. 948. The United States of America, petitioner, *v.* Raymond Wood. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia granted.

No. 949. Samuel B. Smith, petitioner, *v.* A. B. Hall et al.; and

No. 950. Samuel B. Smith, petitioner, *v.* James Manufacturing Company et al. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 1017. Ethel M. Dorrance et al., petitioners, *v.* J. H. Thayer Martin, State Tax Commissioner, etc.;

No. 1018. Camden Safe Deposit and Trust Company, etc., et al., petitioners, *v.* J. H. Thayer Martin, State Tax Commissioner, etc.; and

No. 1055. Camden Safe Deposit and Trust Company, etc., et al., petitioners, *v.* J. H. Thayer Martin, State Tax Commissioner, etc. Petitions for writs of certiorari to the Court of Errors and Appeals of the State of New Jersey denied. Mr. Justice Stone took no part in the consideration and decision of these applications.

No. 906. United States Rubber Company, petitioner, *v.* The Firestone Tire & Rubber Company; and

No. 907. United States Rubber Company, petitioner, *v.* The Firestone Tire & Rubber Company. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 935. Uebersee Finanz-Korporation Aktien Gesellschaft, petitioner, *v.* Walter T. Rosen et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 936. Hillsborough County, etc., petitioner, *v.* Equitable Life Insurance Company of Iowa;

No. 937. Hillsborough County, etc., petitioner, *v.* Kenneth M. Keefe;

No. 938. Hillsborough County, etc., petitioner, *v.* B. F. Buck; and

No. 939. Hillsborough County, etc., petitioner, *v.* Equitable Life Insurance Company of Iowa. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 942. Noxon Chemical Products Company, Inc., petitioner, *v.* Isidor Unger and Charles L. Kahn. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 962. Liggett & Myers Tobacco Company, petitioner, *v.* William H. De Parcq. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 965. In re David Lee, petitioner; and

No. 966. In re David Lee, petitioner. Petition for writs of certiorari to the Court of Appeals of the State of Maryland denied.

No. 968. Sarah Enelow, petitioner, *v.* New York Life Insurance Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 969. Frank C. Starr, petitioner, *v.* Commissioner of Internal Revenue;

No. 970. Edward C. True et al., petitioners, *v.* Commissioner of Internal Revenue; and

No. 971. Alfred R. L. Dohme, petitioner, *v.* Commissioner of Internal Revenue. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 976. George McGee et al., petitioners, *v.* R. W. Baxter. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 995. George F. Bachman, petitioner, *v.* Abel Davis, Receiver etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 1011. The Provident Life & Accident Insurance Company of Chattanooga, Tenn., petitioner, *v.* Eli B. Crady. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 1031. Shepard Broadcasting Service, Inc., et al., petitioners, *v.* Aeolian-Skinner Organ Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 659. Frank T. Hines, Administrator of Veterans' Affairs, petitioner, *v.* Minnie Stein, as Guardian etc.;

No. 667. The "Arizona", Antone Mardesich, et al., petitioners, *v.* Antonia Anelich, as Administratrix etc.;

No. 696. Chicago Great Western Railroad Company, petitioner, *v.* Mary Rambo, as Administratrix etc.; and

No. 794. M. G. Norton, petitioner, *v.* Lyon Van & Storage Co. et al. Petitions for rehearing denied.

ORDER

It is ordered that the Rules of this Court be, and they hereby are, amended as follows:

That the words "Court of Appeals of the District of Columbia" in Rule 37, title and paragraph 1 thereof; in Rule 38, title and para-

graphs 1, 2, and 5c thereof, and in Rule 39, title and text thereof, be changed to read "United States Court of Appeals for the District of Columbia."

That the words "Supreme Court of the Philippine Islands" in Rule 42, title and text thereof be changed to read, "Supreme Court of the Commonwealth of the Philippines."

No. 967. The Dixie Terminal Company *v.* The United States. Motion to dismiss certificate submitted by Mr. Solicitor General Reed for the United States.

