

SUPREME COURT OF THE UNITED STATES

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

Frank J. Albus, of Washington, D. C.; J. Edward Collum, of Allentown, Pa.; H. Rozier Dulany, jr., of Washington, D. C.; George Trosk, of New York City; James E. Thomas, of Greenville, Ohio, Herman F. Krickenberg, of Greenville, Ohio; P. A. Lasley, of Little Rock, Ark.; Roy V. Reppy, of Los Angeles, Calif.; Morris W. Lieberman, of Jersey City, N. J.; A. Henry Walter, of Washington, D. C.; William J. Koebel, of Philadelphia, Pa.; Chas. G. Middleton, of Louisville, Ky.; John M. Rankin, of Columbus, Ohio; P. W. Cress, of Perry, Okla.; Carl J. Austrian, of New York City; Hugh L. Smith, of San Francisco, Calif.; Julian S. Eaton, of New York City; Saul J. Lance, of New York City; Herman E. Werner, of Columbus, Ohio; Lowell White, of Denver, Colo.; George Washington Waldorf, of San Jose, Calif.; Lothrop Withington, of Brookline, Mass.; J. Sydnor Bohannon, of Waynesville, N. C.; Arthur V. Roberts, of Wichita, Kans.; Chester Rohrlich, of New York City; Arthur G. Stone, of Charleston, W. Va.; and Ira C. Oehler, of St. Paul, Minn., were admitted to practice.

No. 15. Thomas M. Adams, appellant, *v.* The United States. Appeal from the Court of Claims. Dismissed per stipulation of counsel, on motion of Mr. Solicitor General Mitchell in that behalf.

No. 276. County of Delaware. Pennsylvania, plaintiff in error, *v.* United States Shipping Board Emergency Fleet Corporation; and

No. 277. School District of Tincum Township, Pennsylvania, plaintiff in error, *v.* United States Shipping Board Emergency Fleet Corporation. Motion to dismiss submitted by Mr. Solicitor General Mitchell for the defendant in error, in support of the motion, and by Mr. Donald S. Edmonds, for the plaintiffs in error, in opposition thereto.

No. 293. The United States of America and The Interstate Commerce Commission, appellants, *v.* The Kansas City Southern Railway Company, et al. Motion to advance submitted by Mr. Solicitor

General Mitchell for the appellants, and by Mr. Samuel W. Moore and Mr. Frank H. Moore for the appellees.

No. 511 of October Term, 1926. The Pueblo of Santa Rosa, petitioner, *v.* Albert B. Fall, Secretary of Interior, et al. Motion to correct mandate submitted by Mr. Solicitor General Mitchell for the respondents.

No. 219. D. B. Heiner, Collector of Internal Revenue for the Twenty-third District of Pennsylvania, petitioner, *v.* The Colonial Trust Company, Executor of the Will of Glenn T. Braden, deceased; and

No. 220. C. G. Lewellyn, Former Collector of Internal Revenue for the Twenty-third District of Pennsylvania, petitioner, *v.* The Colonial Trust Company, Executor of the Will of Glenn T. Braden, deceased. Leave granted to file brief of Osage Indian Tribe as *amicus curiae*, on motion of Mr. James M. Beck in that behalf.

No. 190. William H. Blodgett, Tax Commissioner of the State of Connecticut, petitioner, *v.* Arthur Silberman, Charles Moebius, et al., Executors; and

No. 191. Arthur Silberman, Charles Moebius, et al., Executors, plaintiffs in error, *v.* William H. Blodgett, Tax Commissioner of the State of Connecticut. Motion to advance submitted by Mr. Charles E. Hughes in that behalf.

No. 152. F. H. Mason, petitioner, *v.* C. F. Routzahn, Collector of Internal Revenue. Leave granted to file brief of Charles E. Hughes, Edward Cornell, William C. Breed, Paul Armitage, and Harrison Tweed, as *amici curiae*, on motion of Mr. Charles E. Hughes in that behalf.

