

1200

767

OCTOBER TERM, 1936

STATISTICS

	Original	Appellate	Total
Number of cases on docket.....	13	1,039	1,052
Cases disposed of.....	1	941	942
Remaining on docket.....	12	98	110

Cases disposed of—

By written opinions.....	180
By per curiam opinions.....	80
By denial or dismissal of petitions for certiorari.....	671
By motion to dismiss of per stipulation.....	10
By final decree (2 Original).....	1

Number of written opinions.....	149
Number of per curiam opinions.....	70
Number of admissions to bar.....	1,205

REFERENCE INDEX

	Page
President Roosevelt, Court recessed to attend inauguration of.....	128
Van Devanter, J., correspondence upon retirement.....	247
Clerk's bonds approved.....	108
Disbarment, in the matter of—	
Holmes Hall.....	44, 84
Jesse C. Duke.....	44, 108, 114
Louis Fried.....	81, 125
Tobias C. Phillips.....	207, 236, 239
Maurice R. Woulfe.....	223
Rules, amendment to Rule 32, par. 6.....	37
Rules, amendment to Rule 2.....	85
Rules, amendment to table of fees rule of Court of Customs and Patent Appeals.....	52
Criminal Rules, amendment to Rule I.....	231
Bankruptcy, General Order LIII promulgated.....	149
Counsel appointed to argue criminal case (No. 660).....	198
Amicus curiae, leave granted United States to file brief and argue (Nos. 180, 138).....	68, 74
Amicus curiae, leave granted State of New York to file brief and argue (Nos. 451, 370).....	116, 119

	Page
Amicus curiae, Attorney General of the United States invited to file briefs presenting views of the Government (Nos. 552, 625, 773, 774)-----	241
Opinions amended (Nos. 27, 436, 268, 910)-----	82, 133, 159, 242
Briefs—following submission without argument Court directed parties to file additional and clarifying briefs and to argue orally (No. 20)-----	45
Moot case—Court granted certiorari for the purpose of vacating the decree of the District Court where it was shown case had become moot (No. 130)-----	4
Judgments affirmed by equally divided Court (Nos. 49, 50, 64—New York Unemployment Insurance Cases—No. 804)-----	75, 238
Habeas corpus, rule to show cause why leave to file should not be granted—rule discharged-----	81, 108, 115
Appeal dismissed for failure to comply fully with Rule 12 (No. 584), was later reinstated-----	158
Appeal dismissed where as a matter of precaution counsel had taken a second appeal to the Supreme Court of Minnesota after that Court had reversed the judgment below with directions to amend the findings of fact and conclusions with the views expressed in the decision and to order judgment for the state. Appeals were taken to this Court from both judgments. This Court considered the first judgment final and noted jurisdiction (No. 647). The appeal from the subsequent judgment was dismissed (No. 648)-----	133
Certiorari under Sec. 262 of the Judicial Code. In the matter of 620 Church St. Bldg. Corp. (299 U. S. 24), which was an application for certiorari under Sec. 240 of the Judicial Code to review an order of the C. C. A. denying leave to appeal to that court from an order of the District Court confirming a plan of reorganization under Sec. 77B of the Bankruptcy Act, this Court held that it did not have jurisdiction under Sec. 240 but that the action of the C. C. A. could be reviewed under the general power conferred by Sec. 262. Following that decision the Clerk's office was directed in the future not to place applications involving jurisdiction under Sec. 262 on the appellate docket but to treat them as in the nature of original actions and to advise counsel that as in all original actions such applications should first be presented to the Court on a motion for leave to file. This procedure was followed in several such applications. To date all have terminated in an order denying leave to file-----	162
	167, 191, 231, 239

	Page
Certiorari denied for failure to file in time—appeal from C. C. A. was dismissed for want of jurisdiction—petition for certiorari in the same case was not filed within three months from date of final judgment (No. 116)-----	4
Certiorari denied for failure to file in time—it was urged unsuccessfully that the filing of a timely application for rehearing by an amicus curiae tolled the time within which the petitioner might apply for certiorari and that the three months period for filing certiorari ran from the date of the denial of such petition for rehearing (No. 352)-----	13
Certiorari denied for want of final judgment (Nos. 106, 411)-----	13, 54
Certiorari—application for, dismissed as premature without prejudice to renewal of application after action by Court of Claims on motion for amendment of the special findings. Motion to defer consideration of the application was denied (No. 225)-----	13
Motion for damages granted (Nos. 338, 543)-----	6, 100
Motion as to printing record (No. 379)-----	28, 35
Motion to print abbreviated record and to dispense with printing records in companion cases, consented to and granted (Nos. 867, etc.)-----	203, 207
Motion to waive rule as to printing record denied (No. 537)---	86, 92
Motion to shorten time for filing opposition to petition for certiorari denied (Nos. 472, 1005)-----	38, 45, 235
Motion to amend judgment denied (No. 41)-----	102, 106
Motion to intervene denied (No. 532)-----	161
Motion to intervene granted (Nos. 499, 922)-----	227, 232, 233
Motion to dismiss on ground that appeal was not taken from judgment of highest state court (Texas) denied (No. 807)---	224
Motion to dismiss certiorari on same ground denied (No. 836)---	240
Motion to recall and amend mandate denied (No. 102 O. T. 1934)-----	236, 240
Motion for leave to file in the District Court a petition to file supplemental answer and for rehearing denied without prejudice to application to the District Court (No. 102 O. T. 1934)-----	236, 240
Stay order—motion for, denied (Georgia Power v. T. V. A.)---	192
Temporary restraining order and injunction granted (No. 638)-----	125, 152
Injunction—motion for, denied (No. 472, 410)-----	38, 45, 54
Injunction—motion for modification of injunction order below granted (Nos. 724 and 797)-----	183, 187
Rehearing granted (No. 285)-----	176

	Page
Rehearing granted and judgment reversed per curiam (No. 347)-----	125
Rehearing granted (No. 202 O. T. 1935). Certiorari was denied at the previous term and prior to expiration of term an extension of time to Nov. 2nd was obtained to file petition for rehearing. Prior to that date an order was obtained from an individual Justice extending the time to Dec. 8. Prior to the latter date a motion for further extension was submitted (p. 77) and denied (p. 82). At the same time a petition for rehearing filed concurrently with the motion for extension was denied (p. 82). Subsequently a motion for leave to file a second petition for rehearing was submitted (p. 173). Upon consideration thereof the Court vacated its orders denying certiorari and rehearing and granted a rehearing-----	176
Order suspending call of docket-----	209
Adjournment order-----	246

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.

Ellis N. Slack, of Washington, D. C.; Everett C. McKeage, of San Francisco, Calif.; Harold Rosenwald, of Boston, Mass.; Sidney Brooks Alexander, of New York City; Joseph S. Diver, of Jacksonville, Fla.; James M. Smith, Jr., of Ocala, Fla.; Harry G. Hershenson, of Chicago, Ill.; Wm. Logan Hill, of Pensacola, Fla.; R. Keith Kane, of New York City; John Henry Bramlett, of Asheville, N. C.; Jonah H. Berman, of Montgomery, Ala.; Edward Hershenson, of Chicago, Ill.; James B. McKeon, of Chicago, Ill.; Francis Caminetti, of Paterson, N. J.; Keith E. Moyer, of Washington, D. C.; Joseph Gottland Brin, of Boston, Mass.; George Eugene Beechwood, of Philadelphia, Pa.; Parker Wood, of Los Angeles, Calif.; Major T. Bell, of Beaumont, Tex.; James D. Hayes, of Detroit, Mich.; Lucy Connell Moore, of Marianna, Fla.; Henry E. Moore, of Marianna, Fla.; Hazel Fay Harvey, of San Francisco, Calif.; Philip F. Biggins, of Washington, D. C.; James S. Brown, Jr., of Brookiyn, N. Y.; John W. Hardell, of Washington, D. C.; R. V. Bottomly, of Great Falls, Mont.; Alfred E. Driscoll, of Camden, N. J.; William Calvin Gotshalk, of Camden, N. J.; Oscar S. Cox, of New York City; Sol Charles Levine, of New York City; Oscar C. Strom, of Gary, Ind.; George W. Hulbert, of Gary, Ind.; Lillian M. Fish, of Los Angeles, Calif.; James William Sommerville, of Arlington, Va.; Wm. A. Gunning, of Providence, R. I.; Samuel Lebowitz, of Washington, D. C.; Philip Rosenfeld, of Washington, D. C.; Theodore J. Wool, of Norfolk, Va.; and James R. Morford, of Wilmington, Del., were admitted to practice.

No. —, original. Ex parte: Harold Maniloff et al., petitioners. Motion for leave to file petition for writ of mandamus submitted by Mr. Meyer Abrams for the petitioners.

No. —, original. Ex parte: Lee Nichols, petitioner. Return to rule to show cause presented.

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

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

No. 6, original. State of New York et al., complainants, *v.* State of Illinois et al. Semiannual report of Sanitary District of Chicago, dated July 1, 1936, presented.

No. 8, original. Commonwealth of Kentucky, complainant, *v.* State of Indiana. Report No. 13 of defendant, State of Indiana, presented.

No. 10, original. State of Nebraska, complainant, *v.* State of Wyoming et al. Replication of complainant to amended and supplemental answer of the defendant State of Wyoming, replication to the answer of the State of Colorado, and answer to the cross-bill of the State of Colorado presented.

No. 10, original. State of Nebraska, complainant, *v.* State of Wyoming et al. Answer of defendant, State of Wyoming to cross bill of the State of Colorado presented.

No. 10, original. State of Nebraska, complainant, *v.* State of Wyoming et al. Replication of defendant, State of Colorado to the answer of complainant, and replication to the answer of defendant, State of Wyoming to the cross bill of the State of Colorado presented.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, October 12th, will be as follows: Nos. 51, 2, 3, 4 (and 5), 6 (7 and 8), 9, 10, 11, 12, and 13 (14 and 15).

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.

Stanford Clinton, of Chicago, Ill.; Harry William Stewart, Jr., of West Palm Beach, Fla.; Kneland C. Tanner, of Portland, Ore.; Abraham L. Schapiro, of Chicago, Ill.; Bernard Charles Schiff, of Chicago, Ill.; William Rosenzweig, of New York City; Philip A. Carroll, of New York City; Walter H. Gentsch, of East Jaffrey, N. H.; Joe E. Schoales, of Washington, D. C.; Edgar J. Goodrich, of Washington, D. C.; Herbert F. Goodrich, of Philadelphia, Pa.; Archibald B. Dorman, of Los Angeles, Calif.; James Melville Monsarrat, of Honolulu, T. H.; James E. McCabe, of Longview, Tex.; Russell W. Kelsch, of Dallas, Tex.; Claude H. Stevens, of Detroit, Mich.; C. Kenneth Thies, of St. Louis, Mo.; Roy Wiedersum, of New York City; Eugene M. Caffey, of Arlington, Va.; Otey McClellan, of New York City; Milton T. Lasher, of Edgewater, N. J.; William Whyman, of New York City; Reuben L. Freeman, of Chicago, Ill.; Frank F. Messer, of Iowa City, Iowa; Edward L. O'Connor, of Des Moines, Iowa; Merritt Barton, of Washington, D. C.; Charles F. C. Arensberg, of Pittsburgh, Pa.; Ella Graubart, of Pittsburgh, Pa.; Robt. H. McCauley, of Hagerstown, Md.; J. Lloyd Harshman, of Hagerstown, Md.; Charles F. Wagaman, of Hagerstown, Md.; John Wagaman, of Hagerstown, Md.; C. Walter Baker, of Hagerstown, Md.; Daniel W. Doub, of Hagerstown, Md.; Henry Holzappel, 3rd, of Hagerstown, Md.; William H. Bovey, of Hagerstown, Md.; D. Angle Wolfinger, of Hagerstown, Md.; Martin Van Buren Bostetter, of Hagerstown, Md.; John E. Dougherty, of Peoria, Ill.; Irwin S. Rubelle, of Peoria, Ill.; and Leo J. Lucier, of Des Moines, Iowa, were admitted to practice.

No. 256. H. E. Woolsey, appellant, *v.* Roy Best, Warden, etc. Appeal from the Supreme Court of the State of Colorado. Dismissed for want of jurisdiction. Opinion, *per curiam*, announced by Mr. Chief Justice Hughes.

The Chief Justice announced the following orders of the Court:

No. 94. Hugh A. Cannon, appellant, *v.* State of Louisiana. Appeal from the Supreme Court of the State of Louisiana. *Per curiam*: The appeal herein is dismissed for the want of 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, as required by Section 237 (c), Judicial Code, as amended (43 Stat. 936, 938), certiorari is denied. The motion for leave to proceed further herein *in forma pauperis* is denied.

No. 109. John A. Timmons and Alice M. Timmons, appellants, *v.* Security Savings Bank of Marshalltown, Iowa. Appeal from the Supreme Court of the State of Iowa. *Per curiam*: The motion of the appellee to dismiss the appeal herein is granted, and the appeal is dismissed for the want of a substantial federal question. *Gibbes v. Zimmerman*, 290 U. S. 326, 332; *Doty v. Love*, 295 U. S. 64.

No. 116. The Drackett Company, appellant, *v.* The Chamberlain Company. Appeal from and petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. *Per curiam*: The motion of the appellee to dismiss the appeal is granted, and the appeal is dismissed for the want of jurisdiction. Section 240 (b) and (c), Judicial Code, as amended by the Act of February 13, 1925 (43 Stat. 936, 939). The petition for a writ of certiorari is denied for the reason that application therefor was not made within the time provided by law. Act of February 13, 1925, Section 8 (a) (43 Stat. 936, 940).

No. 130. Thomas Bracken, Thomas McAvoy, et al., petitioners, *v.* Securities and Exchange Commission. 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 in this case is granted. The decree of the Circuit Court of Appeals is reversed and the cause is remanded to the District Court with directions to vacate its decree and to dismiss the proceeding upon the ground that the cause is moot. *Brownlow v. Schwartz*, 261 U. S. 216; *Alejandrino v. Quezon*, 271 U. S. 528, 535, 536; *C. M. Patten & Co. v. U. S.*, 289 U. S. 705; *First Union Trust & Savings Bank v. Consumers Co.*, 290 U. S. 585.

No. 134. State of Wisconsin, ex rel. Saylesville Cheese Manufacturing Company, appellant, *v.* A. G. Zimmerman, Circuit Judge of Branch No. 1 of the Circuit Court for the Ninth Judicial Circuit of the State of Wisconsin. Appeal from the Supreme Court of the State of Wisconsin. *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. *Cincinnati Street Railway Co. v. Snell*, 193 U. S. 30; *Bain Peanut Co. v. Pinson*, 282 U. S. 499, 501.

No. 149. Banner Cleaners & Dyers, Inc., appellant, *v.* The State of Louisiana. Appeal from the Supreme Court of the State of Louisiana. *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. *American Sugar Refining Co. v. Louisiana*, 179 U. S. 89; *Quong Wing v. Kirkendall*, 223 U. S. 59, 62, 63; *Tax Commissioners v. Jackson*, 283 U. S. 527, 537-538.

No. 157. Leroy E. Eastman, appellant, *v.* The State of Ohio. Appeal from the Supreme Court of the State of Ohio. *Per curiam:* The appeal herein is dismissed for the want of a final judgment. *Rankin v. The State*, 11 Wall. 380; *Heike v. United States*, 217 U. S. 423, 432-433.

No. 174. Arthur J. Ham, Insurance Commissioner of the State of Wyoming, appellant, *v.* The Equitable Life Assurance Society of the United States. Appeal from the Supreme Court of the State of Wyoming. *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. *Seattle & Renton Ry. v. Linhoff*, 231 U. S. 568, 570; *Gasquet v. Lapeyre*, 242 U. S. 367, 369; *Enterprise Irrig. Dist. v. Canal Co.*, 243 U. S. 157, 165, 166.

No. 252. Bennie Glover, appellant, *v.* Lacey Simpson, Warden, Kansas State Penitentiary. Appeal from the Supreme Court of the State of Kansas. *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. *Moore v. Missouri*, 159 U. S. 673; *McDonald v. Massachusetts*, 180 U. S. 311; *Graham v. West Virginia*, 224 U. S. 616; *Levell v. Simpson*, 297 U. S. 695.

No. 265. Mike J. Lindway, appellant, *v.* The State of Ohio. Appeal from and petition for writ of certiorari to the Supreme Court of the State of Ohio. *Per curiam:* The motion of the appellee to dismiss the appeal 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. 282. Florence M. Dederick, appellant, *v.* Robert W. Smith. Appeal from the Supreme Court of the State of New Hampshire. *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. *Railroad Co. v. Husen*, 95 U. S. 465, 472; *Jacobson v. Massachusetts*, 197 U. S. 11, 28, 29; *Zucht v. King*, 260 U. S. 174, 176, 177.

No. 289. C. A. Skipper, appellant, *v.* Doyle Schumacher, as Sheriff of Highlands County, Florida. Appeal from the Supreme Court of the State of Florida. *Per curiam:* The motion for leave to file

amended statement as to jurisdiction is granted. The motion of the appellee to dismiss the appeal is granted, and the appeal is dismissed for the want of a substantial federal question. ~~Prudential Ins. Co. v. Moore~~, 231 U. S. 566, 570; ~~Enterprise Irrig. Dist. v. Canal Co.~~, 243 U. S. 157, 165, 166; ~~Moore v. Fidelity & Deposit Co.~~, 272 U. S. 312, 316, 317; ~~Amer. Ry. Express v. Kentucky~~, 273 U. S. 269, 272, 273; ~~Secor v. Fulton~~, 293 U. S. 517. Insofar as the papers whereon the appeal was allowed seek review of the rulings of the Supreme Court of Florida upon questions of the asserted denial of rights under the Federal Constitution not involving the validity of any statute of the State, such papers are treated as a petition for writ of certiorari (Sec. 237 (c), Judicial Code, as amended by the Act of February 13, 1925, 43 Stat. 936, 938), and certiorari is denied.

No. 290. The Polk Company, appellant, *v.* Nathan Mayo, as Commissioner of Agriculture of the State of Florida. Appeal from the Supreme Court of the State of Florida. *Per curiam*: The motion for leave to amend the statement as to jurisdiction is granted. The appeal is dismissed for the want of a substantial federal question. *Gundling v. Chicago*, 177 U. S. 183, 188; *Payne v. Kansas*, 248 U. S. 112; *Arnold v. Hanna*, 276 U. S. 591; *cf. Sligh v. Kirkwood*, 237 U. S. 52, 61, 62.

No. 338. Winston Bros. Company, appellant, *v.* Harry R. Stover. Appeal from the Supreme Court of the State of Washington. *Per curiam*: The motion of the appellee to dismiss the appeal herein is granted, and the appeal is dismissed (1) for the want of a substantial federal question (*Atkin v. Kansas*, 191 U. S. 207, 223, 224; *Heim v. McCall*, 239 U. S. 175, 191-193; *Caldwell v. Louisiana*, 282 U. S. 801; *Gianatasio v. Kaplan*, 284 U. S. 595); (2) for the reason that the judgment sought here to be reviewed is based upon a non-federal ground adequate to support it. *Pierce v. Somerset Railway*, 171 U. S. 641, 648; *Leonard v. Vicksburg & R. R. Co.*, 198 U. S. 416, 422, 423; *McCoy v. Shaw*, 277 U. S. 302, 303. The motion of the appellee to allow damages is granted, and it is ordered that damages of one thousand dollars, payable to appellee, be taxed against appellant. *Slaker v. O'Connor*, 278 U. S. 188; *Roe v. Kansas*, 278 U. S. 191; *Mississippi Central R. Co. v. Aultman*, 296 U. S. 537.

No. 353. Helen M. Torinus, appellant, *v.* Roy F. Johnson, The Auditor of Washington County, Minnesota, et al. Appeal from the Supreme Court of the State of Minnesota. *Per curiam*: The appeal herein is dismissed for the want of a substantial federal question. *Tappan v. Merchants' National Bank*, 19 Wall. 490, 505; *Florida Central & R'd. Co. v. Reynolds*, 183 U. S. 471; 480-481; *White River Co. v. Arkansas*, 279 U. S. 692, 696-699.

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: Thomas P. Merriam, petitioner;

No. —, original. Ex parte: Joseph Lesser, petitioner;

No. —, original. Ex parte: Norman T. Whitaker, petitioner;

No. —, original. Ex parte: T. J. Hamilton, petitioner;

No. —, original. Ex parte: Elza G. Wyatt, petitioner; and

No. —, original. Ex parte: William Franklyn Wiltse, petitioner.

The motions for leave to file petitions for writs of habeas corpus herein are denied.

No. —, original. Ex parte: Douglas Van Horne, petitioner; and

No. —, original. Ex parte: Harold Maniloff, petitioner. The motions for leave to file petitions for writs of mandamus herein are denied.

No. —, original. Ex parte: Lee Nichols, petitioner. The rule to show cause herein is discharged and the motion for leave to file petition for writ of mandamus is denied.

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

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

No. 6, original. State of New York et al., complainants, *v.* State of Illinois et al. Semi-annual report of Sanitary District of Chicago, dated July 1, 1936, is received and ordered filed.

No. 8, original. Commonwealth of Kentucky, complainant, *v.* State of Indiana. Report No. 13 of defendant, State of Indiana, is received and ordered filed.

No. 10, original. State of Nebraska, complainant, *v.* State of Wyoming et al. The replications of Nebraska to the amended and supplemental answer of Wyoming and the answer of Colorado, the answers of Nebraska and Wyoming to the cross-bill of Colorado, and the replications of Colorado to the answers of Nebraska and Wyoming are received and ordered filed.

It is ordered that the authority granted Michael J. Doherty, Esq., the Special Master, by the provisions of the order entered herein on October 14, 1935, shall be deemed to embrace like authority in relation to the issues raised by the pleadings above mentioned.

No. 212. Forest Marvel, petitioner, *v.* Fred G. Zerbst, Warden of the United States Penitentiary, Leavenworth, Kansas. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit granted. The motion for leave to proceed in forma pauperis is also granted.

No. 129. Robert E. Hammersmith, petitioner, *v.* Joseph H. Brophy, Warden of Auburn State Prison, Auburn, New York. On petition for writ of certiorari to the Supreme Court of the State of New York;

No. 150. Cephas F. Perkins and his wife Louise E. Perkins, petitioners, *v.* The Honorable Supreme Court of the State of Arizona et al. On petition for writ of certiorari to the Supreme Court of the State of Arizona;

No. 165. John Wolker, petitioner, *v.* Electric Ferries, Inc. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit;

No. 168. William Owens, 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. 176. Mathilda Chamblin, petitioner, *v.* Charles Edward Chamblin et al. On petition for writ of certiorari to the Supreme Court of the State of Illinois;

No. 178. James Norton, petitioner, *v.* Fred G. Zerbst, Warden, United States Penitentiary, Leavenworth, Kansas. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit;

No. 211. Edward E. Rehmyer and Essie Rehmyer, his wife, petitioners, *v.* First National Bank in New Freedom. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit;

No. 249. Karl J. Krueger, petitioner, *v.* The United States. On petition for writ of certiorari to the Court of Claims;

No. 277. Richard G. L. Paige, petitioner, *v.* Commonwealth of Virginia. On petition for writ of certiorari to the Corporation Court of the City of Norfolk, Commonwealth of Virginia;

No. 300. James J. O'Brien, petitioner, *v.* Honorable Murray Hulbert, Judge of the United States District Court, etc., et al. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit;

No. 302. Anna Yannish, petitioner, *v.* The New York Central Railroad Company. On petition for writ of certiorari to the Supreme Court of the State of New York;

No. 380. Roscoe Luke, 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. 450. Lawrence Marks, petitioner, *v.* Joseph W. Moore et al. On petition for writ of certiorari to the Supreme Court of the State of New York. The motions for leave to proceed further herein in forma pauperis are denied for the reason that the Court, upon exami-

nation 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. 98. The United States of America, appellant, *v.* Curtiss-Wright Export Corporation et al.;

No. 228. The Chippewa Indians of Minnesota, appellants, *v.* The United States et al.;

No. 253. Wayne County Board of Review et al., appellants, *v.* Great Lakes Steel Corporation;

No. 293. West Coast Hotel Company, appellant, *v.* Ernest Parrish et al.;

No. 295. Legh R. Powell, Jr., et al., appellants, *v.* The United States of America et al.;

No. 307. Isbrandtsen-Moller Co., Inc., appellant, *v.* The United States of America et al.; and

No. 355. Hartford Steam Boiler Inspection and Insurance Company et al., appellants, *v.* William B. Harrison, Insurance Commissioner. In these cases probable jurisdiction is noted.

No. 217. Midland Realty Company, appellant, *v.* Kansas City Power & Light Company; and

No. 241. George Pope et al., appellants, *v.* L. W. Blanton, County Judge, et al. The motions for leave to file statements of jurisdiction in these cases are granted and probable jurisdiction is noted.

No. 226. Old Dearborn Distributing Company, appellant, *v.* Seagram-Distillers Corporation. The motion for leave to file statement of jurisdiction in this case is granted. Probable jurisdiction is noted and the case is assigned for hearing immediately following Nos. 55 and 79.

No. 235. Richmond Mortgage & Loan Corporation, appellant, *v.* Wachovia Bank and Trust Company et al. 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. 108. The North American Cement Corporation, appellant, *v.* Mark Graves et al., etc.;

No. 139. The People of the State of New York, upon the relation of Richard Reid Rogers, appellant, *v.* Mark Graves et al., etc.;

No. 175. Marcus Hauge, appellant, *v.* The City of Chicago; and

No. 218. The People of the State of New York, *ex rel.* C. Handasyde Whitney, appellant, *v.* Mark Graves et al., etc. Further consideration of the question of the jurisdiction of this Court in these cases and of the motions to dismiss or affirm is postponed to the hearing of the cases on the merits.

No. 298. Stockholders of Peoples Banking Company of Smithsburg, Maryland, appellants, *v.* Warren F. Sterling, Receiver, etc.; and

No. 299. Stockholders of Hagerstown Bank and Trust Company, appellants, *v.* Warren F. Sterling, Receiver, etc. The motion for leave to file amended statement of jurisdiction in these cases is granted. Further consideration of the question of the jurisdiction of this Court in these cases and of the motion to dismiss or affirm in No. 298, and of the motion to dismiss in No. 299 is postponed to the hearing of the cases on the merits.

No. 70. The National Home for Disabled Volunteer Soldiers, Danville, Illinois, et al., petitioners, *v.* Harvey M. Wood, as Administrator of the Estate of Walter Searles, deceased. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted.

No. 97. The United States, petitioner, *v.* Percy K. Hudson. Petition for writ of certiorari to the Court of Claims granted.

No. 100. W. P. Brown & Sons Lumber Company et al., petitioners, *v.* Louisville & Nashville Railroad Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit granted.

No. 103. District of Columbia, petitioner, *v.* Ethel Clawans. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia granted.

No. 104. The Prairie Farmer Publishing Company et al., petitioners, *v.* The Indiana Farmer's Guide Publishing Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted.

No. 125. A. L. Shapleigh et al., petitioners, *v.* Pascual Mier. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit granted.

No. 138. Kentucky Whip and Collar Company, petitioner, *v.* Illinois Central Railroad Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit granted.

No. 146. John Hancock Mutual Life Insurance Company, petitioner, *v.* Mrs. Edna K. Yates. Petition for writ of certiorari to the Supreme Court of the State of Georgia granted.

No. 155. Employers Reinsurance Corporation, petitioner, *v.* Randolph Bryant, United States District Judge, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit granted.

No. 161. Liggett and Myers Tobacco Co., petitioner, *v.* The United States;

No. 162. The Commonwealth of Massachusetts, petitioner, *v.* The United States; and

No. 163. Liggett and Myers Tobacco Co., on behalf of the Commonwealth of Massachusetts, petitioner, *v.* The United States. Petition for writs of certiorari to the Court of Claims granted.

No. 171. Henry C. Hill, Warden, etc., petitioner, *v.* United States, ex rel. Joseph Weiner. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit granted.

No. 172. The United States, petitioner, *v.* The Seminole Nation. Petition for writ of certiorari to the Court of Claims granted.

No. 180. Holyoke Water Power Company, petitioner, *v.* American Writing Paper Company, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit granted.

No. 214. Juan Bengzon, petitioner, *v.* The Secretary of Justice and Insular Auditor of the Philippine Islands. Petition for writ of certiorari to the Supreme Court of the Philippine Islands granted.

No. 224. Osaka Shosen Kaisha Line, Claimant etc., petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit granted.

No. 227. Jose Matos, petitioner, *v.* Alonso Hermanos et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit granted.

No. 247. Edward T. Blair, 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. 254. Homer S. Cummings, Attorney General of the United States, et al., petitioners, *v.* Deutsche Bank und Disconto-Gesellschaft. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia granted.

No. 255. The Elmhurst Cemetery Company of Joliet, 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. 257. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* The Midland Mutual Life Insurance Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit granted.

No. 266. Harold L. Ickes, Secretary of the Interior, petitioner, *v.* Mazine Z. Fox et al.;

No. 267. Harold L. Ickes, Secretary of the Interior, petitioner, *v.* Phillip Louis Parks et al.; and

No. 268. Harold L. Ickes, Secretary of the Interior, petitioner, *v.* Jacob F. Ottmuller. Petition for writs of certiorari to the United States Court of Appeals for the District of Columbia granted.

No. 280. George W. Taber, Treasurer of Payne County, Oklahoma, petitioner, *v.* Indian Territory Illuminating Oil Company. Petition for writ of certiorari to the Supreme Court of the State of Oklahoma granted.

No. 305. Wayne United Gas Company, petitioner, *v.* Owens-Illinois Glass Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit granted.

No. 309. S. P. Kelly, Trustee in Bankruptcy etc., petitioner, *v.* The United States of America et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted.

No. 324. The Virginian Railway Company, petitioner, *v.* System Federation No. 40, Railway Employees Department of the American Federation of Labor, etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit granted.

No. 325. Morley Construction Company et al., petitioners, *v.* Maryland Casualty Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit granted.

No. 186. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Albert Fried; and

No. 187. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Benjamin Einhorn. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted and cases advanced and assigned for argument on Tuesday, November 10 next, immediately following Nos. 24, 25, and 26.

No. 207. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Tex-Penn Oil Company;

No. 208. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* M. L. Benedum; and

No. 209. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* F. B. Parriott. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Third Circuit granted. Mr. Justice Roberts took no part in the consideration and decision of this application.

No. 221. James M. Landis et al., petitioners, *v.* The North American Company; and

No. 222. James M. Landis et al., petitioners, *v.* American Water Works and Electric Company, Inc. Petition for writs of certiorari

to the United States Court of Appeals for the District of Columbia granted and the cases advanced and assigned for argument at the head of the call on Monday, November 9 next.

No. 271. In the matter of 620 Church Street Building Corporation et al., petitioners. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted and the case advanced and assigned for argument immediately following No. 48.

No. 106. J. M. Lee, as Comptroller of the State of Florida, petitioner, *v.* The State of Florida, on relation of Thomas B. Adams, etc., et al. Petition for writ of certiorari to the Supreme Court of the State of Florida denied for the want of a final judgment.

No. 107. C. H. Simpson, as Tax Collector of Duval County, Florida, petitioner, *v.* State of Florida, *ex rel.* Lane Drug Stores, Inc. Petition for writ of certiorari to the Supreme Court of the State of Florida denied for the want of a final judgment.

No. 192. Hobart Iron Company, petitioner, *v.* Commissioner of Internal Revenue. Leave to file brief of the State of Minnesota as amicus curiae granted. The petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit is denied. Mr. Justice Butler took no part in the consideration and decision of this application.

No. 225. Continental Oil Company, petitioner, *v.* The United States. The application for a writ of certiorari to the Court of Claims is dismissed upon the ground that it is premature, without prejudice to a renewal of the application after action by the Court of Claims on the motion for amendment of the special findings. The motion to defer consideration of the application for certiorari is denied.

No. 274. G. Hilliard Ross, as Sole Acting Executor and Trustee, etc., petitioner, *v.* Mayor and Council of the Borough of Edgewater and the Borough of Edgewater. Leave to file brief of the State of New Jersey as amicus curiae denied. The petition for writ of certiorari to the Court of Errors and Appeals of the State of New Jersey is denied.

No. 244. Mariano Cu Unjieng, petitioner, *v.* The People of the Philippine Islands. Petition for writ of certiorari to the Supreme Court of the Philippine Islands denied. The motion as to the printing of the record is also denied.

No. 352. Arla Marjorie Reid, 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 that the application for writ of certiorari was not made within the time provided by law. Act of February 13, 1925, Section 8 (a) (43 Stat. 936, 940; 28 U. S. C. 350). The petition for writ of certiorari is therefore also denied.

No. 1. Globe Knitting Works, petitioner, *v.* The Michigan Trust Company, Trustee, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 42. National Foods, Inc., petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 45. David G. Gustason, petitioner, *v.* Board of Osteopathic Examiners of the State of California et al. Petition for writ of certiorari to the Supreme Court of the State of California denied.

No. 47. A. M. Marret, Administrator of the Estate of W. F. Woodruff, deceased, et al., petitioners, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 52. Interstate Trust & Banking Company et al., petitioners, *v.* Standard Lumber Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 53. Doherty Research Company, petitioner, *v.* Vickers Petroleum Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 56. Peerless Oil and Gas Company, petitioner, *v.* D. B. Heiner, Collector of Internal Revenue, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 57. Toy National Bank of Sioux City, Iowa, petitioner, *v.* Van W. Hammerstrom, as County Treasurer, etc., et al.

No. 58. Iowa Joint Stock Land Bank of Sioux City, Iowa, petitioner, *v.* Van W. Hammerstrom, as County Treasurer, etc., et al.; and

No. 59. Live Stock National Bank of Sioux City, Iowa, petitioner, *v.* Van W. Hammerstrom, as County Treasurer, etc., et al. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 60. Anna Laura Barnett and Maxine Sturges, 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. 61. H. Leonard Underhill, petitioner, *v.* Berthe M. Lent. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 65. W. P. Sims, petitioner, *v.* H. Douglass, Trustee etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 66. Ida H. Giesy, Ida Church Giesy, Executrix, etc., et al., petitioners, *v.* The First National Bank of Portland, Oregon, et al. Petition for writ of certiorari to the Supreme Court of the State of Oregon denied.

No. 67. Central Fibre Products Co. et al., petitioners, *v.* H. H. Hardin et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 68. The Sauk River Lumber Company, petitioner, *v.* Northern Pacific Railway Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 69. Merinos Viesca y Compania, Inc., petitioner, *v.* Pan American Petroleum & Transport Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 71. American Natural Gas Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 72. Rubye York, as Administratrix of the Estate of Leamon York, deceased, petitioner, *v.* The Baltimore and Ohio Railroad Company. Petition for writ of certiorari to the Court of Appeals, 1st Appellate District, State of Ohio, denied.

No. 73. D. & M. Machine Works, Frank Dalton, et al., petitioners, *v.* Texas Rubber & Specialty Corporation et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 75. Edward P. Mertz, petitioner, *v.* Andrew W. Mellon et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 76. The Equitable Life Assurance Society of the United States, petitioner, *v.* Iva A. Day. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 78. F. W. Wade, Administrator of the Estate of T. J. Wade, deceased, petitioner, *v.* Mrs. Pink Wade, Executrix, etc. Petition for writ of certiorari to the Supreme Court of the State of Arkansas denied.

No. 80. Central Illinois Electric and Gas Company, petitioner, *v.* Manufacturers Finance Company et al., etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 81. H. F. Moodey, petitioner, *v.* The Dale Consolidated Mines, a corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 82. Standard Dredging Company, Claimant, petitioner, *v.* A. L. Kibadeaux. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 83. Harry A. Ballf, petitioner, *v.* Harry T. Kranz, District Manager, Twelfth United States Civil Service District, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 84. Maryland Casualty Company, petitioner, *v.* First National Bank of Atlanta, Texas. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 85. L. W. Baldwin and Guy A. Thompson, Trustees, etc., petitioners, *v.* Ruth Huffman, Administratrix of the estate of Albert Huffman, deceased. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 86. Henrietta M. Montague, petitioner, *v.* The New York Central Railroad Company et al. Petition for writ of certiorari to the Supreme Court of the State of Ohio denied.

No. 87. L. W. Baldwin and Guy A. Thompson, as Trustee, etc., petitioners, *v.* Christine Nelson, as Administratrix of the estate of E. E. Nelson, deceased. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 88. R. H. McNeill and Cora B. McNeill, petitioners, *v.* A. A. Lilly. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 90. Bibb Manufacturing Company, petitioner, *v.* J. T. Rose, Collector of Internal Revenue, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 91. E. R. Rood, petitioner, *v.* J. R. Goodman, Postmaster, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 92. Eugenia I. Henderson and husband, Robert L. Henderson, petitioners, *v.* Lily James Kellahin et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 93. The Aleograph Company, petitioner, *v.* Electrical Research Products, Inc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 95. Eastern or Emigrant Cherokees, petitioners, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 96. Eastern or Emigrant Cherokees et al., petitioners, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 99. Alaska Steamship Company et al., petitioners, *v.* Walter Rooker. Petition for writ of certiorari to the Supreme Court of the State of Washington denied.

No. 101. Adolph Weil, 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. 102. David Rumsey, 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. 110. The Chase National Bank of New York, Ancillary Administrator, 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. 111. Ira M. Petersime & Son, petitioner, *v.* John L. Robbins. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 112. C. Dale Wolfe, petitioner, *v.* The Texas Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 136. C. Dale Wolfe, petitioner, *v.* Shell Petroleum Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 113. California Iron Yards 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. 114. Stewart-Warner Corporation, petitioner, *v.* Jiffy Lubricator Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 115. James H. Adamson, petitioner, *v.* Percy Adamson and Thomas Adamson. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 117. Centrifugal Engineering and Patents Corporation, petitioner, *v.* The Black-Clawson Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 118. Federal Crude Oil Company et al., petitioners, *v.* Yount-Lee Oil Company et al. Petition for writ of certiorari to the Court

of Civil Appeals, 9th Supreme Judicial District, State of Texas, denied.

No. 119. M. W. Savage Factories, Incorporated, Debtor, et al., petitioners, *v.* Hennepin County, Minnesota, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 120. Phoenix Joint Stock Land Bank of Kansas City, petitioner, *v.* Harry M. Hotsenpiller; and

No. 121. Phoenix Joint Stock Land Bank of Kansas City, petitioner, *v.* Harry M. Hotsenpiller. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 122. A. B. C. Fireproof Warehouse Company, petitioner, *v.* The Atchison, Topeka, and Santa Fe Railway Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 124. Remco Steamship Company and Caspar Lumber Company, petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 126. The Marion Steam Shovel Company, petitioner, *v.* William Bertino et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 127. Damen and Jarvis Building Corporation, petitioner, *v.* Mechanics' Insurance Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 128. The Miami Beach Jockey Club, Inc., petitioner, *v.* George H. Dern, as Secretary of War. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 131. W. A. Denson, Annie Love Dowdell Denson et al., petitioners, *v.* Provident Mutual Life Insurance Company of Philadelphia. Petition for writ of certiorari to the Supreme Court of the State of Alabama denied.

No. 132. Charles W. Darling, petitioner, *v.* American Gas and Power Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 133. Alex Mohr, petitioner, *v.* Great Lakes Transit Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 135. Robert Hofeller, Trading as Bob Hofeller Candy Company, petitioner, *v.* Federal Trade Commission. Petition for writ

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

No. 137. Ojus Mining Company, petitioner, *v.* Manufacturers Trust Company et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 140. Fidelity-Phoenix Fire Insurance Company of New York et al., petitioners, *v.* John G. Murphy. Petition for writ of certiorari to the Supreme Court of the State of Alabama denied.

No. 141. Charles J. Hoeppe and John H. Hoeppe, 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. 142. James V. Martin, petitioner, *v.* Conway P. Coe, Commissioner of Patents. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 144. Albert J. Zager, 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. 145. Federal Life Insurance Company, petitioner, *v.* Katarina Zebec. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 147. Chicago, Milwaukee, St. Paul and Pacific Railroad Company, petitioner, *v.* Paul Schiefelbein, Special Administrator etc. Petition for writ of certiorari to the Supreme Court of the State of Wisconsin denied.

No. 148. J. B. Morris, as Trustee in Bankruptcy of Frye Lettuce Farm, Inc., petitioner, *v.* Orcas Lime Co. Petition for writ of certiorari to the Supreme Court of the State of Washington denied.

No. 152. Jack J. Berry, petitioner, *v.* Hosey M. Harrell. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 153. The Bradley Lumber Company of Arkansas et al., petitioners, *v.* National Labor Relations Board et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 154. The Harriman National Bank and Trust Company of the City of New York et al., petitioners, *v.* Julia M. Gimbel and Louis S. Gimbel, Jr., etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 156. The New York, New Haven and Hartford Railroad Company, petitioner, *v.* Gertrude E. Gelbin, as Administratrix, etc. Peti-

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

No. 158. Daniel Needham, Receiver, petitioner, *v.* Arthur F. Bickford, Receiver. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 159. Leonard Weisman, 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. 160. Fluid Packed Pump Company and Joseph G. Richardson, petitioners, *v.* El Dorado Foundry Machine & Supply Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 164. Metropolitan Life Insurance Company, petitioner, *v.* L. N. Day, Trustee, etc. Petition for writ of certiorari to the District Court of Appeal, 1st Appellate District, State of California, denied.

No. 166. W. P. Weber, petitioner, *v.* The Texas Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 169. The Capital Endowment Company, petitioner, *v.* State of Ohio, ex rel. Paul A. Warner, Superintendent, etc., et al. Petition for writ of certiorari to the Supreme Court of the State of Ohio denied.

No. 170. Samuel Mintz, petitioner, *v.* Hornblower & Weeks, a co-partnership. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 173. Kishan Singh, petitioner, *v.* District Director of Immigration. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 177. Edward Brower, 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. 179. The United States, on relation of Sierra Land and Water Company, petitioner, *v.* Harold L. Ickes, as Secretary of the Interior. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 181. National Lock Co., petitioner, *v.* Myer N. Rosengard. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 182. F. A. Pease, 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. 183. William S. Hicks, petitioner, *v.* Mutual Life Insurance Company of New York. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 184. Auditorium Conditioning Corporation, petitioner, *v.* Warner Brothers Pictures, Inc., and Warner Brothers Theatres, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 185. The United States of America, petitioner, *v.* 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. 188. Bronx County Trust Company, as Successor to Fordham National Bank in New York, petitioner, *v.* A. Bruce Bielaski and Keyes Winter, as Surviving Trustees, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 189. Citizens National Bank of Meridian et al., petitioners, *v.* Robert Golden. Petition for writ of certiorari to the Supreme Court of the State of Mississippi denied.

No. 190. Citizens National Bank of Meridian et al., petitioners, *v.* Lamar Pigford. Petition for writ of certiorari to the Supreme Court of the State of Mississippi denied.

No. 191. Citizens National Bank of Meridian et al., petitioners, *v.* Miss Lula Belle Allen. Petition for writ of certiorari to the Supreme Court of the State of Mississippi denied.

No. 259. Citizens National Bank of Meridian et al., petitioners, *v.* Mrs. Sylvia G. Bullard. Petition for writ of certiorari to the Supreme Court of the State of Mississippi denied.

No. 194. Gold and Stock Telegraph 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. 195. Pacific and Atlantic Telegraph 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. 196. Northwestern Telegraph Company, petitioner, *v.* The United States of America; and

No. 197. Northwestern Telegraph Company, petitioner, *v.* The United States of America. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 198. Samuel Newhoff, 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. 199. Potomac Electric Power Company, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 200. Mutual Building and Loan Association et al., petitioners, *v.* John O. King and Helene W. King. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 201. J. H. Cottman & Company, petitioner, *v.* The United States. Petition for writ of certiorari to the United States Court of Customs and Patent Appeals denied.

No. 202. The Travelers Indemnity Company, petitioner, *v.* Commissioner of Internal Revenue;

No. 203. The Travelers Indemnity Company, petitioner, *v.* Commissioner of Internal Revenue;

No. 204. The Travelers Fire Insurance Company, petitioner, *v.* Commissioner of Internal Revenue;

No. 205. The Travelers Indemnity Company, petitioner, *v.* Commissioner of Internal Revenue; and

No. 206. The Travelers Fire Insurance 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. 210. Martin Engebretson, Trustee, etc., petitioner, *v.* John T. Marcell et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 213. Maryland and Virginia Milk Producers Association, Inc., petitioner, *v.* Melvin C. Hazen, George E. Allen, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 215. Ray L. Riley, Controller of the State of California, et al., petitioners, *v.* Worcester County Trust Company, Executor. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 219. Bertie Dattel, petitioner, *v.* Jefferson Standard Life Insurance Company and Julian Price, Trustee. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 220. The Oliver Typewriter Co., petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 223. Massachusetts Bonding and Insurance Company, petitioner, *v.* Henry Anderegg, Henry Nageli, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 229. Saltz Brothers, Incorporated, et al., petitioners, *v.* Lewis Saltz and S. Thomas Saltz. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 230. Guy D. Brookins, petitioner, *v.* The Ohio Bell Telephone Company. Petition for writ of certiorari to the Supreme Court of the State of Ohio denied.

No. 231. Security Trust Company, Trustee, et al., petitioners, *v.* R. L. Baker, Auval Baker, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 232. Stacy G. Carkhuff, 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. 233. Edward J. McNamara, 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. 234. J. W. Crew, Sr., and J. Winfield Crew, Jr., petitioners, *v.* Simmons Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 236. Massman Construction Company, petitioner, *v.* Thomas Nelson. Petition for writ of certiorari to the Kansas City Court of Appeals, State of Missouri, denied.

No. 237. Western Wheeled Scraper Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 238. Columbia Casualty Company, petitioner, *v.* Industrial Accident Commission et al., etc. Petition for writ of certiorari to the Supreme Court of the State of California denied.

No. 239. Columbia Casualty Company, petitioner, *v.* Industrial Accident Commission et al., etc. Petition for writ of certiorari to the Supreme Court of the State of California denied.

No. 240. Columbia Casualty Company, petitioner, *v.* Industrial Accident Commission et al., etc. Petition for writ of certiorari to the Supreme Court of the State of California denied.

No. 242. Erie Railroad Company, petitioner, *v.* Martin Leuthe. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 245. The United States of America, on the relation of Lillian H. Rhodes, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 246. Harry Wardman, petitioner, *v.* Arthur E. Leopold and Milton Rindler, Trading as Leopold & Rindler. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 248. The Columbian National Life Insurance Company, petitioner, *v.* Mary R. Comfort. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 250. Manila Gas Corporation, petitioner, *v.* The Collector of Internal Revenue. Petition for writ of certiorari to the Supreme Court of the Philippine Islands denied.

No. 251. Maryland Casualty Company et al., petitioners, *v.* Irving Trust Company, as Trustee in Bankruptcy of Empire Bond & Mortgage Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 258. The United States, petitioner, *v.* Frank H. Gage, Surviving Partner of Rousmaniere, Williams & Co. Petition for writ of certiorari to the Court of Claims denied.

No. 261. James Magurno, petitioner, *v.* John J. O'Neil, Trustee in Bankruptcy of Steinreich Associates, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 262. Himelhoch Brothers and 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. 263. Archie M. Andrews, petitioner, *v.* J. Walter Drake and Hupp Motor Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 264. The Pennsylvania Railroad Company et al., petitioners, *v.* The Pittsburgh, Lisbon & Western Railroad Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 269. Mary B. Lavelly et al., petitioners, *v.* Young Women's Christian Association of Pittsburgh et al. Petition for writ of certiorari to the Supreme Court of the State of Pennsylvania denied.

No. 270. Silvestro Carolla and Sam Alonzo, petitioners, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 272. The Reeves Brothers Company, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 273. Sarah P. Suisman, petitioner, *v.* The Hartford-Connecticut Trust Co., as Executor. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 275. Knox-Powell-Stockton Co., Inc., Ltd., Bankrupt, and V. W. Erickson, Trustee, 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. 281. Blue Ridge Oil Company, Ltd., L. F. Copeland, Receiver in Equity, petitioners, *v.* Nat Rogan, 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. 276. James B. Johnson, 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. 278. Van Tassel Real Estate and Live Stock Company, petitioner, *v.* The City of Cheyenne, a Municipal Corporation, et al. Petition for writ of certiorari to the Supreme Court of the State of Wyoming denied.

No. 279. Gulf, Mobile and Northern Railroad 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. 283. The Fourth National Bank in Wichita, Kansas, Executor 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.

No. 284. Willoughby H. Stuart, Jr., 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. 286. A. F. Anderson Estate, Inc., et al., petitioners, *v.* H. A. Payne, County Auditor of the County of Los Angeles, et al. Petition for writ of certiorari to the District Court of Appeals, 2nd Appellate District, State of California, denied.

No. 287. Preble Corporation, petitioner, *v.* Carroll H. Wentworth et al., etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 288. State of Ohio, on the relation of Thomas T. Lewis, a Taxpayer, etc., petitioner, *v.* Joel V. Zupnik, Andrew J. Hagan, et al.,

etc. Petition for writ of certiorari to the Supreme Court of the State of Ohio denied.

No. 291. The United States of America, on the relation of Ollie V. Kessler and Ollie V. Kessler, petitioners, *v.* Mercur Corporation et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 292. John L. Armstrong, as Executor, etc., petitioner, *v.* Corporation Counsel of the City of New York. Petition for writ of certiorari to the Supreme Court of the State of New York denied.

No. 294. Sam Schweitzer, 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. 296. Gertrude Vanderbilt Whitney et al., petitioners, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 297. Boise Payette Lumber Company, petitioner, *v.* Idaho Gold Dredging Corporation. Petition for writ of certiorari to the Supreme Court of the State of Idaho denied.