No. —. Mariano Cu Unjieng, petitioner, *v.* People of the Philippine Islands. Motion as to printing record submitted by Mr. Charles L. Frailey for the petitioner.

No. 636. James Walter Carter, petitioner, *v.* Carter Coal Company et al.; and

No. 651. Guy T. Helvering et al., petitioners, *v.* James Walter Carter et al. Motion to tax costs and for the immediate issuance of the mandates submitted by Mr. Richard H. Wilmer for James Walter Carter with leave to the Government to file opposition thereto by Wednesday next.

No. 636. James Walter Carter, petitioner, *v.* Carter Coal Company et al.; and

No. 651. Guy T. Helvering et al., petitioners, *v.* James Walter Carter et al. Motion as to taxation of costs submitted by Mr. Karl J. Hardy for Carter Coal Company.

No. 15, original. State of Texas, complainant, *v.* State of New Mexico et al. Motion for the appointment of a Special Master submitted by Mr. Richard F. Burges for the complainant.

No. 15, original. State of Texas, complainant, *v.* State of New Mexico et al. The motion for the appointment of a Special Master is granted, and it is ordered that Charles Warren, Esquire, of Washington, D. C., be, and he is hereby, appointed Special Master in this cause, with authority to summon witnesses, issue subpoenas, and to take such evidence as may be introduced and such as he may deem it necessary to call for. The Master is directed to make findings of fact and conclusions of law, and to submit the same to this Court with all convenient speed, together with his recommendations for a decree. The findings, conclusions, and recommendations of the Master shall be subject to consideration, revision, or approval by the Court. The 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 hereafter may direct. If the appointment herein made of a 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. —. Isbrandtsen-Moller Co., Inc., appellant, *v.* The United States of America et al. Motion to stay running of penalties submitted by Mr. James W. Ryan for the petitioner and the motion granted. The order to be settled on notice.

No. 23. The Bassick Manufacturing Company, petitioner, *v.* The R. M. Hollingshead Company; and

No. 31. G. S. Rogers, Doing Business etc., et al., petitioners, *v.* Alemite Corporation. Mandates granted on motion of Mr. Leonard L. Kalish for the respondent in No. 23 and petitioner in No. 31.

No. 649. R. C. Tway Coal Company et al., petitioners, *v.* Selden R. Glenn, Individually, etc.; and

No. 650. R. C. Tway Coal Company et al., petitioners, *v.* C. H. Clark. Mandates granted on motion of Mr. A. Shelby Winstead for the petitioners.

No. 202. Robert G. Stone et al., petitioners, *v.* Thomas W. White, former Collector, etc. Motion for further extension of time to file petition for rehearing submitted by Mr. H. C. Kilpatrick in behalf of counsel for petitioners.

Adjourned until Monday, June 1, next, at 12 o'clock.