No. 154. John W. Blodgett *v.* Charles Holden, Collector of Internal Revenue. Leave granted to file brief of William C. Cannon as *amicus curiae*, on motion of Mr. John W. Davis in that behalf.

No. 79. United Fuel Gas Company, appellant, *v.* The Public Service Commission of West Virginia, Birk S. Strathers, Ernest D. Lewis, et al. I. Wade Coffman and C. E. Nethken, as members of the Public Service Commission of West Virginia, substituted in place of Birk S. Strathers and Ernest D. Lewis, retired, as parties appellees herein, on motion of Mr. John W. Davis in that behalf.

No. 101. Board of Public Utility Commissioners of the State of New Jersey, appellant, *v.* Middlesex Water Company. Motion to dismiss submitted by Mr. Frank Bergen for the appellee.

No. 507. Arthur Rich, petitioner, *v.* The People of the State of Michigan. Motion to postpone submission of petition for a writ of certiorari until the case is heard upon the writ of error, No. 543,

submitted by Mr. Richard S. Doyle in behalf of Mr. Harry Eugene Kelly and Mr. Thornton M. Pratt, for the petitioner.

No. 543. Arthur Rich, plaintiff in error, *v.* People of the State of Michigan. Motion to advance submitted by Mr. Richard S. Doyle, in behalf of Mr. Harry Eugene Kelly and Mr. Thornton M. Pratt, for the plaintiff in error.

No. 130. The Equitable Trust Company of New York, as Trustee in Bankruptcy of Knauth, Nachod & Kuhne, petitioner, *v.* The First National Bank of Trinidad, Colorado. Leave granted to file brief of Fidelity Trust Company of New York as *amicus curiae*, on motion of Mr. Chester Rohrlich in that behalf.

No. 242. J. W. Hampton, Jr., & Co., petitioner, *v.* The United States. Motion to advance submitted by Mr. Walter E. Hampton for the petitioner.

No. 430. State of Ohio, on relation of National Mutual Insurance Company, plaintiff in error, *v.* William C. Safford, Superintendent of Insurance of the State of Ohio; and

No. 431. State of Ohio, on relation of the Celina Mutual Casualty Company, plaintiff in error, *v.* William C. Safford, Superintendent of Insurance of the State of Ohio. Motion to advance submitted by Mr. Arthur I. Vorys for the plaintiff in error and by Mr. Edward C. Turner and Mr. C. S. Younger for the defendants in error.

No. 1. Rhederei M. Jebsen Company, appellant, *v.* The United States;

No. 2. The Firm of M. Jebsen, Corresponding Owner of the Steamship Company, Carl Diederichsen for the use of Rhederei M. Jebsen Company, appellant, *v.* The United States;

No. 3. Hamburg-American Line Terminal and Navigation Company, appellant, *v.* The United States;

No. 4. Hamburg-American Line Terminal and Navigation Company, appellant, *v.* The United States;

No. 5. Atlas Line Steamship Company, appellant, *v.* The United States;

No. 6. Atlas Line Steamship Company, appellant, *v.* The United States;

No. 7. North German Lloyd, appellant, *v.* The United States;

No. 8. North German Lloyd, appellant, *v.* The United States;

No. 9. North German Lloyd, appellant, *v.* The United States;

No. 10. Hamburg-Amerikanische Paketfahrt Aktien-Gesellschaft, also known as Hamburg-American Line, appellant, *v.* The United States;

No. 11. Hamburg-Amerikanische Paketfahrt Aktien-Gesellschaft (also known as Hamburg-American Line), appellant, *v.* The United States; and

No. 12. Deutsch-Australische Dampfschiffs-Gesellschaft, appellant, *v.* The United States. Motion to pass submitted by Mr. Edgar W. Hunt in behalf of the appellants in Nos. 3 to 12, inclusive, in support of the motion with the consent of Mr. Solicitor General Mitchell for the appellee, and by Mr. J. J. Lynch for the appellants in Nos. 1 and 2, in opposition thereto, with leave to counsel for the appellants in Nos. 3 to 12, to file brief within two days and to appellants in Nos. 1 and 2 to file brief in opposition thereto within five days.