No. 301. Roberts Brining & Co., Ltd., et al., petitioners, *v.* Steamship "Floridian", her engines, etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 303. Bruno V. Bitker, Individual Trustee, petitioner, *v.* Hotel Duluth Company, debtor; and

No. 304. Bruno V. Bitker, Individual Trustee, petitioner, *v.* Hotel Duluth Company, debtor. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 306. Genevieve Hernig, petitioner, *v.* Robert K. Bell and Oswald M. Grotty, Receivers for Quaker City Motor Coach Lines, Inc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 308. A. D. Saenger, Inc., petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 310. Hammond Lumber Company, petitioner, *v.* Ralph Compton. Petition for writ of certiorari to the Supreme Court of the State of Oregon denied.

No. 311. Edmund S. Twining, 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. 313. The Lincoln National Life Insurance Company, petitioner, *v.* Harriet O. Means. Petition for writ of certiorari to the Court of Appeals of the Commonwealth of Kentucky denied.

No. 314. George Vawter, 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. 315. Alexander Mirkowicz, petitioner, *v.* Reading Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 317. Lionel R. Barbour, petitioner, *v.* William George et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 318. Zurich General Accident & Liability Insurance Company, Limited, petitioner, *v.* Manuel Luiz Martin. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 326. London & Provincial Marine & General Insurance Company, Ltd., petitioner, *v.* Kentucky Macaroni Company; and

No. 327. Royal Insurance Company, Ltd., petitioner, *v.* Kentucky Macaroni Company. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 333. Frederick S. Deitrick, Receiver of Federal National Bank of Boston, petitioner, *v.* Samuel L. Bailen. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. —, original, October Term, 1935. State of Arizona, complainant, *v.* State of California et al.;

No. 663, October Term, 1935. Wheeling Steel Corporation, appellant, *v.* Fred L. Fox, Tax Commissioner, etc., et al.;

No. 772, October Term, 1935. Howard Morf, doing business under the firm name and style of Pacific Wholesale Automobile Company, appellant, *v.* John D. Bingaman, Commissioner, etc.;

No. 898, October Term, 1935. United States Fidelity and Guaranty Company, appellant, *v.* John D. Bingaman, Commissioner, etc.;

No. 838, October Term, 1935. Frederick L. Morehead, Warden, etc., petitioner, *v.* People *ex rel.* Joseph Tivaldo;

No. 859, October Term, 1935. C. L. Ashton et al., petitioners, *v.* Cameron County Water Improvement District No. 1;

No. 977, October Term, 1935. Silk Center Building, Inc., petitioner, *v.* Commissioner of Internal Revenue;

No. 991, October Term, 1935. E. M. Piper et al., appellants, *v.* John D. Bingaman, Commissioner, etc.;

No. 1004, October Term, 1935. Cyrus W. Beale et al., petitioners, *v.* Thomas B. Snead, Esquire, Referee, etc.;

No. 1043, October Term, 1935. Gavin W. Craig, petitioner, *v.* The United States of America;

No. 1044, October Term, 1935. Joseph Weinblatt, petitioner, *v.* The United States of America;

No. 1046, October Term, 1935. J. V. Lane & Co., Inc., petitioner, *v.* M. S. "Californian";

No. 1049, October Term, 1935. Charles Mazingo, appellant, *v.* Marion Steam Shovel Company; and

No. 1051, October Term, 1935. Grace DeBenque, petitioner, *v.* The United States of America. Petitions for rehearing denied.

No. 379. John Pelkes and Evelyn H. Treinies, petitioners, *v.* Katherine Mason and T. R. Mason, her husband. Motion for an order designating parts of the record to be printed submitted by Mr. Webster Ballinger for the petitioner in support of the motion and by Mr. John P. Gray for the respondents in opposition thereto.

No. 3. State of Missouri, Creditor, petitioner, *v.* John T. Ross, Trustee, et al. Submitted by Mr. Gilbert Lamb for the petitioner, and by Mr. Edgar H. Wayman for the respondent.

No. 51. Hyman Wainer, Louis Wainer, et al., petitioners, *v.* The United States of America. Argued by Mr. John E. Dougherty for the petitioner, and by Mr. Gordon Dean for the respondent.

No. 2. Jean Bourdieu, petitioner, *v.* Pacific Western Oil Company et al. Argued by Mr. Archibald B. Dorman for the petitioner, and by Mr. Herbert W. Clark for the respondents.

No. 4. Frank M. McKey, Trustee in Bankruptcy, petitioner, *v.* Maurice Paradise, as trustee; and

No. 5. Frank M. McKey, Trustee in Bankruptcy, petitioner, *v.* Maurice Paradise, as trustee. Argued by Mr. Wm. E. Leahy for the petitioner, and by Mr. Stanford Clinton for the respondent.

No. 6. Lewis J. Valentine, Police Commissioner of the City of New York, et al., etc., petitioners, *v.* The United States of America on the relation of B. Coles Neidecker;

No. 7. Lewis J. Valentine, Police Commissioner of the City of New York, et al., etc., petitioners, *v.* The United States of America on the relation of George W. Neidecker; and

No. 8. Lewis J. Valentine, Police Commissioner of the City of New York, et al., etc., petitioner, *v.* The United States of America on the relation of Aubrey Neidecker. Argument commenced by Mr. Porter R. Chandler for the petitioners.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, October 13, will be as follows: Nos. **6** (7 and 8), **9, 10, 11, 12, 13** (14 and 15), **17 18, 19, and 21.**

×

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.

Thurman W. Arnold, of Laramie, Wyo.; Roy F. Shields, of Portland, Oreg.; Andrew B. Gunderson, of Vermillion, S. Dak.; Everett H. Wells, of Detroit, Mich.; John Connolly, Jr., of Des Moines, Iowa; C. G. A. Wilmer, of Middletown, Ohio; Cornelius M. Feeley, of Dallas, Tex.; Mark F. Mathewson, of Seattle, Wash.; Benjamin B. Smith, of St. Louis, Mo.; Harker H. Hittson, of Columbus, Ohio; Clyde S. DeMint, of West Union, Ohio; and Earl Edwin Howard, of Los Angeles, Calif., were admitted to practice.

No. 6. Lewis J. Valentine, Police Commissioner of the City of New York, et al., etc., petitioners, *v.* The United States of America, on the relation of B. Coles Neidecker;

No. 7. Lewis J. Valentine, Police Commissioner of the City of New York, et al., etc., petitioners, *v.* The United States of America, on the relation of George W. Neidecker; and

No. 8. Lewis J. Valentine, Police Commissioner of the City of New York, et al., etc., petitioners, *v.* The United States of America, on the relation of Aubrey Neidecker. Argument continued by Mr. Porter R. Chandler for the petitioners and concluded by Mr. Frederic R. Coudert, Jr., for the respondents.

No. 9. P. J. Carlin Construction Co. et al., petitioners, *v.* Edward Heaney et al. Argued by Mr. E. C. Sherwood for the petitioners and by Mr. Henry Epstein for the respondents.

No. 10. Joseph H. Barwise et al., appellants, *v.* George H. Shepard, as Comptroller, et al. Argued by Mr. Wm. R. Watkins for the appellants and by Mr. Wm. McCraw for the appellees.

No. 11. L. P. Chisholm et al., petitioners, *v.* W. B. Gilmer, Receiver, etc. Argued by Mr. Minitree J. Fulton for the petitioners and by Mr. George Gilmer for the respondent.

No. 12. Pick Manufacturing Company, petitioner, *v.* General Motors Corporation et al. Argument commenced by Mr. Carl B. Rix for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, October 14, will be as follows: Nos. 12, 13 (14 and 15), 17, 18, 19, 21, 20, 23, 27, and 29.

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 Roberts, and Mr. Justice Cardozo.

Albert Ritchie, of New Rochelle, N. Y.; Franz W. Castle, of Chicago, Ill.; Howard R. Brintlinger, of Chicago, Ill.; Joseph J. Witry, of Chicago, Ill.; James Warren Wright, of Washington, D. C.; and Edward A. Simmons, of Chicago, Ill., were admitted to practice.

No. 20. Great Northern Railway Company, appellant, *v.* State of Washington. Submitted by Mr. F. G. Dorety, Mr. Thomas Balmer, and Mr. Edwin C. Mathias for the appellant; and by Mr. Geo. G. Hannan for the appellee.

No. 12. Pick Manufacturing Company, petitioner, *v.* General Motors Corporation et al. Argument continued by Mr. Carl B. Rix for the petitioner, and concluded by Mr. John M. Zane for the respondents.

No. 13. John K. Valentine, as Chairman, etc., et al., appellants, *v.* The Great Atlantic & Pacific Tea Company et al.;

No. 14. John K. Valentine, as Chairman, etc., et al., appellants, *v.* Graham Department Stores Company et al.; and

No. 15. John K. Valentine, as Chairman, etc., et al., appellants, *v.* Walgreen Co. et al. Argument commenced by Mr. Frank F. Messer for the appellants; continued by Mr. Edward L. O'Connor for the appellants; by Mr. J. G. Gamble for the appellees; and concluded by Mr. Frank F. Messer for the appellants.

No. 17. Mechanics Universal Joint Company and Grace Ekstrom, Administratrix, etc., petitioners, *v.* A. B. Culhane, Receiver, etc. Argument commenced by Mr. S. R. Kenworthy for the petitioners.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, October 15, will be as follows: Nos. 17, 18, 19, 21, 23, 27, 29, 22, 30, and 33.

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 Roberts, and Mr. Justice Cardozo.

Felix A. Russell, of Washington, D. C.; Isadore D. Friedman, of Detroit, Mich.; Richard J. Cowling, of New York City; E. C. Pyle, of Los Angeles, Calif.; and Todd W. Johnson, of Los Angeles, Calif., were admitted to practice.

No. 17. Mechanics Universal Joint Company and Grace Ekstrom, Administratrix, etc., petitioners, *v.* A. B. Culhane, Receiver, etc. Argument continued by Mr. S. R. Kenworthy for the petitioners; by Mr. Roy F. Hall and Mr. George P. Barse for the respondent; and concluded by Mr. S. R. Kenworthy for the petitioners.

No. 18. M. J. Pufahl, as Receiver of the Austin National Bank of Chicago, petitioner, *v.* Estate of Elvira J. Parks, deceased. Argument commenced by Mr. George P. Barse for the petitioner; continued by Mr. Franz W. Castle for the respondent; and concluded by Mr. George P. Barse for the petitioner.

No. 19. Baxter N. Foust, Administrator, etc., petitioner, *v.* Munson Steamship Lines, Debtor, etc. Argued by Mr. Simone N. Bazan for the petitioner and by Mr. Arthur M. Boal for the respondent.

No. 21. Essex Razor Blade Corporation, petitioner, *v.* Gillette Safety Razor Company. Argument commenced by Mr. Geo. E. Middleton for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, October 16, will be as follows: Nos. 21, 23, 27, 29, 22, 30, 33, 16, 34, and 35 (and 36).

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 Roberts, and Mr. Justice Cardozo.

Charles M. Palmer, of New York City; Edward W. Merkel, of Cincinnati, Ohio; Emery Robinson, of Washington, D. C.; Andrew Donald Kane, of Washington, D. C.; W. H. Brunner, of Ukiah, Calif.; James W. Williams, of Jackson, Mich.; Benjamin V. Cohen, of New York City; Thomas Gardiner Corcoran, of New York City; Edward H. Foley, of New York City; Sanford M. Graham, of Meridian, Miss.; Walter L. Bowers, of Los Angeles, Calif.; William M. Klein, of Chicago, Ill.; and Samuel Kraus, of Chicago, Ill., were admitted to practice.

No. 21. Essex Razor Blade Corporation, petitioner, *v.* Gillette Safety Razor Company. Argument continued by Mr. George E. Middleton for the petitioner; by Mr. Henry R. Ashton for the respondent; and concluded by Mr. George E. Middleton for the petitioner.

No. 23. William Fox, petitioner, *v.* Capital Company, a California Corporation. Argued by Mr. Benjamin Reass for the petitioner and by Mr. William D. Whitney for the respondent.

No. 27. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Illinois Life Insurance Company. Argued by Mr. Thurman W. Arnold for the petitioner and by Mr. Samuel B. Kraus for the respondent.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, October 19, will be as follows: Nos. 29, 22, 30, 33, 16, 34, 35 (and 36), 31, 40, and 41.

SUPREME COURT OF THE UNITED STATES

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

Harry Berman, of New York City; Clare Martin Vrooman, of Cleveland, Ohio; Guy H. Woodward, of Tulsa, Okla.; Charles Liebman, of Chicago, Ill.; Bernard Yedor, of Chicago, Ill.; James J. Mayfield, of Tuscaloosa, Ala.; Robert P. Levis, of New York City; H. A. Wolff, of New York City; H. Lee Boatwright, Jr., of Washington, D. C.; Dudley W. Orr, of Concord, N. H.; Wm. Livingston Browning, of Washington, D. C.; John P. Matsen, of Newton Centre, Mass.; Franklin R. Wright, of Cleveland, Ohio; George M. Rassieur, of St. Louis, Mo.; W. Hugh Williams, of Wyandotte, Mich.; Lester B. Clark, of Houston, Tex.; and Frederick A. Ballard, of Washington, D. C., were admitted to practice.

The Chief Justice announced the following orders of the Court:

No. 384. S. H. Kress & Company, F. W. Woolworth Company, et al., appellants, *v.* Ed. C. Johnson, as Governor of the State of Colorado. Appeal from the District Court of the United States for the District of Colorado. *Per curiam*: The motion of the appellees to affirm the decree is granted. *Powell v. Pennsylvania*, 127 U. S. 678, 685, 686; *Price v. Illinois*, 238 U. S. 446, 451, 452; *Standard Oil Co. v. Marysville*, 279 U. S. 582, 584; *Nebbia v. New York*, 291 U. S. 502, 537, 538.

No. 403. Gladstone Jones, appellant, *v.* The State of Louisiana. Appeal from the Supreme Court of the State of Louisiana. *Per curiam*: The appeal herein is dismissed for the want of a properly presented substantial federal question. (1) *Pim v. St. Louis*, 165 U. S. 673; *Wall v. Ches. & Ohio Ry. Co.*, 256 U. S. 125; *Herndon v. Georgia*, 295 U. S. 441, 443. (2) *Enterprise Irrig. Dist. v. Canal Co.*, 243 U. S. 157, 166; *Hebert v. Louisiana*, 272 U. S. 312, 316; *Ham, Commissioner v. Equitable Life Assurance Society*, 299 U. S. — (decided October 12, 1936). In so far as the papers whereon the appeal was allowed seek a review of the rulings of the Supreme Court of Louisiana upon questions of the asserted denial of rights under the Federal Constitution not involving the validity of any statute of the State,

such papers are treated as a petition for writ of certiorari, Section 237 (c), Judicial Code, as amended by the Act of February 13, 1925 (43 Stat. 936, 938), and certiorari is denied. The motion for leave to proceed further herein *in forma pauperis* is denied.

No. 417. Ralph Eisenhardt, appellant, *v.* The State of Louisiana. Appeal from the Supreme Court of the State of Louisiana. *Per curiam*: The appeal herein is dismissed for the want of jurisdiction. Sec. 237 (a), Judicial Code, as amended by the Act of February 13, 1925 (43 Stat. 936, 937). Treating the papers whereon the appeal was allowed as a petition for writ of certiorari, as required by Sec. 237 (c), Judicial Code, as amended (43 Stat. 936, 938), certiorari is denied. The motion for leave to proceed further herein *in forma pauperis* is denied.

The Chief Justice said:

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

No. 434. Mrs. Inez Abel and Louise Abel, petitioners, *v.* Ed. Kennedy et al. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. The motion for leave to proceed further herein *in forma pauperis* is denied for the reason that the Court, upon examination of the papers herein submitted finds no ground upon which a writ of certiorari should be granted. The petition for writ of certiorari is therefore also denied.

No. 379. John Pelkes et al., petitioners, *v.* Katherine Mason et al. Upon consideration of the motion by petitioners for an order designating the portions of the record to be printed, and of the brief of the respondents on said motion, it is ordered that the parts of the record designated by the petitioners in their motion and by the respondents in their brief be printed, without prejudice to the authority of the Court to make such order as to costs as it may deem proper, if it appear that the respondents have caused unnecessary parts of the record to be printed. Rule 13, paragraph 9.

No. 372. Carl W. McNeil, doing business as McNeil's Liquor Store, appellant, *v.* Joseph Triner Corporation. In this case probable jurisdiction is noted and the case is assigned for hearing immediately following No. 226.

No. 404. The People of the State of New York, *ex rel.* Annie Cohn, appellant, *v.* Mark Graves et al.; and

No. 418. Harold H. Henneford et al., appellants, *v.* Silas Mason Company, Inc., et al. In these cases probable jurisdiction is noted.

No. 374. William Lauro et al., appellants, *v.* Wendell P. Barker et al. 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. 123. Dirk De Jonge, appellant, *v.* The State of Oregon. In this case probable jurisdiction is noted. The motion for leave to proceed in forma pauperis is granted.

No. 216. Shoshone Tribe of Indians, etc., petitioner, *v.* The United States; and

No. 328. The United States, petitioner, *v.* Shoshone Tribe of Indians, etc. Petitions for writs of certiorari to the Court of Claims granted.

No. 329. The United States of America, petitioner, *v.* John J. Giles. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit granted.

No. 330. The United States, petitioner, *v.* Automatic Washer Company. Petition for writ of certiorari to the Court of Claims granted.

No. 331. The United States of America, petitioner, *v.* A. B. Leach & Co., Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted.

No. 332. Francis I. DuPont et al., petitioners, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 335. United States of America, which sues for the use and benefit of Charles P. Wilhelm, Trustee, etc., et al., petitioners, *v.* Nellie Flynn Chain, Executrix, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit granted.

No. 340. Etienne Dugas, petitioner, *v.* American Surety Company of New York. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit granted.

No. 312. W. T. Murphy, petitioner, *v.* City of Orlando, a Municipal Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 316. Benjamin W. Freeman, petitioner, *v.* Premier Machine Company, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 319. Jefferson & Clearfield Coal & Iron Company, Indiana, Pennsylvania, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 320. 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. 321. Allie M. Turbeville, 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. 323. Eastman Kodak Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 334. Fairbanks Court Wholesale Grocery Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 336. The Farmers' Loan and Trust Company, as Trustee etc., petitioner *v.* Frank Collis Bowers, as Executor, etc.; and

No. 337. The Farmers' Loan and Trust Company, as Trustee, etc., petitioner, *v.* Frank Collis Bowers, as Executor, etc. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 339. A. E. Krise, Receiver, 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. 341. Lillian Scanlon et al., petitioners, *v.* Gulf Bitulithic Company et al. Petition for writ of certiorari to the Court of Civil Appeals, 1st Supreme Judicial District, State of Texas, denied.

No. 342. Ida May Peterson, Individually, etc., petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 343. Texas Utilities Company, petitioner, *v.* Harold L. Ickes, as Federal Emergency Administrator, etc., et al.;

No. 344. Alabama Power Company, petitioner, *v.* Harold L. Ickes, as Federal Emergency Administrator, etc., et al.; and

No. 345. Alabama Power Company, petitioner, *v.* Harold L. Ickes, as Federal Emergency Administrator, etc., et al. Petition for writs of certiorari to the United States Court of Appeals for the District of Columbia denied.

ORDER.

It is ordered that paragraph 6 of Rule 32 of the Rules of this Court be, and it is hereby, amended, effective November 2, 1936, by adding thereto the following provision:

For preparing, on filing, for the printer, petitions for writs of certiorari, briefs, jurisdictional statements or motions when required

by the Rules, or at the request of counsel when, in the opinion of the clerk, circumstances require, indexing the same, changing record references to conform to the pagination of the printed record, and supervising the printing, five dollars for each such petition, brief, jurisdictional statement or motion. Neither the expense of printing nor the clerk's supervising fee shall be allowed as costs in the case.

ORDER

The Court will take a recess from Monday, October 26, to Monday, November 9, next.

No. 49. W. H. H. Chamberlin, Inc., appellant, *v.* Elmer F. Andrews, Industrial Commissioner, etc.;

No. 50. E. C. Stearns & Co., appellant, *v.* Elmer F. Andrews, Industrial Commissioner, etc.; and

No. 64. Associated Industries of New York State, Inc., appellant, *v.* The Department of Labor of the State of New York et al. Motion for leave to file brief of Edward F. McClennen and Jacob J. Kaplan as *amici curiae* submitted by Mr. Edward F. McClennen and the motion denied.

No. 472. Elmer Johnson, petitioner, *v.* Edward J. Hughes, individually, etc., et al. Motion to advance the time for respondents to file opposing brief and for an injunction submitted by Mr. Frederick A. Ballard on behalf of counsel for the petitioner.

No. 29. James B. Gully, State Tax Collector, etc., petitioner, *v.* First National Bank in Meridian. Argued by Mr. J. C. Floyd for the petitioner and by Mr. R. E. Wilbourn for the respondent.

No. 22. State Board of Equalization, etc., et al., appellants. *v.* Young's Market Company et al. Argued by Mr. Walter L. Bowers for the appellants and by Mr. M. J. Donnelly and Mr. Frederick H. Wood for the appellees.

No. 30. Estella Wadsworth Cate et al., petitioners, *v.* Eliza Wadsworth Beasley et al. Argued by Mr. L. G. Owen for the respondents and case submitted by Mr. Richard Wm. Stoutz for the petitioners.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, October 20, will be as follows: Nos. 33, 16, 34, 35 (and 36), 31, 40, 41, 46, 48, and 271.

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 Roberts, and Mr. Justice Cardozo.

Ira P. Miller, of Washington, D. C.; John W. Scott, of Washington, D. C.; Harvey W. Goddard, of Washington, D. C.; John A. Caruthers, of Colorado Springs, Colo.; Walter E. Meyer, of New York City; Raymond Sparks, of Washington, D. C.; Chas. Lawrence Tarlton, of Fort Worth, Tex.; Arthur Garfield Higgs, of Geneseo, Ill.; S. P. New, of Dublin, Ga.; W. Clifford Hendrix, Jr., of Atlanta, Ga.; and John H. Sutherland, of St. Louis, Mo., were admitted to practice.

No. 33. F. A. Werk, Elsie Bieltz, et al., appellants, *v.* The Lorain Street Savings and Trust Company et al. Argument commenced by Mr. O. F. Goudy for the appellants. The Court declined to hear further argument.

No. 16. Joseph Loporto and Angelina Loporto, appellants, *v.* The Druiss Company, Inc. Appeal from the Supreme Court of the State of New York. Dismissed per stipulation of counsel.

No. 34. The United States of America, petitioner, *v.* Raymond Wood. Argued by Mr. Assistant Attorney General McMahon for the petitioner, and by Mr. William E. Leahy for the respondent.

No. 31. Jose Rivera Soler & Co., Inc., petitioner, *v.* The United Firemen's Insurance Company of Philadelphia. Argued by Mr. Francis H. Dexter for the petitioner, and by Mr. Henri Brown for the respondent.

No. 35. Samuel B. Smith, petitioner, *v.* A. B. Hall et al., and

No. 36. Samuel B. Smith, petitioner, *v.* James Manufacturing Company et al. Argument commenced by Mr. Charles Neave for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, October 21, will be as follows: Nos. 35 (and 36), 40, 41, 46, 48, 271, and 54.

×

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 Roberts, and Mr. Justice Cardozo.

Frank E. Paige, of Philadelphia, Pa.; Gene W. Reardon, of Texarkana, Tex.; Leo F. Nohl, of Milwaukee, Wis.; John Matthews Blanton, of Abilene, Texas; and James Pollock Kohler, of New York City, were admitted to practice.

No. 35. Samuel B. Smith, petitioner, *v.* A. B. Hall et al; and

No. 36. Samuel B. Smith, petitioner, *v.* James Manufacturing Company et al. Argument continued by Mr. Charles Neave for the petitioner; by Mr. Thomas G. Haight for the respondents in No. 35; by Mr. H. A. Toulmin for the respondents in No. 36; by Mr. Arthur E. Paige for the respondents in No. 35; and concluded by Mr. Albert L. Ely for the petitioner.

No. 40. The Atlantic Refining Company, appellant, *v.* Commonwealth of Virginia. Argument commenced by Mr. T. Justin Moore for the appellant.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, October 22, will be as follows: Nos. 40, 41, 46, 48, 271, and 54.

×

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 Roberts, and Mr. Justice Cardozo.

Clinton Blake Townsend, of New York City; Edwin L. Harding, of Chicago, Ill.; Samuel Milberg, of Jersey City, N. J.; Samuel B. Ohlbaum, of New York City; Isaac M. Mills, of Chicago, Ill.; Gerald S. Levin, of San Francisco, Calif.; Norman Tower Ball, of Washington, D. C.; Philip A. Walker, of Washington, D. C.; Paul G. Koontz, of Kansas City, Mo.; William I. Sullivan, of San Francisco, Calif.; Joe Weber, of Washington, D. C.; Lewis S. Pope, of Nashville, Tenn.; and Laurence B. Howard, of Nashville, Tenn., were admitted to practice.

No. 40. The Atlantic Refining Company, appellant, *v.* Commonwealth of Virginia. Argument continued by Mr. T. Justin Moore for the appellant; by Mr. Abram P. Staples for the appellee; and concluded by Mr. T. Justin Moore, for the appellant.

No. 41. The United States, petitioner, *v.* Robert Esnalt-Pelterie. Three hours allowed for oral argument. Argued by Mr. Drury W. Cooper for the petitioner, and by Mr. Eugene V. Myers for the respondent.

No. 46. Southeastern Express Company, petitioner, *v.* Pastime Amusement Company. Submitted by Mr. Harry L. Greene for the petitioner. No appearance for the respondent.

No. 48. Tennessee Publishing Company, petitioner, *v.* American National Bank et al. Argument commenced by Mr. A. H. Roberts for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, October 23, will be as follows: Nos. 48, 271, and 54.

×

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 Roberts, and Mr. Justice Cardozo.

Paul Balsam, of New York City; Steuart Henderson Britt, of Washington, D. C.; Robert T. Barton, Jr., of Richmond, Va.; Clinton H. Hartson, of Seattle, Wash.; Bernard Louis Zangwill, of Washington, D. C.; Thomas Bruce Fuller, of Washington, D. C.; Robert Neill, Jr., of St. Louis, Mo.; Caruthers Ewing, Jr., of Memphis, Tenn.; Jacob K. Javits, of New York City; and Leighton Shields, of St. Louis, Mo., were admitted to practice.

No. 48. Tennessee Publishing Company, petitioner, *v.* American National Bank et al. Argument continued by Mr. A. H. Roberts for the petitioner; by Mr. Cecil Sims for the respondents; and concluded by Mr. Lewis S. Pope for the petitioner.

No. 271. In the matter of 620 Church Street Building Corporation et al., petitioners. Leave granted petitioners to file a reply brief within five days. Argument commenced by Mr. Thomas E. Rein for the petitioners; continued by Mr. Isaac M. Mills for the petitioners; by Mr. Isaac E. Ferguson for the respondents, Louis M. Quitman et al.; by Mr. Geo. T. Buckingham for the respondents, Chester R. Davis et al.; and concluded by Mr. Thomas E. Rein for the petitioners.

No. 54. Bessie Villa and Max Peterson, appellants, *v.* George S. Van Schaick, Superintendent of Insurance, etc. Argued by Mr. Hartwell Cabell for the appellants, and by Mr. Walter B. Herenden for the appellee.

Adjourned until Monday, October 26th 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 Butler, Mr. Justice Sutherland, Mr. Justice Roberts, and Mr. Justice Cardozo.

Samuel Flatow, of New York City; Harold Widetsky, of Boston, Mass.; Richard A. Toomey, of Denver, Colo.; Troy Smith, of Tyler, Tex.; Theodore Even Wolcott, of New York City; Ray G. Thurmond, of Tyler, Tex.; Howard Hilton Spellman, of New York City; LaVergne F. Guinn, of Dallas, Tex.; Isaac W. Jacobs, of Norfolk, Va.; Louis Max Gernsbacher, of Galveston, Tex.; Norman W. Baker, of Denver, Colo.; Allen H. Gardner, of Washington, D. C.; Daniel N. Logan, of Washington, D. C.; A. Ralph D'Andrea, of New York City; and Clifford A. Russell, of Sacramento, Calif., were admitted to practice.

No. 12. Pick Manufacturing Company, petitioner, *v.* General Motors Corporation, Chevrolet Motor Company, and Buick Motor Company. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Judgment affirmed with costs and cause remanded to the District Court of the United States for the Eastern District of Wisconsin. Opinion, *per curiam*, announced by Mr. Chief Justice Hughes. Mr. Justice Van Devanter, Mr. Justice Stone, and Mr. Justice Roberts took no part in the consideration and decision of this cause.

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. 33. F. A. Werk, Elsie Bieltz, and Gertrude Dahl, appellants, *v.* The Lorain Street Savings and Trust Company et al. Appeal from the Supreme Court of the State of Ohio. *Per curiam*: The motion of the appellees to dismiss the appeal is granted, and the appeal is dismissed for the want of a properly presented substantial federal question as to the validity of a statute of the State. (1) *Crowell v. Randell*, 10 Pet. 368, 392; *Railroad Co. v. Rock*, 4 Wall.

177, 180; *Whitney v. California*, 274 U. S. 357, 360. (2) *Doty v. Love*, 295 U. S. 64. In so far as the papers whereon the appeal was allowed seek a review of the rulings of the Supreme Court of Ohio upon questions of the asserted denial of rights under the Federal Constitution not involving the validity of any statute of the State, such papers are treated as a petition for writ of certiorari, Section 237 (c), Judicial Code, as amended by the Act of February 13, 1925 (43 Stat. 936, 938), and certiorari is denied.

No. — *In Re Disbarment of Holmes Hall*. This Court, by order of October 14, 1935, having directed the issue of a rule requiring Holmes Hall, of Richmond, Virginia, 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; and a rule having issued and said Holmes Hall having filed a return thereto;

And this Court, by order of December 9, 1935, having referred the rule to show cause and the return aforesaid, together with all papers relating to the matter, 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 should be necessary or appropriate and thereupon to report to this Court;

And the report of said committee with the exhibits thereto having been received and filed; and the said Holmes Hall having filed exceptions thereto;

And the Court, upon due consideration of the report of the committee, the exhibits filed therewith, and the exceptions to the report, being of the opinion that the said Holmes Hall has been guilty of conduct unbecoming a member of the bar of this Court,

Now, therefore, it is ordered that the findings of the committee embodied in the said report be and they are hereby sustained, and that the exceptions thereto be and they are hereby overruled, and it is further

Ordered that the said Holmes Hall be, and he is hereby, disbarred from the further practice of the law in this Court, and that his name be, and it is hereby, stricken from the roll of attorneys admitted to practice before the bar of this Court.

No. — *In re Disbarment of Jesse C. Duke*. It having been reported to the Court that Jesse C. Duke, of Washington, D. C., a member of the bar of this Court, has been disbarred from the practice of the law in the Supreme Court of the District of Columbia;

It is ordered that the said Jesse C. Duke 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 Jesse C.

Duke to show cause why he should not be disbarred from the practice of the law in this Court.

No. 20. Great Northern Railway Company, appellant, *v.* State of Washington. The Court directs that oral argument be had and requests the parties to file additional and clarifying briefs. The case is set for oral argument on Monday, December 7, 1936. ✓

No. 34. The United States of America, petitioner, *v.* Raymond Wood. Leave to file brief of Charles J. Hoeppel and John H. Hoeppel as *amici curiae* denied.

No. 472. Elmer Johnson, petitioner, *v.* Edward J. Hughes, Individually, etc. The motion to advance time for filing brief of respondent in this case is denied. The motion for injunction is also denied.

No. 397. The Henderson Company, appellant, *v.* Ernest O. Thompson et al. In this case probable jurisdiction is noted.

No. 354. Caroline R. Kuehner et al., petitioners, *v.* Grayson M.-P. Murphy et al., etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 151. Mrs. John S. Meadows, petitioner, *v.* The Irving Trust Company, as Trustee etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted and the case assigned for argument immediately following No. 354.

No. 260. City Bank Farmers Trust Company, Assignee, etc., petitioner, *v.* Irving Trust Company, as Trustee, etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted and case assigned for argument immediately following No. 151.

No. 365. The Associated Press, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted and case assigned for argument immediately following No. 324.

No. 469. Washington, Virginia and Maryland Coach Company, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit granted and case assigned for argument immediately following No. 365.

No. 346. Northwestern National Bank and Trust Company of Minneapolis, petitioner, *v.* Frank O. Lowden et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 347. The City of New York, petitioner, *v.* Saul Goldstein, Trustee, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 348. Frank Rizzo, Claimant, etc., 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. 349. G. Merlaud, petitioner, *v.* National Metropolitan Bank, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 350. Iowa-Des Moines National Bank and Trust Company, petitioner, *v.* Frank O. Lowden et al., etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 351. John H. Schulten et al., petitioners, *v.* Harry S. Day, Treasurer of the State of Ohio et al. Petition for writ of certiorari to the Supreme Court of the State of Ohio denied.

No. 356. City of Ocean City, In the County of Cape May, State of New Jersey, petitioner, *v.* Federal Reserve Bank of Philadelphia. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 357. Village of Winnetka, petitioner, *v.* Paul Reschke; and

No. 358. Village of Winnetka, petitioner, *v.* A. G. Erickson. Petition for writs of certiorari to the Supreme Court of the State of Illinois denied.

No. 359. The Northwestern Mutual Life Insurance Company, petitioner, *v.* Lucie E. O'Maley. Petition for writ of certiorari to the Kansas City Court of Appeals, State of Missouri, denied.

No. 361. Siemens & Halske Actiengesellschaft et al., petitioners, *v.* Central Hanover Bank & Trust Company, as Trustee. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 362. Flat-Top Fuel Company, Inc., petitioner, *v.* Joseph P. Martin. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 363. The National City Bank of New York, petitioner, *v.* Rosario Garzot de Fernandez et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 364. P. Lorillard & Co., Inc., petitioner, *v.* The United States. Petition for writ of certiorari to the United States Court of Customs and Patent Appeals denied.

No. 366. Joe Siegel, petitioner, *v.* The State of Iowa. Petition for writ of certiorari to the Supreme Court of the State of Iowa denied.

No. 367. Cago Corporation, Paul Fox, et al., petitioners, *v.* W. E. Brusselback et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 368. Grace Steamship Company, as Owner etc., petitioner, *v.* Anglo-Chilean Nitrate Sales Corporation et al.; and

No. 369. Grace Steamship Company, as Owner etc., petitioner, *v.* Anglo-Chilean Nitrate Sales Corporation. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 371. Midland Bank, Limited, etc., petitioner, *v.* Bishop and Company, Inc., a corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 373. Allman & Olins, Inc., petitioner, *v.* Joseph I. Shapiro, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 376. Liverpool & London & Globe Insurance Company, Ltd., petitioner, *v.* H. H. Crosby, Receiver for Reed & Duecker, Inc.; and

No. 377. Fidelity-Phenix Fire Insurance Company, petitioner, *v.* H. H. Crosby, Receiver for Reed & Duecker, Inc. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 93. The Aleograph Company, petitioner, *v.* Electrical Research Products, Inc., et al. Petition for rehearing denied.

No. 138. Kentucky Whip and Collar Company, petitioner, *v.* Illinois Central Railroad Company. Leave granted the United States to file a brief and to participate in the oral argument as *amicus curiae* granted on motion of Mr. Solicitor General Reed in that behalf.

No. 43. Mrs. Monica Rutherford Farren, Executrix, etc., petitioner, *v.* Commissioner of Internal Revenue; and

No. 44. E. W. McCrary, petitioner, *v.* Commissioner of Internal Revenue. On writs of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit. Dismissed per stipulation of counsel.

No. 418. Harold H. Henneford et al., appellants, *v.* Silas Mason Company, Inc. Motion to advance submitted by Mr. R. G. Sharpe for the appellants.

Adjourned until Monday, November 9 next at 12 o'clock.

The day call for Monday, November 9, will be as follows: Nos. 221 (and 222), 32, 28, 37, 38, 39, 49 (and 50), 64, 55, and 79.

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 Roberts, and Mr. Justice Cardozo.

W. H. Nicholson, of Greenwood, S. C.; Harry Raymond Turkel, of Washington, D. C.; Murray Hanson, of Cleveland, Ohio; Robert E. Sher, of Superior, Wis.; Jerome N. Frank, of New York City; Charles Louis Kades, of Newburgh, N. Y.; Julius Sklar, of Camden, N. J.; Herbert A. Bergson, of Boston, Mass.; Allen Caruthers, of New York City; James L. Boone, of Boise, Idaho; E. L. Lockhart, of Miami Beach, Fla.; Lawrence N. Spears, of Chattanooga, Tenn.; Stanley S. Surrey, of New York City; Charles T. Abeles, of Norfolk, Va.; Arthur M. Becker, of New York City; W. S. Elkins, of Houston, Tex.; Edgar Allyn Buttle, of New York City; Ralph Williams, of Atlanta, Ga.; Charles S. Lynch, of Wilmington, Del.; Herbert J. Haddock, of Newark, N. J.; William B. McGuire, Jr., of Charlotte, N. C.; Henry Cleveland Hall, of Great Falls, Mont.; Oscar A. Provost, of Helena, Mont.; John S. Boyer, of St. Joseph, Mo.; Albert Dexter Nortoni, of Jefferson City, Mo.; Paul R. Taylor, of Albany, N. Y.; and John Morrill Martin, of Los Angeles, Calif., were admitted to practice.

No. 11. L. P. Chisholm, Waller Holladay, W. Earl Crank, et al., petitioners, *v.* W. B. Gilmer, Receiver for the First National Bank of Louisa, Louisa, Virginia. On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit. Judgment affirmed with costs and cause remanded to the District Court of the United States for the Eastern District of Virginia. Opinion by Mr. Justice Cardozo.

No. 23. William Fox, petitioner, *v.* Capital Company, a California Corporation. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment affirmed with costs and cause remanded to the District Court of the United States for the Southern District of New York. Opinion by Mr. Justice Cardozo.

No. 29. James B. Gully, State Tax Collector for the State of Mississippi, petitioner, *v.* First National Bank in Meridian. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Judgment reversed with costs and cause remitted to

the District Court of the United States for the Southern District of Mississippi with instructions to remand it to the court in Mississippi from which it was removed. Opinion by Mr. Justice Cardozo.

No. 51. Hyman Wainer, Louis Wainer, George Davis, et al., petitioners, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Judgment affirmed and cause remanded to the District Court of the United States for the Eastern District of Wisconsin. Opinion by Mr. Justice Roberts.

No. 21. Essex Razor Blade Corporation, petitioner, *v.* Gillette Safety Razor Company. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Decree of the Circuit Court of Appeals reversed with costs and decree of the District Court of the United States for the District of New Jersey affirmed and cause remanded to the said District Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Roberts.

No. 19. Baxter N. Foust, Administrator, etc., petitioner, *v.* Munson Steamship Lines, Debtor in Reorganization. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Decree reversed with costs and cause remanded to the District Court of the United States for the Southern District of New York for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Butler.

No. 27. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Illinois Life Insurance Company. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Judgment reversed and cause remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Butler.

No. 2. Jean Bourdieu, petitioner, *v.* Pacific Western Oil Company, Kettleman Oil Corporation, et al. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Decrees of the Circuit Court of Appeals and of the District Court of the United States for the Southern District of California reversed without costs and cause remanded to the said District Court with directions to enter a decree in accordance with the opinion of this Court. Opinion by Mr. Justice Sutherland.

No. 3. State of Missouri, Creditor, petitioner, *v.* John T. Ross, Trustee, et al. On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Judgment affirmed with costs and cause remanded to the District Court of the United States for the Eastern District of Missouri. Opinion by Mr. Justice Sutherland.

No. 17. Mechanics Universal Joint Company and Grace Ekstrom, Administratrix, etc., petitioners, *v.* A. B. Culhane, Receiver of the Manufacturers National Bank and Trust Company of Rockford, Illinois, etc. 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 Northern District of Illinois. Opinion by Mr. Justice Brandeis.

No. 22. State Board of Equalization of the State of California et al., appellants, *v.* Young's Market Company et al. Appeal from the District Court of the United States for the Southern District of California. Decree reversed with costs and cause remanded to the said District Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Brandeis. Mr. Justice Butler concurs in the result.

No. 9. P. J. Carlin Construction Co. and the Travelers Insurance Company, petitioners, *v.* Edward Heaney and State Industrial Board of the State of New York. On writ of certiorari to the Supreme Court of the State of New York. Judgment affirmed with costs. Opinion by Mr. Justice McReynolds.

No. 31. Jose Rivera Soler & Co., Inc., petitioner, *v.* The United Firemen's Insurance Company of Philadelphia. 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 judgment of the District Court of the United States for the District of Puerto Rico affirmed and cause remanded to the said District Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice McReynolds.

No. 10. Joseph H. Barwise and George Thompson, Jr., as Trustee of the estate of Mrs. M. M. (W. I.) Cook, deceased, appellants, *v.* George H. Sheppard as Comptroller of the State of Texas et al. Appeal from the Court of Civil Appeals, Third Supreme Judicial District, State of Texas. Judgment affirmed with costs. Opinion by Mr. Justice Van Devanter.

No. 6. Lewis J. Valentine, Police Commissioner of the City of New York, et al., etc., petitioners, *v.* The United States of America on the relation of B. Coles Neidecker;

No. 7. Lewis J. Valentine, Police Commissioner of the City of New York, et al., etc., petitioners, *v.* The United States of America on the relation of George W. Neidecker; and

No. 8. Lewis J. Valentine, Police Commissioner of the City of New York, et al., etc., petitioners, *v.* The United States of America on the relation of Aubrey Neidecker. On writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgments affirmed with the costs 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. 48. Tennessee Publishing Company, petitioner, *v.* American National Bank, C. O. Carpenter, Receiver, et al. On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. Decree affirmed with costs and cause remanded to the District Court of the United States for the Middle District of Tennessee. Opinion by Mr. Chief Justice Hughes.

No. 271. In the matter of 620 Church Street Building Corporation et al., petitioners. 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 Northern District of Illinois. Opinion by Mr. Chief Justice Hughes.

No. 46. Southeastern Express Company, petitioner, *v.* Pastime Amusement Company. On writ of certiorari to the Supreme Court of the State of South Carolina. Judgment reversed with costs and cause remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion, *per curiam*, announced by Mr. Chief Justice Hughes.

No. 30. Estella Wadsworth Cate et al., petitioners, *v.* Eliza Wadsworth Beasley et al. On writ of certiorari to the Supreme Court of the State of Oklahoma. Judgment affirmed with costs. Opinion, *per curiam*, announced by Mr. Chief Justice Hughes. Mr. Justice McReynolds is of opinion that the challenged judgment should be reversed.

No. 13. John K. Valentine, as Chairman of the Iowa State Board of Assessment and Review, etc., et al., appellants, *v.* The Great Atlantic & Pacific Tea Company et al.;

No. 14. John K. Valentine, as Chairman of the Iowa State Board of Assessment and Review, etc., et al., appellants, *v.* Graham Department Stores Company et al.; and

No. 15. John K. Valentine, as Chairman of the Iowa State Board of Assessment and Review, etc., et al., appellants, *v.* Walgreen Co. et al. Appeals from the District Court of the United States for the Southern District of Iowa. Decrees affirmed with costs. Opinion, *per curiam*, announced by Mr. Chief Justice Hughes. Mr. Justice Brandeis and Mr. Justice Cardozo dissent.

The Chief Justice announced the following orders of the Court:

No. 439. Glenn W. Musser, appellant, *v.* George H. Sheppard, Comptroller of Public Accounts of the State of Texas. Appeal from the Supreme Court of the State of Texas. *Per curiam*: The motion

of the appellee to dismiss the appeal is granted, and the appeal is dismissed for the want of a final judgment. *Reddall v. Bryan*, 24 How. 420; *Verden v. Coleman*, 18 How. 86; *Twin City Power Co. v. Savannah River Electric Co.*, 284 U. S. 574; *Gant v. Oklahoma City*, 284 U. S. 594.

No. 444. Rollo N. Walter, appellant, *v.* The State of Indiana. Appeal from the Supreme Court of the State of Indiana. *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, as required by section 237 (c), Judicial Code, as amended (43 Stat. 936, 938), certiorari is denied.

No. 464. American Bakeries Company and Carl Glenn, appellants, *v.* City of Huntsville, Alabama. Appeal from the Supreme Court of the State of Alabama. *Per curiam*: The appeal herein is dismissed for the want of a final judgment. *Missouri, etc., Ry. Co. v. Olathe*, 222 U. S. 185; *O'Mara v. Crampton*, 267 U. S. 575; *Manassas, etc., Park, Inc., v. Robertson*, 274 U. S. 716.

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

In pursuance of section 29 of the amendments enacted by section 28 of the act of Congress approved August 5, 1909 (c. 6, sec. 28 36 Stat. 11, 91, 105)—

It is now here ordered by this Court that the amendment to the revised table of fees of the United States Court of Customs and Patent Appeals adopted October 19, 1936, be, and the same is hereby, adopted and approved, viz:

Amend Rule V by changing the language of subdivision 5 so that the same shall read: For filing and docketing each patent appeal, \$12, this fee to be in full of all fees in the case, except the charge for preparing and supervising the printing of the record: *Provided*, That when an appeal is taken by or on behalf of the United States, no payment of fees shall be required.

No. —, original. *Ex parte*: Otto Van Dyke, petitioner. The motion for leave to file petition for writ of habeas corpus is denied.

No. 418. Harold H. Henneford et al., etc., appellants, *v.* Silas Mason Company, Inc. The motion to advance this case is granted

and the case is advanced and assigned for argument on Monday, December 14 next.

No. 287. Preble Corporation, petitioner, *v.* Carroll H. Wentworth et al., etc. The motion of petitioner to extend time for filing petition for rehearing is denied.

No. 353. Helen M. Torinus, appellant, *v.* Roy F. Johnson, The Auditor of Washington County, etc. The motion of appellant to extend the time for filing petition for rehearing is granted, and the time is extended to November 20, 1936.

No. 434. Mrs. Inez Abel and Louise Abel, petitioners, *v.* Ed Kennedy et al. The motion for an extension of time within which to obtain a certified copy of the record is granted and the time is extended for thirty days from the date of this order.

No. 479. Ed. O. Ellis, petitioner, *v.* A. C. Aderhold, Warden, United States Penitentiary, Atlanta, Georgia. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. 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. 456. Ray Ingels, as Director of the Motor Vehicle Department of the State of California, et al., appellants, *v.* Howard Morf, Doing Business, etc., et al. In this case probable jurisdiction is noted.

No. 454. Jay B. Phelps, appellant, *v.* Board of Education of the Town of West New York et al.; and

No. 455. Lucy Askam et al., appellants, *v.* Board of Education of the Town of West New York et al. In these cases probable jurisdiction is noted. Further consideration of the motions to dismiss or affirm is postponed to the hearing of the case on the merits.

No. 370. Marian S. Honeyman, appellant, *v.* Herbert G. Hanan, as Executor, etc. 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. 381. Walter A. Kennedy, petitioner, *v.* Boston-Continental National Bank and Federick S. Deitrick, Receiver. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit granted.

No. 382. Wendell Phillips Company, petitioner, *v.* Boston-Continental National Bank et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit granted.

No. 389. The Knox National Farm Loan Association et al., petitioners, *v.* Arthur C. Phillips. Petition for writ of certiorari to the Court of Appeals of the State of Ohio granted.

No. 413. Grand Rapids Trust Company, Receiver etc., petitioner, *v.* United Light and Power Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit granted.

No. 406. Wilhelmina Sumi, petitioner, *v.* Alsie M. Young. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted.

No. 398. Founders General Corporation, petitioner, *v.* James J. Hoey, Collector of United States Internal Revenue, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted and case assigned for argument immediately following Nos. 330 and 331.

No. 419. National Labor Relations Board, petitioner, *v.* Jones & Laughlin Steel Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit granted and case assigned for argument immediately following Nos. 365 and 469.

No. 420. National Labor Relations Board, petitioner, *v.* Freuhauf Trailer Company; and

No. 421. National Labor Relations Board, petitioner, *v.* Freuhauf Trailer Company. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit granted and cases assigned for argument immediately following No. 419.

No. 422. National Labor Relations Board, petitioner, *v.* Friedman-Harry Marks Clothing Company, Inc.; and

No. 423. National Labor Relations Board, petitioner, *v.* Friedman-Harry Marks Clothing Company, Inc. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted and cases assigned for argument immediately following Nos. 420 and 421.

No. 410. Haskins Bros. & Co., petitioner, *v.* Henry Morgenthau, Jr., Secretary of the Treasury of the United States, et al. The application for injunction in this case is denied. The petition for writ of certiorari to the United States Court of Appeals for the District of Columbia is denied.

No. ⁴¹¹422. Sand Springs Home, petitioner, *v.* Millie Naharkey, an incompetent, etc. Petition for writ of certiorari to the Supreme Court of the State of Oklahoma denied for the want of a final judgment.

No. 375. Candado Stevedoring Corporation, petitioner, *v.* Samuel S. Lowe, Deputy Commissioner of the United States Employees' Compensation Commission, etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 383. R. & L. Inc., petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 385. Morris Renkoff, 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. 386. Thomas J. Wood, 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. 387. Boston & Albany Railroad Company, New York Central & Hudson River Railroad Company, Lessee, petitioner, *v.* Walter Hietala. Petition for writ of certiorari to the Superior Court of the County of Berkshire, Commonwealth of Massachusetts, denied.

No. 388. William S. Linderman, Sole Executor of the Last Will of Mary M. Bindley, deceased, 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. 390. The Kansas City Southern Railway Company, petitioner, *v.* Rose E. Quin, Administratrix of the Estate of O. B. Quin, deceased. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 391. Morris Singer and Jack Niestadt, petitioners, *v.* Benjamin D. Friedman and Munsey Trust Company. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 392. The United States of America, petitioner, *v.* Galveston-Houston Electric Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 393. A. McLean & Son, petitioner, *v.* Federal Trade Commission;

No. 394. M. J. Holloway & Company, petitioner, *v.* Federal Trade Commission;

No. 395. Queen Anne Candy Company, petitioner, *v.* Federal Trade Commission; and

No. 396. The Bonita Company, petitioner, *v.* Federal Trade Commission. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 400. Southern Railway Company and F. T. Duggins, petitioners, *v.* J. L. McGraw, Administrator, etc. Petition for writ of certiorari to the Supreme Court of the State of North Carolina denied.