SUPREME COURT OF THE UNITED STATES

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

Frank A. Michels, of Cheyenne, Wyo.; Albert J. Law, of Washington, D. C.; DeWitt C. Reed, of Jacksonville, Fla.; George Edward Muth, of Washington, D. C.; Oren Parmeter, of Dallas, Tex.; Maurice Seymour Degenstein, of Yonkers, N. Y.; William M. Citron, of Middletown, Conn.; Henry C. Lawton, of Gann Valley, S. Dak.; William E. Hustleby, of St. Paul, Minn.; Adeline J. Meyer Toner, of Madison, Wis.; John Quincy Ames, of South Bend, Ind.; A. G. Fickeisen, of Los Angeles, Calif.; John S. Gilbert, of Los Angeles, Calif.; Edward L. Casey, of New York City; Elmer Stewart Brewster, of New York City; Royce A. Wilson, of New York City; Joseph H. Thalberg, of Southington, Conn.; Frank A. Harrington, of Toledo, Ohio; Max Goldman, of Auburn, N. Y.; Ralph Talbot McElvenny, of Washington, D. C.; Kahl K. Spriggs, of Washington, D. C.; Joseph G. Richardson, of Los Angeles, Calif.; Lester Robert Smith, of Catskill, N. Y.; C. C. Fenn, of Antigo, Wis.; Charles E. Cheever, of Boston, Mass.; George L. McGurn, of Washington, D. C.; Ralph S. Hisle, of Washington, D. C.; W. J. Holt, of Austin, Tex.; James F. Miller, of Alma, Nebr.; William A. Kirk, of Summit, N. J.; Maurice Finkelstein, of New York City; J. Paul Rupp, of Harrisburg, Pa.; John C. Kelley, of Harrisburg, Pa.; Charles Axford Wood, of New York City; Samuel L. Einhorn, of Philadelphia, Pa.; Marc J. Robinson, of Boston, Mass.; Jack B. Dworken, of Cleveland, Ohio; Charles W. Hull, of New York City; M. Burr Wellington, of Santa Ana, Calif.; Clarence M. Elder, of Washington, D. C.; Bertram Boardman, of New York City; Walter Schachtel, of Philadelphia, Pa.; George Horace Hafer, of Harrisburg, Pa.; Gerald T. Wiley, of Chicago, Ill.; Guy Leonard Mann, of Dallas, Tex.; Philip M. Glick, of Chicago, Ill.; Daniel Gordon James Judge, of New York City; Alexander F. Ormsby, of Jersey City, N. J.; Daniel Joseph O'Brien, of Washington, D. C.; R. K. Hanger, of Fort Worth, Tex.; Ernest Peyton Jones, Jr., of Jackson, Miss.; C. M. Wright, of Los Angeles, Calif.; Ray L. Smith, of Washington, D. C.; Samuel Wittlin, of Washington, D. C.; Eldon D. Lewis,

of Cleveland, Ohio; Roy E. Hughes, of Washington, D. C.; Richard M. Russell, of Cambridge, Mass.; Edward T. Cauley, of Boston, Mass.; and Thomas Francis Jerrold Friday, of Scranton, Pa.; were admitted to practice.

No. 838. Frederick L. Morehead, as Warden of the City Prison of the Borough of Brooklyn, petitioner, *v.* People ex rel. Joseph Tipaldo. On writ of certiorari to the Supreme Court of the State of New York. Judgment affirmed with costs. Opinion by Mr. Justice Butler. Dissenting opinion by Mr. Chief Justice Hughes in which Mr. Justice Brandeis, Mr. Justice Stone, and Mr. Justice Cardozo join. Dissenting opinion by Mr. Justice Stone in which Mr. Justice Brandeis and Mr. Justice Cardozo join.

No. 10, original. State of Wyoming, complainant, *v.* State of Colorado. Injunction granted. Opinion by Mr. Justice Van Devanter.

The Chief Justice announced the following orders of the Court:

No. 1032. Thomas J. Parker, Administrator of the Estate of Kenneth Hawks, deceased, et al., appellants, *v.* James Granger, Inc., and Tanner Motor Livery. Appeal from the Supreme Court of the State of California. *Per curiam*: The appeal herein is dismissed for the want of jurisdiction. Section 237 (a), Judicial Code, as amended by the Act of February 13, 1925 (43 Stat. 936, 937). Treating the papers whereon the appeal was allowed as a petition for a writ of certiorari, section 237 (c), Judicial Code, as amended (43 Stat. 936, 938), certiorari is denied.

No. 967. The Dixie Terminal Company *v.* The United States. On certificate from the Court of Claims. *Per curiam*: The motion to dismiss the certificate is granted and the certificate is dismissed. *Jewell v. Knight*, 123 U. S. 426, 433; *Cross v. Evans*, 167 U. S. 60, 63; *B. & O. R. R. Co. v. Interstate Commerce Commission*, 215 U. S. 216, 221; *United States v. Mayer*, 235 U. S. 55, 66; *Larrabee Flour Mills Co. v. First National Bank of Dublin*, 290 U. S. 594; *Mantle Lamp Co. v. Aluminum Products Co.*, — U. S. — (decided March 30, 1936); *Smith, Collector, v. Ajax Pipe Line Co.*, — U. S. (decided May 18, 1936).