No. 172. Manson R. Kevil, Receiver of the First National Bank of Carnegie, plaintiff in error, *v.* Peter G. Cameron, Secretary of Banking of Pennsylvania, etc., et al. Death of Manson R. Kevil suggested and Lloyd Littrell substituted as the party plaintiff in error, on motion of William S. Moorhead in that behalf.

No. 4, original. State of Nevada, complainant, *v.* Crown Williamette Paper Company. Stipulation to continue submitted by Mr. Francis W. Clements in that behalf.

No. 577, October Term, 1926. St. Louis and San Francisco Railroad Company and St. Louis-San Francisco Railway Company, petitioners, *v.* E. B. Spiller, et al. Motion to retax costs submitted by Mr. E. S. Bailey in that behalf.

No. 197. Interstate Busses Corporation, appellant, *v.* William H. Blodgett, Tax Commissioner, etc., et al. Motion to advance submitted by Mr. Edward H. Kelly for the appellant.

No. 225. H. Plamals, petitioner, *v.* The Steamship "Pinar Del Rio," her engines, boilers, etc. Motion to advance submitted by Mr. C. B. Ellis in behalf of Mr. S. B. Axtell for the petitioner.

No. 154. John W. Blodgett *v.* Charles Holden, Collector of Internal Revenue. Leave granted to file brief of Ira Jewell Williams, Nathan Glicksman, and Louis Quarles as *amici curiae*, on motion of Mr. Ira Jewell Williams in that behalf.

No. 424. Edward E. Jenkins, as Receiver of the National City Bank of Salt Lake City, petitioners, *v.* National Surety Company. Leave granted to file brief of Joseph W. McIntosh, Comptroller of the Currency of the United States as *amicus curiae* on motion of Mr. George P. Barse in that behalf.

No. 574. Curtis Friedlander, plaintiff in error, *v.* State of Washington. In error to the Supreme Court of the State of Washington. Docketed and dismissed with costs on motion of Mr. Blaine Mallan for the defendant in error.

No. 200. The Lakewood Engineering Company and Edward G. Carr, petitioners, *v.* A. W. French & Co., Alfred W. French, Edwin A. Allen, et al., etc. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Dismissed with

costs per stipulation of counsel, and mandate granted, on motion of Mr. Frank Dennett in that behalf.

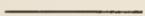
No. 481. Joseph J. Weinhandler, petitioner, *v.* The United States of America. Leave granted to withdraw petition for writ of certiorari and file substituted petition granted on motion of Mr. David V. Cahill in that behalf.

No. 222. William R. Verner, Sole Executor under the Will of Emily L. Moore, deceased, petitioner, *v.* The United States. Leave granted to file brief of Herbert Noble and Scott Scammell as *amici curiae* on motion of Mr. John W. Townsend in that behalf.

No. 154. John W. Blodgett, *v.* Charles Holden, Collector of Internal Revenue. Leave granted to file brief of Josephine S. Goodwin as *amicus curiae* on motion of Mr. J. Robert Sherrod in that behalf.

No. 154. John W. Blodgett, *v.* Charles Holden, Collector of Internal Revenue. Leave granted to file brief of Helen S. Schmidt as *amicus curiae* on motion of Mr. Hugh Obear in that behalf.

No. 46. Elmira Holland, plaintiff in error, *v.* James S. Swilley. Death of Elmira Holland suggested and Thomas H. Dent, as Administrator, etc., substituted as the party plaintiff in error on motion of Mr. William L. Houston in that behalf.



No. 51. Andrew P. Vought, petitioner, *v.* K. K. Kanne, Trustee in Bankruptcy of the Estate of Andrew P. Vought, Bankrupt. On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Dismissed with costs on motion of counsel for petitioner.

No. 132. The Wichita Board of Trade, plaintiff in error, *v.* The Farmer's Co-Operative Commission Company and A. E. Randall. In error to the Supreme Court of the State of Kansas. Dismissed with costs on motion of plaintiff in error.