No. 401. Charles A. McGuire, 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. 407. Margaret J. Clark, as Administratrix etc., petitioner, *v.* The Delaware and Hudson Railroad Corporation. Petition for writ of certiorari to the Supreme Court of the State of New York denied.

No. 412. United Light & Power Company, petitioner, *v.* Grand Rapids Trust Company, Receiver. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 425. Edgar W. Bassick, petitioner, *v.* Commissioner of Internal Revenue; and

No. 426. Jessie S. Perkins, 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. 428. Severns Drilling Company, Ltd., petitioner, *v.* The Superior Court of the State of California, etc., et al. Petition for writ of certiorari to the District Court of Appeal, State of California, denied.

No. 453. Six-Way Corporation, petitioner, *v.* McCurdy & Company, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 322. Philip A. Scholl, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 360. Mrs. R. E. Standley et al., petitioners, *v.* Graham Production Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 378. Robert J. Fitzgerald et al., petitioners, *v.* The People of the State of California. Petition for writ of certiorari to the District Court of Appeal, Third Appellate District, State of California, denied.

No. 399. Agnes Gliwa, etc., petitioner, *v.* United States Steel Corporation et al. Petition for writ of certiorari to the Supreme Court of the State of Pennsylvania denied.

No. 408. U S L Battery Corporation, petitioner, *v.* Commissioner of Internal Revenue; and

No. 409. U S L Battery Corporation, 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. 414. Iowa Soap Company, petitioner, *v.* Charles D. Huston, Individually, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 448. Haskins Bros. & Co., petitioner, *v.* George W. O'Malley, Individually, etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 415. Ruth Orcutt, as Treasurer of Natrona County, Wyoming, petitioner, *v.* L. R. Crawford and P. C. Spencer, as Receivers, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 416. J. F. Charlesworth, Trustee in Bankruptcy etc., petitioner, *v.* Hipsh, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 427. American Pharmaceutical Company, Inc., petitioner, *v.* Schering & Glatz, Inc. et al. Petition for writ of certiorari to the Supreme Court of the State of New York denied.

No. 429. Edward A. Van Derveer, as Administrator, etc., petitioner, *v.* The Delaware, Lackawanna and Western Railroad Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 430. Kenneth Ketchum and A. R. Kiefer, petitioner, *v.* R. J. MacDonald, Receiver of Conneaut Lake Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 431. Irving Trust Company, as Trustee in Bankruptcy of Ganet Realty Corporation, petitioner, *v.* Metropolitan Life Insurance Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 432. Dixie Oil Company, petitioner, *v.* Dancey Fort, Commissioner of Finance and Taxation of the State of Tennessee, et al. Petition for writ of certiorari to the Supreme Court of the State of Tennessee denied.

No. 433. Erle Hudson, petitioner, *v.* Dancey Fort, Commissioner of Finance and Taxation of the State of Tennessee, et al. Petition for writ of certiorari to the Supreme Court of the State of Tennessee denied.

No. 47. A. M. Marret, Administrator, etc., et al., petitioners, *v.* The United States;

No. 56. Peerless Oil and Gas Company, petitioner, *v.* D. B. Heiner, Collector of Internal Revenue, etc.;

No. 60. Anna Laura Barnett et al., petitioners, *v.* The United States of America;

No. 67. General Fibre Products Co. et al., petitioners, *v.* H. H. Hardin, et al.;

No. 83. Harry A. Ballf, petitioner, *v.* Harry T. Kranz, District Manager, Twelfth United States Civil Service District, etc.;

No. 159. Leonard Weisman, petitioner, *v.* The United States of America;

No. 210. Martin Engebretson, Trustee, etc., petitioner, *v.* John T. Marcell, et al.;

No. 236. Massman Construction Company, petitioner, *v.* Thomas Nelson;

No. 238. Columbia Casualty Company, petitioner, *v.* Industrial Accident Commission, et al.;

No. 239. Columbia Casualty Company, petitioner, *v.* Industrial Accident Commission, et al.;

No. 240. Columbia Casualty Company, petitioner, *v.* Industrial Accident Commission, et al.;

No. 244. Mariano Cu Unjieng, petitioner, *v.* The People of the Philippine Islands;

No. 269. Mary B. Lavelly et al., petitioners, *v.* Young Women's Christian Association of Pittsburgh, et al.;

No. 273. Sarah P. Suisman, petitioner, *v.* The Hartford-Connecticut Trust Co., as Executor; and

No. 417. Ralph Eisenhardt, appellant, *v.* The State of Louisiana. Petitions for rehearing denied.

The Chief Justice said:

"Mr. Justice Stone took no part in the consideration or decision of the cases in which judgments or orders are this day announced."

No. 354. Caroline R. Kuehner et al., petitioners, *v.* Grayson M.-P. Murphy et al., etc.;

No. 151. Mrs. John S. Meadows, petitioner, *v.* Irving Trust Company, as Trustee, etc., et al.; and

No. 260. City Bank Farmers Trust Company, petitioner, *v.* Irving Trust Company, as Trustee, etc., et al. Motion to advance submitted by Mr. William D. Whitney for the respondent, Irving Trust Company, as Trustee.

No. 221. James M. Landis et al., petitioners, *v.* The North American Company; and

No. 222. James M. Landis et al., petitioners, *v.* American Water Works and Electric Company, Inc. Leave granted petitioners to file

reply brief by Thursday next. Argument commenced by Mr. Solicitor General Reed for the petitioners; continued by Mr. John C. Higgins for the respondents; and concluded by Mr. Assistant Attorney General Jackson for the petitioners.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, November 10, will be as follows: Nos. **32, 28, 37, 38, 39, 49 (50 and 64), 55, 79, 226, and 372.**

×

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 Roberts, and Mr. Justice Cardozo.

John J. Pringle, Jr., of Columbia, S. C.; Morris Feldman, of Lawrenceburg, Ind.; Norman H. Samuelson, of New York City; Ben Hill Brown, of Spartanburg, S. C.; Sawyer Thompson, of New York City; W. J. McLeod, Jr., of Walterboro, S. C.; William McM. Rogers, of Birmingham, Ala.; and William H. Pemberton, of Olympia, Wash., were admitted to practice.

No. 32. Duke Power Company and Southern Public Utilities Company, petitioners, *v.* Greenwood County et al. Four hours allowed for oral argument. Argument commenced by Mr. W. S. O'B. Robinson, Jr., for the petitioners; continued by Mr. Newton D. Baker for the petitioners; by Mr. W. H. Nicholson and Mr. D. W. Robinson, Jr., for respondent Greenwood County et al.; by Mr. Jerome N. Frank and Mr. Solicitor General Reed for respondent, Harold L. Ickes, as Federal Emergency Administrator of Public Works; and concluded by Mr. Newton D. Baker for the petitioners.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, November 11, will be as follows: Nos. 28, 37, 38 (and 39), 49 (50 and 64), 55, 79, 226, 372, 62 (and 63), and 70.

SUPREME COURT OF THE UNITED STATES

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

John C. Crary, of New York City; James A. McGough, of New York City; Benjamin Heffner, of New York City; Benjamin J. Rabin, of New York City; Haim Margalith, of Minneapolis, Minn.; Ida Taxin Fox, of Washington, D. C.; Henry P. Crawford, of Washington, D. C.; and Joseph L. Freiman, of Union City, N. J., were admitted to practice.

No. —, original. Ex parte: Ethel E. Gleason, petitioner. Motion for leave to file petition for writ of mandamus submitted by Mr. Reynolds Robertson for the petitioner.

No. 141. Charles J. Hoeppe et al., petitioners, *v.* The United States of America. Motion for further extension of time within which to file petition for rehearing submitted by Mr. Jacob L. Morewitz for the petitioners and the motion denied.

No. 28. KVOS, Inc., petitioner, *v.* The Associated Press. Argued by Mr. William H. Pemberton for the petitioner, and by Mr. John W. Davis for the respondent.

No. 38. Mountain States Power Company, appellant, *v.* Public Service Commission of Montana et al.; and

No. 39. Mountain States Power Company, appellant, *v.* Public Service Commission of Montana et al. Argued by Mr. Hance H. Cleland for the appellant, and by Mr. Albert H. Angstman for the appellees.

No. 37. The British-American Oil Producing Company, petitioner, *v.* The Board of Equalization of the State of Montana. Argued by Mr. H. C. Hall for the petitioner, and by Mr. Oscar A. Provost for the respondent.

No. 49. W. H. H. Chamberlin, Inc., appellant, *v.* Elmer F. Andrews, Industrial Commissioner of the State of New York, et al.;

No. 50. E. C. Stearns & Co., appellant, *v.* Elmer F. Andrews, Industrial Commissioner of the State of New York, et al., and

No. 64. Associated Industries of New York State, Inc., appellant, *v.* The Department of Labor of the State of New York et al. Four and one-half hours allowed for oral argument. Argument commenced by Mr. Henry S. Fraser and continued by Mr. Frederick H. Wood for the appellants.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, November 12, will be as follows: Nos. 49 (50 and 64), 55, 79, 226, 372, 62 (and 63), 70, 74, 77, and 89.

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 Roberts, and Mr. Justice Cardozo.

Irving Breakstone, of Chicago, Ill.; W. H. Norvell, of Chattanooga, Tenn.; Melbourne Begerman, of New York City; Ruth Weyand, of Chicago, Ill.; Stanley J. Morris, of Chicago, Ill.; Jacob Herzl Segal, of Chicago, Ill.; Mariano A. Erana, of Manila, P. I.; William M. Kelly, of Chicago, Ill.; Stanley A. Weigel, of San Francisco, Calif.; and Morton C. Haight, of Pitman, N. J., were admitted to practice.

No. 49. W. H. H. Chamberlin, Inc., appellant, *v.* Elmer F. Andrews, Industrial Commissioner of the State of New York, et al.;

No. 50. E. C. Stearns & Co., appellant, *v.* Elmer F. Andrews, Industrial Commissioner of the State of New York, et al.; and

No. 64. Associated Industries of New York State, Inc., appellant, *v.* The Department of Labor of the State of New York et al. Argument continued by Mr. Frederick H. Wood for the appellants; by Mr. Henry Epstein for the appellees; and concluded by Mr. James McCormick Mitchell for the appellants.

No. 55. The Pep Boys, Manny, Moe & Jack of California, appellants, *v.* Pyroil Sales Company, Inc. Argued by Mr. John W. Davis for the appellants and by Mr. Edward S. Rogers for the appellee.

No. 79. Clarence G. Kunsman, appellant, *v.* Max Factor & Co. et al. Submitted by Mr. Jules C. Goldstone for the appellant and by Mr. Edward S. Rogers, Mr. Stanley A. Weigel, and Mr. Karl D. Loos for the appellees.

No. 226. Old Dearborn Distributing Company, appellant, *v.* Seagram-Distillers Corporation. Argument commenced by Mr. Irving Breakstone for the appellant and continued by Mr. Nicholas J. Pritzker for the appellant, and by Mr. Richard Mayer for the appellee.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, November 13, will be as follows: Nos. 226, 372, 62 (and 63), 70, 74, 77, 89, 97, 103, and 104.

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 Roberts, and Mr. Justice Cardozo.

D. Alexander Wieland, of Philadelphia, Pa.; Ray M. Foreman, of Danville, Ill.; Hugh B. Fegan, of Elgin, Ill.; Arthur J. O'Rourke, of New York City; Gerard M. Ungaro, of Chicago, Ill.; and Campbell Thornal, of Orlando, Fla., were admitted to practice.

No. 226. Old Dearborn Distributing Company, appellant, *v.* Seagram Distillers Corporation. Argument continued by Mr. Richard Mayer for the appellee and concluded by Mr. Irving Breakstone for the appellant.

No. 372. Carl W. McNeil, Doing business as McNeil's Liquor Store, appellant, *v.* Joseph Triner Corporation. Argued by Mr. Stanford Clinton and Mr. J. Herzl Segal for the appellant, and by Mr. Hamilton Moses for the appellee.

No. 62. The United States of America, appellant, *v.* Charles Resnick et al., etc.; and

No. 63. The United States of America, appellant, *v.* The Acme Can Company. Argued by Mr. Wm. W. Barron for the appellant, and by Mr. D. Alexander Wieland for the appellees.

No. 70. The National Home for Disabled Volunteer Soldiers, etc., et al., petitioners, *v.* Harvey M. Wood, as Administrator, etc. Argument commenced by Mr. Assistant Attorney General Morris for the petitioners.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, November 16, will be as follows: Nos. 70, 74, 24 (25 and 26), 186 (and 187), 77, 97, 103, 104, 89, and 98.

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 Roberts, and Mr. Justice Cardozo.

Julius Granirer, of New York City; Leo K. Martus, of New York City; Martin Schwaeber, of New York City; John G. Clarkson, of Los Angeles, Calif.; Francis J. McNamara, of Washington, D. C.; Eben Hutchinson, of Medford, Mass.; Wm. Elmer Brown, Jr., of Atlantic City, N. J.; Wm. B. Hunter, of Atlantic City, N. J.; B. Frank Watson, of Lincoln, Nebr.; Alfred Thompson, of Seattle, Wash.; Thomas J. Coyle, of New York City; Alexander R. Lawton, Jr., of Savannah, Ga.; John A. Platt, of Houston, Tex.; J. Marion West, of Houston, Tex.; Clinton C. Small, of Amarillo, Tex.; Horace C. Thurber, of Detroit, Mich.; Russell B. Jarvis, of Los Angeles, Calif.; Talcott M. Banks, Jr., of Boston, Mass.; and Abraham Rosenberg, of Mount Vernon, N. Y., were admitted to practice.

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: C. M. Brummett, petitioner. The motion for leave to file a petition for writ of habeas corpus herein is denied.

No. —, original. Ex parte: Ethel E. Gleason, petitioner. The motion for leave to file a petition for writ of mandamus or prohibition herein is denied.

No. 354. Caroline R. Kuehner et al., etc., petitioners, *v.* Grayson M.-P. Murphy et al., etc.;

No. 151. Mrs. John S. Meadows, petitioner, *v.* The Irving Trust Company, as Trustee, etc., et al., and

No. 260. City Bank Farmers Trust Co., assignee, etc., petitioner, *v.* Irving Trust Company, as Trustee, etc., et al. The motion of respondent Irving Trust Company to advance these cases is granted and the cases are advanced and assigned for argument on Monday, December 14, next.

No. 105. Lulu Mignon Murphy, petitioner, *v.* S. S. Murphy et al., On petition for writ of certiorari to the Supreme Court of the State of California;

No. 489. Vivian Wycliffe Buie, 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. 506. Charles H. Greenhaus, 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. 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. 501. The Kroger Grocery & Baking Company, appellant, *v.* Philip Lutz, Jr., as Attorney General of the State of Indiana, et al. In this case probable jurisdiction is noted. The motion of appellant to advance is granted and the case is advanced and assigned for argument on Monday, December 7 next.

No. 436. Joseph E. Otis Estate Land Trust et al., petitioners, *v.* Irving Trust Company, as Trustee, etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted in relation to the nine claims enumerated on page two of the petition for certiorari, being those involving qualified releases, and the case is assigned for argument immediately following Nos. 151 and 260.

No. 460. Charles Van Beeck, Administrator, etc., petitioner, *v.* Sabine Towing Company, Inc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit granted, limited to the question whether the cause of action abated with the death of the mother of Edward C. Van Beeck.

No. 440. The American Life Insurance Company, petitioner, *v.* Reese Smith Stewart, junior, et al.; and

No. 441. The American Life Insurance Company, petitioner, *v.* Ora Inez Stewart et al. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit granted.

No. 442. Charles J. O'Connor et al., petitioners, *v.* A. Lawrence Mills et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit granted.

No. 446. Aetna Life Insurance Company of Hartford, Connecticut, petitioner, *v.* Edwin P. Haworth et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit granted.

No. 451. William Whitlock Brush, 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. 437. Bush Terminal Company, petitioner, *v.* Preferred Stockholders Protective Committee, etc., et al.; and

No. 438. Bush Terminal Company, petitioner, *v.* Preferred Stockholders Protective Committee, etc., et al. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied. Mr. Justice McReynolds took no part in the consideration or decision of this application.

No. 405. William I. Heffron, Trustee of the estate of Crown Investment Company, Ltd. Bankrupt, petitioner, *v.* Western Loan and Building Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 424. 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. 435. Mary D. Jordahl, petitioner, *v.* James F. Egan, Public Administrator, as Administrator etc., et al. Petition for writ of certiorari to the Supreme Court of the State of New York denied.

No. 443. The State of Ohio, ex rel. George S. Van Schaick, as Liquidator of the Southern Surety Co. of New York, petitioner, *v.* Robert L. Bowen, as Superintendent of Insurance of the State of Ohio. Petition for writ of certiorari to the Supreme Court of the State of Ohio denied.

No. 445. John J. Flanigan, petitioner, *v.* Ditto, Incorporated. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 447. The United States of America, petitioner, *v.* Richard J. Connolly et al. Petition for writ of certiorari to the Court of Appeals of the State of New York denied.

No. 452. Samuel L. Carpenter, Insurance Commissioner of the State of California, etc., petitioner, *v.* Robin K. Nichols. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 457. George A. Breon and Company, Inc., petitioner, *v.* Wisconsin Alumni Research Foundation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 458. William Cogger, petitioner, *v.* Melvin C. Hazen, George E. Allen, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 459. Sophia Brennan, Administratrix, et al., petitioners, *v.* Sabine Towing Company, Inc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 461. New York Life Insurance Company, petitioner, *v.* Rebecca Weintrob. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 467. William W. Wilson, as Permanent Trustee, etc., petitioner, *v.* Metropolitan Life Insurance Company; and

No. 468. William W. Wilson, as Permanent Trustee etc., petitioner, *v.* Metropolitan Life Insurance Company. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 473. Merchants & Miners Transportation Company, as Owner of SS "Grecian", and as Bailee etc., petitioner, *v.* SS "City of Chattanooga" et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 109. John A. Timmons et al., appellants, *v.* Security Savings Bank of Marshalltown, Iowa;

No. 131. W. A. Denson et al., petitioners, *v.* Provident Mutual Life Insurance Company of Philadelphia;

No. 141. Charles J. Hoepfel et al., petitioners, *v.* The United States of America; and

No. 339. A. E. Krise, Receiver etc., petitioner, *v.* The United States of America. Petitions for rehearing denied.

Mr. Justice Stone took no part in the consideration or decision of the cases in which orders are this day announced.

ORDER

The Court will take a recess from Monday, November 23, to Monday, December 7, next.

No. 180. Holyoke Water Power Company, petitioner, *v.* American Writing Paper Company, Inc. Leave granted the United States to file a brief and to participate in the oral argument as *amicus curiae*, on motion of Mr. Assistant Attorney General Morris in that behalf.

No. 2 original. State of Vermont, complainant, *v.* State of New Hampshire. Report of the Special Commissioner presented.

No. 70. The National Home for Disabled Volunteer Soldiers, Danville, Illinois, et al., petitioners, *v.* Harvey M. Wood, as Administrator etc. Argument continued by Mr. Assistant Attorney General Morris for the petitioners; by Mr. Ray M. Foreman for the respondent; and concluded by Mr. Assistant Attorney General Morris for the petitioners.

No. 74. American Telephone and Telegraph Company et al., appellants, *v.* The United States of America et al. Three hours allowed for oral argument. Argument commenced by Mr. William D. Mitchell for the appellants, American Telephone & Telegraph Co. and others; continued by Mr. Allen T. Klots, for the appellants, Ohio Associated Telephone Co. and others; by Mr. Assistant Attorney General Dickinson for the appellee, the United States; and by Mr. John E. Benton for the appellee, National Association of Railroad and Utilities Commissioners.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, November 17, will be as follows: Nos. 74, 24 (25 and 26), 186 (and 187), 77, 97, 103, 104, 89, 98, and 108.

×

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 Roberts, and Mr. Justice Cardozo.

Conrad C. Mount, of Oklahoma City, Okla.; Walter T. Stern, of New York City; Daniel E. Martin, of Lowell, Mass.; Joseph J. Hedrick, of Chicago, Ill.; Hugh B. Cox, of Washington, D. C.; Don H. Culton, of Amarillo, Tex.; Frederick B. Wolf, of St. Louis, Mo.; Harry Edelson, of Neptune, N. J.; Ralph S. Binns, of Detroit, Mich.; Joseph K. Carson, Jr., of Portland, Oreg.; Harold P. Huls, of Pasadena, Calif.; Barnet Hodes, of Chicago, Ill.; Jerome I. Myers, of Scranton, Pa.; Ernest Feild Parkinson, of Washington, D. C.; Fred Dennis, of Detroit Lakes, Minn.; and Dewey G. Archambault, of Lowell, Mass., were admitted to practice.

No. 74. American Telephone and Telegraph Company et al., appellants, *v.* The United States of America et al. Argument concluded by Mr. John E. Benton for the appellee, National Association of Railroad and Utilities Commissioners, and case submitted by Mr. Hampson Gary, Mr. Frank Roberson, and Mr. W. D. Humphrey for appellee, Federal Communications Commission.

No. 26. Leonard Schafer, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Death of Leonard Schafer suggested and Louis B. Tim and Adelina T. Schafer, Executors of the estate of Leonard Schafer, substituted as party petitioners on motion of Mr. Eugene Untermeyer for the petitioners.

No. 24. Algernon S. Schafer, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue;

No. 25. Edward Schafer, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue; and

No. 26. Louis B. Tim and Adelina T. Schafer, Executors, etc., petitioners, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Argued by Mr. Eugene Untermeyer for the petitioners, and by Mr. Assistant Attorney General Jackson for the respondent.

No. 186. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Albert Fried; and

No. 187. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Benjamin Einhorn. Argued by Mr. Assistant Attorney General Jackson for the petitioner and by Mr. John J. Curtin for the respondents.

No. 77. Harriet C. Binney et al., appellants, *v.* Henry F. Long, Commissioner of Corporations and Taxation of the Commonwealth of Massachusetts. Argued by Mr. Talcott M. Banks, Jr., for the appellants, and by Mr. James J. Ronan for the appellee.

No. 97. The United States, petitioner, *v.* Percy K. Hudson. Argument commenced by Mr. Assistant Attorney General Jackson for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, November 18, will be as follows: Nos. 97, 103, 104, 89, 98, 108, 138, 139, 146, and 161 (162 and 163).

SUPREME COURT OF THE UNITED STATES

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

Jacques P. Adoue, of Houston, Tex.; Robert D. Shea, of New York City; Theodore S. Hope, Jr., of New York City; Francis A. McCarron, of Philadelphia, Pa.; Harold James Kress, of Yonkers, N. Y.; Marland Gale, of New York City; Joseph Anthony Panuch, of New York City; Charles H. Just, of Washington, D. C.; and James F. Dealy, of New York, City, were admitted to practice.

No. 146. John Hancock Mutual Life Insurance Company, petitioner, *v.* Mrs. Edna K. Yates. Submitted by Mr. Alex W. Smith, Jr., and Mr. Bryon K. Elliott for the petitioner. and by Mr. Edgar Watkins for the respondent.

No. 97. The United States, petitioner, *v.* Percy K. Hudson. Argument continued by Mr. Bernhard Knollenberg for the respondent, and concluded by Mr. Assistant Attorney General Jackson for the petitioner.

No. 103. District of Columbia, petitioner, *v.* Ethel Clawans. Argued by Mr. Raymond Sparks for the petitioner, and by Mr. Seth W. Richardson for the respondent.

No. 104. The Prairie Farmer Publishing Company et al., petitioners, *v.* The Indiana Farmer's Guide Publishing Company. Argued by Mr. Maxwell V. Beghtol for the petitioners, and by Mr. U. S. Lesh and Mr. Eben Lesh for the respondent.

No. 89. Ernest O. Thompson, C. V. Terrell, et al., appellants, *v.* Consolidated Gas Utilities Corporation et al. Argument commenced by Mr. Wm. Madden Hill for the appellants.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, November 19, will be as follows: Nos. 89, 98, 138, 108, 155, and 172.

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 Roberts, and Mr. Justice Cardoza.

Henry L. Grosken, of Newark, N. J.; Edmond C. Moriarty, of Newark, N. J.; E. Newell DeGurse, of Port Huron, Mich.; Jules L. Brady, of Chicago, Ill.; Henry M. Channing, of Boston, Mass.; and Charlton Ogburn, of New York City, were admitted to practice.

No. 89. Ernest O. Thompson, C. V. Terrell et al., appellants, *v.* Consolidated Gas Utilities Corporation et al. Argument continued by Mr. Wm. Madden Hill for the appellants; by Mr. S. A. L. Morgan for the appellees; and concluded by Mr. C. C. Small for the appellants.

No. 98. The United States of America, appellant, *v.* Curtiss-Wright Export Corporation et al. Three hours allowed for oral argument. Argument commenced by Mr. Martin Conboy for the appellant, and continued by Mr. George Z. Medalie for the appellees.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, November 20, will be as follows: Nos. 98, 138, and 155.

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 Roberts, and Mr. Justice Cardozo.

Jose Ramon Quinones, of San Juan, P. R.; Henriette W. Steingger, of San Francisco, Calif.; S. Austin Wier, of Dallas, Tex.; J. Ira Harrelson, of Atlanta, Ga.; Raymond T. Senior, of Salt Lake City, Utah; Joseph F. Rosenfield, of Des Moines, Iowa; Paul Jones, of New York City; Maurice A. Gilsey, of New York City; and Charles T. Malone, of Chevy Chase, Md., were admitted to practice.

No. 98. The United States of America, appellant, *v.* Curtiss-Wright Export Corporation et al. Argument continued by Mr. George Z. Medalie and Mr. William Wallace for the appellees, and concluded by Mr. Martin Conboy for the appellant.

No. 138. Kentucky Whip and Collar Company, petitioner, *v.* Illinois Central Railroad Company. Argued by Mr. Charles I. Dawson for the petitioner; by Mr. John Blakey Helm for the respondent; and by Mr. Assistant Attorney General Dickinson for the United States as *amicus curiae*, by special leave of Court.

No. 155. Employers Reinsurance Corporation, petitioner, *v.* Randolph Bryant, United States District Judge, etc. Argued by Mr. Jacques P. Adoue for the petitioner. No brief for the respondent.

Adjourned until Monday, November 23 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 Roberts, and Mr. Justice Cardozo.

Anne E. Freeling, of Lawrence, Mass.; I. Fontaine Davison, of Arlington, Va.; James H. Brewster, Jr., of Weston, W. Va.; Wm. W. Dawson, of Cleveland, Ohio; Joseph N. Hassett, of St. Louis, Mo.; and Francis Samuel Gettle, of Stuttgart, Ark., were admitted to practice.

The Chief Justice announced the following order of the Court:

No. 49. W. H. H. Chamberlin, Inc., appellant, *v.* Elmer F. Andrews, Industrial Commissioner of the State of New York, et al.;

No. 50. E. C. Stearns & Co., appellant, *v.* Elmer F. Andrews, Industrial Commissioner of the State of New York, et al.; and

No. 64. Associated Industries of New York State, Inc., appellant, *v.* The Department of Labor of the State of New York et al.

Appeals from the Supreme Court of the State of New York. *Per curiam*: The judgments in these cases are severally affirmed by an

equally divided Court.

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*: James J. Walter, petitioner. The motion for leave to file petition for writ of habeas corpus herein is denied.

No. 2, original. State of Vermont, complainant, *v.* State of New Hampshire. The report of Special Commissioner herein is received and ordered filed.

No. 474. Angelo Herndon, appellant, *v.* J. I. Lowry, Sheriff etc.;

No. 475. Angelo Herndon, appellant, *v.* J. I. Lowry, Sheriff, etc.;

and

No. 494. Swayne and Hoyt, Ltd., et al., appellants, *v.* The United States of America. In these cases probable jurisdiction is noted.

No. 491. City of Holton, appellant, *v.* Kansas State Bank, Holton, Kansas, et al. Further consideration of the question of the jurisdiction of this Court in this case and of the motion to dismiss is postponed to the hearing of the case on the merits.

No. 511. John Sanacory, petitioner, *v.* The People of the State of New York. On petition for writ of certiorari to the Supreme Court of the State of New York; and

No. 515. Jack La Vers, petitioner, *v.* The Supreme Court of the State of California. 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, find no ground upon which writs of certiorari should be granted. The petitions for writs of certiorari are therefore also denied.

No. 449. Marrs McLean, petitioner, *v.* Goodyear Tire & Rubber Co., Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 463. Hammond Lumber Company, Owner, etc., petitioner, *v.* Broughton & Wiggins Navigation Company, Claimant, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 465. Crown Central Petroleum Corporation, petitioner, *v.* Consolidated Oil Company of Houston, Texas. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 466. Authur Spero and Thomas Simkoff, 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. 472. Elmer Johnson, petitioner, *v.* Edward J. Hughes, Individually, etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 476. Charles D. Beckwith et al., petitioners, *v.* Marion W. McCarter et al. Petition for writ of certiorari to the Supreme Court of the State of New York denied.

No. 477. The Harriman National Bank and Trust Company of the City of New York et al., etc., petitioners, *v.* Charles A. Munroe. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 482. E. I. DuPont De Nemours & Company, Inc., petitioners, *v.* Waxed Products Co., Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 484. Max Rothfeld, petitioner, *v.* 333 North Michigan Avenue Building Corporation et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 485. Lottie G. Brenner, petitioner, *v.* 333 North Michigan Avenue Building Corporation et al.; and

No. 486. Lottie G. Brenner, petitioner, *v.* 333 North Michigan Building Corporation et al. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 487. Annie Sherman et al., petitioners, *v.* 333 North Michigan Avenue Building Corporation et al.; and

No. 488. Annie Sherman et al., petitioners, *v.* 333 North Michigan Avenue Building Corporation et al. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 12. Pick Manufacturing Company, petitioner, *v.* General Motors Corporation et al.;

No. 353. Helen M. Torinus, appellant, *v.* Roy F. Johnson, The Auditor of Washington County, Minnesota, et al.; and

No. 434. Mrs. Inez Abel et al., petitioners, *v.* Ed Kennedy et al. Petitions for rehearing denied.

The Chief Justice said:

“Mr. Justice Stone took no part in the consideration or decision of the cases in which judgments or orders are this day announced.”

No. 202. October Term, 1935. Robert G. Stone et al., etc., petitioners, *v.* Thomas W. White, Former Collector of Internal Revenue, etc. Motion for further extension of time within which to file petition for rehearing submitted by Mr. Frederick A. Ballard for the petitioners.

Adjourned until Monday, December 7, at 12 o'clock.

The day call for Monday, December 7, will be as follows: Nos. 501, 20, 100, 108, 123, 125, 139, 161 (162 and 163), 172, and 175.

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 Roberts, and Mr. Justice Cardozo.

Harold H. Shaller, of Washington, D. C.; Laurence A. Knapp, of Washington, D. C.; Thomas I. Emerson, of Washington, D. C.; Louis G. Lange, Jr., of Washington, D. C.; Joseph O. Hoffmann, of Indianapolis, Ind.; James Turner, of Detroit, Mich.; John Maktos, of Detroit, Mich.; Bryon G. Rogers, of Las Animas, Colo.; Sydney P. Simons, of Bridgeport, Conn.; Arthur B. Weiss, of Bridgeport, Conn.; Jacob W. Friedman, of New York City; Joseph L. Weiner, of New York City; Frederick E. Campbell, of Kansas City, Mo.; William C. Michaels, of Kansas City, Mo.; Walter H. Maloney, of Kansas City, Mo.; Joseph G. Carey, of Wichita, Kans.; Eugene Ballard, Jr., of Montgomery, Ala.; John K. Hagopian, of San Francisco, Calif.; Clyde S. Bailey, of Washington, D. C.; Ralph R. Hawxhurst, of Chicago, Ill.; and Harry Seward Stark, of Chicago, Ill., were admitted to practice.

No. 74. American Telephone and Telegraph Company et al., appellants, *v.* The United States of America, Federal Communications Commission, et al. Appeal from the District Court of the United States for the Southern District of New York. Decree affirmed. Opinion by Mr. Justice Cardozo.

No. 221. James M. Landis et al., petitioners, *v.* The North American Company; and

No. 222. James M. Landis et al., petitioners, *v.* American Water Works and Electric Company, Incorporated. On writs of certiorari to the United States Court of Appeals for the District of Columbia. Decrees of the United States Court of Appeals for the District of Columbia reversed, the orders of the District Court vacated, and cases remanded to the District Court of the United States for the District of Columbia to determine the motions for stay in accordance with the principles laid down in the opinion of this Court. Opinion by Mr. Justice Cardozo. Mr. Justice McReynolds concurs in the result.

No. 18. M. J. Pufahl, as Receiver of the Austin National Bank of Chicago, petitioner, *v.* Estate of Elvira J. Parks, deceased. On writ of certiorari to the Appellate Court, First District, State of Illinois. Judgment affirmed with costs. Opinion by Mr. Justice Roberts.

No. 41. The United States, petitioner, *v.* Robert Esnault-Pelterie. On writ of certiorari to the Court of Claims. Judgment vacated and cause remanded to said court for such proceedings in harmony with the opinion of this Court as the Court of Claims may determine, and with instructions that it specifically find whether plaintiff's patent in suit was valid and, if found valid, whether it was infringed by the defendant. Opinion by Mr. Justice Butler.

No. 62. The United States of America, appellant, *v.* Charles Resnick and Joseph Resnick, partners, trading as L. Resnick and Sons; and

No. 63. The United States of America, appellant, *v.* The Acme Can Company. Appeals from the District Court of the United States for the Eastern District of Pennsylvania. Judgments affirmed. Opinion by Mr. Justice Butler.

No. 70. The National Home for Disabled Volunteer Soldiers, Danville, Illinois, et al., petitioners, *v.* Harvey M. Wood, as Administrator of the Estate of Walter Searles, deceased. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Judgment affirmed and cause remanded to the District Court of the United States for the Eastern District of Illinois. Opinion by Mr. Justice Butler.

No. 226. Old Dearborn Distributing Company, appellant, *v.* Seagram-Distillers Corporation; and

No. 372. Carl W. McNeil, Doing Business as McNeil's Liquor Store, appellant, *v.* Joseph Triner Corporation. Appeals from the Supreme Court of the State of Illinois. Decrees affirmed with costs. Opinion by Mr. Justice Sutherland.

No. 55. The Pep Boys, Manny, Moe & Jack, of California, appellants, *v.* Pyroil Sales Company, Inc.; and

No. 79. Clarence G. Kunsman, appellant, *v.* Max Factor & Co., and Sales Builders, Inc. Appeals from the Supreme Court of the State of California. Decrees affirmed with costs. Opinion by Mr. Justice Sutherland.

No. 146. John Hancock Mutual Life Insurance Company, petitioner, *v.* Mrs. Edna K. Yates. On writ of certiorari to the Supreme Court of the State of Georgia. Judgment reversed with costs and cause remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Brandeis.

No. 38. Mountain States Power Company, appellant, *v.* Public Service Commission of Montana; and

No. 39. Mountain States Power Company, appellant, *v.* Public Service Commission of Montana et al. Appeals from the District Court of the United States for the District of Montana. Decrees reversed with costs and cases remanded to the said District Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice McReynolds.

No. 24. Algernon S. Schafer, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue;

No. 25. Edward Schafer, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue; and

No. 26. Louis B. Tim et al., Executors etc., petitioners, *v.* Guy T. Helvering, Commissioner of Internal Revenue. On writs of certiorari to the United States Court of Appeals for the District of Columbia. Judgments affirmed, and cases remanded to the said Court of Appeals. Opinion by Mr. Justice McReynolds.

No. 186. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Albert Fried; and

No. 187. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Benjamin Einhorn. On writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgments affirmed and cases remanded to the said Circuit Court of Appeals. Opinion by Mr. Justice McReynolds.

No. 37. The British-American Oil Producing Company, petitioner, *v.* The Board of Equalization of the State of Montana et al. On writ of certiorari to the Supreme Court of the State of Montana. Judgment affirmed with costs. Opinion by Mr. Justice Van Devanter.

No. 4. Frank M. McKey, Trustee in Bankruptcy, petitioner, *v.* Maurice Paradise, as Trustee; and

No. 5. Frank M. McKey, Trustee in Bankruptcy, petitioner, *v.* Maurice Paradise, as Trustee. On writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Decrees of the Circuit Court of Appeals reversed with costs and the decree of the District Court of the United States for the Northern District of Illinois affirmed, and cases remanded to the said District Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Chief Justice Hughes.

No. 34. The United States of America, petitioner, *v.* Raymond Wood. On writ of certiorari to the United States Court of Appeals for the District of Columbia. Judgment of the United States Court of Appeals reversed and judgment of conviction affirmed and cause remanded to the District Court of the United States for the District

of Columbia for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Chief Justice Hughes. Dissenting: Mr. Justice McReynolds, Mr. Justice Sutherland, and Mr. Justice Butler.

No. 54. 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. Judgment vacated without costs to either party in this Court and cause remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion, *per curiam*, announced by Mr. Chief Justice Hughes.

No. 104. The Prairie Farmer Publishing Company, Wallace Publishing Company, et al., petitioners, *v.* The Indiana Farmer's Guide Publishing Company. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Judgment reversed with costs and cause remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion, *per curiam*, announced by Mr. Chief Justice Hughes.

The Chief Justice announced the following order of the Court:

No. 516. Union Building Corporation, appellant, *v.* E. A. Conway, Secretary, State of Louisiana. Appeal from the Supreme Court of the State of Louisiana. *Per curiam*: The motion of the appellee to dismiss the appeal is granted, and the appeal is dismissed for the want of a substantial federal question. *Southwestern Oil Co. v. Texas*, 217 U. S. 114, 121-124; *Singer Sewing Machine Co. v. Brickell*, 233 U. S. 304, 315; *Tax Commissioners v. Jackson*, 283 U. S. 527, 537-542; *First National Bank v. Tax Commission*, 289 U. S. 60, 63-64; *Puget Sound Co. v. Seattle*, 291 U. S. 619, 626.

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*: Frank Cassel, petitioner. The motion for leave to file petition for writ of habeas corpus is denied.

No. —, original. *Ex parte*: Harry Clark, petitioner. A rule is ordered to issue, returnable within thirty days from this date, requiring the respondent to show cause why leave to file the petition for writ of habeas corpus should not be granted.

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

No. —. *In Re Disbarment of Louis Fried*. It having been reported to the Court that Louis Fried, of Washington, D. C., a member of the bar of this Court, has been disbarred from the practice of the law in the District Court of the United States for the District of Columbia;

It is ordered that the said Louis Fried 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 Louis Fried to show cause why he should not be disbarred from the practice of the law in this Court.

No. 202. October Term, 1935. Robert G. Stone et al., etc., petitioners, *v.* Thomas W. White, Former Collector of Internal Revenue, etc. The motion for a further extension of time within which to file petition for rehearing is denied. The petition for rehearing is also denied.

No. 74. American Telephone and Telegraph Company et al., appellants, *v.* The United States of America et al. The motion of appellants for leave to file a supplemental brief is granted as of the 27th day of November 1936.

No. 27. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Illinois Life Insurance Company. It is ordered that the sentence in the second paragraph of the opinion delivered in this cause on November 9, 1936, which is as follows: "That provision is a reenactment of Sec. 245 (a) (2), Revenue Act of 1921, which in Helvering *v.* Insurance Co. we held not to apply to assets reserved by a life insurance company against unmaturred, unsurrendered, and unpaid coupons attached to its policies", be amended by striking therefrom the word "unmaturred" and inserting in its place the word "matured."

The petition for rehearing is denied.

No. 536. Samuel Steinberg, petitioner, *v.* Homer C. Cummings, as Attorney General, et al. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit; and

No. 544. Gene McCann, petitioner, *v.* Hon. Vincent L. Leibell, Judge of the United States District Court for the Southern District of New York, et al. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. The motions for leave to proceed further herein in *forma pauperis* are denied for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which writs of certiorari should be granted. The petitions for writs of certiorari are therefore also denied.

No. 500. Guy S. Martin, petitioner, *v.* National Surety Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit granted.

No. 505. The Atchison, Topeka and Santa Fe Railway Company, petitioner, *v.* William W. Scarlett. Petition for writ of certiorari to the Supreme Court of the State of California granted.

No. 285. United States ex relatione, Girard Trust Company, Trustee, etc., 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. 462. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Francis J. Kelly, Executor, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 470. The United States of America, petitioner, *v.* Steamship "Papoose", her engines, etc., et al.; and

No. 471. The United States of America, petitioner, *v.* Petroleum Navigation Company. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 478. J. P. Morgan & Company, petitioner, *v.* Missouri Pacific Railroad Company, Debtor, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 480. Sewell L. Avery, petitioner, *v.* Commissioner of Internal Revenue; and

No. 481. Sewell L. Avery, petitioner, *v.* Commissioner of Internal Revenue. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 490. J. W. Feak, petitioner, *v.* The Marion Steam Shovel Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 492. James Virdone, as Trustee, etc., petitioner, *v.* Dows Estate, Inc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 493. Missouri-Kansas-Texas Railroad Company, petitioner, *v.* Melvin M. Good, Administrator, etc. Petition for writ of certiorari to the Supreme Court of the State of Missouri denied.

No. 498. Stephen L. Stetson Company, Ltd., et al., petitioners, *v.* John B. Stetson Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 502. United States Savings Bank and Wade H. Cooper, petitioners, *v.* Henry Morgenthau, Jr., Secretary of the Treasury, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 514. Benjamin J. Spang, etc., petitioner, *v.* Fred A. Gossnell, Jesse T. Nicholas, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 495. Louis Fierman, Jr., alias Louie Fierman, Jr., petitioner, *v.* The United States of America;

No. 496. Abe Fierman, petitioner, *v.* The United States of America; and

No. 497. Joseph Pallis, alias Joe Pallis, petitioner, *v.* The United States of America. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 499. Hartridge-Cannon Company et al., petitioners, *v.* J. W. Gillespie, L. F. Rodgers, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 503. William S. Moore, petitioner, *v.* Chicago Mercantile Exchange et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 504. James E. Bennett, Frank A. Miller, et al., petitioners, *v.* Board of Trade of the City of Chicago et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 508. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* William W. Vaughan. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 510. Walter E. Meyer, Arthur M. Hess, et al., petitioners, *v.* The Kansas City Southern Railway Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied. Mr. Justice Cardozo took no part in the consideration and decision of this application.

No. 517. John J. Flanagan, petitioner, *v.* Ditto, Incorporated. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 518. South Atlantic Steamship Company of Delaware, petitioner, *v.* Frank Munkacsy. Petition for writ of certiorari to the Supreme Court of the State of Delaware denied.

No. —. In Re Disbarment of Holmes Hall;

No. 2. Jean Bourdieu, petitioner, *v.* Pacific Western Oil Company et al.;

No. 10. Joseph H. Barwise et al., appellants, *v.* George H. Shepard, as Comptroller of the State of Texas, et al.;

No. 11. L. P. Chisholm, Waller Holladay, et al., petitioners, *v.* W. B. Gilmer, Receiver, etc.; and

No. 22. State Board of Equalization of the State of California et al., appellants, *v.* Young's Market Company et al.;

No. 271. In the Matter of 620 Church Street Building Corporation et al., petitioners;

No. 384. S. H. Kress & Company et al., appellants, *v.* Ed. C. Johnson, as Governor of the State of Colorado;

No. 386. Thomas J. Wood, petitioner, *v.* The United States of America;

No. 425. Edgar W. Bassick, petitioner, *v.* Commissioner of Internal Revenue; and

No. 426. Jessie S. Perkins, petitioner, *v.* Commissioner of Internal Revenue. Petitions for rehearing denied.

ORDER

It is ordered that Rule 2 of the Rules of this Court be, and it is hereby, amended, effective February 1, 1937, so as to read as follows:

1. It shall be requisite to the admission of attorneys or counsellors to practice in this court, that they shall have been such for three years past in the highest court of a State, Territory, District, or Insular Possession, and that their private and professional characters shall appear to be good.

2. Not less than two weeks in advance of application for admission, each applicant shall file with the clerk (1) a certificate from the presiding judge or clerk of the proper court showing that he possesses the foregoing qualifications, (2) his personal statement under oath setting out the date and place of his birth, the names of his parents, his place of residence and office address, the courts of last resort to which he has been admitted, the places where he has been a practitioner, and, if he is not a native-born citizen, the date and place of his naturalization, and information respecting any reprimand of any court pertaining to his conduct or fitness as a member of the bar, and (3) two letters or signed statements of members of the bar of this court, not related to the applicant, who are resident practitioners within the State, Territory, District, or Insular Possession (to which the application refers as provided in paragraph 1 of this rule) stating that the applicant is personally known to them, that he possesses all the qualifications required for admission to the bar of this court, that they have examined his personal statement and that they affirm that his personal and professional character and standing are good.

3. Admissions will be granted only upon oral motion by a member of the bar in open court, and upon his assurance that he has examined the credentials of the applicant filed in the office of the clerk in accordance with the foregoing requirement and that he is satisfied that the applicant possesses the necessary qualifications.

The Chief Justice said:

“Mr. Justice Stone took no part in the consideration or decision of the cases in which judgments or orders are this day announced.”

No. 537. Ella H. Tinkoff, petitioner, *v.* Chicago Title and Trust Company, as Trustee, et al. Motion to waive rule as to printing record submitted by Mr. Paysoff Tinkoff for the petitioner.

No. 501. The Kroger Grocery & Baking Company, appellant, *v.* Philip Lutz, Jr., as Attorney General of the State of Indiana, et al. Argued by Mr. Robert S. Marx for the appellant. The Court declined to hear further argument.

No. 20. Great Northern Railway Company, appellant, *v.* State of Washington. Argument commenced by Mr. Thomas Balmer for the appellant and continued by Mr. George G. Hannan for the appellee.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, December 8, will be as follows: Nos. 20, 100, 108, 123, 125, 139, 161 (162 and 163), 172, 175, and 180.

×

SUPREME COURT OF THE UNITED STATES

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

Maurice E. Tarshis, of Portland, Oreg.; Andrew M. Hood, of Washington, D. C.; Henry H. Byrne, of Washington, D. C.; Frances Williamson Lehigh, of New York City; Charles Wilbur Board, of Kansas City, Mo.; Austin J. Tobin, of New York City; James R. Bain, of Portland, Oreg.; Theron Bertram Hamilton, of Pittsburgh, Pa.; Raymond F. Garrity, of Washington, D. C.; Moses Carl Levine, of New York City; David Morgulas, of New York City; Wilbur A. Toner, of Walla Walla, Wash.; Charles Z. Walker, of Long Beach, Calif.; William Lipscomb, of Dallas, Tex.; J. Frederic Burns, of Houlton, Me.; Homer Holt, of Chicago, Ill.; John K. Maddin, of Nashville, Tenn.; Francis E. Dugan, of Omaha, Nebr.; Wm. A. Moncure, of Alexandria, Va.; and F. B. Freeland, of New Orleans, La., were admitted to practice.

No. 180. Holyoke Water Power Company, petitioner, *v.* American Writing Paper Company, Inc. Motion for leave to file brief of Paul Bakewell, Jr., as *amicus curiae* and to participate in the oral argument submitted by Mr. Paul Bakewell, Jr., and the motion denied.

No. 20. Great Northern Railway Company, appellant, *v.* State of Washington. Argument continued by Mr. George G. Hannan for the appellee and concluded by Mr. L. B. daPonte for the appellant.

No. 100. W. P. Brown & Sons Lumber Company et al., petitioners, *v.* Louisville & Nashville Railroad Company et al. Argued by Mr. J. V. Norman for the petitioners, and by Mr. Elmer A. Smith for the respondents.

No. 108. The North American Cement Corporation, appellant, *v.* Mark Graves et al., etc. Argued by Mr. Henry S. Manley and Mr. Charles J. Tobin for the appellant, and by Mr. Wendell P. Brown for the appellees.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, December 9, will be as follows: Nos. 123, 125, 139, 161 (162 and 163), 172, 175, 180, 207 (208 and 209), 212, and 214.

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 Roberts, and Mr. Justice Cardozo.

Maurice Baskin, of Washington, D. C., and Owen Rall, of Chicago, Ill., were admitted to practice.

No. 123. Dirk DeJonge, appellant, *v.* The State of Oregon. Argued by Mr. Osmond K. Fraenkel for the appellant, and by Mr. Maurice E. Tarshis for the appellee.

No. 125. A. L. Shapleigh et al., petitioners, *v.* Pascaul Mier. Argued by Mr. H. R. Gamble for the petitioners, and by Mr. Richard F. Burges for the respondent.

No. 139. The People of the State of New York, upon the relation of Richard Reid Rogers, appellant, *v.* Mark Graves, John J. Merrill, et al., etc. Argument commenced by Mr. Richard Reid Rogers for the appellant.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, December 10, will be as follows: Nos. 139, 161 (162 and 163), 172, 175, 180, 207 (208 and 209), 212, 214, 217, and 216 (and 328).

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 Roberts, and Mr. Justice Cardozo.

Bates Booth, of Los Angeles, Calif.; Nathan P. Avery, of Holyoke, Mass.; James M. Healy, of Longmeadow, Mass.; Frank E. Button, of Holyoke, Mass.; Herbert A. Denis, of Detroit, Mich.; Donald C. Starr, of Boston, Mass.; Vance Brand, of Urbana, Ohio; Arthur Abraham, of Chicago, Ill.; Russell L. Davenport, of Holyoke, Mass.; Charles P. Curtis, Jr., of Boston, Mass.; and E. L. Skeel, of Seattle, Wash., were admitted to practice.

No. 139. The People of the State of New York, upon the relation of Richard Reid Rogers, appellant, *v.* Mark Graves, John J. Merrill et al., etc. Argument continued by Mr. Richard Reid Rogers for the appellant, and concluded by Mr. Joseph M. Mesnig for the appellees.