No. 1049. Charles Mozingo, appellant, *v.* The Marion Steam Shovel Company. Appeal from the Supreme Court of the State of Ohio. *Per curiam*: The appeal herein is dismissed for the want of a substantial federal question. *New York Central R. R. Co. v. White*, 243 U. S. 188, 197, 198, 200-202; *Mountain Timber Co. v.*

Washington, 243 U. S. 219, 236; *Middleton v. Texas Power & Light Co.*, 249 U. S. 152, 163; *Rolette v. Rothstein Dental Laboratories, Inc.*, 289 U. S. 736.

No. 1076. John Montjoy, appellant, *v. Commonwealth of Kentucky*. Appeal from the Court of Appeals of the Commonwealth of Kentucky. *Per curiam*: The motion for leave to proceed further herein *in forma pauperis* is denied. The appeal is dismissed for the want of properly presented substantial federal questions. (1) *Smith v. Mississippi*, 162 U. S. 592, 600-601; *Tarrance v. Florida*, 188 U. S. 519, 520-522; *Brownfield v. South Carolina*, 189 U. S. 426; *Martin v. Texas*, 200 U. S. 316, 318-320; (2) *New York v. Kleinert*, 268 U. S. 646, 650; *Whitney v. California*, 274 U. S. 357, 362; *Home Cab Co. v. Wichita*, 295 U. S. 716. The mandate is ordered to issue forthwith.

The Chief Justice said:

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

ORDER

It is ordered that Rules XII, paragraph 3; XIV; XVII, paragraphs 1 and 7; XVIII, paragraph 4; XXI, paragraph 8; XXVIII; XXIX; XXXVIII; XLII, paragraph 2; XLIV, second paragraph; XLVII; XLVIII; and L, paragraphs 1, 5, 6 and 12, of the General Orders in Bankruptcy be, and they hereby are, amended, effective immediately.

It is further ordered that Forms Nos. 65, 72, 73, and 74 of the Forms in Bankruptcy be, and they hereby are, amended and that Form No. 76 be, and it hereby is approved.

It is further ordered that Form No. 75 of the Forms in Bankruptcy entitled "Petition of farmers for the appointment of a Conciliation Commissioner" be, and it hereby is, abrogated and annulled.

No. 636. James Walter Carter, petitioner, *v. Carter Coal Company, George L. Carter, et al.*; and

No. 651. Guy T. Helvering et al., petitioners, *v. James Walter Carter et al.* The motion for the immediate issuance of the mandates is granted. Costs in these cases shall be taxed against the defendants other than Guy T. Helvering, Clarence C. Keiser, John B. Colpoys, Homer S. Cummings, Stanley Reed, and Leslie C. Garnett.

No. 202. Robert G. Stone et al., petitioners, *v. Thomas W. White, Former Collector of Internal Revenue, etc.* The motion to extend time for filing petition for rehearing until November 2, 1926 is

granted. The motion to stay entry of judgment by the District Court is denied.

No. 686. Fred O. Morgan, Doing business as Fred O. Morgan Sheep Commission Co., et al., appellants *v.* The United States of America et al. The motion to substitute New Amsterdam Casualty Co. as a party appellant in the place and stead of Harry J. Ken-naley is granted.

No. 1051. Grace DeBenque, petitioner, *v.* The United States of America. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia;

No. 1057. Corlis Sims, petitioner, *v.* Thomas M. Rives. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia;

No. 1061. J. B. Carden, petitioner, *v.* State of North Carolina. On petition for writ of certiorari to the Supreme Court of the State of North Carolina; and

No. 1062. Wesley Vincent, petitioner, *v.* State of Alabama. On petition for writ of certiorari to the Supreme Court of the State of Alabama. The motions for leave to proceed further herein *in forma pauperis* are denied for the reason that the Court, upon examination of the papers herein submitted finds no ground upon which writs of certiorari should be issued. The petitions for writs of certiorari are therefore also denied.