No. 149. Jessie L. Wickwire, individually, etc., petitioner, *v.* Mabel G. Reinecke, as Collector, etc. Submitted on printed briefs, pursuant to 23d rule, by Mr. Forest D. Siefkin for the petitioner and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, and Mr. Sewall Key for the respondent.

No. 165. O. E. Harlin, Norta Harlin, and the American Investment Company, plaintiffs in error, *v.* Mary Gage et al. Petition for a writ of certiorari to the Supreme Court of the State of Oklahoma submitted under Section 237-c of the Judicial Code as amended by Act of February 13, 1925, by Mr. Robert M. Rainey and Mr. Streeter B. Flynn for the petitioners.

No. 169. James W. Bothwell, William J. Michel, et al., etc., petitioners, *v.* Buckbee, Mears Company. Submitted on printed briefs pursuant to 23d rule, by Mr. Morton Barrows and Mr. George P. Metcalf for the petitioners, and by Mr. Wm. H. Oppenheimer and Mr. Montreville J. Brown for the respondent.

No. 253. B. S. Wheeler and M. S. Galasso, plaintiffs in error, *v.* Galen D. Pue. Motion to dismiss or affirm submitted by Mr. H. Lowndes Maury for the defendant in error in support of the motion, and by Mr. James H. Baldwin for the plaintiffs in error in opposition thereto.

No. 273. Seaboard Air Line Railway Company, petitioner, *v.* The State of Florida, *ex rel.* A. S. Wells, E. S. Mathews, et al., etc. On petition for a writ of certiorari to the Supreme Court of the State of Florida. Dismissed with costs per stipulation of counsel.

No. 319. Standard Pipe Line Company, Inc., et al., plaintiffs in error, *v.* Commissioners of Index Sulphur Drainage District, and T. B. Vance, Receiver of South Miller County Highway District. Writ of error dismissed as to T. B. Vance, Receiver of South Miller County Highway District, one of the defendants in error in this case, pursuant to stipulation of counsel.

No. 347. Joe Genna, petitioner, *v.* State of Louisiana. Motion for leave to proceed *in forma pauperis* submitted by Mr. M. G. Adams for the petitioner.

No. 351. Molton Brasseaux, petitioner, *v.* The State of Louisiana. Motion for leave to proceed *in forma pauperis* submitted by Mr. Molton Brasseaux, *pro se.*

No. 352. *Ex parte:* William Faltin, petitioner. Motion for leave to proceed *in forma pauperis* submitted by Mr. John W. Ray for the petitioner.

No. 370. F. H. Fullwood, plaintiff in error, *v.* City of Canton, Ohio, et al. Motion for leave to proceed *in forma pauperis* submitted by Mr. Faber J. Drukenbrod for the plaintiff in error.

No. 427. J. D. Austin, petitioner, *v.* The United States of America. Motion for leave to proceed *in forma pauperis* submitted by Mr. J. D. Austin, *pro se.*

No. 549. John B. Lemieux, Peter Lemieux, Maggie Martineau, et al., petitioners, *v.* Agate Land Company and City of Superior. Motion for leave to proceed *in forma pauperis* submitted by Mr. John B. Arnold for the petitioners.

No. 467. Nicola Sacco and Bartholomeo Vanzetti, petitioners, *v.* Commonwealth of Massachusetts. On petition for a writ of certiorari to the Superior Court of the State of Massachusetts. Dismissed on motion of counsel for the petitioners.

No. 468. Nicola Sacco and Bartholomeo Vanzetti, petitioners, *v.* Commonwealth of Massachusetts. On petition for a writ of certiorari to the Supreme Judicial Court of the State of Massachusetts. Dismissed on motion of counsel for the petitioners.

No. 222. William R. Verner, Sole Executor under the Will of Emily L. Moore, deceased, petitioner, *v.* The United States. Petition for a writ of certiorari to the Court of Claims submitted by Mr. James Craig Peacock and Mr. John W. Townsend for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Galloway, and Mr. Alexander H. McCormick for the respondent.