No. 172. The United States, petitioner, *v.* The Seminole Nation. Argued by Mr. Charles E. Wyzanski, Jr., for the petitioner, and by Mr. Paul M. Neibell for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, December 11, will be as follows: Nos. 175, 180, 161 (162 and 163), 207 (208 and 209), 212, 214, 217, 216 (and 328), 218, and 224.

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 Roberts, and Mr. Justice Cardozo.

Benjamin F. Napheys, Jr., of Alibene, Kans.; Bernard Bernstein, of New York City; Anthony Kabatt, of Elmira, N. Y.; Ralph F. Miller, of Washington, D. C.; Al Ralph Snyder, of Washington, D. C.; John O. Wicks, of Pittsburgh, Pa.; John Charles Adams, of Tulsa, Okla.; David D. Johnson, of Pittsburgh, Pa.; Wm. S. Potter, of Wilmington, Del.; Edward C. Gritzbaugh, of Chicago, Ill.; George B. Rowlings, of Boston, Mass.; Charles A. Rome, of Boston, Mass.; Frank E. Spain, of Birmingham, Ala.; Harlan Hobart Grooms, of Birmingham, Ala.; and Thomas C. McConnell, of Chicago, Ill., were admitted to practice.

No. 175. Marcus Hauge, appellant, *v.* The City of Chicago. Argued by Mr. Owen Rall for the appellant, and by Mr. Martin H. Foss for the appellee.

No. 180. Holyoke Water Power Company, petitioner, *v.* American Writing Paper Company, Inc. Argued by Mr. Bentley W. Warren for the petitioner; by Mr. Charles P. Curtis, Jr., for the respondent; and by Mr. Solicitor General Reed for the United States as *amicus curiae* by special leave of Court.

No. 161. Liggett and Myers Tobacco Co., petitioner, *v.* The United States;

No. 162. The Commonwealth of Massachusetts, petitioner, *v.* The United States; and

No. 163. Liggett and Myers Tobacco Co., on behalf of the Commonwealth of Massachusetts, petitioner, *v.* The United States. Argument commenced by Mr. Henry F. Long for the petitioners.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, December 14, will be as follows: Nos. 161 (162 and 163), 207 (208 and 209), 418, 354, 151, 260, 436, 293, 212, and 214.

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 Roberts, and Mr. Justice Cardozo.

Weston Vernon, Jr., of Washington, D. C.; Bernard Tompkins, of New York City; Benjamin H. Kizer, of Spokane, Wash.; Winthrop H. Kellogg, of New York City; Robert Gerald Trampe, of Golconda, Ill.; James B. Fitzgerald, of Lakewood, Ohio; Irving Fane, of Kansas City, Mo.; Ludwick Graves, of Kansas City, Mo.; Hastings S. Morse, of New York City; Henry Eirven Solomon, of New London, Conn.; Edward Chester Adams, of Washington, D. C.; Llewellyn Brittain Duke, of Austin, Tex.; and Robert Alfred Burri, of Cleveland, Ohio, were admitted to practice.

No. 28. KVOS, Inc., petitioner, *v.* The Associated Press. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Decree of the Circuit Court of Appeals reversed with costs and cause remanded to the District Court of the United States for the Western District of Washington with directions to dismiss the bill of complaint for want of jurisdiction. Opinion by Mr. Justice Roberts.

No. 77. Harriet C. Binney, Frederic Cunningham, et al., appellants, *v.* Henry F. Long, Commissioner of Corporations and Taxation of the Commonwealth of Massachusetts. Appeal from the Probate Court of the County of Norfolk, Commonwealth of Massachusetts. Decree reversed with costs and cause remanded to said Probate Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Roberts. Opinion by Mr. Justice Cardozo dissenting in part in which Mr. Justice Brandeis joins.

No. 32. Duke Power Company and Southern Public Utilities Company, petitioners, *v.* Greenwood County and E. L. Brooks, S. A. Agnew, et al. On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit. Decree of the Circuit Court of Appeals reversed and cause remanded to the District Court of the United States for the Western District of South Carolina with directions to vacate its decrees and for further proceedings in conformity with the opinion of this Court. Opinion, *per curiam*, announced by Mr. Chief Justice Hughes.

The Chief Justice announced the following order of the Court:

No. 546. Claudian B. Northrop and Eleanor G. Northrop, appellants, *v.* William L. Beale, George W. Brown, et al. Appeal from the Court of Appeals of the State of Maryland. *Per curiam*: The motion of the appellees to dismiss the appeal 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. *Petrie v. Nampa, etc.*, Irrigation District, 248 U. S. 154, 157; *McCoy v. Shaw*, 277 U. S. 302, 303; *Fox Film v. Muller*, 296 U. S. 207, 209-210. Insofar as the papers whereon the appeal was allowed seek a review of the rulings of the Court of Appeals of Maryland upon questions of the asserted denial of rights under the Federal Constitution not involving the validity of any statute of the State, such papers are treated as a petition for writ of certiorari. Sec. 237 (c), Judicial Code, as amended by the Act of February 13, 1925 (43 Stat. 936, 938), and certiorari is denied.

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. 537. Ella H. Tinkoff, petitioner, *v.* Chicago Title and Trust Company, as Trustee, et al. The motion of petitioner to waive the rule as to printing the record is denied.

No. 551. Mary E. Jackson, petitioner, *v.* Frank T. Fuller et al. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia; and

No. 553. Otto Van Dyke, petitioner, *v.* The State of Michigan. On petition for writ of certiorari to the Supreme Court of the State of Michigan. 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. 534. Bourjois, Inc., appellant, *v.* Clyde R. Chapman et al.; and

No. 539. The Ohio Bell Telephone Company, appellant, *v.* The Public Utilities Commission of Ohio. In these cases probable jurisdiction is noted.

No. 507. B. D. Kester, Trustee in Bankruptcy of Charles H. Helmer, Bankrupt, petitioner, *v.* Ruby H. Adams, as Administratrix, etc., al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 509. Magnolia Petroleum Company, petitioner, *v.* G. T. Blankenship et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 512. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* East Coast Oil Company, S. A. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 513. Ethel Mary Magill et al., petitioners, *v.* Rodney F. Starkey, as Trustee, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 521. Roger D. Moore, Administrator of the Estate of Ethel Moore, deceased, petitioner, *v.* The Ocean Accident & Guarantee Corporation, Ltd. Petition for writ of certiorari to the United States Circuit of Appeals for the Eighth Circuit denied.

No. 529. Joseph Lanza, 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. 538. Hugh J. Sheeran, as Receiver of New York Railways Company, et al., petitioners, *v.* The City of New York. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 541. Vernon Tetzke, 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. 105. Lulu Mignon Murphy, petitioner, *v.* S. S. Murphy (and wife) Alice K. Murphy;

No. 424. The Armand Company, Inc., petitioner, *v.* Federal Trade Commission;

No. 445. John J. Flanigan, petitioner, *v.* Ditto, Incorporated;

No. 459. Sophia Brennan, Administratrix, et al., petitioners, *v.* Sabine Towing Company, Inc., et al. Petitions for rehearing denied.

Mr. Justice Stone took no part in the consideration or decision of the cases in which judgments or orders are this day announced.

ORDER

The Court will take a recess from Monday, December 21, to Monday, January 4, 1937.

No. —, original. State of Texas, complainant, *v.* State of New York et al. Motion for leave to file bill of complaint submitted by Mr. William McCraw for the complainant.

No. 161. Liggett and Myers Tobacco Co., petitioner, *v.* The United States;

No. 162. The Commonwealth of Massachusetts, petitioner, *v.* The United States; and

No. 163. Liggett and Myers Tobacco Co., on behalf of the Commonwealth of Massachusetts, petitioner, *v.* The United States. Argument continued by Mr. Henry F. Long for the petitioners, and concluded by Mr. Paul Jackson for the respondent.

No. 207. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Tex-Penn Oil Company;

No. 208. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* M. L. Benedum; and

No. 209. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* F. B. Parriott. Argued by Mr. Thurman Arnold for the petitioner and by Mr. John W. Davis for the respondents.

No. 418. Harold H. Henneford et al., Members of the Tax Commission of the State of Washington, appellants, *v.* Silas Mason Company, Inc., et al. Argument commenced by Mr. R. G. Sharpe for the appellants.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, December 15, will be as follows: Nos. 418, 354, 151, 260, 436, 293, 212, 214, 217, and 216 (and 328).

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 Roberts, and Mr. Justice Cardozo.

Roswell Leavitt Gilpatric, of New York City; Clarence E. Brand, of New Haven, Conn.; D. Worth Clark, of Pocatello, Idaho; Murray M. McGuire, of Richmond, Va.; George E. Palmer, of Floral Park, N. Y.; Donald S. Holmes, of Duluth, Minn.; Earl Morse, of New York City; and Charles L. Sylvester, of New York City, were admitted to practice.

No. 418. Harold H. Henneford et al., Members of the Tax Commission of the State of Washington, appellants. *v.* Silas Mason Company, Inc., et al. Argument continued by Mr. R. G. Sharpe for the appellants; by Mr. B. H. Kizer for the appellees; and concluded by Mr. R. G. Sharpe for the appellants.

No. 354. Caroline R. Kuehner and Frederick G. Fischer, as Trustees, petitioners, *v.* Grayson M.-P. Murphy et al., etc. Argued by Mr. Rollin Browne for the petitioners and by Mr. William D. Whitney for the respondents.

No. 151. Mrs. John S. Meadows, petitioner, *v.* The Irving Trust Company, as Trustee, etc., et al. Argument commenced by Mr. Perlie P. Fallon for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, December 16, will be as follows: Nos. 151, 260, 436, 293, 212, 214, 217, 216 (and 328), 218, and 247.

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.

Jacob Newman, of New York City; Robert J. McKeever, of Port Chester, N. Y.; and Donald W. Robertson, of Oakmont, Pa., were admitted to practice.

No. 151. Mrs. John S. Meadows, petitioner, *v.* The Irving Trust Company, as Trustee, etc., et al. Argument continued by Mr. Perlie P. Fallon for the petitioner; by Mr. William D. Whitney for the respondents; and concluded by Mr. Perlie P. Fallon for the petitioner.

No. 260. City Bank Farmers Trust Company, Assignee of Florence H. Bugbee, petitioner, *v.* Irving Trust Company, as Trustee, etc., et al. Argued by Mr. Henry L. Glenn for the petitioner, and by Mr. William D. Whitney for the respondents.

No. 436. Joseph E. Otis Estate Land Trust et al., petitioners, *v.* Irving Trust Company, as Trustee, etc., et al. Argued by Mr. Murray C. Bernays for the petitioners, and by Mr. William D. Whitney for the respondents.

No. 293. West Coast Hotel Company, appellant, *v.* Ernest Parrish and Elsie Parrish, his wife. Argument commenced by Mr. E. L. Skeel for the appellant.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, December 17, will be as follows: Nos. 293, 212, 214, 217, 216 (and 328), 218, 247, and 255.

×

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 Roberts, and Mr. Justice Cardozo.

Ralph O. Butz, of Chicago, Ill.; Harry S. Wender, of Washington, D. C.; Martin B. Dickinson, of Kansas City, Mo.; and Warren R. Slemmons, of Seattle, Wash., were admitted to practice.

No. 293. West Coast Hotel Company, appellant, *v.* Ernest Parrish and Elsie Parrish, his wife. Argument continued by Mr. E. L. Skeel for the appellant; by Mr. W. A. Toner for the appellees; and concluded by Mr. E. L. Skeel for the appellant.

No. 212. Forest Marvel, petitioner, *v.* Fred G. Zerbst, Warden, etc. Argument commenced by Mr. John B. Boddie for the petitioner. The Court declined to hear further argument.

No. 217. Midland Realty Company, appellant, *v.* Kansas City Power & Light Company. Argued by Mr. Elliott H. Jones for the appellant, and by Mr. Ludwick Graves and Mr. Irvin Fane for the appellee.

No. 216. Shoshone Tribe of Indians of the Wind River Reservation in Wyoming, petitioner, *v.* The United States; and

No. 328. The United States, petitioner, *v.* Shoshone Tribe of Indians of the Wind River Reservation in Wyoming. Argument commenced by Mr. George M. Tunison for the Shoshone Tribe of Indians.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, December 18, will be as follows: Nos. 216 (and 328), 214, 218, 247, and 255.

×

SUPREME COURT OF THE UNITED STATES

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

Maurice P. Murphy, of St. Joseph, Mo.; G. Samuel Milam, of Russellville, Ky.; Charles A. Savage, of Ocala, Fla.; and Howard F. Latourette, of Portland, Oreg., were admitted to practice.

No. 216. Shoshone Tribe of Indians of the Wind River Reservation in Wyoming, petitioner, *v.* The United States; and

No. 328. The United States, petitioner, *v.* Shoshone Tribe of Indians of the Wind River Reservation in Wyoming. Argument continued by Mr. George M. Tunison for the Shoshone Tribe of Indians; by Mr. Assistant Attorney General Blair for the United States; and concluded by Mr. Albert W. Jefferis for the Shoshone Tribe of Indians.

No. 214. Juan Bengzon, petitioner, *v.* The Secretary of Justice and Insular Auditor of the Philippine Islands. Argued by Mr. Eugene M. Caffey for the respondent, and case submitted by Mr. Pedro Y. Ylagen for the petitioner.

No. 218. The People of the State of New York, *ex rel.* C. Handasyde Whitney, appellant, *v.* Mark Graves, John P. Hennessey et al., etc. Argued by Mr. Marcien Jenckes for the appellant, and by Mr. Joseph M. Mesnig for the appellees.

Adjourned until Monday, December 21, 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 Roberts, and Mr. Justice Cardozo.

C. Keefe Hurley, of Gardner, Mass.; A. Marvin Braverman, of Cedar Rapids, Iowa; I. S. Dorfman, of Chicago, Ill.; Wilmer H. Eberly, of New York City; H. Rowan Gaither, Jr., of San Francisco, Calif.; John O. Palstine, of Los Angeles, Calif.; William G. MacKay, of Washington, D. C.; Charles A. Harrison, of New Haven, Conn.; Melvyn Gordon Loewenstein, of New York City; George Thurston Evans, of Denver, Colo.; and Sam Goldman, of St. Louis, Mo., were admitted to practice.

No. 98. The United States of America, appellant, *v.* Curtiss-Wright Export Corporation, Curtiss Aeroplane & Motor Company, Inc., and Barr Shipping Corporation, et al. Appeal from the District Court of the United States for the Southern District of New York. Judgment reversed and cause remanded to said District Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Sutherland. Dissenting: Mr. Justice McReynolds.

No. 501. The Kroger Grocery & Baking Company, appellant, *v.* Philip Lutz, Jr., as Attorney General of the State of Indiana, et al. Appeal from the District Court of the United States for the Northern District of Indiana. Decree affirmed with costs. Opinion, *per curiam*, announced by Mr. Chief Justice Hughes.

No. 522. Lillie Kammerer, on behalf of herself and all other shareholders of the Miami Savings and Loan Company, et al., appellants, *v.* William H. Kroeger, Superintendent of Building and Loan Associations, et al.;

No. 523. Susan H. Wuist, on behalf of herself and all other Shareholders of the Dayton Building and Savings Association, et al., appellants, *v.* William H. Kroeger, Superintendent of Building and Loan Associations, et al.;

No. 524. Charles Fisher, on behalf of himself and all other shareholders of the Security Savings Association, et al., appellants, *v.* William H. Kroeger, Superintendent of Building and Loan Associations, et al.;

No. 525. Clyde C. Cotterill, on behalf of himself and all other shareholders of the Mutual Home and Savings Association, et al., appellants, *v.* William H. Kroeger, Superintendent of Building and Loan Associations, et al.;

No. 526. George W. Kelsey, on behalf of himself and all other shareholders of the American Loan and Savings Association, et al., appellants, *v.* William H. Kroeger, Superintendent of Building and Loan Associations, et al.;

No. 527. Harriet P. Kimmel, on behalf of herself and all other shareholders of the Franklin Savings and Loan Associations, et al., appellants, *v.* William H. Kroeger, Superintendent of Building and Loan Associations, et al.; and

No. 528. William C. Reichert, on behalf of himself and all other shareholders of the Permanent Building and Savings Association, et al., appellants, *v.* William H. Kroeger, Superintendent of Building and Loan Associations, et al. Appeals from the Supreme Court of the State of Ohio. Motions to dismiss granted and appeals dismissed for the want of a substantial federal question. Opinion, *per curiam*, announced by Mr. Chief Justice Hughes.

The Chief Justice announced the following orders of the Court:

No. 108. The North American Cement Corporation, appellant, *v.* Mark Graves et al., etc. Appeal from the Supreme Court of the State of New York. *Per curiam*: Judgment affirmed upon the ground that the statute (Section 214, Article 9-A, of the Tax Law of the State of New York) is valid upon its face and it has not been shown to have been so applied as to violate appellants' constitutional rights. *Bass, Ratcliff & Gretton, Ltd., v. State Tax Commission*, 266 U. S. 271.

No. 212. Forest Marvel, petitioner, *v.* Fred G. Zerbst, Warden of the United States Penitentiary, Leavenworth, Kansas. On writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit. *Per curiam*: Judgment affirmed. *Salinger v. Loisel*, 265 U. S. 224, 235, 237.

No. 543. Mississippi Central Railroad Company et al., appellants, *v.* Mrs. Hattie Rife Smith. Appeal from the Supreme Court of the State of Mississippi. *Per curiam*: The motion of the appellee to dismiss the appeal 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). Treating the papers whereon the appeal was allowed as a petition for writ of certiorari, as required by Sec. 237 (c), Judicial Code, as amended (43 Stat. 936, 938), certiorari is denied. The motion of the appellee to allow damages is granted, and it is ordered that damages of five hundred dol-

lars, payable to the appellee, be taxed against appellants. *Mississippi Central R. Co. v. Roberts*, 296 U. S. 536; *Mississippi Central R. Co. v. Aultman*, 296 U. S. 537.

No. 483. *Boston Safe Deposit and Trust Company, Trustee, etc., appellant, v. Henry F. Long, Commissioner, etc.* Appeal from the Probate Court of the County, Dukes County. *Per curiam*: The motion of the appellee to dismiss the appeal is granted, and the appeal is dismissed for the want of a substantial federal question. *Saltonstall v. Saltonstall*, 276 U. S. 260.

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 York et al.* A rule is ordered to issue, returnable within forty days from this date, requiring the respondents to show cause why leave to file the bill of complaint should not be granted.

No. 2, original. State of Vermont, complainant, *v. State of New Hampshire.* Upon the joint application of the State of Vermont and the State of New Hampshire, it is ordered that Samuel S. Gannett, Esq., Special Commissioner in this cause, supplement his report filed November 23, 1936, by adding thereto a description of the traverse reference line and a map thereof. The time within which exceptions or objections to said report and supplemental report may be filed is extended to forty days after the delivery of the supplemental report to the Clerk of the Court and to the Attorneys General of the two States.

No. 560. James McCarthy, petitioner, *v. Fred G. Zerbst, Warden, etc.* On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit. The motion for leave to proceed 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. 530. Robert Page Wright, Bankrupt, petitioner, *v. Vinton Branch of the Mountain Trust Bank of Roanoke, Virginia, et al.* Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit granted.

No. 531. John Boseman, petitioner, *v. Connecticut General Life Insurance Company.* Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit granted.

No. 532. The United States of America, petitioner, *v.* Morgan Belmont and Eleanor R. Belmont, as Executors, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 519. The Board of Trade of Kansas City, Missouri, et al., petitioners, *v.* Maurice M. Milligan, United States Attorney, etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 520. Guardian Trust Company et al., petitioners, *v.* Jefferson Lake Oil Company, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 535. Victor Gasoline Company, petitioner, *v.* Shell Petroleum Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 511. John Sanacory, petitioner, *v.* The People of the State of New York. Petition for rehearing denied.

Mr. Justice Stone took no part in the consideration or decision of the cases in which judgments or orders are this day announced.

No. 324. The Virginian Railway Company, petitioner, *v.* System Federation No. 40, etc., et al. Leave granted the United States to file a brief and to participate in the oral argument as *amicus curiae*, granted on motion of Mr. Solicitor General Reed for the United States.

No. 41. The United States, petitioner, *v.* Robert Esnault-Pelterie. Motion to amend judgment submitted by Mr. Solicitor General Reed for the petitioner.

No. 413. Grand Rapids Trust Company, Receiver, etc., petitioner, *v.* United Light and Power Company. On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. Dismissed per stipulation of counsel.

Adjourned until Monday, January 4, 1937.

The day call for Monday, January 4, 1937, will be as follows: Nos. 224, 235, 247, 254, 255, 257, 280, 266 (267 and 268), 298 (and 299), and 305.

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 Roberts, and Mr. Justice Cardozo.

Royal J. Douglas, of Ogden, Utah; Carl L. Phinney, of Dallas, Tex.; Thomas M. David, of Washington, D. C.; A. B. Tanner, of Berkeley, Calif.; Gerard Swope, Jr., of Washington, D. C.; Donald Prentice, of Bartlesville, Okla.; Leon J. York, of Stillwater, Okla.; Harry W. Horton, of El Centro, Calif.; M. Jacob Markmann, of Philadelphia, Pa.; W. Scott Macgill, Jr., of Garrett Park, Md.; Silas Garrett Bernard, of Asheville, N. C.; Neil Garrison Locke, of Los Angeles, Calif.; C. R. Wharton, of Greensboro, N. C.; Alfred L. Cowell, of Stockton, Calif.; Aloysius J. Ormond, of Waltham, Mass.; James A. Murray, of Anderson, S. C.; F. Roy Linn, of Verona, Mo.; Kester Walton, of Asheville, N. C.; William R. Pierce, of West Falls Church, Va.; and Robert Eikel, Jr., of Houston, Tex., were admitted to practice.

No. 125. A. L. Shapleigh et al., petitioners, *v.* Pascual Mier. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Decree affirmed with costs and cause remanded to the District Court of the United States for the Western District of Texas. Opinion by Mr. Justice Cardozo.

No. 216. Shoshone Tribe of Indians of the Wind River Reservation in Wyoming, petitioner, *v.* The United States; and

No. 328. The United States, petitioner, *v.* Shoshone Tribe of Indians of the Wind River Reservation in Wyoming. On writs of certiorari to the Court of Claims. Judgment reversed and cases remanded to the Court of Claims for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Cardozo.

No. 260. City Bank Farmers Trust Company, Assignee of Florence H. Bugbee, petitioner, *v.* Irving Trust Company, as Trustee of the Estate of the United Cigar Stores Company of America, et al. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment reversed with costs and cause remanded to the 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 Roberts. Mr.

Justice Brandeis took no part in the consideration or decision of this case.

No. 354. Caroline R. Kuehner and Frederick G. Rischer, as Trustees, petitioners, *v.* Grayson M-P. Murphy et al., etc. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment affirmed with costs and cause remanded to the District Court of the United States for the Southern District of New York. Opinion by Mr. Justice Roberts. Mr. Justice Brandeis took no part in the consideration or decision of this case.

No. 436. Abe Schwartz et al., petitioners, *v.* Irving Trust Company, as Trustee of United Cigar Stores Company of America, et al. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment reversed with costs and cause remanded to the 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 Roberts. Mr. Justice Brandeis took no part in the consideration or decision of this case.

No. 151. Mrs. John S. Meadows, petitioner, *v.* The Irving Trust Company, as Trustee of United Cigar Stores Company of America, Debtor, et al. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment affirmed with costs and cause remanded to the District Court of the United States for the Southern District of New York. Opinion by Mr. Justice Roberts. Mr. Justice Brandeis took no part in the consideration or decision of this case.

No. 172. The United States, petitioner, *v.* The Seminole Nation. On writ of certiorari to the Court of Claims. Judgment reversed and cause remanded to the Court of Claims for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Butler.

No. 139. The People of the State of New York, upon the relation of Richard Reid Rogers, appellant, *v.* Mark Graves, John J. Merrill, and John P. Hennessey, as Commissioners, etc. Appeal from the Supreme Court of the State of New York. Judgment reversed with costs and cause remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Sutherland.

No. 214. Juan Bengzon, petitioner, *v.* The Secretary of Justice and Insular Auditor of the Philippine Islands. On writ of certiorari to the Supreme Court of the Commonwealth of the Philippines. Judgment reversed with costs and cause remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Sutherland.

No. 100. W. P. Brown & Sons Lumber Company et al., petitioners, *v.* Louisville & Nashville Railroad Company et al. On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. Judgment affirmed with costs and cause remanded to the District Court of the United States for the Western District of Kentucky. Opinion by Mr. Justice Brandeis.

No. 161. Liggett and Myers Tobacco Co., petitioner, *v.* The United States;

No. 162. The Commonwealth of Massachusetts, petitioner, *v.* The United States; and

No. 163. Liggett and Myers Tobacco Co., on behalf of the Commonwealth of Massachusetts, petitioner, *v.* The United States. On writs of certiorari to the Court of Claims. Judgments affirmed. Opinion by Mr. Justice McReynolds.

No. 175. Marcus Hauge, appellant, *v.* The City of Chicago. Appeal from the Supreme Court of the State of Illinois. Judgment affirmed with costs. Opinion by Mr. Justice McReynolds.

No. 155. Employers Reinsurance Corporation, petitioner, *v.* Randolph Bryant, United States District Judge for the Eastern District of Texas. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Judgment affirmed with costs and cause remanded to the said Circuit Court of Appeals. Opinion by Mr. Justice Van Devanter.

No. 138. Kentucky Whip and Collar Company, petitioner, *v.* Illinois Central Railroad Company. On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. Decree affirmed with costs and cause remanded to the District Court of the United States for the Western District of Kentucky. Opinion by Mr. Chief Justice Hughes.

No. 123. Dirk DeJonge, appellant, *v.* The State of Oregon. Appeal from the Supreme Court of the State of Oregon. 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. 218. The People of the State of New York, ex rel. C. Handasyde Whitney, appellant, *v.* Mark Graves, John P. Hennessey, and John J. Merrill, Tax Commissioners of the State of New York. Appeal from the Supreme Court of the State of New York. Judgment affirmed with costs. Opinion by Mr. Chief Justice Hughes.

The Chief Justice announced the following order of the Court:

No. 561. Paul B. Hammond, Theodore E. Hammond, et al., appellants, *v.* City of Burbank, Frank C. Tillson, et al. Appeal from the

Supreme Court of the State of California. *Per curiam*: The motion of the appellees to dismiss the appeal is granted, and the appeal is dismissed (1) for the reason that the judgment sought here to be reviewed is based upon a non-federal ground adequate to support it, *Henderson Bridge Co. v. Henderson City*, 141 U. S. 679, 688, 689; *McCoy v. Shaw*, 277 U. S. 302, 303; *Fox Film v. Muller*, 296 U. S. 207, 209, 210; (2) in so far as a federal question is sought to be presented, for the want of a substantial federal question, *Seattle & Renton Ry. v. Linhoff*, 231 U. S. 568, 570; *Enterprise Irrig. Dist. v. Canal Co.*, 243 U. S. 157, 165, 166; *Hebert v. Louisiana*, 272 U. S. 312, 316, 317; *Ham v. Equitable Life Assurance Society*, 299 U. S. — (decided October 12, 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. —, original. *Ex parte*: Mauro Piergiovanni, petitioner. The motion for leave to file petition for writ of habeas corpus is denied.

No. 41. The United States, petitioner, *v. Robert Esnault-Pelterie*. The motion to amend the judgment herein is denied.

No. 105. Lulu Mignon Murphy, petitioner, *v. S. S. Murphy* (and wife) Alice K. Murphy. The motion for entry of points on appeal in decision and to vacate the forma pauperis order is denied.

No. 537. Ella H. Tinkoff, petitioner, *v. Chicago Title and Trust Company et al.* On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit;

No. 585. Joseph E. Jones, petitioner, *v. A. C. Aderhold*, Warden, etc. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.;

No. 586. Alex Wolpa, petitioner, *v. The United States of America*; and

No. 587. Julius J. Wolpa, petitioner, *v. The United States of America*. On petition for writs of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit;

No. 594. Bradford J. St. Charles, petitioner, *v. The United States of America*; and

No. 595. Bradford J. St. Charles, petitioner, *v. The United States of America*. On petition for writs of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit; and

No. 609. Salvatore Scata, petitioner, *v. The People of the State of New York*. On petition for writ of certiorari to the Court of Appeals of the State of New York. The motions for leave to pro-

ceed 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. 207. Guy T. Helvering, Commissioner of Internal Revenue, petitioner *v.* Tex-Penn Oil Company;

No. 208. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* M. L. Benedum; and

No. 209. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* F. B. Parriott. These cases are restored to the docket and assigned for reargument on Monday, February 1st next.

No. 570. Southern Natural Gas Corporation et al., appellants, *v.* State of Alabama. In this case probable jurisdiction is noted.

No. 549. L. G. Lawrence, Guardian of Harry Newsome, incompetent, petitioner, *v.* John A. Shaw, and others, Members of and Constituting the Board of Commissioners of Hertford County, et al. Petition for writ of certiorari to the Supreme Court of the State of North Carolina granted.

No. 533. Charles A. Miller, petitioner, *v.* Union Bank & Trust Company of Los Angeles et al. Petition for writ of certiorari to the Supreme Court of the State of California denied.

No. 540. Sperry Flour Company, petitioner, *v.* Coastwise Steamship and Barge Company, Inc., etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 542. Fidelity and Casualty Company of New York, petitioner, *v.* Citizens National Bank of Hendersonville, North Carolina et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 548. Melvin C. Hazen, George E. Allen, and Daniel I. Sultan, Commissioners of the District of Columbia, et al., petitioners, *v.* Evelyn S. Hawley. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 545. Rindge Land and Navigation Company, Debtor, et al., petitioners, *v.* Security-First National Bank of Los Angeles, as Trustee, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 547. Special Site Sign Company, petitioner, *v.* Foster and Kleiser Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 550. David Jacoby and Morris Gottsegen, Trading as Mills Sales Co., petitioners, *v.* James J. Hoey, Collector of Internal Revenue etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 555. New York Life Insurance Company, petitioner, *v.* Walter B. Wolf, Emma G. Stiegelmeier, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 557. Edward J. Quintal, Henry C. Stevens, et al., etc., petitioners, *v.* Joseph A. Broderick, Superintendent of Banks of the State of New York. Petition for writ of certiorari to the Supreme Court of the State of New York denied.

No. 567. George P. Davis, petitioner, *v.* Boston and Maine Railroad, Guy T. Helvering, as Commissioner of Internal Revenue, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 572. Continental Mills, Inc., petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 37. The British-American Oil Producing Company, petitioner, *v.* The Board of Equalization of the State of Montana et al.; and

No. 515. Jack LaVers, petitioner, *v.* The Supreme Court of the State of California. Petitions for rehearing denied.

Orders are entered approving the bonds of the Clerk of this Court and directing that they be recorded.

Mr. Justice Stone took no part in the consideration or decision of the cases in which judgments or orders are this day announced.

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. Semi-annual Report of the defendant Sanitary District of Chicago dated January 1, 1937, presented.

No. —. In the matter of the disbarment of Jesse C. Duke. Return to rule to show cause presented.

No. —, original. *Ex parte*: Harry Clark, petitioner. Return to rule to show cause presented.

No. 224. Osaka Shosen Kaisha Line, Claimant etc., petitioner, *v.* The United States of America. Argued by Mr. Robert Eikel, Jr., for the petitioner, and by Mr. Charles E. Wyzanski, Jr., for the respondent.

No. 235. Richmond Mortgage & Loan Corporation, appellant, *v.* Wachovia Bank and Trust Company et al. Argued by Mr. Kester Walton for the appellant, and by Mr. S. G. Bernard for the appellees.

No. 254. Homer S. Cummings, Attorney General, etc., et al., petitioners, *v.* Deutsche Bank und Disconto-Gesellschaft. Argument commenced by Mr. Assistant Attorney General Morris for the petitioners.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, January 5, will be as follows: Nos. 254, 247, 255, 280, 266 (267 and 268), 298 (and 299), 257, 305, 309, and 325.

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 Roberts, and Mr. Justice Cardozo.

Jean Himmelfarb Horwitz, of Washington, D. C.; and J. Lynn Lucas, of Luray, Va., were admitted to practice.

No. 254. Homer S. Cummings, Attorney General, etc., et al., petitioners, *v.* Deutsche Bank und Disconto-Gesellschaft. Argument continued by Mr. Assistant Attorney General Morris for the petitioners; by Mr. James J. Lenihan and Mr. Otto C. Sommerich for the respondent; and concluded by Mr. Assistant Attorney General Morris for the petitioners. Leave granted respondent to file an additional brief within one week.

No. 247. Edward T. Blair, petitioner, *v.* Commissioner of Internal Revenue. Argued by Mr. J. F. Dammann and Mr. William B. McIlvaine for the petitioner, and by Mr. David E. Hudson for the respondent.

No. 255. The Elmhurst Cemetery Company of Joliet, petitioner, *v.* Commissioner of Internal Revenue. Argument commenced by Mr. Elden McFarland for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, January 6, will be as follows: Nos. 255, 280, 266 (267 and 268), 298 (and 299), 257, 305, 309, 325, 335, and 330.

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 Roberts, and Mr. Justice Cardozo.

J. Cleveland Grice, of Hagerstown, Md.; Edward L. Weber, of Washington, D. C.; Wm. Scott Stewart, of Chicago, Ill.; Luther Bohanon, of Oklahoma City, Okla.; Randolph Mueller Garland, of Washington, D. C.; George Lincoln Pass, of Washington, D. C.; Samuel Resnic, of Holyoke, Mass.; and Thomas M. A. Higgins, of Lowell, Mass., were admitted to practice.

No. 255. The Elmhurst Cemetery Company of Joliet, petitioner, *v.* Commissioner of Internal Revenue. Argument continued by Mr. Elden McFarland for the petitioner, and concluded by Mr. Thurman Arnold for the respondent.

No. 280. George W. Taber, Treasurer of Payne County, Oklahoma, petitioner, *v.* Indian Territory Illuminating Oil Company. Argued by Mr. Leon J. York for the petitioner, and by Mr. Donald Prentice for the respondent.

No. 266. Harold L. Ickes, Secretary of the Interior, petitioner, *v.* Mazine Z. Fox et al.;

No. 267. Harold L. Ickes, Secretary of the Interior, petitioner, *v.* Phillip Louis Parks et al.; and

No. 268. Harold L. Ickes, Secretary of the Interior, petitioner, *v.* Jacob F. Ottmuller. Argued by Mr. Assistant Attorney General Blair for the petitioner, and by Mr. Stephen E. Chaffee for the respondents.

No. 298. Stockholders of Peoples Banking Company of Smithsburg, Maryland, appellants, *v.* Warren F. Sterling, Receiver etc.; and

No. 299. Stockholders of Hagerstown Bank and Trust Company, appellants, *v.* Warren F. Sterling, Receiver etc. Argument commenced by Mr. Charles F. Wagaman for the appellants.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, January 7, will be as follows: Nos. 298 (and 299), 257, 305, 309, 325, 335, 330, 331, 398, and 332.

SUPREME COURT OF THE UNITED STATES

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

James J. Butler, of Washington, D. C.; P. D. Renfro, of Beaumont, Tex.; Spencer B. Michael, of Washington, D. C.; Donald A. Gardiner, of Washington, D. C.; William A. Smith, Jr., of Washington, D. C.; Benjamin William Berg, of Washington, D. C.; William M. Snyder, of Jackson, Miss.; Bernard H. Levinson, of Seattle, Wash.; and Albert R. Teare, of Cleveland, Ohio, were admitted to practice.

No. 298. Stockholders of Peoples Banking Company of Smithsburg, Maryland, appellants, *v.* Warren F. Sterling, Receiver, etc.; and

No. 299. Stockholders of Hagerstown Bank and Trust Company, appellants, *v.* Warren F. Sterling, Receiver, etc. Argument continued by Mr. Charles F. Wagaman for the appellants; by Mr. William H. Bovey and Mr. R. H. McCauley for the appellees; and concluded by Mr. John Wagaman for the appellants.

No. 257. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* The Midland Mutual Life Insurance Company. Argued by Mr. David E. Hudson for the petitioner, and by Mr. Wm. Marshall Bullitt for the respondent.

No. 305. Wayne United Gas Company, petitioner, *v.* Owens-Illinois Glass Company et al. Motion to dismiss submitted by Mr. H. D. Rummel for the respondents in support of the motion, and by Mr. Robert S. Spilman and Mr. Fred O. Blue for the petitioner in opposition thereto.

No. 305. Wayne United Gas Company, petitioner, *v.* Owens-Illinois Glass Company et al. Argument commenced by Mr. Robert S. Spilman for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, January 8, will be as follows: Nos. 305, 309, 325, 335, 330, 331, 398, 332, 171, and 241.

SUPREME COURT OF THE UNITED STATES

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

Spencer F. Harris, of Kansas City, Mo.; Manuel A. Medeiros, of Bangor, Me.; Jubal Early Craig, of Phoenix, Ariz.; Charles P. Wilhelm, of Kingwood, W. Va.; and David A. Bridewell, of Forrest City, Ark., were admitted to practice.

No. 305. Wayne United Gas Company, petitioner, *v.* Owens-Illinois Glass Company et al. Argument concluded by Mr. H. D. Rummel for the respondents.

No. 309. S. P. Kelly, Trustee in Bankruptcy, etc., petitioner, *v.* The United States of America et al. Submitted by Mr. W. B. Stratton for the petitioner, and by Mr. Solicitor General Reed, Mr. Assistant Attorney General Jackson, Mr. Sewall Key, Mr. J. Louis Monarch, and Miss Helen R. Carloss for the respondents.

No. 325. Morley Construction Company et al., petitioners, *v.* Maryland Casualty Company. Argued by Mr. Martin J. O'Donnell for the petitioners, and by Mr. Spencer F. Harris for the respondent.

No. 335. United States of America, which sues for the use and benefit of Charles P. Wilhelm, Trustee, etc., et al., petitioners, *v.* Nellie Flynn Chain, Executrix, etc. Argued by Mr. F. E. Parrack for the petitioners, and case submitted by Mr. P. J. Crogan and Mr. Frank Cox for the respondent.

No. 330. The United States, petitioner, *v.* Automatic Wasser Company. Argued by Mr. J. P. Jackson for the petitioner and by Mr. Jesse I. Miller for the respondent.

No. 331. The United States of America, petitioner, *v.* A. B. Leach & Co., Inc. Argument commenced by Mr. J. P. Jackson for the petitioner, and continued by Mr. George K. Bowden for the respondent.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, January 11, will be as follows: Nos. 331, 398, 332, 171, 241, 295, 253, 329, 340, and 355.

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 Roberts, and Mr. Justice Cardozo.

Sarah T. Hughes, of Dallas, Tex.; Robt. L. Hurt, of Dallas, Tex.; Irving Mariash, of New York City; Louis B. Zavin, of Hillside, N. J.; Louis P. Longobardi, of Elizabeth, N. J.; Theodore S. Paul, of Philadelphia, Pa.; John Flam, of Los Angeles, Calif.; Emmett P. Delaney, of Clinton, Iowa; Ridsdale Ellis, of New York City; Clarence W. Beatty, Jr., of Louisville, Ky.; Maxwell H. Robinson, of Lowell, Mass.; Leo J. Hanley, of Portland, Oreg.; Harry F. Russell, of Hastings, Nebr.; Phillip A. Tomek, of David City, Nebr.; A. L. Fine, of Perth Amboy, N. J.; Stephen F. Somogyi, of Perth Amboy, N. J.; Robert R. Troyer, of Omaha, Nebr.; Paul V. Sheehan, of Buffalo, N. Y.; Henry G. Ferncase, of Chicago, Ill.; Alexander C. Pendleton, of Gary, Ind., and A. Evans Kephart, of Philadelphia, Pa., were admitted to practice.

No. 97. The United States, petitioner, *v.* Percy K. Hudson. On writ of certiorari to the Court of Claims. Judgment reversed and cause remanded to the Court of Claims for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Van Devanter.

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. —. In re Disbarment of Jesse C. Duke. It having been shown to the Court that Jesse C. Duke, of Washington, D. C., a member of the bar of this Court, has been disbarred from the practice of the law in the Supreme Court of the District of Columbia; and, on October 26, 1936, this Court having issued its rule directing him to show cause why he should not be disbarred from the practice of the law in this Court; and a return having been filed to said rule; and the Court being of opinion, upon consideration of the return, that the said Jesse C. Duke has failed to show good cause why he should not be disbarred,

It is now ordered that the said Jesse C. Duke be, and he is hereby, disbarred from the further practice of the law in this Court, and that his name be, and it is hereby, stricken from the roll of attorneys admitted to practice before the bar of this Court.

No. —, original. *Ex parte*: Harry Clark, petitioner. The rule to show cause herein is discharged and the motion for leave to file petition for writ of habeas corpus is denied.

No. —, original. *Ex parte*: John Jobissy, petitioner. The motion for leave to file petition for writ of habeas corpus herein is denied.

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

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

No. 6, original. State of New York et al., complainants, *v.* State of Illinois et al. The semiannual report of the defendant Sanitary District of Chicago dated January 1, 1937, is received and ordered filed.

No. 243. State of Florida, *ex rel.* Michael C. Jones, petitioner, *v.* Nathan Mayo, as State Prison Custodian, et al. On petition for writ of certiorari to the Supreme Court of the State of Florida. The motion for leave to proceed further herein *in forma pauperis* is denied for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which a writ of certiorari should be granted. The petition for writ of certiorari is therefore also denied.

No. 573. Highland Farms Dairy, Incorporated, et al., appellants, *v.* J. P. Agnew, Chairman, et al., etc. In this case probable jurisdiction is noted.

No. 562. The United States of America, petitioner, *v.* Harry J. Madigan. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted.

No. 563. Park L. Hoffman, substituted for R. G. Holsing, Receiver, etc., petitioner, *v.* Henry I. Rauch, Administrator, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit granted.

No. 379. John Pelkes and Evelyn H. Treinies, petitioners, *v.* Katherine Mason and T. R. Mason, her husband. Petition for writ of certiorari to the Supreme Court of the State of Idaho denied.

No. 554. Lottie M. Ogilvie, petitioner, *v.* The Dexter Horton Estate et al., etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 565. William Bateman, Trustee in Bankruptcy, etc., petitioner, *v.* Ideal Building and Loan Association. Petition for writ of certiorari to the United States Circuit of Appeals for the Third Circuit denied.

No. 582. Lillie G. Gage et al., petitioners, *v.* W. E. Brusselback et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 556. Mae Scheible and Joe Ryan, 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. 34. The United States of America, petitioner, *v.* Raymond Wood;

No. 509. Magnolia Petroleum Company, petitioner, *v.* G. T. Blankenship et al.;

No. 546. Claudian B. Northrop et al., appellants, *v.* William L. Beale et al.; and

No. 553. Otto Van Dyke, petitioner, *v.* State of Michigan. Petitions for rehearing denied.

Mr. Justice Stone took no part in the consideration or decision of the cases in which judgment and orders are this day announced.

The Court will take a recess from Monday, January 18, to Wednesday, January 20, and from that day to Monday, February 1, next.

No. —, original. *Ex parte*: Hiram Steelman, trustee, etc., petitioner. Motion for leave to file petition for writ of prohibition and/or mandamus submitted by Mr. C. Brewster Rhoades for the petitioner.

No. 451. William Whitlock Brush, petitioner, *v.* Commissioner of Internal Revenue. Leave granted the State of New York to appear and participate in the oral argument as *amicus curiae* on motion of Mr. Henry Epstein in that behalf.

No. 331. The United States of America, petitioner, *v.* A. B. Leach & Co., Inc. Argument continued by Mr. George K. Bowden for the respondent and concluded by Mr. J. P. Jackson for the petitioner.

No. 398. Founders General Corporation, petitioner, *v.* James J. Hoey, Collector of United States Internal Revenue, etc. Argued by Mr. Royal E. T. Riggs for the petitioner and by Mr. J. P. Jackson for the respondent.

No. 332. Francis I. DuPont et al., etc., petitioners, *v.* The United States of America. Argued by Mr. Irving Mariash for the petitioners and by Mr. Thurman Arnold for the respondent.

No. 171. Henry C. Hill, Warden, etc., petitioner, *v.* United States *ex rel.* Joseph Weiner. Argued by Mr. Assistant Attorney General Dickinson for the petitioner and by Mr. Seth W. Richardson for the respondent.

No. 241. George Pope, Theo Tsounias, et al., appellants, *v.* L. W. Blanton, County Judge, et al. Argument commenced by Mr. John B. Sutton for the appellants.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, January 12, will be as follows: Nos. 241, 295, 253, 329, 340, 370, 374, 389, 307, and 442.

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 Roberts, and Mr. Justice Cardozo.

Elmer R. Milburn, of Detroit, Mich.; Oscar A. Kaufman, of Detroit, Mich.; Ignatius Edward Uzzo, of New Orleans, La.; Albert E. Champney, of Detroit, Mich.; L. W. Horning, of Indianapolis, Ind.; Sol Rothbard, of Washington, D. C.; Will A. Morriss, of San Antonio, Tex.; Francis Patrick Fenton, of Boston, Mass.; John A. K. Donovan, of Washington, D. C.; Stanley A. McCaskey, Jr., of Pittsburgh, Pa.; James T. Seavey, of Bethlehem, Pa.; Laurence Elmer Voorhees, of Washington, D. C.; Morton Isaacs, of Union City, N. J.; J. Frank Weigand, of Keyport, N. J.; William Cohen, of Union City, N. J.; Isador Haber, of Weehawken, N. J.; Bernard I. Nordlinger, of Washington, D. C.; and Leland Frierson James, Jr., of Washington, D. C., were admitted to practice.

No. 442. Charles J. O'Connor et al., petitioners, *v.* A. Lawrence Mills et al. Submitted by Mr. J. A. Tellier for the petitioners and by Mr. J. W. House for the respondents.

No. 241. George Pope, Theo Tsounias, et al., appellants, *v.* L. W. Blanton, County Judge, et al. Argument continued by Mr. John B. Sutton for the appellants; by Mr. W. P. Allen for the appellees; and concluded by Mr. H. E. Carter for the appellees.

No. 295. Legh R. Powell, Jr., and Henry W. Anderson, as Receivers, etc., appellants, *v.* The United States of America et al. Argument commenced by Mr. Charles T. Abeles for the appellants; continued by Mr. Assistant Attorney General Dickinson for the appellees, The United States and Interstate Commerce Commission; by Mr. T. M. Cunningham for the appellee, H. D. Pollard, Receiver, etc.; and concluded by Mr. W. R. C. Cocke for the appellants.

No. 253. Wayne County Board of Review et al., appellants, *v.* Great Lakes Steel Corporation. Argument commenced by Mr. Albert E. Champney for the appellants and continued by Mr. Oscar A. Kaufman for the appellants.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, January 13, will be as follows: Nos. 253, 329, 340, 370, 374, 389, 307, 440 (and 441), 404, and 451.

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 Roberts, and Mr. Justice Cardozo.

F. Gerald Toye, of Washington, D. C.; Samuel Slaff, of New York City; H. B. Betty, of Davenport, Iowa; Gerald J. Craugh, of New York City; Harold J. Treanor, of New York City; Mortimer Hays, of New York City; Richard Steel, of New York City; S. Philip Cohen, of New York City; Marion E. Schwartz, of Washington, D. C.; George E. Tolman, of Washington, D. C.; Warner H. Parker, of Washington, D. C.; George Bronz, of New York City; C. Coolidge Kreis, of San Francisco, Calif.; William Gilligan, of New York City; Lawrence B. Dunn, of Appleton, Wis.; and Charles E. Bernstein, of Brooklyn, N. Y., were admitted to practice.

No. 370. Marian S. Honeyman, appellant, *v.* Herbert G. Hanan, as Executor, etc. Leave granted the State of New York to appear and present oral argument as *amicus curiae* on motion of Mr. John F. X. McGohey in that behalf.

No. 253. Wayne County Board of Review et al., appellants, *v.* Great Lakes Steel Corporation. Argument continued by Mr. Pre-witt Semmes for the appellee and concluded by Mr. Albert E. Champney for the appellants.

No. 329. The United States of America, petitioner, *v.* John J. Giles. Argued by Mr. Assistant Attorney General McMahon for the petitioner, and by Mr. Will A. Morriss for the respondent.

No. 340. Etienne Dugas, petitioner, *v.* American Surety Company of New York. Argument commenced by Mr. Ignatius E. Uzzo for the petitioner, and continued by Mr. Harry McCall for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, January 14, will be as follows: Nos. 340, 370, 374, 389, 307, 440 (and 441), 404, 451, and 454 (and 455).

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 Roberts, and Mr. Justice Cardozo.

Henry Weiner, of New York City; John L. Flynn, of New York City; Theodore Ellenbogen, of Washington, D. C.; Moses E. Cantor, of Johnson City, Tenn.; James S. Benn, Jr., of Philadelphia, Pa.; Mark E. Lefever, of Philadelphia, Pa.; Francis S. Walker, of Washington, D. C.; Agnes S. Gilligan, of New York City; Jeremiah P. O'Mahoney, of Gainesville, Fla.; W. McNeil Kennedy, of Chicago, Ill.; David Cohn, of Paterson, N. J.; Anthony F. Tuozzo, of Brooklyn, N. Y.; James T. Carey, of Hoopston, Ill.; Chas. G. Yankey, of Wichita, Kans.; Clarence H. Peck, of Arlington, Va.; Cromwell Warner, of Washington, D. C.; Cecil A. Jones, of Washington, D. C.; Frank S. Righheimer, Jr., of Chicago, Ill.; Michael B. Driscoll, of Washington, D. C.; Wm. R. Tyers, Jr., of Washington, D. C.; Isadore Becker, of Washington, D. C.; Reuben Goldberg, of Washington, D. C.; John Aiken Murray, of Boston, Mass.; and R. V. Pollard, Jr., of Greenwood, Miss., were admitted to practice.