No. 1037. Associated Industries of New York State, Inc., appellant, *v.* The Department of Labor of the State of New York et al. Further consideration of the question of the jurisdiction of this Court in this case is postponed to the hearing of the case on the merits. The motion to advance is granted and the case is set for argument immediately following Nos. 1000 and 1001.

No. 1063. Clarence G. Kunsman, appellant, *v.* Max Factor & Co. et al. In this case probable jurisdiction is noted and the case is set for argument immediately following No. 1024.

No. 1019. Bessie Villa et al., appellants, *v.* George S. Van Schaick, Superintendent etc.;

No. 1035. The United States of America, appellant, *v.* Charles Resnick et al., etc.;

No. 1036. The United States of America, appellant, *v.* The Acme Can Company; and

No. 1059. Harriet C. Binney et al., appellants, *v.* Henry F. Long, Commissioner etc. Further consideration of the question of the jurisdiction of this Court in these cases is postponed to the hearing of the cases on the merits.

No. 1024. The Pep Boys, Manny, Moe & Jack of California, appellants, *v.* Pyroil Sales Company, Inc.;

No. 1054. American Telephone and Telegraph Company et al., appellants, *v.* The United States of America et al.; and

No. 1074. Ernest O. Thompson et al., appellants, *v.* Consolidated Gas Utilities Corporation et al. In these cases probable jurisdiction is noted.

No. 1003. Hyman Wainer et al., petitioners, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted limited to the question whether the statute upon which the second count of the indictment is based was repealed and has not been reenacted. The case is advanced and assigned for argument on Monday, October 12 next.

No. 953. The British-American Oil Producing Company, petitioner, *v.* The Board of Equalization of the State of Montana et al. Petition for writ of certiorari to the Supreme Court of the State of Montana granted.

No. 963. The United States, petitioner, *v.* Robert Esnault-Pelterie. Petition for writ of certiorari to the Court of Claims granted.

No. 973. Mrs. Monica Rutherford Farren, Executrix, etc., petitioner, *v.* Commissioner of Internal Revenue; and

No. 974. E. W. McCrary, petitioner, *v.* Commissioner of Internal Revenue. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit granted.

No. 983. Southeastern Express Company, petitioner, *v.* Pastime Amusement Company. Petition for writ of certiorari to the Supreme Court of the State of South Carolina granted.

No. 886. Atlantic Coast Line Railroad Company, petitioner, *v.* Town of Bethel. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 920. Globe Gazette Printing Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 954. Frank W. Crook, Individually, etc., et al., petitioners, *v.* W. F. Wallace, Receiver of the City National Bank & Trust Company etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 960. The Virginian Railway Company, petitioner, *v.* C. M. Scott. Petition for writ of certiorari to the Supreme Court of Appeals of the State of West Virginia denied.

No. 964. Massachusetts Mutual Life Insurance Company, petitioner, *v.* Charles A. Mayo. Petitioner for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 975. People of the State of New York, on relation of Elmer L. Rice, petitioner, *v.* Mark Graves et al., etc. Petition for writ of certiorari to the Supreme Court of the State of New York denied.

No. 977. Silk Center Building, Inc., petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 978. The New York Lumber Trade Association et al., petitioners, *v.* Martin Lacey, as President etc., et al. Petition for writ of certiorari to the Supreme Court of the State of New York denied.

No. 981. American Diamond Lines, Inc., et al., petitioners, *v.* Inga Peterson, as Administratrix etc., et al.; and

No. 982. Steamship "Black Gull", American Diamond Lines, Inc., et al., petitioners, *v.* Inga Peterson, as Administratrix, etc., et al. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 985. Frey & Horgan Corporation, petitioner, *v.* The Superior Court of the State of California, etc., et al. Petition for writ of certiorari to the Supreme Court of the State of California denied.