No. 340. Etienne Dugas, petitioner, *v.* American Surety Company of New York. Argument continued by Mr. Harry McCall for the respondent, and concluded by Mr. Ignatius E. Uzzo for the petitioner.

No. 370. Marian S. Honeyman, appellant, *v.* Herbert G. Hanan, as Executor etc. Argued by Mr. Robert B. Honeyman for the appellant; by Mr. James S. Brown, Jr., for the appellee; and by Mr. John F. X. McGohey for the State of New York as *amicus curiae*, by special leave of Court.

No. 374. William Lauro et al., appellants, *v.* Wendell P. Barker et al. Argument commenced by Mr. Henry N. Rapaport for the appellants. The Court declined to hear further argument.

No. 389. The Knox National Farm Loan Association et al., petitioners, *v.* Arthur C. Phillips. Argument commenced by Mr. Peyton R. Evans for the petitioners.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, January 15, will be as follows: Nos. 389, 307, and 440 (and 441).

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 Roberts, and Mr. Justice Cardozo.

B. E. Baker, of Atlanta, Ga.; Hildegard I. Poppenberg, of Buffalo, N. Y.; Walter S. Ruff, of Canton, Ohio; George Milton Stackhouse, of Washington, D. C.; Louis Rudner, of Trenton, N. J.; Harland Bryant Tibbetts, of New York City; George F. Lewis, of New York City; Daniel J. Raedy, of Washington, D. C.; Patrick J. Cavanaugh, of Washington, D. C.; Robert J. Bartoo, of Washington, D. C.; Benjamin Freidson, of Washington, D. C.; Cecil S. Down, of Hoosick Falls, N. Y.; David Simons, of Lawrence, Mass.; Donald U. Rich, of Teaneck, N. J.; George R. Ericson, of Kirkwood, Mo.; Edward F. Howrey, of Washington, D. C.; Thomas S. Markey, of Washington, D. C.; F. G. Coates, of Houston, Tex.; John S. Lord, of Chicago, Ill.; Charles W. Phifer, of Washington, D. C.; Frederick E. Robey, of Washington, D. C.; William Radner, of New York City; Edward F. New, of Indianapolis, Ind.; and Edward Lustgarten, of Indianapolis, Ind., were admitted to practice.

No. 347. *The City of New York, petitioner, v. Saul Goldstein, Trustee in Bankruptcy, etc.* Motion for leave to file petition for rehearing submitted by Mr. Paxton Blair for the petitioner.

No. 379. *John Pelkes et al., petitioners, v. Katherine Mason et al.* Motion to withhold order denying petition for writ of certiorari submitted by Mr. Webster Ballinger for the petitioners in support of the motion and by Mr. George B. Springston for the respondents in opposition thereto.

No. 389. *The Knox National Farm Loan Association et al., petitioners, v. Arthur C. Phillips.* Argument continued by Mr. Peyton R. Evans for the petitioner; by Mr. William E. Richardson for the respondent; and concluded by Mr. Peyton R. Evans for the petitioner.

No. 307. *Isbrandtsen-Moller Co., Inc., appellant, v. The United States of America et al.* Argued by Mr. James W. Ryan for the appellant and by Mr. Assistant Attorney General Dickinson for the appellees.

No. 440. The American Life Insurance Company, petitioner, *v.* Reese Smith Stewart, Junior, et al.; and

No. 441. The American Life Insurance Company, petitioner, *v.* Ora Inez Stewart et al. Argued by Mr. William C. Michaels for the petitioner, and by Mr. Charles G. Yankey for the respondents.

Adjourned until Monday, January 18, 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 Roberts, and Mr. Justice Cardozo.

Thos. C. Hennings, Jr., of St. Louis, Mo.; Jas. R. McBride, of Lindsay, Calif.; William Hawkins Ellis, of Birmingham, Ala.; Violet Lowry, of Washington, D. C.; Fred M. Williams, of Chattanooga, Tenn.; Ida Klaus, of Brooklyn, N. Y.; Carl C. Alpern, of Syracuse, N. Y.; E. L. McHaney, Jr., of Little Rock, Ark.; Harold J. Jacobs, of Newark, N. J.; Harold Heller, of Kearny, N. J.; Kern Grant Beasley, of Linton, Ind.; Clyde E. Thomas, of Big Springs, Tex.; Marvin Gladwin Poteet, of Vernon, Tex.; William A. Brophy, of Albuquerque, N. Mex.; Francis C. Ott, of Long Island City, N. Y.; Harry H. Weinberger, of Newark, N. J.; Charles Lewis Curtiss, Jr., of Washington, D. C.; Ira D. Scott, of Washington, D. C.; Aram G. Panossian, of Washington, D. C.; Richard E. McIntosh, of Trenton, N. J.; Charles S. Muir, of Washington, D. C.; Clara C. Gore, of Oklahoma City, Okla.; James E. Doherty, Jr., of New York City; Edward Gallagher, of New Haven, Conn.; Arthur L. Winn, Jr., of Washington, D. C.; William M. Malone, of Denison, Tex.; A. Joseph Geist, of New York City; Herbert P. Haley, of Washington, D. C.; Jerome K. Lyle, of Washington, D. C.; Archibald M. Matthews, of Somerset, Pa.; Leland W. Walker, of Somerset, Pa.; Lee R. La-Rochelle, of Chicago, Ill.; Joseph A. Roney, of Providence, R. I.; Edwin Tanner Cosby, of Washington, D. C.; Lee C. Hosley, of Washington, D. C.; Laurie Barnes, of Arlington, Va.; Lewis L. Prout, of Mt. Home, Idaho; Henry Reece Harrison, of Hardin, Ky.; Milton E. Diehl, of Washington, D. C.; Nell Guinn, of Washington, D. C.; Genevieve Thompson Smith, of Portland, Oreg.; Richard J. Kirkland, of Washington, D. C.; Robert E. Lee Goff, of Washington, D. C.; Harold G. Mosier, of Cleveland, Ohio; Edgar R. Fenton, of Oklahoma City, Okla.; William G. Hamilton, of Fort Smith, Ark.; Charles E. Pollard, of Petersburg, Va.; Francis G. Cole, of Washington, D. C.; Harold F. Watson, of Washington, D. C.; Kenneth C. Miller, of Marfa, Tex.; Robert F. Mahoney, of New York City; Clyde B. Aitchison, Jr., of Plainview, Tex.; H. Max Ammerman, of Washington, D. C.; John A. Bennett, of Montclair, N. J.; C. Joseph Danahy, of New York City; Everard Hinshaw, of Little Rock., Ark.; Marcus B. Sacks, of Philadelphia, Pa.; Samuel Frankel, of New York City; Mercia Leton, of Portland, Oreg.; Leon

Sacks, of Philadelphia, Pa.; James A. Tumulty, Jr., of Jersey City, N. J.; Nochem S. Winnet, of Philadelphia, Pa.; Randolph C. Richardson, of Washington, D. C.; Lewis E. Pennish, of Chicago, Ill.; Israel Harvey Levinson, of Chicago, Ill.; Glenn Earl Whitney, of Glendale, Calif.; Arthur C. Miller, of San Francisco, Calif.; W. C. Dickey, of Leoti, Kans.; Fleming A. Waters, of Austin, Tex.; Robert L. Montgomery, Jr., of North Little Rock, Ark.; Sam E. Montgomery, of North Little Rock, Ark.; Stanley Cohen, of Long Branch, N. J.; Morey M. Beck, of Jersey City, N. J.; and Max Winograd, of Providence, R. I., were admitted to practice.

The Chief Justice announced the following orders of the Court:

No. 584. City Bus Company, appellant, *v.* State of Mississippi. Appeal from the Supreme Court of the State of Mississippi. *Per curiam*: The appeal herein is dismissed for failure of the appellant to comply with Rule 12.

No. 603. Southern Nebraska Power Company and Village of Ayr, appellants, *v.* State of Nebraska, *ex rel.* C. A. Sorensen, Attorney General. Appeal from the Supreme Court of the State of Nebraska. *Per curiam*: The appeal herein is dismissed (1) for the reason that the judgment sought here to be reviewed is based upon a non-federal ground adequate to support it, *Electric Co. v. Dow*, 166 U. S. 489, 492, 493; *Pierce v. Somerset Railway*, 171 U. S. 641, 648; *Leonard v. Vicksburg, etc., Ry. Co.*, 198 U. S. 416, 422, 423; *Gause v. Detroit Trust Co.*, 297 U. S. 695, (2) in so far as a federal question is sought to be presented, 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; *Texas & Pacific Ry. Co. v. Texas*, 296 U. S. 552.

No. 241. George Pope, Theo Tsounias, et al., appellants, *v.* L. W. Blanton, County Judge, et al. Appeal from the District Court of the United States for the Northern District of Florida. *Per curiam*: The decree of the District Court is modified and the cause is remanded with directions to dismiss the bill for want of jurisdiction by reason of the absence of the requisite jurisdictional amount. *McNutt v. General Motors, etc., Corp.*, 298 U. S. 178; *KVOS, Inc. v. The Associated Press*, 299 U. S. — (decided December 14, 1936).

No. 374. William Lauro, Martin Schwartz, et al., appellants, *v.* Wendell P. Barker, Louis S. Posner, et al. Appeal from the Supreme Court of the State of New York. *Per curiam*: The motion of the appellees to affirm the judgment is granted, and the judgment is affirmed. (1) *Bellingham Bay, etc., Co. v. New Whatcom*, 172 U. S. 314, 318, 319; *Goodrich v. Ferris*, 214 U. S. 71, 81; *Wick v. Chelan Electric Co.*, 280 U. S. 108, 110, 111. (2) *Gilfillan v. Union Canal Co.*, 109 U. S. 401.

No. 347. The City of New York, petitioner, *v.* Saul Goldstein, Trustee in Bankruptcy of Isidor Lazaroff, Doing business as Crown Men's Shop. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. *Per curiam*: The motion for leave to file a petition for rehearing is granted. The order heretofore entered on October 26, 1936, denying the petition for writ of certiorari herein is vacated, and the petition for writ of certiorari is granted. The decree of the Circuit Court of Appeals is reversed and the case is remanded to the District Court for further proceedings. In the Matter of Atlas Television Co., Inc., — N. Y. — (decided December 31, 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. —. In re Disbarment of Louis Fried. It having been shown to the Court that Louis Fried, of Washington, D. C., a member of the bar of this Court, has been disbarred from the practice of the law in the District Court of the United States for the District of Columbia; and, on December 7, 1936, this Court having issued its rule directing him to show cause why he should not be disbarred from the practice of the law in this Court; and the said Fried having consented that any further order be entered without notice to him,

It is now ordered that the said Louis Fried be, and he is hereby, disbarred from the further practice of the law in this Court, and that his name be, and it is hereby, stricken from the roll of attorneys admitted to practice before the bar of this Court.

No. —, original. *Ex parte*: Arthur O'Toole, petitioner. The motion for leave to file petition for writ of habeas corpus herein is denied.

No. 638. Hiram Steelman, Trustee in Bankruptcy, etc., petitioner, *v.* All Continent Corporation. The petition for a temporary restraining order and injunction, pending action of this Court upon the petition for a writ of certiorari filed herein, is granted, and

It is ordered that, until this Court acts upon the petition for writ of certiorari, All Continent Corporation, its officers, agents, attorneys, and employees be, and they are hereby, enjoined from proceeding in any manner against the petitioner herein in a suit in equity now pending in the United States District Court for the Eastern District of Pennsylvania entitled "All Continent Corporation, Plaintiff *v.* John S. Wynn et al., Defendants", being cause No. 9533 on the equity docket of said court.

No. 379. John Pelkes and Evelyn H. Treinies, petitioners, *v.* Katherine Mason et al. The motion of petitioners to withhold order denying petition for writ of certiorari is denied.

No. 628. Jeptha Stephen Freeman, petitioner, *v.* The United States of America. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. The motion for leave to proceed further herein in *forma pauperis* is denied for the reason that the Court, upon examination of the papers herein submitted finds no ground upon which a writ of certiorari should be granted. The petition for writ of certiorari is therefore also denied.

No. 558. Alaska Packers Association, petitioner, *v.* Warren H. Pillsbury, as Deputy Commissioner, etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted limited to the question of the operation of the Act of February 13, 1925, and its effect upon Rule 1 of the Admiralty Rules of the Circuit Court of Appeals for the Ninth Circuit with respect to the mode of taking an appeal.

No. 552. E. Pat Kelly, as Director of the Department of Labor and Industries, etc., et al., petitioners, *v.* State of Washington, on the relation of Foss Company, Inc., et al. Petition for writ of certiorari to the Supreme Court of the State of Washington granted.

No. 559. General Baking Company, petitioner, *v.* Luther A. Harr, Secretary, etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit granted.

No. 575. William Elmer Brown, Jr., petitioner, *v.* Edward J. O'Keefe, Receiver, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit granted.

No. 569. S. H. Kress & Company, petitioner, *v.* W. P. Reaves. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 571. Santino Servilli, petitioner, *v.* People of the State of Illinois. Petition for writ of certiorari to the Supreme Court of the State of Illinois denied.

No. 151. Mrs. John S. Meadows, petitioner, *v.* The Irving Trust Company, as Trustee, etc., et al. Petition for rehearing denied.

Mr. Justice Stone took no part in the consideration or decision of the cases in which judgments and orders are this day announced.

No. 2, original. The State of Vermont, complainant, *v.* The State of New Hampshire. Supplemental report of Special Commissioner presented.

Adjourned until Wednesday, January 20, next, at 11 o'clock.

The day call for Monday, February 1, next, will be as follows: Nos. 207 (208 and 209), 228, 355, 397, 404, 227, 406, 446, 451, and 454 (and 455).

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 Roberts, and Mr. Justice Cardozo.

The Court took a recess for the purpose of attending the inauguration of the President of the United States.

The oath of office was administered to the Honorable Franklin Delano Roosevelt as President of the United States by the Chief Justice, and the Court reconvened.

Adjourned until Monday, February 1 next, at 12 o'clock.

The day call for Monday, February 1, will be as follows: Nos. 207 (208 and 209), 228, 355, 397, 404, 227, 406, 446, 451, and 454 (and 455).

97624—37—51

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.

R. K. Lewis, of West Palm Beach, Fla.; Weldon G. Starry, of Tallahassee, Fla.; Raymond R. Brady, of Salt Lake City, Utah; Wilber Stammler, of New York City; E. G. Ward, of Piggott, Ark.; O. T. Ward, of Rector, Ark.; Daniel F. McCormack, of Boston, Mass.; Irving Graff, of Washington, D. C.; Walter O. Schell, of Los Angeles, Calif.; Frank W. Richards, of Los Angeles, Calif.; Edward R. Sloan, of Topeka, Kans.; and Eldon R. Sloan, of Topeka, Kans., were admitted to practice.

No. 298. Stockholders of Peoples Banking Company of Smithsburg, Maryland, appellants, *v.* Warren F. Sterling, Receiver for Peoples Banking Company of Smithsburg, Maryland, etc.; and

No. 299. Stockholders of Hagerstown Bank and Trust Company, appellants, *v.* Warren F. Sterling, Receiver for Hagerstown Bank and Trust Company, etc. Appeals from the Court of Appeals of the State of Maryland. Judgments affirmed with costs. Opinion by Mr. Justice Cardozo.

No. 325. Morley Construction Company et al., petitioners, *v.* Maryland Casualty Company. On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Decree reversed with costs and cause remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Cardozo.

No. 389. The Knox National Farm Loan Association and The Federal Land Bank of Louisville, petitioners, *v.* Arthur C. Phillips. On writ of certiorari to the Court of Appeals of the State of Ohio. Decree reversed with costs and cause remanded to said Court of Appeals for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Cardozo.

No. 440. The American Life Insurance Company, petitioner, *v.* Reese Smith Stewart, Junior, and Ora Inez Stewart, as Executrix, etc.; and

No. 441. The American Life Insurance Company, petitioner, *v.* Ora Inez Stewart and Ora Inez Stewart, as Executrix, etc. On writs of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit. Decrees reversed with costs and cases remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Cardozo.

No. 235. Richmond Mortgage & Loan Corporation, appellant, *v.* Wachovia Bank and Trust Company et al. Appeal from the Supreme Court of the State of North Carolina. Judgment affirmed with costs. Opinion by Mr. Justice Roberts.

No. 305. Wayne United Gas Company, petitioner, *v.* Owens-Illinois Glass Company et al. On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit. Motion to dismiss writ of certiorari overruled. Decree reversed with costs and cause remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Roberts.

No. 307. Isbrandtsen-Moller Co., Inc., appellant, *v.* The United States of America et al. Appeal from the District Court of the United States for the Southern District of New York. Decree affirmed. Opinion by Mr. Justice Roberts.

No. 332. Francis I. Dupont, Edmund Dupont, et al., etc., petitioners, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment affirmed and cause remanded to the District Court of the United States for the Southern District of New York. Opinion by Mr. Justice Roberts.

No. 20. Great Northern Railway Company, appellant, *v.* State of Washington. 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 Roberts. Dissenting opinion by Mr. Justice Cardozo in which the Chief Justice, Mr. Justice Brandeis, and Mr. Justice Stone join.

No. 217. Midland Realty Company, appellant, *v.* Kansas City Power and Light Company. Appeal from the Supreme Court of the State of Missouri. Judgment affirmed with costs. Opinion by Mr. Justice Butler.

No. 254. Homer S. Cummings, Attorney General of the United States, and W. A. Julian, as Treasurer of the United States, petitioners, *v.* Deutsche Bank und Disconto-Gesellschaft. On writ of certiorari to the United States Court of Appeals for the District of Columbia. Judgment reversed and cause remanded to the District

Court of the United States for the District of Columbia for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Butler. Mr. Justice Roberts took no part in the consideration or decision of this case.

No. 266. Harold L. Ickes, Secretary of the Interior, petitioner, *v.* Mazine Z. Fox et al.;

No. 267. Harold L. Ickes, Secretary of the Interior, petitioner, *v.* Phillip Louis Parks et al.; and

No. 268. Harold L. Ickes, Secretary of the Interior, petitioner, *v.* Jacob F. Ottmuller. On writs of certiorari to the United States Court of Appeals for the District of Columbia. Decrees affirmed and cases remanded to the District Court of the United States for the District of Columbia. Opinion by Mr. Justice Sutherland.

No. 224. Osaka Shosen Kaisha Line, Claimant of the Steamship "Santos Maru", petitioner, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Decree affirmed and cause remanded to the District Court of the United States for the Southern District of Texas. Opinion by Mr. Justice Sutherland.

No. 171. Henry C. Hill, Warden, United States Northeastern Penitentiary, petitioner, *v.* United States ex rel. Joseph Weiner. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Judgment reversed and cause remanded to the District Court of the United States for the Middle District of Pennsylvania for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Sutherland.

No. 89. Ernest O. Thompson, C. V. Terrell, et al., appellants, *v.* Consolidated Gas Utilities Corporation and Texoma Natural Gas Company. Appeal from the District Court of the United States for the Western District of Texas. Decree affirmed with costs. Opinion by Mr. Justice Brandeis.

No. 255. The Elmhurst Cemetery Company of Joliet, petitioner, *v.* Commissioner of Internal Revenue. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Judgment of the United States Circuit Court of Appeals reversed and judgment 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 McReynolds.

No. 329. The United States of America, petitioner, *v.* John J. Giles. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Judgment of the United States Circuit Court of Appeals reversed and judgment of the District Court of the United States for the Western District of Texas affirmed and

cause remanded to said District Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice McReynolds.

No. 309. S. P. Kelly, Trustee in Bankruptcy for the Carlisle Packing Company, a corporation, bankrupt, petitioner, *v.* The United States of America and the Collector of Internal Revenue for the United States of America et al. 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 McReynolds.

No. 335. United States of America, which sues for the use and benefit of Charles P. Wilhelm, Trustee, etc., et al., petitioners, *v.* Nellie Flynn Chain, Executrix, etc. On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit. Judgment of the said Circuit Court of Appeals reversed with costs and judgment of the District Court of the United States for the Northern District of West Virginia affirmed and cause remanded to said District Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Van Devanter.

No. 280. George W. Taber, Treasurer of Payne County, Oklahoma, petitioner, *v.* Indian Territory Illuminating Oil Company. On writ of certiorari to the Supreme Court of the State of Oklahoma. 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. 247. Edward T. Blair, 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 with direction to affirm the decision of the Board of Tax Appeals. Opinion by Mr. Chief Justice Hughes.

No. 370. Marian S. Honeyman, appellant, *v.* Herbert G. Hanan, as Executor of the Last Will and Testament of Herbert W. Hanan, deceased. Appeal from the Supreme Court of the State of New York. Judgment vacated, each party to pay its own 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. 442. Charles J. O'Connor et al., petitioners, *v.* A. Lawrence Mills et al. On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Order 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, *per curiam*, announced by Mr. Chief Justice Hughes.

No. 253. Wayne County Board of Review, Fred W. Castator et al., appellants, *v.* Great Lakes Steel Corporation. Appeal from the District Court of the United States for the Eastern District of Michigan. Decree affirmed with costs. Opinion, *per curiam*, announced by Mr. Chief Justice Hughes.

The Chief Justice announced the following order of the Court:

No. 648. First Bank Stock Corporation, appellant, *v.* State of Minnesota. Appeal from the Supreme Court of the State of Minnesota. *Per curiam*: The appeal herein is dismissed upon the authority of *Rio Grande Ry. v. Stringham*, 239 U. S. 44, 47. Mr. Justice Butler took no part in the consideration or decision of this case.

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 Jesse C. Duke. The motion to vacate order of disbarment herein is denied.

No. 2, original. State of Vermont, complainant, *v.* State of New Hampshire. The supplemental report of the Special Commissioner herein is received and ordered filed.

No. 35. Samuel B. Smith, petitioner, *v.* A. B. Hall et al.;

No. 36. Samuel B. Smith, petitioner, *v.* James Manufacturing Company et al.;

No. 103. District of Columbia, petitioner, *v.* Ethel Clawans; and

No. 418. Harold H. Henneford et al., etc., appellants, *v.* Silas Mason Company, Inc., et al. These cases are restored to the docket and assigned for reargument on Monday, March 1, next.

No. 436. Abe Schwartz et al., petitioners, *v.* Irving Trust Company, as Trustee, etc., et al. It is ordered that the third and fourth sentences of the opinion delivered in this cause on January 4, 1937, be amended to read as follows: "Their leases were rejected in a bankruptcy proceeding pending when the reorganization section was adopted. All of the leases contained indemnity covenants similar to that considered in No. 354." The petition for rehearing is denied.

No. 660. Elbert B. Lindsey and E. R. Lindsey, petitioners, *v.* State of Washington. The motion for leave to proceed *in forma pauperis* is granted.

No. 625. Fred L. Fox, Individually, etc., appellant, *v.* The Bravo Contracting Company;

No. 652. The Great Atlantic & Pacific Tea Company et al., appellants, *v.* Alice Lee Grosjean, Supervisor, etc., et al.;

No. 647. First Bank Stock Corporation, appellant, *v.* State of Minnesota; and

No. 658. Paul Senn, appellant, *v.* Tile Layers Protective Union, etc., et al. In these cases probable jurisdiction is noted.

No. 599. Carl F. Stoehmann et al., petitioners, *v.* Mutual Life Insurance Company of New York. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit granted limited to the question of the application and effect of the incontestability clause in policy No. 4,361,192.

No. 627. Bernard Joseph Mumm, petitioner, *v.* Jacob E. Decker & Sons. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit granted.

No. 600. The United States of America, petitioner, *v.* George W. Norris. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit granted.

No. 566. John Suren, petitioner, *v.* Oceanic Steamship Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 574. Vincenzo Ferrero, petitioner, *v.* Commissioner of Immigration. Ellis Island, New York Harbor. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 576. Barlow-Moore Tobacco Company, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 579. William Prentiss, Jr., Receiver, etc., petitioner, *v.* Harry Chandler. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 580. William Prentiss, Jr., Receiver, etc., petitioner, *v.* The Times-Mirror Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 590. The United States of America, Owner of the Dredge "Manhattan", petitioner, *v.* Steamer "Bessemer", whereof Atlantic Refining Company is claimant, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 568. Hills Dry Goods Company, Inc., petitioner, *v.* Anthony Klicka et al. Petition for writ of certiorari to the Supreme Court of the State of Wisconsin denied.

No. 577. F. R. Hinman and Nannie Hinman, petitioners, *v.* Pacific Air Transport. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 578. F. R. Hinman and Nannie Hinman, petitioners, *v.* United Air Lines Transport Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 583. Charles Coopman et al., etc., petitioners, *v.* Citizens State Bank of Omak et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 589. Amanda C. North et al., etc., petitioners, *v.* The Higbee Company et al. Petition for writ of certiorari to the Supreme Court of the State of Ohio denied.

No. 596. Archibald Palmer, petitioner, *v.* Paramount Pictures, Inc.; and

No. 597. Louis Boehm, petitioner, *v.* Paramount Pictures, Inc. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 598. Samuel Zirn, petitioner, *v.* Paramount Pictures, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 607. Rodolfo Schneckenburger, petitioner, *v.* The Honorable Manuel V. Moran, Judge of First Instance of Manila. Petition for writ of certiorari to the Supreme Court of the Commonwealth of the Philippines denied.

No. 610. People of the State of Illinois, ex rel. Joseph Rappaport, petitioner, *v.* John Toman, Sheriff of Cook County, Illinois. Petition for writ of certiorari to the Supreme Court of the State of Illinois denied.

No. 611. Birnamwood Oil Company, petitioner, *v.* Barnsdall Refineries, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 612. Metal Tone Mfg. Co., Inc., et al., petitioners, *v.* Voices, Incorporated. Petition for writ of certiorari to the Court of Errors and Appeals of the State of New Jersey denied.

No. 613. General Motors Java Handel Maatschappij, petitioner, *v.* Erie Railroad Company. Petition for writ of certiorari to the Supreme Court of the State of New York denied.

No. 617. E. Cacey and C. E. Hughes, Partners, Trading, etc., petitioners, *v.* Virginian Railway Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 618. Gordon E. Davis, 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. 619. Catharine Ulrich Kabatt, petitioner, *v.* The Board of Education of the City of Elmira. Petition for writ of certiorari to the Supreme Court of the State of New York denied.

No. 629. Howes Brothers Company, petitioner, *v.* Massachusetts Unemployment Compensation Commission et al. Petition for writ of certiorari to the Supreme Judicial Court, County of Suffolk, Commonwealth of Massachusetts, denied.

No. 581. Alice L. Canfield, as Executrix, etc., petitioner, *v.* E. W. Scripps, Trustee, et al. Petition for writ of certiorari to the District Court of Appeal, 2nd Appellate District, State of California, denied. The Chief Justice took no part in the consideration or decision of this application.

No. 161. Liggett and Myers Tobacco Co., petitioner, *v.* The United States;

No. 162. The Commonwealth of Massachusetts, petitioner, *v.* The United States;

No. 163. Liggett and Myers Tobacco Co., on behalf of the Commonwealth of Massachusetts, petitioner, *v.* The United States;

No. 212. Forest Marvel, petitioner, *v.* Fred G. Zerbst, Warden, etc.;

No. 480. Sewell L. Avery, petitioner, *v.* Commissioner of Internal Revenue;

No. 481. Sewell L. Avery, petitioner, *v.* Commissioner of Internal Revenue;

No. 540. Sperry Flour Company, petitioner, *v.* Coastwise Steamship and Barge Company, Inc., Claimant, etc., et al.; and

No. 545. Rindge Land and Navigation Company, debtor, et al., petitioners, *v.* Security-First National Bank of Los Angeles, as Trustee, et al. Petitions for rehearing denied.

No. —, original. The State of Texas, complainant, *v.* The State of New York et al. Returns to rule to show cause presented.

No. 207. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Tex-Penn Oil Company;

No. 208. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* M. L. Benedum; and

No. 209. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* F. B. Parriott. Reargument commenced by Mr. Thurman Arnold for the petitioner and continued by Mr. John W. Davis for the respondents.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, February 2, will be as follows: Nos. 207 (208 and 209), 228, 355, 397, 404, 406, 446, 451, 454 (and 455), and 456.

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. Spotswood Campbell, of New York City; R. L. Disney, of Washington, D. C.; Robert J. Riley, of Wheeling, W. Va.; William A. Herin, of Miami, Fla.; Byron J. Walters, of Los Angeles, Calif.; Samuel P. Block, of Compton, Calif.; Braden C. Johnston, of Marion, Kans.; Emmett Robert Carroll, of Washington, D. C.; Agnes V. Kennedy, of Cleveland, Ohio; and Richard L. Douglas, of St. Joseph, Mo.; were admitted to practice.

No. 207. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v. Tex-Penn Oil Company*;

No. 208. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v. M. L. Benedum*; and

No. 209. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v. F. B. Parriott*. Reargument continued by Mr. John W. Davis for the respondents and concluded by Mr. Thurman Arnold for the petitioner.

No. 228. The Chippewa Indians of Minnesota, appellants, *v. The United States and the Red Lake Band of Chippewa Indians of Minnesota*. Argument commenced by Mr. Webster Ballinger for the appellants; continued by Mr. Assistant Solicitor General Bell for the appellee, the United States; by Mr. Fred Dennis for the appellee, The Red Lake Band of Chippewa Indians of Minnesota; and concluded by Mr. D. S. Holmes for the appellants.

No. 355. Hartford Steam Boiler Inspection and Insurance Company et al., appellants, *v. William B. Harrison, Insurance Commissioner*. Argued by Mr. Marion Smith, for the appellants and by Mr. B. D. Murphy for the appellee.

No. 397. The Henderson Company, appellant, *v. Ernest O. Thompson et al.*, etc. Argument commenced by Mr. L. M. Fischer for the appellant.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, February 3, will be as follows: Nos. 397, 404, 406, 446, 451, 454 (and 455), 456, 460, 474 (and 475), and 491.

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.

W. D. McFarlane, of Graham, Tex., Berkeley Cox, of Hartford, Conn.; Douglas Stripp, of Kansas City, Mo.; William D. Evans, of Pittsburgh, Pa.; Clarence R. Hotchkiss, of Portland, Oreg.; M. A. Grace, of New Orleans, La.; Albert Forrest, of Washington, D. C.; Bert Elliott Strubinger, of St. Louis, Mo.; and Albert M. Cole, of Holton, Kans., were admitted to practice.

No. 397. The Henderson Company, appellant, *v.* Ernest O. Thompson, C. V. Terrell, et al. Argument continued by Mr. L. M. Fischer for the appellant; by Mr. William Madden Hill and Mr. William McCraw for the appellees; and concluded by Mr. L. M. Fischer for the appellant.

No. 404. The People of the State of New York, *ex rel.* Annie Cohn, appellant, *v.* Mark Graves, John J. Merrill, et al., etc. Argued by Mr. Maurice Cohn for the appellant, and by Mr. Joseph M. Mesnig for the appellees.

No. 406. Wilhelmina Sumi, petitioner, *v.* Alsie M. Young. Argued by Mr. Herman Weinberger for the petitioner and case submitted by Mr. Cecil H. Clegg and Mr. Robert W. Jennings for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, February 4, will be as follows: Nos. 446, 451, 454 (and 455), 456, 460, 474 (and 475), and 491.

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.

Ward J. Herbert, of Newark, N. J., and William T. Cahill, of Jersey City, N. J., were admitted to practice.

No. 446. Aetna Life Insurance Company of Hartford, Connecticut, petitioner, *v.* Edwin P. Haworth and Cora M. Haworth. Argued by Mr. E. R. Morrison for the petitioner and by Mr. Rees Turpin for the respondents.

No. 451. William Whitlock Brush, petitioner, *v.* Commissioner of Internal Revenue. Argued by Mr. Boykin C. Wright and Mr. Paul Windels for the petitioner; by Mr. Julius Henry Cohen for the State of New York as *amicus curiae*, by special leave of Court; and by Mr. John Paul Jackson for the respondent.

No. 454. Jay B. Phelps, appellant, *v.* Board of Education of the Town of West New York et al.; and

No. 455. Lucy Askam et al., appellants, *v.* Board of Education of the Town of West New York et al. Argument commenced by Mr. Robert H. McCarter for the appellants.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, February 5, will be as follows: Nos. 454 (and 455), 456, 460, and 474 (and 475).

×

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.

Marion Hines Taylor, of Washington, D. C.; Alfred L. Taylor, of Washington, D. C.; William W. Fleming, of Washington, D. C.; and Herbert Wechsler, of New York City, were admitted to practice.

No. 454. Jay B. Phelps, appellant, *v.* Board of Education of the Town of West New York et al.; and

No. 455. Lucy Askam et al., appellants, *v.* Board of Education of the Town of West New York et al. Argument continued by Mr. Robert H. McCarter for the appellants and concluded by Mr. Saul Nemser for the appellees.

No. 456. Ray Ingels, as Director of the Motor Vehicle Department of the State of California, et al., appellants, *v.* Howard Morf, doing business under the firm name and style of Pacific Wholesale Automobile Company, et al. Argued by Mr. Frank W. Richards and Mr. Amos M. Mathews for the appellants, and by Mr. Ralph K. Pierson and Mr. Byron J. Walters for the appellees.

No. 460. Charles Van Beeck, Administrator, etc., petitioner, *v.* Sabine Towing Company, Inc., et al. Argument commenced by Mr. H. C. Hughes for the petitioner.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, February 8, will be as follows: Nos. 460, 474 (and 475), 324, 365, 469, 419, 420 (and 421), 422 (and 423), 494, and 530.

×

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 Weltchek, of Elizabeth, N. J.; William A. Carter, of Roanoke, Va.; Henry P. Chandler, of Chicago, Ill.; Steve C. Griffith, of Newberry, S. C.; Roger Kent, of San Francisco, Calif.; Robert Sansom, of Fort Worth, Tex.; Joseph Rosenfarb, of Pittsburgh, Pa.; Sumter M. Kelley, of Atlanta, Ga.; William L. Parker, of Norfolk, Va.; and George J. Moore, of Malone, N. Y., were admitted to practice.

The Chief Justice said:

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

No. —, original. State of Texas, complainant, *v.* State of New York et al. This cause is set for argument on the rule to show cause and the returns thereto and is assigned for argument on Monday, March 8th next.

No. 671. Mary Lambert, petitioner, *v.* Central Bank of Oakland, a Banking corporation. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit;

No. 680. Millard D. Grubbs, petitioner, *v.* Ira D. Smith, J. R. White, et al. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit; and

No. 681. George Fowler, petitioner, *v.* State of Washington. On petition for writ of certiorari to the Supreme Court of the State of Washington. 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. 588. Henry E. Oppenheimer, petitioner, *v.* The Harriman National Bank and Trust Company, etc., et al.; and

No. 670. The Harriman National Bank and Trust Company, etc., et al., petitioners, *v.* Henry E. Oppenheimer. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 602. Galen H. Welch, Former Collector of Internal Revenue, etc., petitioner, *v.* Obispo Oil Co. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted.

No. 604. Reginald P. Ray, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 564. L. Gordon Hamersley, petitioner, *v.* the United States. Petition for writ of certiorari to the Court of Claims denied.

No. 591. Bud Martinson, petitioner, *v.* State Industrial Accident Commission of the State of Oregon. Petition for writ of certiorari to the Supreme Court of the State of Oregon denied.

No. 592. Frank T. Cary, petitioner, *v.* The United States of America; and

No. 593. Edward Huntington Williams, 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. 616. The Brotherhood of Railroad Shop Crafts of America et al., petitioners, *v.* Frank O. Lowden et al., as Trustees, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 620. Merchants Refrigerating Company, petitioner, *v.* The New York Central Railroad Company. Petition for writ of certiorari to the Supreme Court of the State of New York denied.

No. 623. Howard Preece, 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. 626. Equitable Life Assurance Society of the United States, petitioner, *v.* Thomas K. Nickolopoulos. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 634. S. B. Knotts, petitioner, *v.* The First Carolinas Joint Stock Land Bank of Columbia, South Carolina. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 650. The People of the State of New York, on the relation of Jack Herman Lehman, petitioner, *v.* Frederick L. Moorehead, Warden, etc. Petition for writ of certiorari to the Supreme Court of the State of New York denied.

ORDER

The Court will take a recess from Monday, February 15, to Monday, March 1, next.

No. 630. C. D. Parker & Co., Inc., petitioner, *v.* Harry N. Guter-
man et al. On petition for writ of certiorari to the United States
Circuit Court of Appeals for the First Circuit. Dismissed on
motion of counsel for the petitioner.

No. 460. Charles Van Beeck, Administrator, etc., petitioner, *v.*
Sabine Towing Company, Inc., et al. Argument concluded by Mr.
M. A. Grace for the respondents.

No. 474. Angelo Herndon, appellant, *v.* J. I. Lowry, Sheriff of
Fulton County, Georgia; and

No. 475. Angelo Herndon, appellant, *v.* J. I. Lowry, Sheriff of
Fulton County, Georgia. Argued by Mr. Whitney North Seymour
for the appellant and by Mr. J. Walter LeCraw for the appellee.

No. 324. The Virginian Railway Company, petitioner, *v.* System
Federation No. 40, Railway Employees Department of the Ameri-
can Federation of Labor, etc., et al. Four and one half hours
allowed for oral argument. Argument commenced by Mr. James
Piper for the petitioner and continued by Mr. Frank L. Mulholland
for the respondents.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, February 9, will be as follows: Nos.
324, 365, 469, 419, 420 (and 421), 422 (and 423), 494, 530, 549,
and 563.

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.

Joe B. Carrigan, of Wichita Falls, Tex.; William D. Boone, of Winton, N. C.; Maurice J. McCarthy, of Washington, D. C.; Matthew F. Dorsey, of Philadelphia, Pa.; Aurelle Burnside, of El Dorado, Ark.; Arthur E. Reyman, of Washington, D. C.; and Lloyd J. Lawrence, of Murfreesboro, N. C., were admitted to practice.

No. 324. The Virginian Railway Company, petitioner, *v.* System Federation No. 40, Railway Employees Department of the American Federation of Labor, etc., et al. Argument continued by Mr. Frank L. Mulholland for the respondents; by Mr. Solicitor General Reed for the United States as *amicus curiae*, by special leave of Court; and concluded by Mr. H. T. Hall for the petitioner.

No. 365. The Associated Press, petitioner, *v.* National Labor Relations Board. Argument commenced by Mr. John W. Davis for the petitioner and continued by Mr. Charles E. Wyzanski, Jr., for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, February 10, will be as follows: Nos. 365, 469, 419, 420 (and 421), 422 (and 423), 494, 530, 549, and 563.

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 H. Lange, of Laredo, Tex.; Alfred M. Scott, of Lubbock, Tex.; James Raymond Berry, of Newark, N. J.; and Wayne G. Cook, of Davenport, Iowa, were admitted to practice.

No. 365. The Associated Press, petitioner, *v.* National Labor Relations Board. Argument continued by Mr. Charles E. Wyzanski, Jr., and Mr. Charles Fahy for the respondent and concluded by Mr. John W. Davis for the petitioner.

No. 469. Washington, Virginia and Maryland Coach Company, petitioner, *v.* National Labor Relations Board. Argued by Mr. Robert E. Lynch and Mr. William J. Hughes, Jr., for the petitioner and by Mr. Charles Fahy for the respondent.

No. 419. National Labor Relations Board, petitioner, *v.* Jones & Laughlin Steel Corporation. Argument commenced by Mr. J. Warren Madden and continued by Mr. Solicitor General Reed for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, February 11, will be as follows: Nos. 419, 420 (and 421), 422 (and 423), 494, 530, 549, and 563.

×

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.

Kirke C. Veeder, of Independence, Kans.; Aubrey F. Folts, of Chattanooga, Tenn.; John W. Cross, of Washington, D. C.; Wm. R. Spofford, of Philadelphia, Pa.; and Leon B. Habecker, of Washington, D. C., were admitted to practice.

No. 419. National Labor Relations Board, petitioner, *v.* Jones & Laughlin Steel Corporation. Argument continued by Mr. Solicitor General Reed for the petitioner and concluded by Mr. Earl F. Reed for the respondent.

No. 420. National Labor Relations Board, petitioner, *v.* Freuhauf Trailer Company; and

No. 421. National Labor Relations Board, petitioner, *v.* Freuhauf Trailer Company. Argued by Mr. Solicitor General Reed for the petitioner, and by Mr. Thomas G. Long for the respondent.

No. 422. National Labor Relations Board, petitioner, *v.* Freidman-Harry Marks Clothing Company, Inc.; and

No. 423. National Labor Relations Board, petitioner, *v.* Freidman-Harry Marks Clothing Company, Inc. Argument commenced by Mr. Charles Fahy for the petitioner; continued by Mr. Leonard Weinberg and Mr. Harry J. Green for the respondent; and concluded by Mr. Charles E. Wyzanski, Jr., for the petitioner.

No. 494. Swayne and Hoyt, Ltd., et al., appellants, *v.* The United States of America. Argument commenced by Mr. Elisha Hanson for the appellants.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, February 12, will be as follows: Nos. 494, 549, and 563.

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 T. Sherier, of Washington, D. C.; and Robert S. Leighey, of Washington, D. C., were admitted to practice.

No. 494. Swayne and Hoyt, Ltd., et al., appellants, *v.* The United States of America. Argument continued by Mr. Elisha Hanson for the appellants; by Mr. Assistant Solicitor General Bell for the appellee; and concluded by Mr. Elisha Hanson for the appellants.

No. 549. L. J. Lawrence, Guardian of Harry Newsome, incompetent, petitioner, *v.* Mohn A. Shaw, and others, members, etc., et al. Argued by Mr. John E. Benton for the petitioner, and by Mr. W. D. Boone for the respondents.

No. 563. Park L. Hoffman, substituted for R. G. Holsing, Receiver, etc., petitioner, *v.* Henry I. Rauch, Administrator, et al. Argued by Mr. George P. Barse for the petitioner, and by Mr. Leland Walker for the respondents.

Adjourned until Monday, February 15, next at 12 o'clock.

×

MONDAY, FEBRUARY 15, 1937

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.

Robert L. Jefferys, of Washington, D. C.; Denis T. O'Brien, Jr., of Meriden, Conn.; John F. X. Sheridan, of New York City; Ogden K. Shannon, Jr., of Fort Worth, Tex.; Marshall Newcomb, of Dallas, Tex.; David D. Terry, of Little Rock, Ark.; Dillard D. Babb, Jr., of Little Rock, Ark.; Roy M. Stockman, of Washington, D. C.; Maynard J. Toll, of Los Angeles, Calif.; John H. Gately, of Chicago, Ill.; Max Rothenberg, of New York City; Sarsfield Collins, of Chicago, Ill.; and Orrin E. Boyle, of Allentown, Pa., were admitted to practice.

No. 257. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* The Midland Mutual Life Insurance Company. On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. Judgment reversed and cause remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Brandeis. Dissenting: Mr. Justice McReynolds.

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."

ORDER

The following is adopted as an addition to the existing General Orders in Bankruptcy, and shall be effective on and after April 5, 1937:

LIII

BOND OF DESIGNATED DEPOSITORY UNDER SEC. 61

1. The bond required of a banking institution designated as a depository shall be given with an authorized fidelity or bonding company as surety, or with approved individual sureties who are

residents of that judicial district and two of whom are neither officers nor directors of the institution designated as a depository.

2. The condition of bonds hereafter given shall be substantially to the effect that the banking institution, so designated, shall well and truly account for and pay over all monies deposited with it as such depository, and shall pay out such monies only as provided by the bankruptcy law and applicable general orders and court rules, and shall abide by all orders of the bankruptcy court in respect of such monies, and shall otherwise faithfully perform all duties pertaining to it as such depository.

3. As one means of bringing before the bankruptcy court information respecting possible occasions for requiring a depository to give a new bond in an increased amount, or a new bond with different sureties, it shall be the duty of each depository to file with the bankruptcy court during the month of January in each year a sworn statement in writing disclosing

(a) The amount of monies on deposit with it as such depository on the last business day of each month in the preceding calendar year;

(b) Whether any of the individual sureties on its bond has ceased to be a resident of that judicial district, or has died; and

(c) Whether the financial worth of any of its individual sureties has become materially impaired.

4. It shall be the duty of the bankruptcy court to require a depository to give a new bond whenever it appears that the prior bond is not sufficient in amount, in view of present and prospective deposits, or that a surety has died or ceased to be a resident of that judicial district, or whenever there is otherwise occasion to believe that the prior bond does not constitute adequate security.

5. It shall be the duty of the bankruptcy court to require each depository in its district to give a new bond within five years after the giving of its last prior bond.

6. A surety, or the personal representative of a deceased surety, on the bond of a depository may, by a petition setting forth the grounds therefor, request the bankruptcy court to require the depository to give a new bond and thereby to relieve such surety, or his estate, from responsibility and liability as respects any future default of the depository, and, if upon a hearing had after reasonable notice to the depository, to other sureties on the bond, and to the trustees or other representatives of bankrupt estates having deposits in such depository, it appears to the court that the petition can be granted without injury to any party in interest, the court shall require the depository to give a new bond.

7. A new bond given under any subdivision of this general order shall, from the time of its approval by the bankruptcy court, be re-

garded as taking the place of the preceding bond as respects any subsequent default of the depository; and, upon approving the new bond, the court shall enter an order relieving the sureties on the prior bond, and the estate of any deceased surety, from responsibility and liability thereon as respects any default of the depository occurring thereafter.

8. If any depository, when required to give a new bond, fails to comply with that requirement within the time fixed therefor by this general order or by the bankruptcy court, it shall be the duty of that court to order such depository to pay over all monies on deposit with it as such depository, and to revoke its designation as a depository.

No. 2, original. State of Vermont, complainant, *v.* State of New Hampshire. On consideration of the report of November 16, 1936, of Samuel S. Gannett, the Commissioner appointed herein by decree of this Court of January 8, 1934 (290 U. S. 579), to locate and mark on the ground the boundary between the State of Vermont and the State of New Hampshire, at the points designated in said decree, and the supplemental report of Samuel S. Gannett, Commissioner, of January 14, 1937, prepared and filed pursuant to order of this Court of December 21, 1936; and the State of Vermont and the State of New Hampshire having stipulated by counsel that they have no exceptions and no objections to the said report and the supplemental report, and they, having applied to this Court to terminate the time within which exceptions or objections to said report and supplemental report may be filed;

It is now adjudged, ordered, and decreed as follows:

1. The time within which exceptions or objections to said report and supplemental report may be filed is hereby terminated;

2. The said reports are in all respects confirmed;

3. The boundary line marked and located on the ground as set forth by said reports and on the accompanying maps is established and declared to be the true boundary between the States of Vermont and New Hampshire, as determined by the decree of this Court of January 8, 1934;

4. As it appears that the Commissioner has completed his work, conformably to the decree of this Court of January 8, 1934, and the order of this Court of December 21, 1936, he is hereby discharged;

5. The Clerk of this Court is directed to transmit to the Chief Magistrates of the States of Vermont and New Hampshire copies of this decree, duly authenticated under the seal of this Court, together with copies of the said reports of the Commissioner and of the accompanying maps;

6. The costs in this cause shall be borne and paid in equal parts by the States of Vermont and New Hampshire.

No. 2, original. State of Vermont, complainant, *v.* State of New Hampshire. An order is entered fixing the compensation of the Commissioner herein and allowing his expenses.

No. 605. American Propeller and Manufacturing Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims granted limited to the question of the allowance of interest to the Government upon its claim.

No. 614. Max Sonzinsky, petitioner, *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 of the constitutional validity of the statute in its application under the first count of the indictment.

No. 638. Hiram Steelman, Trustee in Bankruptcy of William Fox, a bankrupt, petitioner, *v.* All Continent Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit granted. It is ordered that the temporary injunction issued on January 18, 1937, shall continue in force until the hearing and determination of the cause by this Court.

No. 659. The Cincinnati Soap Company, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit granted.

No. 667. Anniston Manufacturing Company, petitioner, *v.* Harwell G. Davis, Collector of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit granted.

No. 687. Haskins Bros. & Co., petitioner, *v.* George W. O'Malley, individually and as Collector of Internal Revenue, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit granted and the case is set for hearing immediately following No. 659.

No. 606. Fred T. Hansen, 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. 624. Morris Sourino, 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. 631. Berryman Henwood, Trustee, etc., petitioner, *v.* Guaranty Trust Company of New York, as Trustee, etc.; and

No. 632. Berryman Henwood, Trustee, etc., petitioner, *v.* Guaranty Trust Company of New York, as Trustee, etc. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 633. L. B. Dyer and F. W. Dyer, doing business as L. B. Dyer Construction Company, petitioner, *v.* Industrial Commission of Illinois and Cherillo Ricci. Petition for writ of certiorari to the Supreme Court of the State of Illinois denied.

No. 635. Marguerite Wazau, petitioner, *v.* City of Evanston. Petition for writ of certiorari to the Supreme Court of the State of Illinois denied.

No. 636. Diversey Building Corporation, petitioner, *v.* Herman Weber, Knute Swanson, and Loretta Hamann. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 649. The Aleograph Company, petitioner, *v.* Electrical Research Products, Inc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 654. The Maytag Company, petitioner, *v.* Brooklyn Edison Company, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 657. Nev-Cal Electric Securities Company, petitioner, *v.* Imperial Irrigation District et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 662. The United Railways and Electric Company of Baltimore, etc., et al., petitioners, *v.* Consolidated Gas Electric Light and Power Company of Baltimore. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 664. Salmon River Canal Company, Ltd., petitioner, *v.* The Utah Construction Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 672. Land Oberoesterreich, petitioner, *v.* Edward C. Gude, Robert C. Winmill, et al., etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 674. Guy T. Wilson, petitioner, *v.* Oscar Smith; and

No. 675. Guy T. Wilson, petitioner, *v.* Ida C. Smith, as Administratrix, etc. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 682. Steinhagen Rice Milling Company, petitioner, *v.* Frank Scofield, Individually and as United States Collector of Internal Revenue, etc.;

No. 683. Beaumont Rice Mills, petitioner, *v.* Frank Scofield, Individually and as United States Collector of Internal Revenue, etc..

No. 684. Gulf Coast Rice Mills et al., petitioners, *v.* Frank Scofield, Individually and as United States Collector, etc.;

No. 685. El Campo Rice Milling Company, petitioner, *v.* Frank Scofield, Individually and as United States Collector, etc.; and

No. 686. Tyrrell Rice Milling Company, petitioner, *v.* Frank Scofield, Individually and as United States Collector, etc. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 601. Sheridan Flouring Mills, Inc., petitioner, *v.* Thomas K. Cassidy, as Collector of Internal Revenue, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

Adjourned until Monday, March 1st next at 12 o'clock.

The day call for Monday, March 1, will be as follows: Nos. 103, 418, 227, 381, 382, 491, 500, 505, 530, and 531.

×

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.

C. F. Cusack, of Dallas, Tex.; Orion E. Gates, of Rison, Ark.; Robert B. Holland, of Dallas, Tex.; Romulus P. Rimo, of Trenton, N. J.; Harley Kellogg Lockwood, of Los Angeles, Calif.; Herbert S. Duffy, of Columbus, Ohio; Willis Woehrle Metcalf, of Columbus, Ohio; A. F. O'Neil, of Akron, Ohio; John H. Cunningham, Jr., of St. Louis, Mo.; Nicholas T. Rogers, of New York City; Richard S. Bull, of St. Louis, Mo.; Louis E. Goodman, of San Francisco, Calif.; Charles E. Pendleton, of Storm Lake, Iowa; Robert Llewellyn Wright, of Chicago, Ill.; and William J. Fordrung, of Scarsdale, N. Y., were admitted to practice.

No. 180. Holyoke Water Power Company, petitioner, *v.* American Writing Paper Company, Inc. 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. Dissenting: Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Sutherland, and Mr. Justice Butler.

No. 460. Charles Van Beeck, Administrator, etc., petitioner, *v.* Sabine Towing Company, Inc., et al. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Judgment reversed with costs and cause remanded to the District Court of the United States for the Eastern District of Texas for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Cardozo.

No. 454. Jay B. Phelps, appellant, *v.* Board of Education of the Town of West New York and State Board of Education of the State of New Jersey; and

No. 455. Lucy Askam et al., appellants, *v.* Board of Education of the Town of West New York and State Board of Education of the State of New Jersey. Appeals from the Court of Errors and Appeals of the State of New Jersey. Judgments affirmed with costs. Opinion by Mr. Justice Roberts.

No. 456. Ray Ingels, as Director of the Motor Vehicle Department of the State of California et al., appellants, *v.* Howard Morf, doing business under the firm name and style of Pacific Wholesale Automobile Company et al. Appeal from the District Court of the United States for the Southern District of California. Decree affirmed with costs. Opinion by Mr. Justice Stone.

No. 494. Swayne and Hoyt, Ltd., et al., appellants, *v.* The United States of America. Appeal from the District Court of the United States for the District of Columbia. Decree affirmed. Opinion by Mr. Justice Stone. Dissenting: Mr. Justice Sutherland.

No. 404. The People of the State of New York, ex rel. Annie Cohn, appellant, *v.* Mark Graves, John J. Merrill, and John P. Hennessey, as Commissioners, etc. Appeal from the Supreme Court of the State of New York. Judgment affirmed with costs. Opinion by Mr. Justice Stone. Dissenting opinion by Mr. Justice Butler in which Mr. Justice McReynolds concurs.

No. 295. Legh R. Powell, Jr., and Henry W. Anderson, as Receivers of the properties and assets of Seaboard Air Line Railway Company, appellants, *v.* The United States of America et al. Appeal from the District Court of the United States for the Southern District of Georgia. Decree reversed and cause remanded to the said District Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Butler. Mr. Justice Brandeis and Mr. Justice Stone took no part in the consideration or decision of this case. Mr. Justice Cardozo is of the opinion that the decree should be modified by striking the counter-claim of the intervening defendant, and as so modified, affirmed.

No. 397. The Henderson Company, appellant, *v.* Ernest O. Thompson, C. V. Terrell, and Lon A. Smith, etc., et al. Appeal from the District Court of the United States for the Western District of Texas. Decree affirmed with costs. Opinion by Mr. Justice Brandeis.

No. 398. Founders General Corporation, petitioner, *v.* James J. Hoey, Collector of the United States Internal Revenue, etc. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit;

No. 330. The United States, petitioner, *v.* Automatic Washer Company. On writ of certiorari to the Court of Claims; and

No. 331. The United States, petitioner, *v.* A. B. Leach & Co., Inc. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Judgment in No. 398 affirmed with costs and cause remanded to the District Court of the United States for the Southern District of New York; judgments in No. 330 and No. 331 reversed and cases remanded to the Court of Claims and to the

District Court of the United States for the Northern District of Illinois, respectively, for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Brandeis.

No. 406. *Wilhelmina Sumi, petitioner, v. Alsie M. Young.* 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 Territory of Alaska. Opinion by Mr. Justice McReynolds. Mr. Justice Stone and Mr. Justice Cardozo concur in the result.

No. 563. *Park L. Hoffman, Substituted for R. G. Holsing, Receiver, etc., petitioner, v. Henry I. Rauch, Administrator, et al.* On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Judgment reversed with costs and cause remanded to the District Court of the United States for the Western District of Pennsylvania for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice McReynolds.

No. 446. *Aetna Life Insurance Company of Hartford, Connecticut, petitioner, v. Edwin P. Haworth and Cora M. Haworth.* On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Judgment reversed with costs and cause remanded to the District Court of the United States for the Western District of Missouri for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Chief Justice Hughes.

No. 549. *L. J. Lawrence, Guardian of Harry Newsome, incompetent, petitioner, v. John A. Shaw and others, members of and constituting the Board of Commissioners of Hertford County, et al.* On writ of certiorari to the Supreme Court of the State of North Carolina. Judgment reversed with costs and cause remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Chief Justice Hughes.

The Chief Justice announced the following orders of the Court:

No. 622. *New York Life Insurance Company and The American Surety Company, appellants, v. James A. Alexander, Executor, etc.* Appeal from the Supreme Court of the State of Mississippi. *Per curiam:* The motion of the appellees to dismiss the appeal 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 Irrigation Dist. v. Canal Co.*, 243 U. S. 157, 163, 164; *Fox Film Corp. v. Muller*, 296 U. S. 207, 210, 211; *Lansing Drop Forge Co. v. American State Savings Bank*, 297 U. S. 697. See *New York Life Insurance Company v. Blaylock*, 144 Miss. 541.

No. 692. J. L. Bunger, appellant, *v.* The Town of Green River, Wyoming. Appeal from the Supreme Court of the State of Wyoming. *Per curiam*: The motion of the appellee to dismiss the appeal is granted, and the appeal is dismissed for the want of a substantial federal question. (1) Gundling *v.* Chicago, 177 U. S. 183, 188; Western Turf Association *v.* Greenberg, 204 U. S. 359, 363; Williams *v.* Arkansas, 217 U. S. 79. (2) Lindsley *v.* Natural Carbonic Gas Co., 220 U. S. 61, 81; Central Lumber Co. *v.* South Dakota, 226 U. S. 157, 160; Bryant *v.* Zimmerman, 278 U. S. 63, 73; (3) Asbell *v.* Kansas, 209 U. S. 251, 254, 255; Savage *v.* Jones, 225 U. S. 501, 525; Hartford Indemnity Co. *v.* Illinois, 298 U. S. 155, 158.

No. 693. William W. Vaughan et al., co-partners, doing business under the Firm name and style of Vaughan & Company, appellants, *v.* The State of New York. Appeal from the Court of Claims of the State of New York. *Per curiam*: The motion of the appellee to dismiss the appeal is granted, and the appeal is dismissed for the want of a substantial federal question. Hatch *v.* Reardon, 204 U. S. 152, 159, 160.

No. 698. Peter H. Markmann Funeral Home, Inc., appellant, *v.* John J. Ryan. Appeal from the Supreme Court of the State of Pennsylvania. *Per curiam*: The motion of the appellee to dismiss the appeal is granted, and the appeal is dismissed for the want of a substantial federal question. Crescent Oil Co. *v.* Mississippi, 257 U. S. 129, 137; Hanover Ins. Co. *v.* Harding, 272 U. S. 494, 507; Hemphill *v.* Orloff, 277 U. S. 537, 548.

No. 584. City Bus Company, appellant, *v.* State of Mississippi. Appeal from the Supreme Court of the State of Mississippi. *Per curiam*: The motion to reinstate the appeal is granted. The appeal is dismissed (1) for the want of a substantial federal question, Carley & Hamilton *v.* Snook, 281 U. S. 66, 73-74; (2) insofar as a question is sought to be raised under the Fourteenth Amendment, for the want of a properly presented federal question. McCordale *v.* State of Texas, 211 U. S. 432, 437; Forbes *v.* State Council of Virginia, 216 U. S. 396, 399; Rooker *v.* Fidelity Trust Co., 261 U. S. 114, 117; Gelkom Realty Corp. *v.* Young Women's Hebrew Ass'n., 296 U. S. 537.

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. 266. Harold L. Ickes, Secretary of the Interior, petitioner, *v.* Mazine Z. Fox et al.;

No. 267. Harold L. Ickes, Secretary of the Interior, petitioner, *v.* Phillip Louis Parks et al.; and

No. 268. Harold L. Ickes, Secretary of the Interior, petitioner, *v.* Jacob F. Ottmuller. It is ordered by this Court that the opinion of this Court in these cases be, and it hereby is, amended as follows:

That the word "so" in line 6 from the bottom of page 1 be transposed to follow the word "suits" in the same line; and that there be inserted between the words "affect" and "the" in line 6 from the bottom of page 1, the words "the extent or measure of the rights of the respective respondents or" so that the sentence will read: "The allegations of the three second-amended bills of complaint differ in some particulars; but whether these differences will affect the extent or measure of the rights of the respective respondents or the final disposition of the suits so as to require unlike decrees, we do not determine."

The petition for rehearing is denied.

No. 105. Lulu Mignon Murphy, petitioner, *v.* S. S. Murphy (and wife) Alice K. Murphy. The motion for an order requiring the clerk of the Supreme Court of the State of California to certify the record is denied.

No. 511. John Sanacory petitioner, *v.* The People of the State of New York. The motion for leave to file a second petition for rehearing is denied.

No. 690. Michael J. Dugan and Denis M. Creeden, co-partners, doing business under the firm name of Creeden Tobacco Company, appellants, *v.* H. Styles Bridges, Governor of the State of New Hampshire, et al. In this case probable jurisdiction is noted. The motion to substitute Walter H. White and William A. Jackson, members of the State Liquor Commission, as appellees herein in place of William M. Marcotte, Jr., and Bernard B. Chase, respectively, is granted. Further consideration of said motion, insofar as it requests the substitution of Francis P. Murphy, Governor of the State of New Hampshire, for H. Styles Bridges, is postponed to the hearing of the case on the merits.

No. 731. The National Fertilizer Association, Inc., et al., appellants, *v.* W. W. Bradley, Individually, etc., et al., and

No. 734. The United States of America et al., appellants, *v.* American Sheet & Tin Plate Company et al. In these cases probable jurisdiction is noted.

No. 712. Phillips Pipe Line Company, appellant, *v.* The State of Missouri. 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. 688. Max Shulman, Bernard Shulman, et al., petitioners, *v.* Wilson-Sheridan Hotel Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted.

No. 637. The United States, petitioner, *v.* S. Davis Wilson, David E. Kaufman, et al. Petition for writ of certiorari to the Court of Claims denied.

No. 639. Joseph Burr, petitioner, *v.* The United States of America;

No. 640. Joseph Burr, petitioner, *v.* The United States of America;

No. 641. Barney Gisnet, petitioner, *v.* The United States of America;

No. 642. Barney Gisnet, petitioner, *v.* The United States of America;

No. 643. Harry Minsky, petitioner, *v.* The United States of America;

No. 644. Harry Minsky, petitioner, *v.* The United States of America. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 651. Southern Pacific Company and John A. Negrich, petitioners, *v.* Harold Lahey et al. Petition for writ of certiorari to the District Court of Appeal, 3rd Appellate District, State of California, denied.

No. 653. Ruben Condenser Company and P. R. Mallory & Co., Inc., petitioner, *v.* Copeland Refrigeration Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 665. William E. Maher, petitioner, *v.* New York, Chicago & St. Louis Railroad Company. Petition for writ of certiorari to the Appellate Court, 1st District, State of Illinois, denied.

No. 666. National Lock Co., petitioner, *v.* Floyd E. Thompson, Henry J. Brandt, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 679. American-West African Line, Inc., petitioner, *v.* John A. Nelson. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 645. Charles H. Hubbard, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 646. Charles H. Hubbard, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 661. Spurgeon L. Steverson, Debtor, petitioner, *v.* Florrie G. Clark, and other creditors of Spurgeon L. Steverson. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 669. Chew Deck, petitioner, *v.* Commissioner of Immigration and Naturalization, Port of New York. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 673. Adolph Kaufman, Henry Hetkin, et al., etc., petitioners, *v.* United Shipyards, Inc., Formerly United Dry Docks, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 677. Eisele & Company, petitioner, *v.* Becton, Dickinson & Co. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 689. The Reeves Manufacturing Company, petitioner, *v.* The Lome Company, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 695. Lewis Luster, Surviving Executor of the Estate of Frank C. Hermann, deceased, petitioner, *v.* Adolph L. Martin, David S. Runnels, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 608. Fidelity and Deposit Company of Maryland and O. D. Hadfield, petitioners, *v.* Corine Jones, a minor, by Stella Francis Johnson, her guardian, et al. Petition for writ of certiorari to the Supreme Court of the State of Arkansas denied.

No. 20. Great Northern Railway Company, appellant, *v.* State of Washington;

No. 217. Midland Realty Company, appellant, *v.* Kansas City Power & Light Company;

No. 325. Morley Construction Company et al., petitioners, *v.* Maryland Casualty Company;

No. 329. The United States of America, petitioner, *v.* John J. Giles;

No. 572. Continental Mills, Inc., petitioner, *v.* The United States; and

No. 619. Catharine Ulrich Kabatt, petitioner, *v.* The Board of Education of the City of Elmira. Petitions for rehearing denied.

No. 532. The United States of America, petitioner, *v.* Morgan Belmont, et al., etc. Motion to intervene submitted by Mr. Samson Selig for John R. Crews, temporary receiver of the assets in New York of Petrograd Metal Works in support of the motion and by Mr. Solicitor General Reed for the United States in opposition thereto and the motion denied.

No. —, original. *Ex parte*: The Filer and Stowell Co., et al., petitioners. Motion for leave to file petition for writ of certiorari submitted by Mr. William F. Hannan for the petitioners.

No. 103. District of Columbia, petitioner, *v.* Ethel Clawans. Re-argued by Mr. Raymond Sparks for the petitioner and by Mr. Seth W. Richardson for the respondent.

No. 418. Harold H. Henneford, et al., members of the Tax Commission of the State of Washington, appellants, *v.* Silas Mason Company, Inc., et al. Reargument commenced by Mr. R. G. Sharpe for the appellants, and continued by Mr. B. H. Kizer for the appellees.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, March 2, will be as follows: Nos. 418, 227, 491, 500, 505, 530, 531, 532, 534, and 559.

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.

Olin R. Moyle, of Brooklyn, N. Y.; James Brownlee, of Springfield, Vt.; Geraint Humpherys, of Montpelier, Idaho; James M. H. Cullender, of Roswell, N. Mex.; Harold Mathews LaFont, of Plainview, Tex.; Charles LaVerne Larzelere, of Los Angeles, Calif.; Jerome J. Screeton, of Hazen, Ark.; Julian G. Straus, of Memphis, Tenn.; Emanuel A. Stern, of New York City; Leon P. Howell, of Beaumont, Tex.; and Amasa Hartwell Balcom, of Washington, D. C., were admitted to practice.

No. 564. L. Gordon Hamersley, petitioner, *v.* The United States. Motion for an extension of time within which to file petition for rehearing submitted by Mr. Ralph Royall for the petitioner.

No. 564. L. Gordon Hamersley, petitioner, *v.* The United States. Time within which to file petition for rehearing extended to May 17 next.

No. 418. Harold H. Henneford et al., members of the Tax Commission of the State of Washington, appellants, *v.* Silas Mason Company, Inc., et al. Reargument continued by Mr. B. H. Kizer for the appellees and concluded by Mr. R. G. Sharpe for the appellants.

No. 227. Jose Matos, petitioner, *v.* Alonso Hermanos et al. Argued by Mr. Nelson Gammans for the petitioner and by Mr. Francis H. Dexter for the respondents.

No. 491. City of Holton, appellant, *v.* Kansas State Bank, Holton, Kansas et al. Argument commenced by Mr. Albert M. Cole for the appellant. The Court declined to hear further argument.

No. 500. Guy S. Martin, petitioner, *v.* National Surety Company et al. Argument commenced by Mr. Richard S. Bull for the petitioner and continued by Mr. J. H. Cunningham, Jr., for the respondents.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, March 3, will be as follows: Nos. 500, 505, 530, 532, 531, 534, 559, 575, 573, and 552.

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.

Hal C. Douglas, of Fayetteville, Ark.; Ted Dalton, of East Radford, Va.; T. X. Parsons, of Roanoke, Va.; Harper MacFarlane, of San Antonio, Tex.; Michael M. Platzman, of New York City; S. S. Lambeth, Jr., of Bedford, Va.; Benjamin A. Wilder, of New York City; and S. V. Kemp, of Lynchburg, Va., were admitted to practice.

No. 500. Guy S. Martin, petitioner, *v.* National Surety Company et al. Argument continued by Mr. J. H. Cunningham, Jr., for the respondents and concluded by Mr. Richard S. Bull for the petitioner.

No. 505. The Atchison, Topeka and Santa Fe Railway Company, petitioner, *v.* William W. Scarlett. Argument commenced by Mr. H. K. Lockwood and continued by Mr. Robert Brennan for the petitioner; by Mr. Louis E. Goodman for the respondent; and concluded by Mr. Robert Brennan for the petitioner.

No. 530. Robert Page Wright, Bankrupt, petitioner, *v.* Vinton Branch of the Mountain Trust Bank of Roanoke, Virginia, et al. Leave granted Mr. John Strickler to argue *pro hac vice*, for the respondent, on motion of Mr. William Lemke in that behalf.

No. 530. Robert Page Wright, Bankrupt, petitioner, *v.* Vinton Branch of the Mountain Trust Bank of Roanoke, Virginia, et al. Three hours allowed for oral argument. Argument commenced by Mr. S. S. Lambeth, Jr., for the petitioner and continued by Mr. John Strickler, *pro hac vice* by special leave of the Court, for the respondents.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, March 4, will be as follows: Nos. 530, 532, 531, 534, 559, 575, 573, 552, 558, and 562.

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.

Louis A. Kohn, of Chicago, Ill.; Charles S. Druggan, of Columbus, Ohio; J. Paul McNamara, of Columbus, Ohio; Buist M. Anderson, of Hartford, Conn.; Franz U. Burkett, of Portland, Maine; Ralph W. Farris, of Augusta, Maine; Gladys A. Harrison, of Minneapolis, Minn.; and William Clarke Morris, of New York City, were admitted to practice.

No. 530. Robert Page Wright, Bankrupt, petitioner, *v.* Vinton Branch of the Mountain Trust Bank of Roanoke, Virginia, et al. Argument continued by Mr. Elmer McClain for the petitioner; by Mr. T. X. Parsons for the respondents; and concluded by Mr. William Lemke for the petitioner.

No. 532. The United States of America, petitioner, *v.* Morgan Belmont and Eleanor R. Belmont, as Executors, etc. Argued by Mr. Solicitor General Reed and Mr. David E. Hudson for the petitioner, and by Mr. C. W. Wickersham for the respondents.

No. 531. John Boseman, petitioner, *v.* Connecticut General Life Insurance Company. Argument commenced by Mr. Leon P. Howell for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, March 5, will be as follows: Nos. 531, 534, 559, 575, 573, 552, 558, 562, 570, 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.

Edgar R. Kraetzer, of New York City; Philip Levy, of New York City; Joseph S. Clark, Jr., of Philadelphia, Pa.; Wm. A. Seidl, of New York City; Frank L. Hineckley, of Providence, R. I.; and Lester H. Duquette, of Kaiser, Mo., were admitted to practice.

No. 257. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* The Midland Mutual Life Insurance Company. Time within which to file petition for rehearing extended to April 1, on motion of Mr. Wm. Marshall Bullitt for the respondent.

No. 531. John Boseman, petitioner, *v.* Connecticut General Life Insurance Company. Argument continued by Mr. Leon P. Howell for the petitioner, by Mr. Wm. Marshall Bullitt for the respondent, and concluded by Mr. Major T. Bell for the respondent.

No. 534. Bourjois, Inc., appellant, *v.* Clyde R. Chapman, George W. Leadbetter, et al. Argued by Mr. Asher Blum for the appellant, and by Mr. Ralph W. Farris for the appellees.

No. 559. General Baking Company, petitioner, *v.* Luther A. Harr, (Successor to William D. Gordon), Secretary of Banking for the Commonwealth of Pennsylvania, etc., et al. Argued by Mr. George E. Beechwood for the petitioner, and by Mr. Joseph S. Clark, Jr., for the respondents.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, March 8, will be as follows: Nos. 575, — original Texas *v.* New York, 573, 552, 558, 562, 570, 602, 600, and 599.

×

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 M. Blair-Smith, of New York City; Samuel Vigotsky, of New York City; Peter B. Atwood, of Chicago, Ill.; Charles Pickett, of Fairfax, Va.; and Sidney Goldman, of Trenton, N. J., were admitted to practice.

The Chief Justice announced the following orders of the Court:

No. 741. Able Blackman, Julius Blackman, et al., appellants, *v.* Clyde E. Stone, Individually and as Chairman and a Member of the State Officers Electoral Board of the State of Illinois, et al. Appeal from the District Court of the United States for the Southern District of Illinois. *Per curiam*: The decree entered by the District Court composed of three judges under 28 U. S. C. 380 is vacated upon the ground that the cause, so far as relief by injunction is sought, has become moot (*Mills v. Green*, 159 U. S. 651, 653; *Jones v. Montague*, 194 U. S. 147, 151, 152; *Richardson v. McChesney*, 218 U. S. 487, 492; *Mahan v. Hume*, 287 U. S. 575), but without prejudice to action by the District Court in relation to any matter which may remain in the cause.

No. 491. City of Holton, appellant, *v.* Kansas State Bank, Holton, Kansas, Roy A. Haines, State Bank Commissioner, et al. Appeal from the Supreme Court of the State of Kansas. *Per curiam*: The appeal herein is dismissed for the want of jurisdiction. *Pawhuska v. Pawhuska Oil Co.*, 250 U. S. 394; *Trenton v. New Jersey*, 262 U. S. 182.

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*: Filer & Stowell Co., et al., petitioners. The Motion for leave to file petition for writ of certiorari herein is denied.

No. 761. Ida Wells, petitioner, *v.* George W. Wells. 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 granted. The petition for writ of certiorari is therefore also denied.

No. 724. Albert A. Carmichael, Individually, etc., et al., appellants, *v.* Southern Coal & Coke Company. In this case probable jurisdiction is noted.

No. 713. Chester C. Dodge, Catherine L. Baird, et al., appellants, *v.* Board of Education of the City of Chicago 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. 716. Great Lakes Transit Corporation, petitioner, *v.* Interstate Steamship Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit granted limited to the second question presented by the petition for writ of certiorari.

No. 621. The First National Bank & Trust Company of Bridgeport, Connecticut, Trustee, petitioner, *v.* Francis E. Beach. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 615. The Choctaw Nation, petitioner, *v.* The United States and the Chickasaw Nation. Petition for writ of certiorari to the Court of Claims denied.

No. 663. Halsted L. Ritter, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 678. Marcella Hornung, Minor, by Freda Rudolph, her statutory guardian, et al., petitioners, *v.* The Louisville Trust Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 691. Elzada Williams, Administratrix, etc., petitioner, *v.* Terminal Railroad Association of St. Louis. Petition for writ of certiorari to the Supreme Court of the State of Missouri denied.

No. 696. David I. Wainer, Allen M. 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 denied.

No. 701. John F. Jelke Company, petitioner, *v.* Julius F. Smietanka, as Former Collector, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 702. Rolland S. Trott and Borg-Warner Corporation, petitioner, *v.* Neal R. Cullen, Ward J. Thompson, et al., etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 711. Mary Hayes Guilfoil, petitioner, *v.* Adelaide M. Grady Hayes, in her own right and as executrix. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 714. S. S. Kresge Company, petitioner, *v.* Richard D. Sears et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 725. National Reserve Insurance Company of Illinois, petitioner, *v.* Maggie Manzo. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 728. Mount Clemens Sugar Company, petitioner, *v.* Grand Trunk Western Railroad Company. Petition for writ of certiorari to the Supreme Court of the State of Michigan denied.

No. 718. George H. Barbour et al., petitioners, *v.* C. O. Thomas, Receiver, etc., et al.; and

No. 719. William F. Connolly, Receiver, etc., petitioner, *v.* C. O. Thomas, Receiver, etc. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 655. Ben Reuben, petitioner, *v.* The United States of America;

No. 656. Barney Laven, petitioner, *v.* The United States of America; and

No. 668. Leonard Rollnick, petitioner, *v.* The United States of America. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 330. The United States, petitioner, *v.* Automatic Washer Company;

No. 623. Howard Preece, petitioner, *v.* The United States of America; and

No. 649. The Aleograph Company, petitioner, *v.* Electrical Research Products, Inc., et al. Petitions for rehearing denied.

ORDER

The Court will take a recess from Monday, March 15, to Monday, March 29, next.

No. 8, original. Commonwealth of Kentucky, complainant, *v.* State of Indiana. Report No. 14 of defendant, State of Indiana, presented.

No. 575. William Elmer Brown, Jr., petitioner, *v.* Edward J. O'Keefe, Receiver, etc. Argued by Mr. Elmer Brown, Jr., for the petitioner, and by Mr. George P. Barse for the respondent.

No. —, original. State of Texas, complainant, *v.* State of New York et al. Argument on the Motion for leave to file Bill of Complaint and the returns to the rule to show cause commenced by Mr. William McCraw for the complainant, State of Texas; continued by Mr. Llewellyn B. Duke for the complainant, State of Texas; by Mr. James J. Ronan for the defendant, Commonwealth of Massachusetts; and by Mr. H. E. Carter for the defendant, State of Florida. Motion for leave to file Bill of Complaint denied without prejudice.

No. 573. Highland Farms Dairy, Incorporated, and Luther W. High, appellants, *v.* J. P. Agnew, Chairman, et al., etc. Argument commenced by Mr. Philip W. Rosenfeld for the appellants, and continued by Mr. Edwin H. Gibson for the appellees.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, March 9, will be as follows: Nos. 573, 552, 558, 562, 570, 602, 600, 599, 588 (and 670), and 647.

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 H. P. Fronefield, of Media, Pa.; Guy G. deFuria, of Chester, Pa.; Louis Arthur Bloom, of Chester, Pa.; C. Willia, Kraft, Jr. of Media, Pa.; William R. Toal, of Media, Pa.; Mervyn Russell Turk, of Chester, Pa.; E. Leroy van Roden, of Media, Pa.; William Blake McClenachan, Jr., of Chester, Pa.; Clement J. McGovern, of Chester, Pa.; Daniel S. Murph, of St. Matthews, S. C.; Belford Vance Lawson, Jr., of Washington, D. C.; Theodore Moody Berry, of Cincinnati, Ohio; and Anton P. Wright, of Savannah, Ga., were admitted to practice.

No. 573. Highland Farms Dairy, Incorporated, and Luther W. High, appellants, *v.* J. P. Agnew, Chairman, et al., etc. Argument continued by Mr. John S. Barbour for the appellees and concluded by Mr. Lawrence Koenigsberger for the appellants.

No. 552. E. Pat Kelly, as Director of the Department of Labor and Industries of the State of Washington, et al., petitioners, *v.* State of Washington, on the relation of Foss Company, Inc., et al. Argument commenced by Mr. W. A. Toner for the petitioners; continued by Mr. Glenn J. Fairbrook for the respondents; and concluded by Mr. Daniel Baker for the petitioners.

No. 558. Alaska Packers Association, petitioner, *v.* Warren H. Pillsbury, as Deputy Commissioner etc., et al. Argued by Mr. Eugene M. Prince for the petitioner, and by Mr. J. Frank Staley for the respondents.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, March 10, will be as follows: Nos. 562, 570, 602, 600, 599, 588 (and 670), 614, 647, 605, and 638.

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.

Katherine E. Barkdull, of Washington, D. C.; Murray D. Welch, of New York City; Martin M. Ward, of Chicago, Ill.; and Jacob Colman, of Brooklyn, N. Y., were admitted to practice.

No. 562. The United States of America, petitioner, *v.* Harry J. Madigan. Argued by Mr. Wilbur C. Pickett for the petitioner, and by Mr. Jordan R. Bentley for the respondent.

No. 570. Southern Natural Gas Corporation et al., appellants, *v.* State of Alabama. Argument commenced by Mr. Forney Johnston for the appellants; continued by Mr. Frontis H. Moore for the appellee; and concluded by Mr. Joseph F. Johnston for the appellants.

No. 602. Galen H. Welch, Former Collector of Internal Revenue, etc., petitioner, *v.* Obispo Oil Co. Argument commenced by Mr. J. Louis Monarch for the petitioner and continued by Mr. Joseph D. Peeler for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, March 11, will be as follows: Nos. 602, 600, 599, 588 (and 670), 614, 605, and 638.

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.

Frank J. Williams, of Minneapolis, Minn.; William R. McWood, of San Francisco, Calif.; Theodore S. Jaffin, of New York City; Mary T. Denman, of Latrobe, Pa.; David N. Denman, of Latrobe, Pa.; Lewis T. Matlack, of Washington, D. C.; and Ely Eber, of Rochester, N. Y., were admitted to practice.

No. 285. United States, ex relatione, Girard Trust Company, Trustee, etc., petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Motion for leave to file petition for rehearing submitted by Mr. H. C. Kilpatrick for the petitioner.

No. 202. October Term 1935. Robert G. Stone et al., petitioners, *v.* Thomas W. White, Former Collector etc. Motion for leave to file petition for rehearing submitted by Mr. Donald Hunter for the petitioners.

No. 602. Galen H. Welch, Former Collector of Internal Revenue, etc., petitioner, *v.* Obispo Oil Co. Argument continued by Mr. Joseph D. Peeler for the respondent, and concluded by Mr. J. Louis Monarch for the petitioner.

No. 600. The United States of America, petitioner, *v.* George W. Norris. Argued by Mr. Charles E. Wyzanski, Jr., for the petitioner, and by Mr. William E. Shuman for the respondent.

No. 599. Carl F. Stroehmann et al., petitioners, *v.* Mutual Life Insurance Company of New York. Argued by Mr. George H. Hafer for the petitioners and by Mr. Wm. Marshall Bullitt for the respondent.

No. 588. Henry E. Oppenheimer, petitioner, *v.* The Harriman National Bank and Trust Company of the City of New York et al.; and

No. 670. The Harriman National Bank and Trust Company of the City of New York, petitioner, *v.* Henry E. Oppenheimer. Argument commenced by Mr. E. S. Greenbaum for Oppenheimer.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, March 12, will be as follows: Nos. 588 (and 670), 614, and 605.

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.

Herbert P. Leeman, of Washington, D. C., was admitted to practice.

No. —, original. State of Texas, complainant, *v.* State of New York et al. Motion for leave to file Bill of Complaint submitted by Mr. William McCraw for the complainant.

No. 588. Henry E. Oppenheimer, petitioner, *v.* The Harriman National Bank and Trust Company of the City of New York et al.; and

No. 670. The Harriman National Bank and Trust Company of the City of New York, petitioner, *v.* Henry E. Oppenheimer. Argument continued by Mr. E. S. Greenbaum for Oppenheimer and concluded by Mr. Martin Conboy for Harriman National Bank and Trust Company et al.

No. 614. Max Sonzinsky, petitioner, *v.* The United States of America. Argued by Mr. Harold J. Bandy for the petitioner and by Mr. Brien McMahon for the respondent.

No. 605. American Propeller and Manufacturing Company, petitioner, *v.* The United States. Argument commenced by Mr. J. Kemp Bartlett for the petitioner; continued by Mr. J. Louis Monarch for the respondent; and concluded by Mr. Edgar Allan Poe for the petitioner.

Adjourned until Monday, March 15, 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.

Ab B. Arbaugh, of Jasper, Ark.; B. W. Tipton, of Electra, Tex.; Egbert Robertson, of Chicago, Ill.; James C. Spence, of Chicago, Ill.; John Weaver, of Chicago, Ill.; and Peter S. Twitty, of Dublin, Ga., were admitted to practice.

No. 451. William Whitlock Brush, petitioner, *v.* Commissioner of Internal Revenue. 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 Sutherland. Mr. Justice Stone and Mr. Justice Cardozo concur in the result. Dissenting opinion by Mr. Justice Roberts in which Mr. Justice Brandeis joins.

The Chief Justice announced the following orders of the Court:

No. 742. People of the State of Illinois, *ex rel.* Jessie DeBardas, for and on behalf of Simon DeBardas, Relator, appellant, *v.* John Toman, Sheriff of Cook County. Appeal from the Supreme Court of the State of Illinois. *Per curiam:* The motion for leave to file the statement as to jurisdiction is granted. The motion of the appellee to dismiss the appeal 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). Treating the papers whereon the appeal was allowed as a petition for a writ of certiorari, as required by Section 237 (c), Judicial Code, as amended (43 Stat. 936, 938), certiorari is denied.

No. 758. Lina Singer, appellant, *v.* The People of the State of Illinois, *ex rel.* John S. Rusch, relator. Appeal from the Supreme Court of the State of Illinois. *Per curiam:* The appeal herein is dismissed for the reason that the judgment of the Supreme Court of the State of Illinois, sought here to be reviewed, is based upon a non-federal ground adequate to support it. Callan *v.* Bransford, 139 U. S. 197; John *v.* Paullin, 231 U. S. 583, 585.

No. —, original. State of Texas, complainant, *v.* State of Florida et al. The motion for leave to file the bill of complaint herein is granted and process is ordered to issue returnable May 17, 1937.

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. 8, original. Commonwealth of Kentucky, complainant, *v.* State of Indiana. Report No. 14 of the defendant, State of Indiana, is received and ordered filed.

No. 770. Leila Zimmern 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. 772. John O. Nelson, petitioner, *v.* Henry M. Cummings. On petition for writ of certiorari to the Supreme Court of the State of New York. 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. 285. United States, ex relatione, Girard Trust Company, Trustee etc., petitioner *v.* Guy T. Helvering, Commissioner of Internal Revenue. The motion for leave to file and the petition for rehearing are granted. The order entered on December 7, 1936, denying the petition for certiorari is vacated and the petition for writ of certiorari to the United States Court of Appeals for the District of Columbia is granted.

No. 202. October Term, 1935. Robert G. Stone et al., petitioners, *v.* Thomas W. White, Former Collector, etc. The motion for leave to file and the petition for rehearing are granted. The orders heretofore entered on October 14, 1935, and December 7, 1936, denying the petition for certiorari and petition for rehearing herein are vacated and the petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit is granted.

No. 797. Albert A. Carmichael, Attorney General of the State of Alabama et al., appellants, *v.* Gulf States Paper Corporation. In this case probable jurisdiction is noted. The case is assigned for hearing immediately following No. 724.

No. 703. Old Colony Trust Company, Trustee, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit granted.

No. 721. Nathan Lipson, petitioner, *v.* Socony Vacuum Corporation; and

No. 722. Nathan Lipson, petitioner, *v.* Standard Oil Company of New York, Inc. Petition for writs of certiorari to the United States Circuit Court of Appeals for the First Circuit granted.

No. 676. Nat Rogan, Collector of Internal Revenue, etc., petitioner, *v.* Ventura Consolidated Oil Fields. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 697. Fidelity & Deposit Company of Maryland et al., petitioners, *v.* Lillie Mathews Tucker Brock. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 704. Heller Brothers Company of Newcomerstown, petitioner, *v.* Ralph A. Lind, Regional Director, etc., et al.;

No. 705. Brown Shoe Company, Inc., petitioner, *v.* J. Warren Madden et al.;

No. 706. Bethlehem Shipbuilding Corporation, Ltd., petitioner, *v.* J. Warren Madden et al.;

No. 707. Beaver Mills, petitioner, *v.* J. Warren Madden et al.;

No. 708. J. C. Pilgrim et al., petitioners, *v.* J. Warren Madden et al.;

No. 709. A. C. Lawrence Leather Company, petitioner, *v.* J. Warren Madden et al., etc.;

No. 710. Cabot Manufacturing Company, petitioner, *v.* J. Warren Madden et al., etc.; and

No. 744. Hatfield Wire and Cable Company, petitioner, *v.* Elinore M. Herrick, Regional Director, etc., et al. Petitions for writs of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 715. Nastia Poliakova, petitioner, *v.* Compagnie Generale Transatlantique. Petition for writ of certiorari to the Supreme Court of the State of New York denied.

No. 723. H. A. Nord, Ben Hodges, et al., petitioners, *v.* James J. Griffin. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 727. Norman C. Norman, petitioner, *v.* Consolidated Edison Company of New York, Inc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 729. F. E. Keeler, 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. 730. Peavy-Byrnes Lumber 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. 733. United Chromium, Incorporated, petitioner, *v.* General Motors Corporation et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 737. Reese Brooks, petitioner, *v.* Southern Railway Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 746. Perey Manufacturing Co., Inc., et al., petitioners, *v.* David Tulchin. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

Adjourned until Monday, March 29, next at 12 o'clock.

The day call for Monday, March 29, will be as follows: Nos. 627, 638, 652, 647, 658, 659, 687, 667, 688, and 690.

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 First, of Philadelphia, Pa.; Paul Whitcomb Williams, of New York City; Alfred G. Munger, of Omaha, Nebr.; Samuel A. McCain, of New York City; Harry Miller, of Atlantic City, N. J.; Murry C. Becker, of New York City; Lewis Cochran Cassidy, of Philadelphia, Pa.; Edward S. Stimson, of St. Louis, Mo.; Samuel William Zerman, of Weehawken, N. J.; Herman Siegel, of Union City, N. J.; Sidney A. Wolff, of New York City; Arthur H. Lee, of Enid, Okla.; Elza Charles Johnson, of Chevy Chase, Md.; F. A. Blanche, of Baton Rouge, La.; Carl B. Fritsche, of Detroit, Mich.; Orin deMotte Walker, of Indianapolis, Ind.; J. Turner Butler, of Jacksonville, Fla.; Robert Piza Weil, of New York City; Richard E. Conour, of Denver, Colo.; Leslie Jensen, of Hot Springs, S. Dak.; Dwight Ezra Campbell, of Aberdeen, S. Dak.; and Ralph F. Merchant, of Minneapolis, Minn., were admitted to practice.

No. 418. Harold H. Henneford, Thomas S. Hedges, and T. M. Jenery, Members of the Tax Commission of the State of Washington, appellants, *v.* Silas Mason Company, Inc., et al. Appeal from the District Court of the United States for the Eastern District of Washington. Decree reversed with costs and cause remanded to the said District Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Cardozo. Dissenting, Mr. Justice McReynolds and Mr. Justice Butler.

No. 500. Guy S. Martin, petitioner, *v.* National Surety Company et al. On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Judgment affirmed with costs and cause remanded to the District Court of the United States for the Eastern District of Missouri. Opinion by Mr. Justice Cardozo.

No. 575. William Elmer Brown, Jr., petitioner, *v.* Edward J. O'Keefe, Receiver, etc. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Judgment reversed with costs and cause remanded to the District Court of the United States for the District of New Jersey for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Cardozo.

No. 573. Highland Farms Dairy, Incorporated, and Luther W. High, appellants, *v.* J. P. Agnew Chairman, Kone Bruch, et al., etc. Appeal from the District Court of the United States for the Eastern District of Virginia. Decree affirmed with costs. Opinion by Mr. Justice Cardozo. Concurring in part: Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Sutherland, and Mr. Justice Butler.

No. 600. The United States of America, petitioner, *v.* George W. Norris. On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Judgment of the Circuit Court of Appeals reversed and judgment of the District Court of the United States for the District of Nebraska affirmed and cause remanded to the said District Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Roberts.

No. 562. The United States of America, petitioner, *v.* Harry J. Madigan. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgment reversed and cause remanded to the District Court of the United States for the Southern District of California for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Stone.

No. 614. Max Sonzinsky, petitioner, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Judgment affirmed and cause remanded to the District Court of the United States for the Eastern District of Illinois. Opinion by Mr. Justice Stone.

No. 324. The Virginian Railway Company, petitioner, *v.* System Federation No. 40, Railway Employees Department of the American Federation of Labor, etc., et al. On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit. Decree affirmed with costs and cause remanded to the District Court of the United States for the Eastern District of Virginia. Opinion by Mr. Justice Stone.

No. 207. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Tex-Penn Oil Company;

No. 208. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* M. L. Benedum; and

No. 209. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* F. B. Parriott. On writs of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Judgments affirmed and cases remanded to the said Circuit Court of Appeals. Opinion by Mr. Justice Butler. Mr. Justice Roberts took no part in the consideration or decision of these cases. Mr. Justice Cardozo concurs on the ground last stated in the opinion.

No. 505. The Atchison, Topeka and Santa Fe Railway Company, petitioner, *v.* William W. Scarlett. On writ of certiorari to the Supreme Court of the State of California. Judgment reversed with costs and cause remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Sutherland.

No. 605. American Propeller and Manufacturing Company, petitioner, *v.* The United States. On writ of certiorari to the Court of Claims. Judgment reversed and cause remanded to the Court of Claims for further proceedings in conformity with the opinion of this Court. Opinion By Mr. Justice Sutherland.

No. 530. Robert Page Wright, Bankrupt, petitioner, *v.* Vinton Branch of the Mountain Trust Bank of Roanoke, Virginia, et al. On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit. Judgment reversed with costs and cause remanded to the District Court of the United States for the Western District of Virginia for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Brandeis.

No. 227. Jose Matos, petitioner, *v.* Alonso Hermanos et al. 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 judgment of the Supreme Court of Puerto Rico affirmed and cause remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice McReynolds.

No. 559. General Baking Company, petitioner, *v.* Luther A. Harr (Successor to William D. Gordon), Secretary of Banking, etc., et al. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Decree reversed with costs and cause remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice McReynolds.

No. 599. Carl F. Stroehmann and Lycoming Trust Company, Trustee, petitioners, *v.* Mutual Life Insurance Company of New York. 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 of the United States for the Middle District of Pennsylvania affirmed and cause remanded to the said District Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice McReynolds.

No. 340. Etienne Dugas, petitioner, *v.* American Surety Company of New York. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Decree affirmed with costs and cause remanded to the District Court of the United States for the Eastern District of Louisiana. Opinion by Mr. Justice Van Devanter. The Chief Justice and Mr. Justice Cardozo are of opinion that the decree should be reversed for the reasons stated by Sibley, J., in the court below. Mr. Justice Stone did not participate in the consideration or decision of this case.

No. 293. West Coast Hotel Company, appellant, *v.* Ernest Parrish and Elsie Parrish, his wife. Appeal from the Supreme Court of the State of Washington. Judgment affirmed with costs. Opinion by Mr. Chief Justice Hughes. Dissenting opinion by Mr. Justice Sutherland in which Mr. Justice Van Devanter, Mr. Justice McReynolds, and Mr. Justice Butler join.

The Chief Justice announced the following order of the Court:

No. 818. Alf O. Whitmore, appellant, *v.* Salt Lake City, George M. Bacon, as State Engineer, etc., et al. Appeal from the Supreme Court of the State of Utah. *Per curiam*: The motion of the appellees to dismiss the appeal is granted and the appeal is dismissed for the want of jurisdiction. *Godchaux Co. v. Estopinal*, 251 U. S. 179; *Herndon v. Georgia*, 295 U. S. 441, 443; *Johnson v. Washington*, 296 U. S. 535. Treating the papers whereon the appeal was allowed as a petition for a writ of certiorari, as required by Section 237 (c), Judicial Code, as amended by the Act of February 13, 1925 (43 Stat. 936, 938), certiorari is denied.

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. 815. Mrs. Ella Alice Cartey, as Administratrix, etc., petitioner, *v.* The United States of America. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit;

No. 816. Mrs. Bertie Berry Jenkins, as Administratrix, etc., petitioner, *v.* The United States of America. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit; and

No. 826. Claude Wyant, petitioner, *v.* Samuel R. Caldwell, Receiver, etc. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit. The motions for

leave to proceed further herein *in forma pauperis* are denied for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which writs of certiorari should be granted. The petitions for writ of certiorari are therefore also denied.

No. 712. Phillips Pipe Line Company, appellant, *v.* The State of Missouri. On motion of the Attorney General of the State of Missouri this case is continued to the October Term 1937.

No. 724. Albert A. Carmichael, Individually, etc., et al., appellants, *v.* Southern Coal & Coke Company; and

No. 797. Albert A. Carmichael, Individually, etc., et al., appellants, *v.* Gulf States Paper Corporation. The motion to postpone the hearing of these cases is denied. The motions for modification of the injunctions are granted. The orders to be settled on notice.

No. 773. Silas Mason Company, Inc., et al., appellants, *v.* Tax Commissioners of the State of Washington et al.;

No. 774. David H. Ryan, appellant, *v.* The State of Washington et al.;

No. 781. C. R. Townsend et al., appellants, *v.* M. J. Yoemans, Attorney General of the State of Georgia, et al. In these cases probable jurisdiction is noted.

No. 777. Nolen R. Breedlove, appellant, *v.* T. Earl Suttles, as Tax Collector. 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. 804. Railroad Commission of the State of California et al., appellants, *v.* Pacific Gas and Electric Company. In this case probable jurisdiction is noted. Further consideration of the motion to affirm is postponed to the hearing of the case on the merits.

No. 743. A. A. Lewis and Company et al., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted.

No. 753. Aetna Insurance Company, petitioner, *v.* John M. Kennedy, 3d, to the use of Anna L. Bogash;

No. 754. Springfield Fire & Marine Insurance Company, petitioner, *v.* John M. Kennedy, 3d, to the use of Anna L. Bogash; and

No. 755. The Liverpool and London and Globe Insurance Company, Limited, petitioner, *v.* John M. Kennedy, 3d, to the use of Anna L. Bogash. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Third Circuit granted.

No. 765. The Mantle Lamp Company of America, petitioner, *v.* Aluminum Products Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted.

No. 837. Chas. C. Steward Machine Company, a corporation, petitioner, *v.* Harwell G. Davis, Individually and as Collector, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit granted and the case is assigned for hearing immediately following Nos. 724 and 797.

No. 720. Burdine C. Anderson et al., petitioners, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 726. North German Lloyd, petitioner, *v.* Philip Elting, Collector of Customs, Port of New York. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 732. Compagnie Generale Transatlantique, 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. 736. First National Bank of Fort Worth, petitioner, *v.* Virginia Oil & Refining Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 738. The St. Paul Fire and Marine Insurance Company, petitioner, *v.* New Orleans Coal and Bisso Towboat Company, etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 739. Louisiana National Bank of Baton Rouge, Assignee, etc., petitioner, *v.* New Orleans Coal and Bisso Towboat Company, etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 740. Nathan Biegler, 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. 748. C. D. Parker & Co., Inc., petitioner, *v.* Harry N. Guterman et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 749. The Ajax Pipe Line Company, petitioner, *v.* Jesse E. Smith, Collector of Revenue, etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 789. Erie Railroad Company, petitioner, *v.* Horace Mizell, as Receiver, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 694. E. Pennington Pearson, as Sole Surviving Administrator, etc., petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 699. Albert R. Klein, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 717. Central Hanover Bank & Trust Company, Trustee, etc., petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 745. Freeman Hatfield, petitioner, *v.* John M. Guay, United States Marshal, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 751. The Continental Petroleum Company, 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. 756. Hartford Accident and Indemnity Company, petitioner, *v.* Ernest L. Baugh. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 759. Food Machinery Corporation, petitioner, *v.* Frank R. Schell et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 766. Evelyn Picker and Myrtle Picker, petitioners, *v.* Irving Trust Company, as Trustees, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 767. The Waco Development Company, petitioner, *v.* D. Gordon Rupe, Jr., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 768. William S. Welch, as Trustee, etc., petitioner, *v.* John D. Larkin et al., Individually, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 785. Missouri-Kansas-Texas Railroad Company, petitioner, *v.* James L. Rowe. Petition for writ of certiorari to the Supreme Court of the State of Missouri denied.

No. 793. New York Life Insurance Company, petitioner, *v.* Agnes Kassly. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 817. E. Edelman & Company, petitioner, *v.* Triple-A Specialty Co. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 802. Beeland Wholesale Company et al., petitioners, *v.* Harwell G. Davis, Individually, etc. The motion for injunction is denied. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 838. Alpha Portland Cement Company, petitioner, *v.* Harwell G. Davis, Individually, etc. The motion for injunction is denied. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 406. Wilhelmina Sumi, petitioner, *v.* Alsie M. Young;

No. 446. Aetna Life Insurance Company of Hartford, Connecticut, petitioner, *v.* Edwin P. Haworth et al.;

No. 622. New York Life Insurance Company et al., appellants, *v.* James A. Alexander, Executor, etc.; and

No. 689. The Reeves Manufacturing Company, petitioners, *v.* The Lome Company et al. Petitions for rehearing denied.

No. —, original. *Ex parte*: Albert E. Peirce, petitioner. Motion for leave to file petition for writ of certiorari submitted by Mr. E. Ennalls Berl for the petitioner.

No. 381. Walter A. Kennedy, petitioner, *v.* Boston-Continental National Bank et al.; and

No. 382. Wendell Phillips Company, petitioner, *v.* Boston-Continental National Bank et al. On writs of certiorari to the United States Circuit Court of Appeals for the First Circuit. Dismissed on motion of counsel for the petitioners.