No. 989. The Chesapeake and Ohio Railway Company, petitioner, *v.* David M. Rich. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 993. Emma M. Tousey et al., petitioners, *v.* Wabash-Harrison Building Corporation, Debtor, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 1004. Cyrus W. Beale et al., petitioners, *v.* Thomas B. Snead, Esq., Referee in Bankruptcy, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 1010. Robert N. Harper, petitioner, *v.* Augustus P. Crenshaw, Jr. et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 1020. Stephen Callaghan et al., petitioners, *v.* The Marine Midland Trust Company of New York, as Trustee, etc.;

No. 1021. Stephen Callaghan et al., petitioners, *v.* City Bank Farmers Trust Company, etc.;

No. 1022. Stephen Callaghan et al., petitioners, *v.* Central Hanover Bank and Trust Company, as Trustee, etc.; and

No. 1023. Stephen Callaghan et al., petitioners, *v.* President and Directors of the Manhattan Company, as Trustees, etc. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 1041. H. M. Byllesby & Company, petitioner, *v.* L. A. Welch. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 931. Cerro de Pasco Copper Corporation, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 979. Driscoll Benevolent Estate, Ltd., etc., et al., petitioners, *v.* Everett S. Shipp et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 1002. Irving Trust Company, as Trustee in Bankruptcy of United Cigar Stores Company, etc., et al., petitioners, *v.* The United States of America et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 1005. Harry Marifian, petitioner, *v.* The United States of America;

No. 1006. John Kolar, petitioner, *v.* The United States of America;

No. 1007. John A. Fink, petitioner, *v.* The United States of America. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 1050. Carl Brukenfeld et al., petitioners, *v.* New York Railways Corporation et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 984. The Connecticut Fire Insurance Company, petitioner, *v.* The Oakley Improved Building and Loan Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 992. Central States Life Insurance Company, petitioner, *v.* The Koplal Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 996. Harry L. Hopwood, petitioner, *v.* Abraham Lincoln Life Insurance Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 998. Memphis Natural Gas Company, petitioner, *v.* J. B. Gully, State Tax Collector et al.; and

No. 1025. James B. Gully, State Tax Collector, et al., petitioners, *v.* Memphis Natural Gas Company. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 1026. James B. Gully, State Tax Collector, et al., petitioners, *v.* Interstate Natural Gas Company. Petition for writ of certiorari

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

No. 1009. Pharaoh W. Johnson et al., petitioners, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 1012. Gustave Freeman, 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. 1013. Ben B. Laska, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 986. Miguel A. Munoz et al., petitioners, *v.* Porto Rico Railway Light and Power Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 997. George Washington, 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. 1015. The United States of America, petitioner, *v.* Chicago, Burlington & Quincy Railroad Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 1043. Gavin W. Craig, petitioner, *v.* The United States of America; and

No. 1044. Joseph Weinblatt, 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. 1046. J. V. Lane & Co., Inc., petitioner, *v.* M. S. "Californian", her engines, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 1068. Williams Brothers Well Treating Corporation, petitioner, *v.* The Dow Chemical Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

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

No. 655. C. H. Acker et al., appellants, *v.* United States of America et al.;

No. 656. United States of America et al., appellants, *v.* J. M. Corrick et al.; and

No. 1017. Ethel M. Dorrance et al., etc., petitioners, *v.* J. H. Thayer Martin, State Tax Commissioner, etc. Petitions for rehearing denied.

No. 686. Fred O. Morgan, Doing business as Fred O. Morgan Sheep Commission Co., et al., appellants, *v.* The United States of America et al. Mandate granted on motion of Mr. Solicitor General Reed for the appellees.

The Chief Justice announced the following order:

ORDER

All cases submitted and all business before the Court at this term in readiness for disposition having been disposed of,

It is ordered by this Court that all cases on the docket be, and they are, continued to the next term.

Adjourned to the time and place appointed by law.