No. 690. Michael J. Dugan and Denis M. Creeden, co-partners, etc., et al., appellants, *v.* H. Styles Bridges, Governor of the State of New Hampshire et al. Appeal from the District Court of the United States for the District of New Hampshire. Dismissed on motion of counsel for the appellants.

No. 627. Bernard Joseph Mumm, petitioner, *v.* Jacob E. Decker & Sons. Argued by Mr. Ralph F. Merchant for the petitioner and by Mr. Maurice M. Moore for the respondent.

No. 638. Hiram Steelman, Trustee, etc., petitioner, *v.* All Continent Corporation. Argument commenced by Mr. William D. Whitney for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, March 30, will be as follows: Nos. 638, 604, 652, 647, 658, 659, 687, 667, 688, and 731.

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 H. Colman, of Minneapolis, Minn.; Richard L. Bird, Jr., of Salt Lake City, Utah; David Lasker, of Boston, Mass.; Jacob Spiegel, of Boston, Mass.; Seth Q. Pulver, of Owosso, Mich.; and Michael J. Sporrer, of Wilmette, Ill., were admitted to practice.

No. 724. Albert A. Carmichael, Individually and as Attorney General of the State of Alabama, et al., appellants, *v.* Southern Coal & Coke Company; and

No. 797. Albert A. Carmichael, Individually and as Attorney General of the State of Alabama, et al., appellants, *v.* Gulf States Paper Corporation. Orders are entered modifying the injunctions in these cases.

No. 638. Hiram Steelman, Trustee, etc., petitioner, *v.* All Continent Corporation. Argument continued by Mr. Wm. D. Whitney for the petitioner; by Mr. Murry C. Becker for the respondent; and concluded by Mr. Wm. D. Whitney for the petitioner.

No. 604. Reginald P. Ray, petitioner, *v.* The United States of America. Argued by Mr. Reynolds Robertson for the petitioner, and by Mr. Gordon Dean for the respondent.

No. 652. The Great Atlantic & Pacific Tea Company et al., appellants, *v.* Alice Lee Grosjean, Supervisor of Public Accounts, State of Louisiana et al. Argument commenced by Mr. Monte M. Lemann for the appellants.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, March 31, will be as follows: Nos. 652, 647, 658, 659, 687, 667, 688, 731, 734, and 724.

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.

Isidore E. Goldberg, of Milwaukee, Wis.; Elbert P. Tuttle, of Atlanta, Ga.; Dean Driscoll, of Boise, Idaho; William Womack Heach, of Austin, Tex.; William Browne Hale, of Chicago, Ill.; John G. Heyburn, of Louisville, Ky.; Harold Major, of Anderson, S. C.; Duke M. Patrick, of Washington, D. C.; and Charles Sawyer, of Cincinnati, Ohio, were admitted to practice.

No. 655. Ben Reuben, petitioner, *v.* The United States of America. Time within which to file rehearing extended to and including April 9 next on motion of Mr. Irwin Geiger for the petitioner.

No. 652. The Great Atlantic & Pacific Tea Company et al., appellants, *v.* Alice Lee Grosjean, Supervisor of Public Accounts, State of Louisiana, et al. Argument continued by Mr. Robert L. Wright for the appellants and concluded by Mr. E. Leland Richardson for the appellees.

No. 647. First Bank Stock Corporation, appellant, *v.* State of Minnesota. Argued by Mr. Joseph H. Colman for the appellant and by Mr. William S. Ervin and Mr. Frank J. Williams for the appellee.

No. 658. Pau. Senn, appellant, *v.* Tile Layers Protective Union, Local No. 5, et al. Three hours allowed for oral argument. Argument commenced by Mr. Leon B. Lamfrom for the appellant.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, April 1, will be as follows: Nos. 658, 659 (and 687), 667, 688, 731, 734, 724, 797, 837, and 621.

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.

Roy Neal McMillan, of Atlanta, Ga.; John A. Chambliss, Jr., of Chattanooga, Tenn.; George H. P. Lacey, of Cleveland, Ohio; William P. Arnold, of Washington, D. C.; E. Edward Burroughs, Jr., of Washington, D. C.; C. S. Bentley Pike, of Chicago, Ill.; Max Rittenberg, of Chicago, Ill.; Bennett E. Siegelstein, of New York City; and James J. Broz, of Fresno, Calif., were admitted to practice.

No. 12, original. The State of Texas, complainant, *v.* The State of New Mexico et al. *Ad interim* Report of the Special Master herein submitted by Mr. Charles Warren.

No. 668. Leonard Rollnick, petitioner, *v.* The United States of America. Time within which to file petition for rehearing extended to and including April 9 next on motion of Mr. Challon B. Ellis on behalf of counsel for the petitioner.

No. 658. Paul Senn, appellant, *v.* Tile Layers Protective Union, Local No. 5, et al. Argument continued by Mr. Leon B. Lamfrom for the appellant and concluded by Mr. Joseph A. Padway for the appellees.

No. 659. The Cincinnati Soap Company, petitioner, *v.* The United States of America; and

No. 687. Haskins Bros. & Co., petitioner, *v.* George W. O'Malley, Individually and as Collector etc. Argument commenced by Mr. Alfred Bettman for the petitioner in No. 659, and continued by Mr. Frederick H. Wood for the petitioner in No. 687.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, April 2, will be as follows: Nos. 659 (and 687), 667, 688, 731, 734, 724, 797, 837, 621, and 713.

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.

Thayer Burgess, of Utica, N. Y.; Thomas Lanier Sawyer, of Norfolk, Va.; George H. Kenny, of Utica, N. Y.; Matilda Fenberg, of Chicago, Ill.; Robert H. Jamison, of Cleveland, Ohio; James F. Hart, of New York City; Seth E. Tracy, of Berkeley, Calif.; and Francis A. LeSourd, of Seattle, Wash., were admitted to practice.

No. 659. The Cincinnati Soap Company, petitioner, *v.* The United States of America; and

No. 687. Haskins Bros. & Co., petitioner, *v.* George W. O'Malley, Individually and as Collector, etc. Argument concluded by Mr. Assistant Attorney General Jackson for the respondents.

No. 667. Anniston Manufacturing Company, petitioner, *v.* Harwell G. Davis, Collector of Internal Revenue. Three hours allowed for oral argument. Argument commenced by Mr. Joseph B. Brennan for the petitioner; continued by Mr. Solicitor General Reed and Mr. Assistant Attorney General Morris for the respondent; and concluded by Mr. William A. Sutherland for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Monday, April 5, will be as follows: Nos. 688, 731, 35 (and 36), 539, 724, 797, 837, 734, 621, and 713.

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.

Everett Lafayette Looney, of Austin, Tex.; Victor W. Bouldin, of Mineral Wells, Tex.; Thos. H. Abell, of Wharton, Tex.; Matthew J. Horan, of New York City; Edward C. Park, of Boston, Mass.; J. G. Knight, of Westminster, Md.; Thomas V. Koykka, of Cleveland, Ohio; Melvin L. Griffith, of Chicago, Ill.; Richard Watkins Gordon, of Columbus, Ohio; Lewis L. Stedman, of Seattle, Wash.; and George Badgley Marshall, of Columbus, Ohio, were admitted to practice.

No. 103. District of Columbia, petitioner, *v.* Ethel Clawans. On writ of certiorari to the United States Court of Appeals for the District of Columbia. Judgment of the Court of Appeals affirmed and judgment of the Police Court of the District of Columbia reversed, and cause remanded to said Police Court with instructions for a new trial without a jury. Each party to pay one-half the costs. Opinion by Mr. Justice Stone. Separate opinion by Mr. Justice McReynolds and Mr. Justice Butler.

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: Albert E. Peirce, petitioner. The motion for leave to file petition for writ of certiorari is denied.

No. —, original. Ex parte: William Paul Owens, petitioner. The motion for leave to file petition for writ of habeas corpus is denied.

No. 12, original. State of Texas, complainant, *v.* State of New Mexico et al. The Special Master having submitted an *ad interim* report under date of March 26, 1937, and it appearing therefrom that a stipulation has been entered into by the Attorney General and Assistant Attorney General of the State of Texas, the Assistant Attorney General of the State of New Mexico, and counsel for the Middle Rio Grande Conservancy District, that stipulation being as follows:

"Subject to the approval of the Supreme Court of the United States or of the Special Master, New Mexico, the Middle Rio Grande Conservancy District and the State of Texas, in conformity with S. B. 234 of the Legislature of the State of New Mexico, stipulate that any further proceedings in Original Cause No. 12. October Term 1936, be held in abeyance until the first day of October 1937, without prejudice to the rights of any party."; and the Special Master having recommended the approval of the stipulation: It is ordered (1) that the above stipulation, filed with the report of the Special Master, be, and the same is hereby, approved, and the Attorneys for the State of Texas are directed to transmit a copy of this order to the Governor of the State of New Mexico; (2) that Charles Warren, the Special Master herein, be, and he is hereby, authorized to postpone hearings in this cause, at his discretion, until such date after October 1, 1937, and prior to January 15, 1938, as he shall determine.

No. —. Georgia Power Company, petitioner, *v.* Tennessee Valley Authority. The motion for a stay herein is denied.

No. 807. United Gas Public Service Company, appellant, *v.* State of Texas et al. In this case probable jurisdiction is noted.

No. 660. Elbert B. Lindsey and E. R. Lindsey, petitioners, *v.* State of Washington. The petition for writ of certiorari to the Supreme Court of the State of Washington is granted, limited to the question as to whether Chapter 114 of the Laws of Washington of 1935, as here applied, is invalid as an *ex post facto* law within the meaning of Art. I, Sec. ¹⁰~~9~~, par. ³~~2~~ of the Constitution. The case is assigned for hearing on Monday, May 3, 1937.

No. 750. D. W. McEachern, administrator, etc., petitioner, *v.* J. T. Rose, Former Collector of Internal Revenue, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit granted.

No. 803. A. M. Anderson, Receiver of the National Bank of Kentucky of Louisville, petitioner, *v.* Peter L. Atherton, Administrator, etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit granted.

No. 824. W. A. Thomas, Collector of Internal Revenue, petitioner, *v.* J. J. Perkins et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit granted.

No. 806. F. A. D. Andrea, Inc., petitioner, *v.* Radio Corporation of America. 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. 752. Marathon Electric Manufacturing Corporation, petitioner, *v.* Nathaniel S. Clark, as Regional Director, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 757. Producers Wool & Mohair Company et al., petitioners, *v.* Charles Edmond Schauer. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 760. Carleton Simon et al., petitioners, *v.* C. O. Chambless, as Trustee, etc. et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 762. Peter McDonnell, Domenic A. Truda, et al., petitioners, *v.* Harry M. Durning, Collector of Customs, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 763. Waterford Irrigation District, petitioner, *v.* George F. Covell et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 764. Bourjois, Inc., petitioner, *v.* George J. McGowan, Individually and as Collector of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 771. Standard Oil Company, petitioner, *v.* Frank D. Fitzgerald, Secretary of State of the State of Michigan, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 778. Daniel H. Burnham, 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. 780. Elijah W. Jamerson, petitioner, *v.* The Alliance Insurance Company of Philadelphia, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 788. John E. Murphy, petitioner, *v.* Sun Oil Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 796. The United States of America, *ex rel.* Maine Potato Growers & Shippers Association et al., petitioners, *v.* Interstate Commerce Commission et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 257. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* The Midland Mutual Life Insurance Company; and

No. 692. J. L. Bunger, appellant, *v.* The Town of Green River, Wyoming. Petitions for rehearing denied.

ORDER

The Court will take a recess from Monday, April 12, to Monday, April 26, next.

No. 35. Samuel B. Smith, petitioner, *v.* A. B. Hall et al.; and

No. 36. Samuel B. Smith, petitioner, *v.* James Manufacturing Company et al. S. Harold Smith, executor of the estate of Samuel B. Smith substituted as the party petitioner on motion of Mr. Dean S. Edmonds for the petitioner.

No. 747. C. H. Murphy et al., petitioners, *v.* Turman Oil Company et al. On petition for writ of certiorari to the Court of Civil Appeals, 3d Supreme Judicial District, State of Texas. Dismissed on motion of counsel for the petitioners.

No. 688. Max Shulman et al., petitioners, *v.* Wilson-Sheridan Hotel Company et al. Argued by Mr. Meyer Abrams for the petitioners and by Mr. C. S. Bentley Pike for the respondents.

No. 731. The National Fertilizer Association, Inc. et al., appellants, *v.* W. W. Bradley, Individually etc., et al. Argument commenced by Mr. W. C. McLain for the appellants; continued by Mr. J. Ivey Humphrey and Mr. William C. Wolfe for the appellees; and concluded by Mr. Daniel S. Murph for the appellants.

No. 35. S. Harold Smith, Executor of the estate of Samuel B. Smith, petitioner, *v.* A. B. Hall et al.; and

No. 36. S. Harold Smith, Executor of the estate of Samuel B. Smith, petitioner, *v.* James Manufacturing Company et al. Three hours allowed for oral argument. Reargument commenced by Mr. Dean S. Edmonds for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, April 6, will be as follows: Nos. 35 (and 36), 539, 724, 797, 837, 734, 621, and 716.

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.

Wilmer H. Driver, of Baltimore, Md.; Wilson King Barnes, of Baltimore, Md.; George Veasey Parkhurst, of Baltimore, Md.; John J. Reichman, of Chicago, Ill.; O. H. Dukes, of Valdosta, Ga.; Frederick J. Lind, of New York City; Allan K. Perry, of Phoenix, Ariz.; Myron Eldridge Wisch, of Chicago, Ill.; Arthur Edward Brown, of St. Joseph, Mich.; Cornelius Wiarda, of Grand Rapids, Mich.; Paul Speer, of New York City; S. Lawrence Wheeler, of Milwaukee, Wis.; Frederick J. White, of Somerville, Mass.; Jo C. Williamson, of Urbana, Ill.; Wm. T. Arnos, of Cleveland, Ohio; Charles L. Rowe, of Montgomery, Ala.; Wayne A. Gleeten, of Erie, Pa.; John Jerome Manning, of New York City; John F. O'Connell, of Milford, Mass.; F. Harold Dubord, of Waterville, Me.; Peyton D. Bibb, of Birmingham, Ala.; Cloyd L. Stewart, of Clay Center, Nebr.; Chester T. Lane, of Alexandria, Va.; Earl C. Laningham, of Pennington Gap, Va.; and Mamie Jackson, of Arlington, Va., were admitted to practice.

No. 567. George P. Davis, petitioner, *v.* Boston and Maine Railroad et al. Motion for leave to file petition for rehearing submitted by Mr. Edward F. McClennen for the petitioner and the motion denied.

No. 837. Chas. C. Steward Machine Company, petitioner, *v.* Harwell G. Davis, Individually and as Collector of Internal Revenue. Motion for leave to appear and present oral argument on behalf of Edward F. McClennen and Jacob J. Kaplan as *amici curiae*, submitted by Mr. Edward F. McClennen and the motion denied.

No. 35. S. Harold Smith, Executor of the Estate of Samuel B. Smith, petitioner, *v.* A. B. Hall et al.; and

No. 36. S. Harold Smith, Executor of the Estate of Samuel B. Smith, petitioner, *v.* James Manufacturing Company et al. Reargument continued by Mr. Thomas G. Haight for the respondents in No.

35; by Mr. H. A. Toulmin, Jr., for the respondent in No. **36**; and concluded by Mr. Albert L. Ely for the petitioner.

No. **539**. The Ohio Bell Telephone Company, appellant, *v.* The Public Utilities Commission of Ohio. Four hours allowed for oral argument. Argument commenced by Mr. W. H. Thompson and continued by Mr. Karl E. Burr for the appellants.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, April 7, will be as follows: Nos. **539**, **724** (and **797**), **837**, **734**, **621**, and **716**.

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.

J. J. Breland, of Sumner, Miss.; Edwin Levisohn, of New York City; Isidor Niner, of New York City; Samuel J. Zucker, of Newark, N. J.; and Herbert B. Shapiro, of Newark, N. J., were admitted to practice.

No. 539. The Ohio Bell Telephone Company, appellant, *v.* The Public Utilities Commission of Ohio. Argument continued by Mr. Donald C. Power for the appellees and concluded by Mr. W. W. Metcalf for the appellees.

No. 724. Albert A. Carmichael, Individually and as Attorney General of the State of Alabama et al., appellants, *v.* Southern Coal & Coke Company; and

No. 797. Albert A. Carmichael, Individually and as Attorney General of the State of Alabama et al., appellants, *v.* Gulf States Paper Corporation. Five and one quarter hours allowed for oral argument. Leave granted appellee in No. 724 to file an additional brief within five days. Argument commenced by Mr. Albert A. Carmichael for the appellants; and continued by Mr. Borden Burr for the appellee in No. 724 and by Mr. Forney Johnston for the appellee in No. 797. Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, April 8, will be as follows: Nos. 724 (and 797), 837, 734, 621, and 716.

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.

John von Blum, of Oberlin, Ohio; James H. Christensen, of Chicago, Ill.; and Webb Rufus Clark, of Dayton, Ohio, were admitted to practice.

No. **660**. Elbert B. Lindsey and E. R. Lindsey, petitioners, *v.* The State of Washington. It is ordered by this Court that Spencer Gordon, Esquire, of Washington, D. C., a member of the Bar of this Court be appointed to serve as counsel for the petitioners in this case.

No. **724**. Albert A. Carmichael, Individually and as Attorney General of the State of Alabama, et al., appellants, *v.* Southern Coal & Coke Company; and

No. **797**. Albert A. Carmichael, Individually and as Attorney General of the State of Alabama, et al., appellants, *v.* Gulf States Paper Corporation. Argument continued by Mr. Forney Johnston for the appellee in No. **797**; and concluded by Mr. Peyton D. Bibb for the appellants.

No. **837**. Chas. C. Steward Machine Company, petitioner, *v.* Harwell G. Davis, Individually and as Collector of Internal Revenue. Five hours allowed for oral argument. Argument commenced by Mr. William Logan Martin for the petitioner, and continued by Mr. Charles E. Wyzanski for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, April 9, will be as follows: Nos. **837** and **734**.

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.

Rossie Rogers, of Birmingham, Ala.; Raymond D. Wier, of San Antonio, Tex.; Webster S. Achey, of Doylestown, Pa.; Robert D. Abbott, of St. Louis, Mo.; J. P. Cox, Jr., of Sherman, Tex.; and William J. Corrigan, of Cleveland, Ohio, were admitted to practice.

No. 837. Chas. C. Steward Machine Company, petitioner, *v.* Harwell G. Davis, Individually and as Collector of Internal Revenue. Argument continued by Mr. Charles E. Wyzanski, Jr., and by Mr. Assistant Attorney General Jackson for the respondent; and concluded by Mr. Niel P. Sterne for the petitioner. Leave granted petitioner to file an additional brief within five days.

No. 734. The United States of America et al., appellants, *v.* American Sheet & Tin Plate Company et al. Argument commenced by Mr. Daniel W. Knowlton for the appellants.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, April 12, will be as follows: No. 734.

×

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 Ajootian, of Providence, R. I.; Albin B. Voegele, of New York City; Frank M. Nolan, of New York City; Constantine G. Economus, of Youngstown, Ohio; James V. Leak, of Longview, Tex.; S. P. Sadler, of Dallas, Tex.; William Burrow, of Dallas, Tex.; Garland Armstrong, of Dallas, Tex.; Henry A. Yeager, of Dallas, Tex.; Clair E. Hamilton, of Winterset, Iowa; Melvin Belli, of San Francisco, Calif.; A. W. Norcop, of El Paso, Tex.; and R. A. McQuat, of Grand Rapids, Minn., were admitted to practice.

No. 365. The Associated Press, petitioner, *v.* National Labor Relations Board. 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. Dissenting opinion by Mr. Justice Sutherland in which Mr. Justice Van Devanter, Mr. Justice McReynolds, and Mr. Justice Butler join.

No. 469. Washington, Virginia, and Maryland Coach Company, petitioner, *v.* National Labor Relations Board. On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit. Judgment affirmed and cause remanded to the said Circuit Court of Appeals. Opinion by Mr. Justice Roberts.

No. 419. National Labor Relations Board, petitioner, *v.* Jones & Laughlin Steel Corporation. 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. Chief Justice Hughes. Dissenting opinion by Mr. Justice McReynolds in which Mr. Justice Van Devanter, Mr. Justice Sutherland, and Mr. Justice Butler join.

No. 420. National Labor Relations Board, petitioner, *v.* Fruehauf Trailer Company; and

No. 421. National Labor Relations Board, petitioner, *v.* Fruehauf Trailer Company. On writs of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. Decrees reversed and cases remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Chief Justice Hughes. Dissenting opinion by Mr. Justice McReynolds in which Mr. Justice Van Devanter, Mr. Justice Sutherland, and Mr. Justice Butler join.

No. 422. National Labor Relations Board, petitioner, *v.* Friedman-Harry Marks Clothing Company, Inc.; and

No. 423. National Labor Relations Board, petitioner, *v.* Friedman-Harry Marks Clothing Company, Inc. On writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgments reversed and cases remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Chief Justice Hughes. Dissenting opinion by Mr. Justice McReynolds in which Mr. Justice Van Devanter, Mr. Justice Sutherland, and Mr. Justice Butler join.

The Chief Justice said:

"The 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. 832. Henry O. Hale et al., appellants, *v.* The Iowa State Board of Assessment and Review. In this case probable jurisdiction is noted.

Mr. 849. The State of Ohio, *ex rel.* Carl Green, petitioner, *v.* Charles E. King, Clerk of the Court of Common Pleas, Franklin County, Ohio, et al. On petition for writ of certiorari to the Supreme Court of the State of Ohio. The motion for leave to proceed further herein *in forma pauperis* is denied for the reason that the Court, upon examination of the papers herein submitted finds no ground which a writ of certiorari should be granted. The petition for writ of certiorari is therefore also denied.

No. 787. Ocean Beach Heights, Inc., et al., petitioners, *v.* The Brown-Crummer Investment Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit granted.

No. 735. George A. Brett 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. 775. People of the State of New York, *ex rel.* Hudson River Connecting Railroad Corporation, petitioner, *v.* State Tax Commission; and

No. 776. People of the State of New York, *ex rel.* Hudson River Connecting Railroad Corporation, petitioner, *v.* State Tax Commission. Petition for writ of certiorari to the Supreme Court of the State of New York denied.

No. 779. San Antonio Utilities League et al., petitioners, *v.* Southwestern Bell Telephone Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 786. Moran Brothers Contracting Co., Inc., et al., petitioners, *v.* Angela Diomede, Widow of Nicholas Diomede et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 790. Richard M. Isenberg, petitioner, *v.* Homer S. Cummings, Attorney General of the United States et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 791. Sam Wilner, in his own right and as Administrator of the Estate of Meyer Wilner, deceased, 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. 792. Anna K. McQuilkin, 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. 794. Percy H. Johnston, 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. 798. Thomas D. Fitzpatrick, 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. 805. National Electric Products Corporation, petitioner, *v.* Circle Flexible Conduit Co., Inc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 808. P. S. Gardner, 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. 809. Millicent Lund, Mariam Green, et al., etc., petitioners, *v.* Colwood Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 810. Vincent J. McMann, petitioner, *v.* David F. Engle et al., etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 811. Louis J. Krensky, Receiver, etc., petitioner, *v.* Richard W. Wolfe, Temporary Trustee, etc.; and

No. 812. Louis J. Krensky, Receiver, etc., petitioner, *v.* Richard W. Wolfe, Temporary Trustee, etc. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 813. Louis J. Krensky, Receiver, etc., petitioner, *v.* Richard W. Wolfe, Temporary Trustee, etc.; and

No. 814. Louis J. Krensky, Receiver, etc., petitioner, *v.* Richard W. Wolfe, Temporary Trustee, etc. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 819. Nahma Realty Corporation, petitioner, *v.* Park-Lexington Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 823. Charles E. Mallers, Executor of the Estate of John B. Mallers, Jr., deceased, petitioner, *v.* The Equitable Life Assurance Society of the United States et al. etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 655. Ben Reuben, petitioner, *v.* The United States of America;

No. 668. Leonard Rollnick, petitioner, *v.* The United States of America;

No. 758. Lina Singer, appellant, *v.* The People of the State of Illinois, ex rel. John S. Rusch, relator; and

No. 770. Leila Zimmern et al., petitioners, *v.* The United States of America. Petitions for rehearing denied.

No. 867. Robert W. Halliday et al., petitioners, *v.* State of Ohio, ex rel. I. J. Fulton, Superintendent of Banks, etc.;

No. 868. Robert W. Halliday et al., petitioners, *v.* State of Ohio, ex rel. I. J. Fulton, Superintendent of Banks, etc.; and

No. 869. Robert W. Halliday et al., petitioners, *v.* State of Ohio, ex rel. I. J. Fulton, Superintendent of Banks, etc. Motion as to printing records submitted by Mr. Wm. T. Arnos for the petitioners.

No. 734. The United States of America and Interstate Commerce Commission, appellants, *v.* American Sheet & Tin Plate Company et al. Argument continued by Mr. Daniel W. Knowlton for the appellants; by Mr. David A. Reed for the appellee, American Sheet and Tin Plate Company; and concluded by Mr. John S. Burchmore for the appellees, Allegheny Steel Company et al.

Adjourned until Monday, April 26, at 12 o'clock.

The day call for Monday, April 26, will be as follows: Nos. 625, 773, 774, 621, 713, 716, 285, 202 October Term 1935, 703, and 721 (and 722).

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.

Effie Knowles, of Miami, Fla.; Edward J. Harrigan, of Portland, Me.; Edgar W. McNeil, of Montezuma, Iowa; Ivan C. Sperbeck, of Marysville, Calif.; Harry Maslow, of Brooklyn, N. Y.; Clark B. Montgomery, of Peoria, Ill.; Thomas H. Eliot, of Cambridge, Mass.; Howard P. Arnest, of Portland, Oreg.; E. D. Weller, of Spokane, Wash.; Charles Lyman Stewart, of Norwich, Conn.; E. W. Schwel-lenbach, of Ephrata, Wash.; Morris Rosenberg, of New York City; Clarence V. Beck, of Emporia, Kans.; Edward Herbert Rees, of Emporia, Kans.; Jesse D. Wall, of Wichita, Kans.; Thomas F. Wells, of Overland Park, Kans.; William Britton Stitt, of New York City; Herbert W. Haldenstein, of New York City; and Archibald H. Tunick, of Greenwich, Conn., were admitted to practice.

No. 638. Hiram Steelman, Trustee in Bankruptcy of William Fox, a Bankrupt, petitioner, *v.* All Continent Corporation. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Decree of the Circuit Court of appeals reversed with costs and the decree of the District Court affirmed and the cause remanded to the District Court of the United States for the District of New Jersey. Opinion by Mr. Justice Cardozo.

No. 539. The Ohio Bell Telephone Company, appellant, *v.* The Public Service Commission of Ohio. Appeal from the Supreme Court of the State of Ohio. 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 Cardozo.

No. 474. Angelo Herndon, appellant, *v.* J. I. Lowry, Sheriff of Fulton County, Georgia; and

No. 475. Angelo Herndon, appellant, *v.* J. I. Lowry, Sheriff of Fulton County, Georgia. Appeals from the Supreme Court of the State of Georgia. 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. Dissenting opinion by Mr. Justice Van Devanter in which Mr. Justice McReynolds, Mr. Justice Sutherland, and Mr. Justice Butler join.

No. 35. S. Harold Smith, Executor, etc., petitioner, *v.* A. B. Hall et al.; and

No. 36. S. Harold Smith, Executor, etc., petitioner, *v.* James Manufacturing Company et al. On writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Decrees affirmed with costs and cases remanded to the District Courts of the United States for the District of Connecticut and the Western District of New York, respectively. Opinion by Mr. Justice Stone. Mr. Justice Van Devanter took no part in the consideration or decision of these cases.

No. 647. First Bank Stock Corporation, appellant, *v.* State of Minnesota. Appeal from the Supreme Court of the State of Minnesota. Judgment affirmed with costs. Opinion by Mr. Justice Stone. Mr. Justice Butler took no part in the consideration or decision of this case.

No. 531. John Boseman, petitioner, *v.* Connecticut General Life Insurance Company. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Judgment affirmed with costs and cause remanded to the District Court of the United States for the Eastern District of Texas. Opinion by Mr. Justice Butler.

No. 588. Henry E. Oppenheimer, petitioner, *v.* The Harriman National Bank and Trust Company of the City of New York et al.; and

No. 670. The Harriman National Bank and Trust Company of the City of New York, petitioner, *v.* Henry E. Oppenheimer. On writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment 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 Butler.

No. 534. Bourjois, Inc., appellants, *v.* Clyde R. Chapman, George W. Leadbetter et al. Appeal from the District Court of the United States for the District of Maine. Decree affirmed with costs. Opinion by Mr. Justice Brandeis.

No. 602. Galen H. Welch, Former Collector of Internal Revenue for the Sixth Collection District of California, petitioner, *v.* Obispo Oil Co. 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

Southern District of California for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Brandeis.

No. 731. The National Fertilizer Association, Inc., et al., appellants, *v. W. W. Bradley, Individually, etc., et al.* Appeal from the District Court of the United States for the Western District of South Carolina. Decree affirmed with costs. Opinion by Mr. Justice McReynolds.

No. 558. Alaska Packers Association, petitioner, *v. Warren H. Pillsbury, as Deputy Commissioner, etc., et al.* On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Decree reversed with costs and cause remanded to the District Court of the United States for the Northern District of California for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Van Devanter.

No. 570. Southern Natural Gas Corporation et al., appellants, *v. State of Alabama.* Appeal from the Supreme Court of the State of Alabama. Judgment affirmed with costs. Opinion by Mr. Chief Justice Hughes.

No. 604. Reginald P. Ray, petitioner, *v. The United States of America.* On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment affirmed, and cause remanded to the District Court of the United States for the Southern District of New York. Opinion by Mr. Chief Justice Hughes.

No. 627. Bernard Joseph Mumm, petitioner, *v. Jacob E. Decker & Sons.* On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Decree reversed with costs and cause remanded to the District Court of the United States for the District of Minnesota for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Chief Justice Hughes.

No. 688. Max Shulman, Bernard Shulman, et al., petitioners, *v. Wilson-Sheridan Hotel Company et al.* 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 Northern District of Illinois. Opinion *per curiam*, announced by Mr. Chief Justice Hughes.

The Chief Justice announced the following order of the Court :

No. 875. George Espenlaub, appellant, *v. The State of Indiana.* Appeal from the Supreme Court of the State of Indiana. *Per curiam*: The motion of the appellee to dismiss the appeal is granted, and the appeal is dismissed for the want of a substantial federal question. *Evanston v. Gunn*, 99 U. S. 660, 667, 668; *Baltimore & Ohio Railroad v. Mackey*, 157 U. S. 72, 87; *Equitable Life Assurance Society v. Brown*, 187 U. S. 308, 311.

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 Tobias C. Phillips. It having been reported to the Court that Tobias C. Phillips, of Washington, D. C., a member of the bar of this Court, has been disbarred from the practice of the law in the State of West Virginia by order of the Circuit Court of Mercer County, West Virginia;

It is ordered that the said Tobias C. Phillips 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 Tobias C. Phillips to show cause why he should not be disbarred from the practice of the law in this Court.

No. —, Original. Ex parte Hiram Steelman, petitioner. The motion for leave to file petition for writ of prohibition or mandamus is denied. Ex parte United States, 287 U. S. 241, 248, 249.

No. 907. Jesse C. Duke, v. The United States of America. Motion for leave to proceed *in forma pauperis* granted.

No. 888. William Gill, petitioner, v. State of Louisiana. On petition for writ of certiorari to the Supreme Court of the State of Louisiana. 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. 867. Robert W. Halliday et al., petitioners, v. State of Ohio *ex rel.* I. J. Fulton, Superintendent of Banks, etc.;

No. 868. Robert W. Halliday et al., petitioners, v. State of Ohio, *ex rel.* I. J. Fulton, Superintendent of Banks, etc.; and

No. 869. Robert W. Halliday et al., petitioners, v. State of Ohio *ex rel.* I. J. Fulton, Superintendent of Banks, etc. The motion to print an abbreviated record in No. 867 and to dispense with the printing of the records in Nos. 868 and 869 is granted.

No. 795. The United States of America, petitioner, v. Angie Crook Williams. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted.

No. 825. Federal Trade Commission, petitioner, v. Standard Education Society et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 830. Arthur G. Bogardus, 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. 836. Texas & New Orleans Railroad Company et al., petitioners, *v.* Emma E. Neill et al. Petition for writ of certiorari to the Court of Civil Appeals, 4th Supreme Judicial District, State of Texas, granted.

No. 910. Guy T. Helvering, Commissioner of Internal Revenue et al., petitioners, *v.* George P. Davis. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit granted.

No. 700. Con. P. Curran Printing Company, petitioner, *v.* The United States. The motion to remand is denied. The petition for writ of certiorari to the Court of Claims is also denied.

No. 782. Con. P. Curran Printing Company, petitioner, *v.* The United States. The motion to remand is denied. The petition for writ of certiorari to the Court of Claims is also denied.

No. 769. Allan E. Goodhue, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 783. John G. Cunningham, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 799. John Amaral, John Borba Azevedo, et al., petitioners, *v.* Leslie A. Cleary, Individually, etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 800. John S. Borges, John S. Luiz, et al., petitioners, *v.* Luther P. Loftis, as Sheriff, etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 801. Joe Affonso, D. V. Wolcott, et al., petitioners, *v.* N. L. Cornell, Individually, etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 822. Grand International Brotherhood of Locomotive Engineers, etc., et al., petitioners, *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. 873. Albee Godfrey Whale Creek Company, Inc., petitioner, *v.* Frances Dingfeldt et al. Petition for writ of certiorari to the Court of Appeals of the State of New York denied.

No. 821. Southern Pacific Company, petitioner, *v.* Frances MacDonnell, Administratrix, etc. Petition for writ of certiorari to the District Court of Appeals, 1st Appellate District, State of California, denied.

No. 828. Winston Arthur Cameron, 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. 829. Donald Francis Campbell, 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. 831. Irving A. Sartorius, 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. 833. Mike Mayerhofer, 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. 834. Marjorie Mannix Chapman, Administratrix, etc., petitioner, *v.* Albert D. Reese, Receiver, etc. Petition for writ of certiorari to the Court of Appeals of the State of Ohio denied.

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

No. 227. Jose Matos, petitioner, *v.* Alonso Hermanos et al.;

No. 340. Etienne Dugas, petitioner, *v.* American Surety Company of New York;

No. 505. The Atchison, Topeka and Santa Fe Railway Company, petitioner, *v.* William W. Scarlett;

No. 694. E. Pennington Pearson, as sole surviving Administrator, etc., petitioner, *v.* The United States;

No. 767. The Waco Development Company, petitioner, *v.* D. Gordon Rupe, Jr., et al.;

No. 815. Mrs. Ella Alice Cartey, as Administratrix, etc., petitioner, *v.* The United States of America;

No. 816. Mrs. Bertie Berry Jenkins, as Administratrix, etc., petitioner, *v.* The United States of America; and

No. 818. Alf O. Whitmore, appellant, *v.* Salt Lake City, George M. Bacon, as State Engineer, etc., et al. 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 Monday, May 3, and that the Court will then take a recess until Monday, May 17.

No. 272. The Reeves Brothers Company, petitioner, *v.* The United States of America. Motion for leave to file petition for rehearing submitted by Mr. John E. Hughes for the petitioner.

No. 502. United States Savings Bank et al., petitioners, *v.* Henry Morgenthau, Jr., Secretary of the Treasury; etc. Motion for leave to file petition for rehearing submitted by Mr. Wade H. Cooper for the petitioners.

No. 342. Ida May Peterson, Individually, etc., petitioner, *v.* The United States of America. Motion for leave to file petition for rehearing submitted by Mr. J. S. Seidman for the petitioner.

No. 721. Nathan Lipson, petitioner, *v.* Socony Vacuum Corporation; and

No. 722. Nathan Lipson, petitioner, *v.* Standard Oil Company of New York, Inc. On writs of certiorari to the United States Circuit Court of Appeals for the First Circuit. Dismissed per stipulation of counsel.

No. 625. Fred L. Fox, Individually and as State Tax Commissioner of the State of West Virginia, appellant, *v.* The Dravo Contracting Company. Ernest K. James, successor in office to Fred L. Fox, as State Tax Commissioner substituted as the party appellant on motion of Mr. Clarence W. Meadows for the appellant.

No. 625. Ernest K. James, Individually and as State Tax Commissioner of the State of West Virginia, appellant, *v.* The Dravo Contracting Company. Argument commenced by Mr. Clarence W. Meadows for the appellant and continued by Mr. William S. Moorhead for the appellee.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, April 27, will be as follows: Nos. 625, 773, 774, 621, 713, 716, 285 (and 202 October Term, 1935), 703, 743, and 804.

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, and Mr. Justice Cardozo.

Nicholas S. Schloeder, of Union City, N. J.; Louis Smilansky, of Detroit, Mich.; Alfred R. Bates, of Chicago, Ill.; Paul P. Rao, of New York City; Nathan Witt, of New York City; A. Edward Minetor, of Chicago, Ill.; Frederick A. Thulin, of Chicago, Ill.; John Thaddeus Scott, Jr., of Houston, Tex.; James L. Hope, of Astoria, Oreg.; John B. Richards, of Buffalo, N. Y.; and G. Barnum Redding, of West Medford, Mass., were admitted to practice.

No. 625. Ernest K. James, Individually, etc., appellant, *v.* The Dravo Contracting Company. Argument concluded by Mr. Clarence W. Meadows for the appellant.

No. 773. Silas Mason Company, Inc., et al., appellants, *v.* Tax Commission of the State of Washington et al. Argued by Mr. B. H. Kizer for the appellants, and by Mr. E. P. Donnelly for the appellees.

No. 774. David H. Ryan, appellant, *v.* The State of Washington et al. Argued by Mr. E. D. Weller and Mr. B. H. Kizer for the appellant, and by Mr. E. W. Schwellenbach and Mr. E. P. Donnelly for the appellees.

No. 621. The First National Bank & Trust Company of Bridgeport, Connecticut, Trustee, petitioner, *v.* Francis E. Beach. Argument commenced by Mr. Arthur B. Weiss for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, April 28, will be as follows: Nos. 621, 713, 716, 285 (and 202 October Term, 1935), 703, 743, 804, 753 (754 and 755), 765, and 781.

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.

Seymour S. Bernfeld, of New York City; W. H. Duckworth, of Atlanta, Ga.; Barnabas F. Sears, of Aurora, Ill.; Wear K. Schoonover, of Pocahontas, Ark.; Robert Arthur Cordell, of Norfolk, Va.; Ralph Waterbury Condee, of Chicago, Ill.; Frank R. Schneberger, of Chicago, Ill.; Mary C. Horner, of Lawrence, Mass.; Ernest A. Crockett, of Yankton, S. Dak.; Lura E. Turley, of Washington, D. C.; Robert W. Hodge, of Royal Oak, Mich.; Harold Webster Stull, of Washington, D. C.; Leo D. Robinson, of Lonoke, Ark.; and Manuel J. Davis, of Washington, D. C. were admitted to practice.

No. 621. The First National Bank & Trust Company of Bridgeport, Connecticut, Trustee, petitioner, *v.* Francis E. Beach. Argument continued by Mr. Arthur B. Weiss for the petitioner; by Mr. Sydney P. Simons for the respondent; and concluded by Mr. Arthur B. Weiss for the petitioner.

No. 713. Chester C. Dodge et al., appellants, *v.* Board of Education of the City of Chicago et al. Leave granted appellants to file a reply brief within three days on motion of Mr. Allan J. Carter. Argued by Mr. Allan J. Carter for the appellants and by Mr. Frank S. Righeimer for the appellees.

No. 716. Great Lakes Transit Corporation, petitioner, *v.* Interstate Steamship Company et al. Argument commenced by Mr. John B. Richards for the petitioner and continued by Mr. Ray M. Stanley for the respondents.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, April 29, will be as follows: Nos. 716, 285 (and 202 October Term, 1935), 703, 743, 804, 753 (754 and 755), 765, 781, 907, and 824.

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.

Kurt F. Pantzer, of Indianapolis, Ind.; William G. Sparks, of Indianapolis, Ind.; Erle B. Askew, of St. Petersburg, Fla.; Robert H. Fouke, of San Francisco, Calif.; Raymond P. Drymalski, of Chicago, Ill.; Pierson R. Hildreth, of Amityville, N. Y.; Herbert W. Kenway, of Beverly, Mass.; and Edward A. Coleman, of Long Island City, N. Y., were admitted to practice.

No. 716. Great Lakes Transit Corporation, petitioner, *v.* Interstate Steamship Company et al. Argument concluded by Mr. Ray M. Stanley for the respondents.

No. 285. United States, *ex relatione*, Girard Trust Company, Trustee, etc., petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue; and

No. 202, October Term, 1935. Robert G. Stone et al., Trustees, etc., petitioners, *v.* Thomas W. White, Former Collector of Internal Revenue etc. Argued by Mr. H. Cecil Kilpatrick for the petitioner in No. 285, by Mr. Thomas Allen for the petitioners in No. 202 October Term 1935; and by Mr. J. Paul Jackson for the respondents.

No. 703. Old Colony Trust Company, Trustee, petitioner, *v.* Commissioner of Internal Revenue. Argument commenced by Mr. Harold S. Davis for the petitioner and continued by Mr. A. F. Prescott for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, April 30, will be as follows: Nos. 703, 743, 804, 753 (754 and 755), 765, 781, 907, 824, and 910.

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.

Slaton Clemmons, of Atlanta, Ga.; Latham Castle, of Sycamore, Ill.; Elizabeth King, of Napa, Calif.; Kathryn D. Fenn, of Portland, Oreg.; Robert McDowell Allen, of Lexington, Ky.; Ramon Diokno, of Manila, P. I.; Harry S. Ambler, Jr., of Philadelphia, Pa.; Ross W. Shumaker, of Toledo, Ohio; Charles Willard Hayes, of Washington, D. C.; Max C. Louis, of Washington, D. C.; S. Harold Shefelman, of Seattle, Wash.; Ralph E. Foley, of Spokane, Wash.; C. E. Quackenbush, of Spokane, Wash.; Irvin Waldman, of New York City; and Isadore Vogel, of Peekskill, N. Y., were admitted to practice.

No. 703. Old Colony Trust Company, Trustee, petitioner, *v.* Commissioner of Internal Revenue. Argument continued by Mr. A. F. Prescott for the respondent and concluded by Mr. Harold S. Davis for the petitioner.

No. 743. A. A. Lewis and Company et al., petitioners, *v.* Commissioner of Internal Revenue. Argued by Mr. Franz W. Castle for the petitioners and by Mr. Andrew D. Sharpe for the respondent.

No. 804. Railroad Commission of the State of California et al., appellants, *v.* Pacific Gas and Electric Company. Argued by Mr. Ira H. Rowell for the appellants and by Mr. Warren Olney, Jr., for the appellee.

No. 753. Aetna Insurance Company, petitioner, *v.* John M. Kennedy, 3d, to the use of Anna L. Bogash;

No. 754. Springfield Fire & Marine Insurance Company, petitioner, *v.* John M. Kennedy, 3d, to the use of Anna L. Bogash; and

No. 755. The Liverpool and London and Globe Insurance Company, Limited, petitioner, *v.* John M. Kennedy, 3d, to the use of Anna L. Bogash. Argued by Mr. Horace M. Schell for the petitioners and by Mr. Harry Shapiro for the respondent.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, May 3, will be as follows: Nos. 660, 765, 781, 907, 824, and 910.

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.

Abbott Mannie Sellers, of Dallas, Texas; J. Frank Gaffney, of Washington, D. C.; Robert P. Bingham, of Manchester, N. H.; Clarence A. Rolloff, of Montevideo, Minn.; Myra Siegel, of Chicago, Ill.; Vernon Tittle, of Chicago, Ill.; Frank C. Myers, of New York City; Seward A. Miller, of New York City; Winthrop A. Johns, of Washington, D. C.; Robert J. Fitzsimmons, of New York City; James P. Farrell, of New York City; William H. Becker, of Columbia, Mo.; Fred B. H. Spellman, of Alva, Okla.; George K. Woodworth, of Boston, Mass.; John F. McCarthy, of Princeton, N. J.; Charles H. Young, of New Castle, Pa.; Samuel J. Silverman, of New York City; James C. Mylonas, of Cleveland, Ohio; and David Goldstein, of Bridgeport, Conn., were admitted to practice.

No. 659. The Cincinnati Soap Company, petitioner, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit; and

No. 687. Haskins Bros. & Co., petitioner, *v.* George W. O'Malley, Individually and as Collector of Internal Revenue for the District of Nebraska. Judgments affirmed and cases remanded to the District Courts of the United States for the Southern District of Ohio and the District of Nebraska, respectively. Opinion by Mr. Justice Sutherland.

No. 532. The United States of America, petitioner, *v.* Morgan Belmont et al., etc. 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. Separate opinion by Mr. Justice Stone concurring in the result in which Mr. Justice Brandeis and Mr. Justice Cardozo join.

The Chief Justice announced the following order of the Court:

No. 906. Catholic Order of Foresters, A Fraternal Benefit Society, Incorporated, appellant, *v.* The State of North Dakota. Appeal from the Supreme Court of the State of North Dakota. *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, as required by Section 237 (c), Judicial Code, as amended (43 Stat. 936, 938), certiorari is denied.

The Chief Justice said:

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

No. —. In Re Complaint of Paysoff Tinkoff. The motion for leave to file complaint is denied.

No. —, original. Ex parte John Brown, petitioner. The motion for leave to file petition for writ of habeas corpus is denied.

No. 912. Anna Russian, Administratrix, etc., petitioner, *v.* The United States of America. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit; and

No. 889. Paysoff Tinkoff, 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 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. 272. The Reeves Brothers Company, petitioner, *v.* The United States of America. The motion for leave to file petition for rehearing is granted. The Clerk is directed to give notice to the Attorney General of the petition for rehearing, with permission to file response within five days.

No. 890. State of Texas and J. C. Clopton et al., etc., petitioners, *v.* David Donoghue, Trustee, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit granted limited to the questions raised upon the application of the State for permission to take proceedings for the confiscation of the alleged illegal oil.

No. 853. Thomas W. White, Individually, etc., petitioner, *v.* Philip J. Aronson, Trustee. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit granted.

No. 820. State Tax Commission of Oregon et al., petitioners, *v.* Winston Bros. Company et al. Petition for writ of certiorari to the Supreme Court of the State of Oregon denied.

No. 827. L. H. Sly, petitioner, *v.* The Prudential Insurance Company of America. Petition for writ of certiorari to the Supreme Court of the State of California denied.

No. 835. Erle P. Halliburton et al., petitioners, *v.* Johnston Formation Testing Corporation and E. C. Johnston. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 840. Max Block, 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. 841. Bertram J. Grigsby, 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. 843. F. A. Martoccio Company, In its own name, etc., petitioner, *v.* Federal Trade Commission. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 844. The Great Atlantic & Pacific Tea Company, petitioner, *v.* District of Columbia. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 845. The Board of Public Instruction of Gadsden County, Florida, etc., et al., petitioners, *v.* John Nuveen, Doing business under the trade name of John Nuveen & Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 847. C. H. Smith, petitioner, *v.* Selden R. Glenn, Individually and as Collector of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 850. Leslie Ullrich and Laura C. Ullrich, petitioners, *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. 857. Lilliam Clawans, petitioner, *v.* District of Columbia. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 858. Geneva Investment Company, petitioner, *v.* The City of St. Louis. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 859. First National Bank, Detroit, petitioner, *v.* William F. Connolly, Receiver of Detroit Bankers Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 860. Commercial National Bank of San Antonio, petitioner, *v.* Continental Bank & Trust Company of New York. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 861. Louis J. Cadek, petitioner, *v.* The State of Ohio. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 870. New York Life Insurance Company, petitioner, *v.* James C. Lanier et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 881. New York Life Insurance Company, petitioner, *v.* The Freedom Casket Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 920. New York Life Insurance Company, petitioner, *v.* William D. Strong. Petition for writ of certiorari to the Supreme Court of the State of Oklahoma denied.

No. 342. Ida May Peterson, Individually, etc., petitioner, *v.* The United States of America; and

No. 502. United States Savings Bank and Wade H. Cooper, petitioners, *v.* Henry Morgenthau, Jr., Secretary of the Treasury et al. The motions for leave to file petitions for rehearing in these cases are granted. The petitions for rehearing are denied.

No. 745. Freeman Hatfield, petitioner, *v.* John M. Guay, United States Marshal, et al. Petition for rehearing denied.

No. 660. Elbert B. Lindsey et al., petitioners, *v.* State of Washington. Argued by Mr. Spencer Gordon for the petitioners and by Mr. C. C. Quackenbush and Mr. Ralph E. Foley for the respondent.

No. 765. The Mantle Lamp Company of America, petitioner, *v.* Aluminum Products Company. Argued by Mr. George I. Haight for the petitioner and by Mr. William N. Cromwell for the respondent.

No. 781. C. R. Townsend et al., etc., appellants, *v.* M. J. Yoemans, Attorney General of the State of Georgia, et al. Argument commenced by Mr. Wm. Hart Sibley for the appellants.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, May 4, will be as follows: Nos. 781, 907, 824, and 910.

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.

Wright F. Morrow, of Houston, Tex.; Paul E. Raymond, of DeLand, Fla.; Donald Hiss, of Baltimore, Md.; Roscoe O. Bonisteel, of Ann Arbor, Mich.; Charles Q. Kelley, of Little Rock, Ark.; Price Shofner, of Little Rock, Ark.; A. Leonard Allen, of Winnfield, La.; Aaron Harry Zychick, of Cleveland, Ohio; Leslie C. McNemar, of Arlington, Va.; Ralph W. Yarborough, of Austin, Tex.; Thos. L. Gatch, of Washington, D. C.; Henry L. Phelps, of Washington, D. C.; Carmack Waterhouse, of Chattanooga, Tenn.; William F. Snyder, of New York City; Philip Cooper, of New York City; Elmer E. Hoover, of Washington, D. C.; R. Duncan Clark, of Washington, D. C.; Jack Holt, of Harrison, Ark.; Millard Alford, of Gurdon, Ark.; Leffel Gentry, of Little Rock, Ark.; and Osborne W. Garvin, of Little Rock, Ark., were admitted to practice.

No. 11, original. The State of Arkansas, complainant, *v.* The State of Tennessee. Motion for the appointment of a Special Master submitted by Mr. Jack Holt for the complainant.

No. 781. C. R. Townsend and Park Bernard, a partnership, etc., appellants, *v.* M. J. Yeomans, Attorney General of the State of Georgia, et al. Argument continued by Mr. Wm. Hart Sibley for the appellants; by Mr. O. H. Dukes and Mr. L. W. Branch for the appellees; and concluded by Mr. Robert C. Alston for the appellants.

No. 907. Jesse C. Duke *v.* The United States of America. Argued by Mr. Jesse C. Duke, pro se, and by Mr. William W. Barron for the United States.

No. 824. W. A. Thomas, Collector of Internal Revenue, petitioner, *v.* J. J. Perkins et al. Argument commenced by Mr. J. Louis Monarch for the petitioner, and continued by Mr. Harry C. Weeks for the respondents.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, May 5, will be as follows: Nos. 824 and 910.

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.

Tyre Taylor, of Raleigh, N. C.; Carmack Sullivan, of Hardy, Ark.; Walter S. Fenton, of Rutland, Vt.; Roger Sherman Hoar, of South Milwaukee, Wis.; and Geo. B. Pitts, of Cleveland, Ohio, were admitted to practice.

No. 824. W. A. Thomas, Collector of Internal Revenue, Petitioner, *v.* J. J. Perkins et al. Argument concluded by Mr. Harry C. Weeks for the respondents.

No. 910. Guy T. Helvering, Commissioner of Internal Revenue, et al., petitioners, *v.* George P. Davis. Argument commenced by Mr. Assistant Attorney General Jackson for the petitioners, continued by Mr. Edward F. McClennen for the respondent; and concluded by Mr. Charles E. Wyzanski, Jr., for the petitioners.

Adjourned until Monday, May 17, 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.

Allan A. Bynon, of Portland, Oreg.; Robert F. Maguire, of Portland, Oreg.; William Robert Poage, of Waco, Tex.; Enoch E. Ellison, of Washington, D. C.; Carl R. Becker, of Milwaukee, Wis.; Theodora T. Guthrie, of Cleveland, Ohio; Anthony J. Guthrie, of Cleveland, Ohio; Russel S. Coutant, of New York City; Asbury S. Edmonds, of New York City; Samuel Stanley Zagon, of Los Angeles, Calif.; David McCalmont Cummins, of Washington, Pa.; Thomas L. Brown, of Kansas City, Mo.; Norman E. Kane, of Washington, D. C.; Harvey C. Crittenden, of Winter Haven, Fla.; Mark W. Lyday, of Clinton, Ind.; Sydney L. Jacobs, of Jersey City, N. J.; Oscar Greenberg, of Jersey City, N. J.; Evelyn A. Greene, of Detroit, Mich.; John N. Stanton, of Crown Point, Ind.; Fred A. Egan, of Gary, Ind.; E. Fontaine Broun, of New York City; Ben Schwartz, of East Chicago, Ind.; David B. Schreiber, of Cincinnati, Ohio; John F. Lombard, of Boston, Mass.; John O'Dea, of Washington, D. C.; Joseph C. Cheney, of Yakima, Wash.; Clyde Brown, Jr., of New York City; Clarence W. Nutt, of New York City; Charles I. Katz, of New York City; Harry B. Wirin, of Los Angeles, Calif.; Walter A. Redding, of Boston, Mass.; James Thornton Dolan, of St. Louis, Mo.; Samuel Ostrolenk, of Washington, D. C.; Clarence J. Nickman, of Atlantic City, N. J.; John Hartwell Alvord, of Los Angeles, Calif.; J. Marvin Kelley, of Hartselle, Ala.; Hilliard Comstock, of Santa Rosa, Calif.; Wendell Rynerson, of Indianapolis, Ind.; and John J. Augsburger, of Cleveland, Ohio, were admitted to practice.

No. 621. The First National Bank & Trust Company of Bridgeport, Connecticut, Trustee, petitioner, *v.* Francis E. Beach. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment affirmed with costs and cause remanded to the District Court of the United States for the District of Connecticut. Opinion by Mr. Justice Cardozo.

No. 734. The United States of America and Interstate Commerce Commission, appellants, *v.* American Sheet & Tin plate Company et al. Appeal from the District Court of the United States for the Western District of Pennsylvania. Decrees reversed 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. Dissenting: Mr. Justice Butler.

No. 652. The Great Atlantic & Pacific Tea Company et al., appellants, *v.* Alice Lee Grosjean, Supervisor of Public Accounts, State of Louisiana, 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 Roberts. Mr. Justice Van Devanter, and Mr. Justice Stone took no part in the consideration or decision of this case. Dissenting opinion by Mr. Justice Sutherland in which Mr. Justice McReynolds and Mr. Justice Butler join.

No. 660. Elbert B. Lindsey and E. R. Lindsey, petitioners, *v.* State of Washington. On writ of certiorari to 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. 753. Aetna Insurance Company, petitioner, *v.* John M. Kennedy, 3d, to the use of Anna L. Bogash;

No. 754. Springfield Fire & Marine Insurance Company, petitioner, *v.* John M. Kennedy, 3d, to the use of Anna L. Bogash; and

No. 755. The Liverpool and London and Globe Insurance Company, Limited, petitioner, *v.* John M. Kennedy, 3d, to the use of Anna L. Bogash. On writs of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Judgments of the said Circuit Court of Appeals modified by eliminating the directions to enter judgments for plaintiff and by substituting orders for new trials, and causes remanded to the District Court of the United States for the Eastern District of Pennsylvania for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Butler.

No. 743. A. A. Lewis and Company et al., petitioners, *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 Sutherland.

No. 703. Old Colony Trust Company, Trustee, petitioner, *v.* Commissioner of Internal Revenue. On writ of certiorari to the United States Circuit Court of Appeals for the First 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. 228. The Chippewa Indians of Minnesota, appellants, *v.* The United States et al. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Van Devanter.

No. 667. Anniston Manufacturing Company, petitioner, *v.* Harwell G. Davis, Collector of Internal Revenue. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Opinion by Mr. Chief Justice Hughes. Judgment affirmed with costs and cause remanded to the District Court of the United States for the Northern District of Alabama. Concurring: Mr. Justice Stone and Mr. Justice Cardozo. Dissenting: Mr. Justice McReynolds.

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. —. In re Disbarment of Maurice R. Woulfe. Upon consideration of the proceedings had in the District Court of the United States for the Eastern District of Louisiana resulting in the reinstatement of Maurice R. Woulfe as a member of the bar of that Court, it is ordered that the order of this Court of February 19, 1934, suspending Maurice R. Woulfe from the further practice of the law in this Court, be, and the same is hereby, vacated, and that the Rule to Show Cause, issued February 19, 1934, be, and the same is hereby, discharged.

No. 11, original. State of Arkansas, complainant, *v.* State of Tennessee. The motion for the appointment of a Special Master is granted, and it is ordered that Monte M. Lemann, of New Orleans, Louisiana, 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 conclusion 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. 807. United Gas Public Service Company, appellant, *v.* State of Texas et al. The motion of the appellees to dismiss the appeal is denied. Norfolk Turnpike Co. *v.* Virginia, 225 U. S. 264, 269; Second Nat'l. Bank *v.* First Nat'l. Bank, 242 U. S. 600, 602; Western Union *v.* Priester, 276 U. S. 252, 258.

No. 660. Elbert R. Lindsey and E. R. Lindsey, petitioners, *v.* State of Washington. The petition herein for citation as for contempt is denied.

No. 948. Mamie Kinchlow, petitioner, *v.* Peoples Rapid Transit Co. et al. 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 granted. The petition for writ of certiorari is therefore also denied.

No. 878. Commonwealth of Pennsylvania *ex rel.* Elmer Sullivan, petitioner, *v.* Stanley Ashe, Warden State Penitentiary, Western District of Pennsylvania. Petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania granted.

No. 886. Abraham C. Berman, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 842. The People of Puerto Rico, petitioner, *v.* The Shell Co., (P. R.), Limited, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit granted.

No. 848. Bradley W. Palmer, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit granted.

No. 865. Chicago Title and Trust Company, as Successor Trustee, etc., petitioner, *v.* Forty-one thirty-six Wilcox Building Corporation; and

No. 866. Chicago Title and Trust Company, as Successor Trustee, etc., petitioner, *v.* Forty-one thirty-six Wilcox Building Corporation. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted.

No. 887. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* H. C. Gowran. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted.

No. 862. Oscar F. Mayer, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted and case assigned for hearing immediately following No. 848.

No. 895. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Annie M. Pfeiffer. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted and case assigned for hearing immediately following No. 887.

No. 839. Continental Oil Company, petitioner, *v.* The United States. Motion to remand denied. The petition for writ of certiorari to the Court of Claims is also denied.

No. 846. Sabine Hardwood Company, Ltd., petitioner, *v.* Houston Oil Company of Texas et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 851. Peter Young, petitioner, *v.* The New York, New Haven, and Hartford Railroad Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 852. Streckfus Steamers, Incorporated, petitioner, *v.* Geneva Dempsey Shuttleworth. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 863. Katharine G. Benedict, petitioner, *v.* Savings Investment and Trust Company, as Trustee, etc.; and

No. 864. Katharine G. Benedict, petitioner, *v.* Savings Investment 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. 871. Shellmar Products Company, petitioner, *v.* Allen-Qualley Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 872. James R. Deering, petitioner, *v.* National Mortgage Corporation et al. Petition for writ of certiorari to the Court of Errors and Appeals of the State of New Jersey denied.

No. 877. The Shaler Company, petitioner, *v.* John W. Speaker and J. W. Speaker Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 880. The United States, petitioner, *v.* Frederick S. Lee. Petition for writ of certiorari to the Court of Claims denied.

No. 882. George R. Bevan, petitioner, *v.* The New York, Chicago and St. Louis Railroad Company. Petition for writ of certiorari to the Supreme Court of the State of Ohio denied.

No. 904. The Indiana Farmer's Guide Publishing Company, petitioner, *v.* The Prairie Farmer Publishing Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 925. Anahma Realty Corporation, petitioner, *v.* Park-Lexington Corporation; and

No. 926. Anahma Realty Corporation, petitioner, *v.* Park-Lexington Corporation. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 930. B. Levy & Son, Jacob Levy and I. Gates Levy, petitioners, *v.* J. Donald Reifsnnyder, Trustee etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 876. Joseph Grindley, Albert W. Kauffman, et al., petitioners, *v.* B. C. Schram, Receiver etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 879. Hotel Syracuse Men's Shop, Inc., et al., petitioners, *v.* George M. Haight, as Receiver etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 884. Dave Girson and Sam Rivin, 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. 893. General Utilities Investors Corporation et al., petitioners, *v.* Public Service Corporation of New Jersey et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 897. Cassius McDonald, 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. 899. R. J. Nitkey and Lillian F. Nitkey, petitioners, *v.* S. T. McKnight Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 900. Heywood-Wakefield Company, petitioner, *v.* Edward F. Small. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 902. J. W. Gillespie, L. F. Rodgers, and James G. Martin, petitioners, *v.* Sovereign Camp, Woodmen of the World; and

No. 903. J. W. Gillespie, L. F. Rodgers, and James G. Martin, petitioners, *v.* Yell County, Arkansas, et al. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 272. The Reeves Brothers Company, petitioner, *v.* The United States of America;

No. 790. Richard M. Isenberg, petitioner, *v.* Homer S. Cummings, Attorney General of the United States, et al.;

No. 819. Anahma Realty Corporation, petitioner, *v.* Park-Lexington Corporation;

No. 688. Max Shulman et al., petitioners, *v.* Wilson-Sheridan Hotel Company et al.; and

No. 849. The State of Ohio, ex rel. Carl Green, petitioner, *v.* Charles E. King, Clerk of the Court of Common Pleas, etc., et al. Petitions for rehearing denied.

ORDER

The Court will take a recess from today until next Monday and from that day until Tuesday, 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 24.

No. 564. L. Gordon Hamersley, petitioner, *v.* The United States. Time within which to file petition for rehearing extended for a period of thirty days from this date on motion of Mr. Ralph Royall for the petitioner.

No. —, original. Ex parte Chester G. Bollenbach, petitioner. Motion for leave to file petition for writ of certiorari submitted by Mr. George W. W. McCarter for the petitioner.

No. 13, original. State of Texas, complainant, *v.* State of Florida et al. Answers of the defendants presented.

No. 499. Hartridge-Cannon Company et al., petitioners, *v.* J. W. Gillespie et al. Motion for leave to file petition for rehearing submitted by Mr. W. H. Poe for the petitioners.

No. 499. Hartridge-Cannon Company et al., petitioners, *v.* J. W. Gillespie et al. Motion of the State of Florida for leave to intervene submitted by Mr. Cary D. Landis, Mr. W. P. Allen, and Mr. H. E. Carter in that behalf.

No. 767. The Waco Development Company, petitioner, *v.* D. Gordon Rupe, Jr., et al. Motion for leave to file a second petition for rehearing submitted by Mr. J. D. Williamson for the petitioner.

Adjourned until Monday, May 24, 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.

Edwin H. Wenzel, of Milwaukee, Wis.; Herman Finkelstein, of New York City; Louis D. Frohlich, of New York City; Geo. E. Bronaugh, of Portland, Oreg.; Ben Connally, of Houston, Tex.; Dillon Anderson, of Houston, Tex.; Henry H. Brooks, of Austin, Tex.; William D. White, of Dallas, Tex.; Dorothy I. Levy Morse, of Augusta, Ga.; George Maxman, of Philadelphia, Pa.; Kenneth C. Coffelt, of Benton, Ark.; Frank C. Hanley, of Portland, Oreg.; Hoy D. Davis, of Gary, Ind.; Forrest E. Claypool, of Chillicothe, Ohio; James K. Knudson, of Washington, D. C.; Fred O. Wilson, of Phoenix, Ariz.; Bernard Sobol, of New York City; Herman A. Benjamin, of New York City; Herron C. Pearson, of Jackson, Tenn.; Lemuel P. Mathews, of Phoenix, Ariz.; Caldwell Daniel, of Paris, Tenn.; Peter Seitz, of New York City; Frederick DeWitt Shelton, of Washington, D. C.; Roland F. deFere, of San Diego, Calif.; Edward H. Cumpston, of Rochester, N. Y.; Ernest Angell, of New York City; Josiah Lyman, of Washington, D. C.; James Milford Springer, of Los Angeles, Calif.; Russell A. Johnson, of Los Angeles, Calif.; Harold B. Gross, of Providence, R. I.; Howard R. Stinson, of Bremerton, Wash.; Fred E. Wilson, of Albuquerque, N. Mex.; Irving P. Austin, of Compton, Calif.; Philip Buettner, of Washington, D. C.; Elliott A. Daitz, of Washington, D. C.; LaMonte Cowles, of Burlington, Iowa; Francis D. Stephens, of Washington, D. C.; Charles Harrison Mann, Jr., of Washington, D. C.; Arthur H. Priest, of Forest Hills, N. Y.; Kenneth W. Carson, of Forest Hills, N. Y.; C. E. Woodward, of Des Moines, Iowa; Frank Aranow, of New York City; Stanley P. Clay, of Joplin, Mo.; Maurice M. Goldman, of Boston, Mass.; Irving U. Townsend, Jr., of Boston, Mass.; Anthony T. Augelli, of Jersey City, N. J.; James Thadeus Clark, of Washington, D. C.; Maurice J. Nicoson, of Terre Haute, Ind.; Ganson Purcell, of Washington, D. C.; Emory Byington Smith, of Washington, D. C.; David Schenker, of New York City; Sol Goodman, of Cincinnati, Ohio; Guy O. Walser, of Bay Shore, N. Y.; Theodore W. Housel, of Lindenhurst, N. Y.; David Sokol, of Los Angeles, Calif.; Septimus B. Sightler, Jr., of Washing-

ton, D. C.; Emma Elizabeth Dillon, of Trenton, N. J.; Herman Ringle, of New Brunswick, N. J.; Robert V. Morse, of Ithaca, N. Y.; Philip F. Maguire, of Orlando, Fla.; James M. Graves, of Washington, D. C.; and John J. Walsh, of Yonkers, N. Y., were admitted to practice.

No. 837. Chas. C. Steward Machine Company, petitioner, *v.* Harwell G. Davis, Individually and as Collector of Internal Revenue. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Decree affirmed with costs and cause remanded to the District Court of the United States for the Northern District of Alabama. Opinion by Mr. Justice Cardozo. Separate opinion by Mr. Justice McReynolds. Separate opinion by Mr. Justice Sutherland in which Mr. Justice Van Devanter joins. Dissenting opinion by Mr. Justice Butler.

No. 910. Guy T. Helvering, Commissioner of Internal Revenue, and William M. Welch, Collector of Internal Revenue, etc., et al., petitioners, *v.* George P. Davis. On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit. Decree of the Circuit Court of Appeals reversed and that of the District Court affirmed and cause remanded to the District Court of the United States for the District of Massachusetts. Opinion by Mr. Justice Cardozo. Dissenting: Mr. Justice McReynolds and Mr. Justice Butler.

No. 765. The Mantle Lamp Company of America, petitioner, *v.* Aluminum Products Company. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Judgment affirmed with costs and cause remanded to the District Court of the United States for the Northern District of Illinois. Opinion by Mr. Justice Roberts.

No. 724. Albert A. Carmichael, Individually and as Attorney General of the State of Alabama, et al., appellants, *v.* Southern Coal & Coke Company; and

No. 797. Albert A. Carmichael, Individually and as Attorney General of the State of Alabama, et al., appellants, *v.* Gulf States Paper Corporation. Appeals from the District Court of the United States for the Middle District of Alabama. Decrees reversed with costs and cases remanded to the said District Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Stone. Dissenting: Mr. Justice McReynolds. Dissenting opinion by Mr. Justice Sutherland in which Mr. Justice Van Devanter and Mr. Justice Butler concur.

No. 202, October Term, 1935. Robert G. Stone and Carrie M. Stone, Trustees, etc., petitioners, *v.* Thomas W. White, Former Col-

lector of Internal Revenue at Boston, Massachusetts. 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 Stone. Dissenting: Mr. Justice Roberts.

No. 285. United States ex relatione Girard Trust Company, Trustee under the will of John A. Brown, Jr., deceased, petitioner, v. Guy T. Helvering, Commissioner of Internal Revenue. On writ of certiorari to the United States Court of Appeals for the District of Columbia. Judgment affirmed and cause remanded to the District Court of the United States for the District of Columbia. Opinion by Mr. Justice Stone. Dissenting: Mr. Justice Roberts.

No. 907. Jesse C. Duke v. The United States of America. On certificate from the United States Circuit Court of Appeals for the Fourth Circuit. Both questions answered in the affirmative. Opinion by Mr. Justice Sutherland.

No. 658. Paul Senn, appellant, v. Tile Layers Protective Union, Local No. 5, Charles Schreiber, et al. Appeal from the Supreme Court of the State of Wisconsin. Motion to dismiss the appeal denied. Judgment affirmed with costs. Opinion by Mr. Justice Brandeis. Dissenting opinion by Mr. Justice Butler in which Mr. Justice Van Devanter, Mr. Justice McReynolds, and Mr. Justice Sutherland join.

No. 355. Hartford Steam Boiler Inspection and Insurance Company and W. M. Francis, appellants, v. William B. Harrison, Insurance Commissioner. Appeal from the Supreme Court of the State of Georgia. Judgment reversed with costs and cause remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice McReynolds. Dissenting opinion by Mr. Justice Roberts in which Mr. Justice Brandeis, Mr. Justice Stone, and Mr. Justice Cardozo concur.

No. 781. C. R. Townsend and Park Bernard, a partnership known as Townsend & Bernard, doing business as Cook County Warehouse, appellants, v. M. J. Yeomans, Attorney General of the State of Georgia, et al. Appeal from the District Court of the United States for the Middle District of Alabama. Decree affirmed with costs. Opinion by Mr. Chief Justice Hughes.

The Chief Justice announced the following orders of the Court:

No. 938. Kenyon V. Painter, appellant, v. The State of Ohio. Appeal from the Supreme Court of the State of Ohio. *Per curiam*: The motion of the appellee for leave to file a statement against jurisdiction is granted. The appeal herein is dismissed for the want of

a substantial federal question. *Hebert v. Louisiana*, 272 U. S. 312, 315; *Westfall v. United States*, 274 U. S. 256.

No. 944. Catherine Fearon, appellant, *v.* Charles Treanor. Appeal from the Supreme Court of the State of New York. *Per curiam*: The appeal herein is dismissed for the want of a substantial federal question. Second Employers' Liability Cases, 223 U. S. 1, 50; *New York Central R. R. Co. v. White*, 243 U. S. 188, 198; *Silver v. Silver*, 280 U. S. 117, 122.

No. 947. W. French Grubb, appellant, *v.* E. H. Lawman, Receiver, etc. Appeal from the Supreme Court of the State of Tennessee. *Per curiam*: The motion of the appellee to dismiss the appeal 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. *DeSaussure v. Gaillard*, 127 U. S. 216, 232, 233; *McCoy v. Shaw*, 277 U. S. 302, 303; *Kammerer v. Kroeger*, Sup't, 299 U. S. 302, 304.

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 Rule I of the Rules of Practice and Procedure in Criminal Cases be, and the same is hereby, amended to read as follows:

I. *Sentence*.—After a plea of guilty, or a verdict of guilt by a jury or finding of guilt by the trial court where a jury is waived, and except as provided in the Act of March 4, 1925, c. 521, 43 Stat. 1259, sentence shall be imposed without delay unless (1) a motion for the withdrawal of a plea of guilty, or in arrest of judgment or for a new trial, is pending, or the trial court is of opinion that there is reasonable ground for such a motion; or (2) the condition or character of the defendant, or other pertinent matters, should be investigated in the interest of justice before sentence is imposed. The judgment setting forth the sentence shall be signed by the judge who imposes the sentence and shall be entered by the clerk.

Pending sentence, the court may commit the defendant or continue or increase the amount of bail.

No. —, original. *Ex parte* Chester G. Bollenbach, petitioner. The motion for leave to file a petition for writ of certiorari herein is denied.

No. 13, original. State of Texas, complainant, *v.* State of Florida et al. The answers of the defendants are received and ordered filed.

No. 974. Leander T. Reilly et al., petitioners, *v.* Mike and Anna Stedronsky et al. On petition for writ of certiorari to the Supreme Court of the State of Ohio;

No. 978. L. C. Turman, petitioner, *v.* Beryl Turman. On petition for writ of certiorari to the Court of Civil Appeals, 2nd Supreme Judicial District, State of Texas;

No. 984. Phillip G. Keese, petitioner, *v.* Fred G. Zerbst, Warden of United States Penitentiary, Leavenworth, Kansas. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit; and

No. 990. Thomas E. Thorpe, petitioner, *v.* The State of Ohio. On petition for writ of certiorari to the Supreme Court of the State of Ohio. 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. 499. Hartridge-Cannon Company et al., petitioners, *v.* J. W. Gillespie et al. The motion of the State of Florida for leave to file a petition to intervene is granted. The petition to intervene is denied.

No. 854. Herman C. Groman, 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. 905. The United States of America, on relation of Chester A. Willoughby, as Trustee in Bankruptcy, et al., petitioners, *v.* Sam Howard and Continental Casualty Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted.

No. 909. Louis Vogt, Sheriff of Kenton County, Kentucky, petitioner, *v.* John T. Murphy. Petition for writ of certiorari to the Circuit Court of Kenton County, Commonwealth of Kentucky, granted.

No. 911. Iron Ross, as Receiver, etc., petitioner, *v.* W. V. Knott, as Treasurer of the State of Florida, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit granted.

No. 934. Joseph K. Willing, Receiver of Commercial National Bank, Philadelphia, Pennsylvania, petitioner, *v.* Israel Binenstock, Individually etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit granted.

No. 916. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Raymond I. Bashford. 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. 854.

No. 922. Worcester County Trust Company, executor, petitioner, *v.* Ray L. Riley, Controller of the State of California, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit granted. The motion of Henry L. Long, Commissioner of Corporations and Taxation for the Commonwealth of Massachusetts, to intervene is granted.

No. 867. Robert W. Halliday and Mabel F. Halliday, petitioners, *v.* State of Ohio, ex rel. I. J. Fulton, Superintendent of Banks, etc.;

No. 868. Robert W. Halliday and Mabel F. Halliday, petitioners, *v.* State of Ohio, ex rel. I. J. Fulton, Superintendent of Banks, etc.; and

No. 869. Robert W. Halliday and Mabel F. Halliday, petitioners, *v.* State of Ohio, ex rel. I. J. Fulton, Superintendent of Banks, etc. Petition for writs of certiorari to the Supreme Court of the State of Ohio denied.

No. 883. L. Robinson Maddox, petitioner, *v.* Garnett O. Jinkens, otherwise known as Mrs. Waldo A. Ross. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 891. Hubert F. Laugharn, as Trustee in Bankruptcy, etc., petitioner, *v.* Bank of America National Trust and Savings Association. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 892. Rosa B. Hylton, Administratrix, etc., petitioner, *v.* Southern Railway Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 894. Chester G. Bollenbach, petitioner, *v.* Botany Consolidated Mills, Inc., Debtor, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 896. Rayburn Morris, petitioner, *v.* J. B. Davis, Sheriff of Grayson County, Texas, et al. Petition for writ of certiorari to the Court of Criminal Appeals of the State of Texas denied.

No. 898. Marie Minor Sanborn et al., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 901. Chicago, St. Paul, Minneapolis, and Omaha Railway Company, petitioner, *v.* Delmar E. Kulp, as Administrator of the Estate of Harry Rice Kulp, deceased. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 913. Charles W. Nash, 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. 914. John F. Millhaupt, petitioner, *v.* The State of Kansas. Petition for writ of certiorari to the Supreme Court of the State of Kansas denied.

No. 915. 164 East 72nd Street Corporation, petitioner, *v.* Mary Mulholland Gunder. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 919. The Klee Corporation et al., petitioners, *v.* George E. Roosevelt et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 923. City of Memphis, petitioner, *v.* Illinois Central Railroad Co. et al. Petition for writ of certiorari to the Court of Appeals of the State of Tennessee denied.

No. 927. F. E. Buffum, as Trustee in Bankruptcy of Henry Joseph Barceloux, Bankrupt, petitioner, *v.* Maryland Casualty Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 928. Marshall Keig, Trustee, petitioner, *v.* Hiram Lloyd et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 929. Movietonews, Inc., et al., petitioners, *v.* Lucille Z. Alexander, Widow and Prentice Pace Alexander, etc. Petition for writ of certiorari to the Supreme Court of the State of New York denied.

No. 932. John W. Irvin, petitioner, *v.* Buick Motor Company and General Motors Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 940. General Electric Company, petitioner, *v.* Electric Machinery Manufacturing Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 941. The Southern Boulevard Railroad Company, petitioner, *v.* The City of New York. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 784. Thomas J. Kitcher, petitioner, *v.* George B. Sherwood. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 885. Alexander S. Coplin 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. 499. Hartridge-Cannon Company et al., petitioners, *v.* J. W. Gillespie et al. The motion for leave to file petition for rehearing is granted. The petition for rehearing is denied.

No. 767. The Waco Development Company, petitioner, *v.* D. Gordon Rupe, Jr., et al. The motion for leave to file a second petition for rehearing is denied.

No. 49. W. H. H. Chamberlin, Inc., appellant, *v.* Elmer F. Andrews, Industrial Commissioner of the State of New York, et al.;

No. 50. E. C. Stearns & Co., appellant, *v.* Elmer F. Andrews, Industrial Commissioner of the State of New York, et al.;

No. 64. Associated Industries of New York State, Inc., appellant, *v.* The Department of Labor of the State of New York, et al.;

No. 799. John Amaral et al., petitioners, *v.* Leslie A. Cleary, Individually, etc., et al.;

No. 800. John S. Borges et al., petitioners, *v.* Luther P. Loftis, as Sheriff, etc., et al.;

No. 801. Joe Affonso et al., petitioners, *v.* N. L. Cornell, Individually, etc., et al.;

No. 829. Donald Francis Campbell, petitioner, *v.* Commissioner of Internal Revenue; and

No. 873. Albee Godfrey Whale Creek Company, Inc., petitioner, *v.* Frances Dingfeldt, Widow of Arthur Dingfeldt, deceased, et al. Petitions for rehearing denied.

No. 1005. Tennessee Valley Authority et al., petitioners, *v.* The Tennessee Electric Power Company et al. Motion to shorten the time for filing of respondents' brief submitted by Mr. Solicitor General Reed for the petitioners and the motion denied.

No. 13, original. State of Texas, complainant, *v.* State of Florida. Motion for the appointment of a Special Master submitted by Mr. William McCraw for the complainant.

No. 425. Edgar W. Bassick, petitioner, *v.* Commissioner of Internal Revenue; and

No. 426. Jessie S. Perkins, petitioner, *v.* Commissioner of Internal Revenue. Motion for leave to file a second petition for rehearing submitted by Mr. Louis J. Altkrug for the petitioners and the motion denied.

No. —, original. Ex parte Annie Sherman et al., petitioners. Motion for leave to file petition for writ of certiorari submitted by Mr. Charles Leibman for the petitioners.

No. 102, October Term, 1934. S. Harold Smith, Executor of the Estate of Samuel B. Smith, deceased, petitioner, *v.* E. H. Snow et al. Motion for recall and amendment of the mandate submitted by Mr. Ralph E. Williamson for the respondents.

No. 102, October Term, 1934. S. Harold Smith, Executor of the Estate of Samuel B. Smith, deceased, petitioner, *v.* E. H. Snow et al. Petition for leave to file in the District Court a petition to file supplemental answer and for rehearing submitted by Mr. Ralph E. Williamson for the respondents.

No. —. In the matter of the Disbarment of Tobias C. Phillips. Return to the rule to show cause presented.

Adjourned until Tuesday, 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.

Earle C. Parks, of Belmont, Mass.; John C. Jackson, of Houston, Tex.; Joe S. Brown, of Houston, Tex.; William B. Barry, of Hollis, N. Y.; Francis E. Walter, of Easton, Pa.; Charles Dent Fogle, of Marietta, Ohio; Geo. B. Wells, of Akron, Ohio; George D. O'Brien, of Detroit, Mich.; Andrew J. Transue, of Flint, Mich.; John P. Vallilee, of Towanda, Pa.; Vernon C. Rawls, of Lakeland, Fla.; Louis J. Mazuch, of Kansas City, Mo.; Edgar E. Witt, of Waco, Tex.; William C. Wiseman, Dayton, Ohio; J. B. Milligan, of Chattanooga, Tenn.; Guss Wilder, of Clearwater, Fla.; Charles Emmet Hughes, of Belle Plaine, Iowa; Charles G. Casteel, of McCaysville, Ga.; Hugh J. Boyle, of Omaha, Neb.; William J. O'Mahony, of Great Falls, Mont.; Hal S. Whitten, of Oklahoma City, Okla.; Elizabeth Baltimore Bell, of Columbus, Ohio; Wm. R. Pringle, of Cleveland, Ohio; John J. Kendrick, of Toledo, Ohio; Hobart A. Sailor, of Washington, D. C.; Wendell J. Wright, of Newark, N. J.; Bernard L. Miller, of New York City; Benjamin Gerard Hartzog, of Columbia, S. C.; Marston Allen, of Cincinnati, Ohio; Ethel M. Oats, of East Rockaway, N. Y.; Robert A. Hitch, of Washington, D. C.; Guernsey T. Cross, of Callicoon, N. Y.; Donald Macleay, of Washington, D. C.; Elmer J. Whitty, of Chicago, Ill.; Fred B. Woodard, of Dewey, Okla.; Wm. A. Blakley, of Dallas, Tex.; Ralph P. Dunn, of Washington, D. C.; Samuel Schwartz, of Los Angeles, Calif.; J. Raymond Dubee, of Cranston, R. I.; P. Peter Briola, of Bar Harbor, Me.; Joseph W. Worthen, of Boston, Mass.; John J. Curran, of Watertown, Mass.; Leo F. Caldwell, of Arlington, Mass.; Henry Pearlman, of Brooklyn, N. Y.; Edward M. Curran, of Washington, D. C.; Abner Hirsch Goldstone, of New York City; Samuel E. Richards, of Muskogee, Okla.; Milton J. Landvoight, of Washington, D. C.; Gertrude H. Smith, of Washington, D. C.; Wilbur F. Smith, of Washington, D. C.; Felix S. Cohen, of New York City; Joseph Walsh Stewart, of Washington, D. C.; Rickard H. Lauritzen, of Washington, D. C.; Mox G. Ruge, of Chesterton, Ind.; James C. McManaway, of Clarksburg, W. Va.;

Howard J. Lichtenstein, of New York City; John W. Aiken, of Hickory, N. C.; Virgil P. Randolph, Jr., of Richmond, Va.; Mark T. Milnor, of Harrisburg, Pa.; David C. Colladay, of Washington, D. C.; Charles W. Littlefield, of Montclair, N. J.; Telford Taylor, of New York City; A. Warren Littman, of Newark, N. J.; Loren P. Oakes, of Chicago, Ill.; Allen W. Clapp, of Atlanta, Ga.; Genevieve A. Wesely, of Washington, D. C.; John Sumner Wood, of Chevy Chase, Md.; and N. Murry Edwards, of St. Louis, Mo., were admitted to practice.

No. 824. W. A. Thomas, Collector of Internal Revenue, petitioner, *v. J. J. Perkins, 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 Texas. Opinion by Mr. Justice Butler. Dissenting: Mr. Justice Stone and Mr. Justice Cardozo.

No. 716. Great Lakes Transit Corporation, petitioner, *v. Interstate Steamship Company and Atlantic Mutual Insurance Company et al.* On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. Decree reversed with costs and cause remanded to the District Court of the United States for the Northern District of Ohio for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Chief Justice Hughes.

The Chief Justice announced the following orders of the Court:

No. 855. Goodman Lumber Company, appellant, *v. The United States of America, Interstate Commerce Commission, et al.* Appeal from the District Court of the United States for the Eastern District of Wisconsin. *Per curiam*: The judgment is affirmed. United States *v. American Sheet & Tin Plate Co.*, — U. S. —, decided May 17, 1937.

No. 856. A. O. Smith Corporation, appellant, *v. The United States of America and Interstate Commerce Commission.* Appeal from the District Court of the United States for the Eastern District of Wisconsin. *Per curiam*: The judgment is affirmed. United States *v. American Sheet & Tin Plate Co.*, — U. S. —, decided May 17, 1937.

No. 804. Railroad Commission of the State of California, Leon O. Whitsell, Wallace L. Ware, et al., appellants, *v. Pacific Gas and Electric Company.* Appeal from the District Court of the United States for the Northern District of California. *Per curiam*: The decree is affirmed by an equally divided Court. Mr. Justice Sutherland took no part in the consideration or decision of this case.

No. 988. Marguerite Dolbow, appellant, *v.* State of New Jersey; and

No. 989. Norman Driscoll, appellant, *v.* State of New Jersey. Appeals from the Court of Errors and Appeals of the State of New Jersey. *Per curiam*: The appeals herein are dismissed for the want of a substantial federal question. *Hayes v. Missouri*, 120 U. S. 68, 71; *Brown v. New Jersey*, 175 U. S. 172, 175-177; *Frank v. Mangum*, 237 U. S. 309, 341, 342; *Snyder v. Massachusetts*, 291 U. S. 97, 105.

No. 1010. The Texas Company and The Maryland Casualty Company, appellants, *v.* Howard Dyer, Vehicle Commissioner of the State of Mississippi. Appeal from the Supreme Court of the State of Mississippi. *Per curiam*: The appeal herein is dismissed for the want of a substantial federal question. *Missouri Pacific Railway Co. v. Humes*, 115 U. S. 512, 523; *Western Union Telegraph Co. v. Indiana*, 165 U. S. 304, 307, 310; *Bankers Trust Co. v. Blodgett*, 260 U. S. 647, 651, 652.

No. 1019. Columbus P. Giragi and George A. Giragi, Co-partners, etc., et al., appellants, *v.* Thad M. Moore et al., as members of and constituting the State Tax Commission of Arizona. Appeal from the Supreme Court of the State of Arizona. *Per curiam*: The appeal herein is dismissed for the want of a substantial federal question. *Grosjean v. American Press Co.*, 297 U. S. 233, 250; *Associated Press v. National Labor Relations Board* (decided April 12, 1937, proof p. 9).

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 Tobias C. Phillips. Upon consideration of the order of the Circuit Court of Mercer County, West Virginia, dated May 20, 1937, reinstating Tobias C. Phillips as a member of the Bar of the courts of the State of West Virginia, it is ordered that the order of this Court of April 26, 1937, suspending Tobias C. Phillips from the further practice of law in this Court, be, and the same is hereby, vacated, and that the Rule to Show Cause, issued April 26, 1937, be, and the same is hereby, discharged.

No. —, original. Ex parte Annie Sherman et al., petitioners. The motion for leave to file a petition for writ of certiorari is denied.

No. —, original. Ex parte Joseph Poresky, petitioner. The motion for leave to file a petition for writ of mandamus is denied.

No. —, original. Ex parte Harry C. Robertson, petitioner. The motion for leave to file a petition for writ of habeas corpus is denied.

No. 13, original. State of Texas, complainant, *v.* State of Florida et al. The motion for the appointment of a Special Master is granted, and it is ordered that John S. Flannery, 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 allowances to him, the compensation paid to his stenographic and clerical assistants, and the cost of printing his report shall be charged against and be borne by the parties in such proportion as the Court may hereafter direct. If the appointment herein made of a 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. 102, October Term, 1934. S. Harold Smith, Executor etc., petitioner *v.* E. H. Snow et al., etc. The motion to recall and amend the mandate is denied. The motion for leave to file a supplemental answer and petition for rehearing in the United States District Court for the District of Minnesota is denied, without prejudice to an application to the District Court which may deal with the matter unaffected by the mandate of this Court.

No. 940, October Term, 1934. Silas Ezra, suing on behalf of himself, individually, etc., petitioner, *v.* Thomas W. Lamont, et al. The motion for leave to file a petition for rehearing is denied.

No. 849. The State of Ohio, ex rel. Carl Green, petitioner, *v.* Charles E. King, Clerk etc., et al. The motion for leave to file a second petition for rehearing is denied.

No. 836. Texas & New Orleans Railroad Company et al., petitioners, *v.* Emma E. Neill et al. The motion of the respondents to dismiss is denied.

No. 931. J. R. McLeod, as Sheriff of Hillsborough County, Florida, et al., petitioners, *v.* Frank E. Cooper, as Trustee etc. The motion of the respondent for leave to proceed herein *in forma pauperis* is denied.

No. 1004. Bayard E. Weibert, petitioner, *v.* The People of the State of California. On petition for writ of certiorari to the District Court of Appeals, 2nd Appellate District, State of California. The motion for leave to proceed further herein *in forma pauperis* herein 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. 1037. Opal Abrams Madison, joined pro forma by her husband, Curtis Madison, et al., petitioners, *v.* Phillips Petroleum Company. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. The motion for leave to proceed further herein *in forma pauperis* is denied for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which a writ of certiorari should be granted. The petition for writ of certiorari is therefore also denied. Mr. Justice Roberts took no part in the consideration or decision of this application.

No. 994. The United States of America et al., appellants, *v.* W. V. Griffin and H. W. Purvis, Receivers for Georgia & Florida Railroad; and

No. 1000. Puget Sound Stevedoring Company, appellant, *v.* The Tax Commission of the State of Washington et al., etc. In these cases probable jurisdiction is noted.

No. 40. The Atlantic Refining Company, appellant, *v.* Commonwealth of Virginia; and

No. 713. Chester C. Dodge et al., appellants, *v.* Board of Education of the City of Chicago et al. It is ordered that these cases be restored to the docket for reargument.

No. 552. E. Pat Kelly, as Director, etc., et al., petitioners, *v.* State of Washington, on the relation of Foss Company, Inc., et al. This case is assigned for reargument, with direction to the Clerk to give notice to the Attorney General of the United States who is requested to present the views of the Government upon the question whether Chapter 200 of the Laws of 1907 of the State of Washington, or the action of the officers of the State thereunder, conflicts with the authority of the United States or with the action of its officers under the Acts of Congress. Brief may be filed by the Government on or before September 4, 1937, with leave to the respective parties to file briefs in reply on or before October 1, 1937.

No. 625. Ernest K. James, Individually and as State Tax Commissioner of the State of West Virginia, appellant, *v.* The Dravo Contracting Company;

No. 773. Silas Mason Company, Inc., et al., appellants, *v.* Tax Commissioner of the State of Washington et al.; and

No. 774. David H. Ryan, appellant, *v.* The State of Washington et al. These cases are assigned for reargument, with direction to the Clerk to give notice to the Attorney General of the United States who is requested to present the views of the Government upon the

question (1) as to jurisdiction over the areas in which the work of the several contractors is being performed, and (2) whether the state tax imposes a burden upon the Government. Briefs may be filed by the Government on or before September 4, 1937, with leave to the respective parties to file briefs in reply on or before October 1, 1937.

No. 910. Guy T. Helvering, Commissioner of Internal Revenue, et al., petitioners, *v.* George P. Davis. On consideration of the opinion filed in this cause on May 24, 1937, it is ordered that the following amendments be made therein:

1. The last paragraph on page 4, continuing for two lines on page 5, is amended to read as follows:

"A petition for certiorari followed. It was filed by the intervening defendants, the Commissioner and the Collector, and brought two questions, and two only, to our notice. We were asked to determine: (1) "Whether the tax imposed upon employers by Section 804 of the Social Security Act is within the power of Congress under the Constitution," and (2) "whether the validity of the tax imposed upon employees by Section 801 of the Social Security Act is properly in issue in this case, and if it is, whether that tax is within the power of Congress under the Constitution." The defendant corporation gave notice to the Clerk that it joined in the petition but it has taken no part in any subsequent proceedings. A writ of certiorari issued."

2. The words "decree for an injunction" on the ninth line of page 5 are struck out, and the words "equitable remedy" are substituted.

3. In the title of the cause the word "Petitioners" where it now appears is struck out, and inserted following the name of the Edison Electric Illuminating Company of Boston.

No. 943. Fidelity & Deposit Company of Maryland, petitioner, *v.* Louis H. Pink, Superintendent of Insurance of the State of New York, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted. The Chief Justice took no part in the consideration or decision of this application.

No. 991. Gertrude Kay, *alias* Gertrude Klein, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted. Mr. Justice Cardozo took no part in the consideration or decision of this application.

No. 924. The National City Bank of New York, petitioner, *v.* The People of the Philippine Islands. Petition for writ of certiorari to the Supreme Court of the Commonwealth of the Philippines granted.

No. 945. Harry H. Woodring, Secretary of War of the United States of America, et al., petitioners, *v.* Clarksburg-Columbus Short Route Bridge Company. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia granted.

No. 946. Aetna Insurance Company, petitioner, *v.* Illinois Central Railroad Company. Petition for writ of certiorari to the Supreme Court of the State of Illinois granted.

No. 960. James D. Smyth, Executor, etc., petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims granted.

No. 961. The Dixie Terminal Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims granted.

No. 963. Phillips-Jones Corporation, Individually, and Annie G. Phillips, et al., petitioners, *v.* C. S. Parmley et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit granted.

No. 986. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Bradley W. Palmer. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit granted.

No. 993. Textile Machine Works, petitioner, *v.* Louis Hirsch Textile Machines, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 939. David A. Wright, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims granted.

No. 1024. Alabama Power Company, petitioner, *v.* Harold L. Ickes, as Federal Emergency Administrator of Public Works, et al.;

No. 1025. Alabama Power Company, petitioner, *v.* Harold L. Ickes, as Federal Emergency Administrator of Public Works, et al.;

and

No. 1026. Iowa City Light and Power Company, petitioner, *v.* Harold L. Ickes, as Federal Emergency Administrator of Public Works, et al. Petition for writs of certiorari to the United States Court of Appeals for the District of Columbia granted.

No. 1027. William D. Frad, petitioner, *v.* John J. Kelly, United States Marshal, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 874. Jose Garcia, petitioner, *v.* The People of the Philippine Islands. Petition for writ of certiorari to the Supreme Court of the Commonwealth of the Philippines denied.

No. 908. J. A. Herring, petitioner, *v.* State of Oklahoma. Petition for writ of certiorari to the Criminal Court of Appeals, State of Oklahoma, denied.

No. 917. G. E. Ellingson, Substituted for J. C. Scully, Receiver, etc., petitioner, *v.* Pacific States Savings and Loan Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 918. Samuel H. Davis, 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. 921. New York Trust Company, Executor, Estate of John C. Leslie, 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. 931. J. R. McLeod, as Sheriff of Hillsborough County, Florida, et al., petitioners, *v.* Frank E. Cooper, as Trustee, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 933. Gulf, Mobile & Northern Railroad Company et al., petitioners, *v.* L. C. Kelly. Petition for writ of certiorari to the Supreme Court of the State of Mississippi denied.

No. 935. Thomas P. Ratigan, Jr., petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 936. Fan Shan Hang, Claimant, etc., et al., petitioners, *v.* M. Prestlien. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 937. Margaret W. Long et al., Trustees, etc., petitioners, *v.* John Stites et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 942. Elmer W. Brandes, Guardian, etc., petitioner, *v.* Norman B. Pitcairn et al. etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 949. H. G. Roby et al., petitioners, *v.* Ray M. Dunnett et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 950. The Pullman Company, petitioner, *v.* Edward Webster. Petition for writ of certiorari to the Supreme Court of the State of Ohio denied.

No. 951. Richard M. Cadwalader, Jr., 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. 952. Pedro Albizu Campos et al., petitioners, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 953. Sam S. Fox, 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. 954. Leslie Ravenscroft et al., etc., petitioners, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 955. Massachusetts Bonding & Insurance Company, petitioner, *v.* John R. Thompson Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 956. Independent Workers of Clayton Mark & Company et al., petitioners, *v.* L. W. Beman, Individually and as Regional Director of the National Labor Relations Board etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 959. Samuel C. Duberstein, as Trustee, etc., petitioner, *v.* Samuel Keil et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 964. Robert B. Updike, 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. 970. Jacob Shapiro, 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. 977. Max Nacht and Jacob Turner, 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. 980. Annie Sherman et al., petitioners, *v.* 333 North Michigan Avenue Building Corporation et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 992. Frank J. Denniston, 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. 995. Electric Bond and Share Company et al., petitioners, *v.* Securities and Exchange Commission et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 957. August Balter et al., petitioners, *v.* Harold L. Ickes, Individually etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 1003. T. L. Talley and Corbar Corporation, petitioners, *v.* Fox Film Corporation et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 1005. Tennessee Valley Authority et al., petitioners, *v.* The Tennessee Electric Power Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 1017. El Paso Electric Company et al., petitioners, *v.* Edwin A. Elliott, Regional Director of the National Labor Relations Board, et al.; and

No. 1018. C. S. Perrin et al., petitioners, *v.* Edwin A. Elliott, Regional Director of the National Labor Relations Board, et al. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 971. Lloyd T. Williams et al., petitioners, *v.* Great Lakes Terminal Warehouse Company of Toledo, Debtor, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 979. Harriett D. Ray, Administratrix, etc., 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. 1006. Howe Totten, petitioner, *v.* John C. Harlowe & Elva D. Harlowe et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 805. National Electric Products Corporation, petitioner, *v.* Circle Flexible Conduit Co., Inc., et al.;

No. 857. Lillian Clawans, petitioner, *v.* District of Columbia;

No. 889. Paysoff Tinkoff, petitioner, *v.* The United States of America; and

No. 919. The Klee Corporation et al., petitioners, *v.* George E. Roosevelt et al. Petitions for rehearing denied.

The Chief Justice announced the following order:

ORDER

All cases submitted and all business before the Court at this term having been disposed of,

It is ordered by this Court that all cases on the docket be, and they are hereby, continued to the next term.

Adjourned to the time and place appointed by law.

By order of the Chief Justice the following correspondence between the Court and Mr. Justice Van Devanter is appended to the minutes of June 1, 1937.

SUPREME COURT OF THE UNITED STATES
Washington, D. C.

June 2, 1937.

DEAR JUSTICE VAN DEVANTER:

Your decision to avail yourself of the rights and privileges specified in the recent retirement act gives us a poignant sense of regret at the loss of the close association it has been our privilege to enjoy for so many years. Your temperament and industry, your exact knowledge of precedents and practice, and your precision of statement, have enabled you to render an invaluable service in our conferences, and your labors have entered into the very warp and woof of the jurisprudence of the Court. You will carry into your retirement the assurance of our high esteem and warm affection and we trust that you will have many years of continued vigor. We shall greatly miss your wise counsel and delightful companionship.

Faithfully yours,

CHARLES E. HUGHES,
J. C. McREYNOLDS,
LOUIS D. BRANDEIS,
GEO. SUTHERLAND,
PIERCE BUTLER,
HARLAN F. STONE,
OWEN J. ROBERTS,
BENJAMIN N. CARDOZO.

Mr. Justice VAN DEVANTER.

WILLIS VAN DEVANTER
2101 Connecticut Avenue
Washington, D. C.

June 2, 1937.

MY DEAR BRETHREN:

I am grateful for your generous words of esteem and affection. Intimate association with you in the work of the Court has been to me both enjoyable and inspiring; and I shall carry into my retirement happy memories of that association, together with profound respect and true affection for each and all of you.

Cordially and sincerely yours,

WILLIS VAN DEVANTER.

The CHIEF JUSTICE and
ASSOCIATE JUSTICES OF THE SUPREME COURT.