No. 232. John D. Chapman, petitioner, *v.* The United States. Petition for a writ of certiorari to the Court of Claims submitted by Mr. Sanford Robinson for the petitioner, and by Mr. Attorney General Mitchell, Mr. Assistant Attorney General Galloway, Mr. J. Robert Anderson, and Mr. Charles T. Hendler for the respondent.

No. 236. J. F. McMurray, petitioner, *v.* The Choctaw Nation of Indians and The Chickasaw Nation of Indians. Petition for a writ of certiorari to the Court of Claims submitted by Mr. George E. Hamilton, Mr. John F. McCarron, Mr. F. C. Dillard, Mr. Emmet E. McInnis, and Mr. Melvin Cornish for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Galloway, Mr. George T. Stormont, Mr. Hampton Tucker, and Mr. G. G. McVay for the respondents.

No. 245. The Choctaw Nation of Indians and the Chickasaw Nation of Indians, petitioners, *v.* J. F. McMurray. Petition for a writ of certiorari to the Court of Claims submitted by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Galloway, and Mr. Hampton Tucker for the petitioners.

No. 237. St. Louis Merchants Bridge Terminal Railway Company, petitioner, *v.* Edna LaLone, Administratrix of the Estate of Maurice LaLone, deceased. Petition for a writ of certiorari to the St. Louis Court of Appeals of the State of Missouri submitted by Mr. J. L. Howell for the petitioner, and by Mr. James T. Blair for the respondent.

No. 238. Terminal Railroad Association of St. Louis, petitioner, *v.* James Swain. Petition for a writ of certiorari to the St. Louis Court of Appeals of the State of Missouri submitted by Mr. J. L. Howell for the petitioner, and by Mr. Mark D. Eagleton for the respondent.

No. 239. John Caruthers, petitioner, *v.* Henry B. Hines and Cal T. Scott. Petition for a writ of certiorari to the Supreme Court of the State of Texas submitted by Mr. William R. Watkins for the petitioner.

No. 241. Apolinaria Solon, petitioner, *v.* The Government of the Philippine Islands et al. Petition for a writ of certiorari to the Supreme Court of the Philippine Islands submitted by Mr. Gregory Cipriani for the petitioner, and by Mr. Wm. Cattron Rigby for the respondent.

No. 243. Detroit Steel Products Company, petitioner, *v.* The United States. Petition for a writ of certiorari to the Court of Claims submitted by Mr. Edwin C. Brandenburg for the petitioner, and by Mr. Solicitor General Mitchell and Mr. Assistant Attorney General Galloway for the respondent.

No. 244. Rembrandt H. Peale, petitioner, *v.* Dwight F. Davis, Secretary of War, Hubert Work, etc., et al. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia submitted by Mr. Patrick H. Loughran for the petitioner, and by Mr. Solicitor General Mitchell and Mr. Assistant Attorney General Parmenter for the respondents.

No. 246. Katie Roberts Wilson, petitioner, *v.* Margaret Jane Robinson, Jane Doe Robinson, John Doe Robinson, et al., etc., et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. John F. Dore for the petitioner, and by Mr. George Dysart for the respondents.

No. 247. Minn Marie Wilson, petitioner, *v.* Margaret Jane Robinson, Jane Doe Robinson, John Doe Robinson, et al., etc., et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. John F. Dore for the petitioner, and by Mr. George Dysart for the respondents.

No. 248. Solomon Laurisden and Harry Kamps, petitioners, *v.* Louis H. Alexander and John Doe Alexander. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. John F. Dore for the petitioners.

No. 249. New York Life Insurance Company, petitioner, *v.* Henri M. Sliosberg. Petition for a writ of certiorari to the Supreme Court of the State of New York submitted by Mr. John Foster Dulles for the petitioner, and by Mr. Walter H. Pollak for the respondent.

No. 250. New York Life Insurance Company, petitioner, *v.* Henri M. Sliosberg. Petition for a writ of certiorari to the Supreme Court of the State of New York submitted by Mr. John Foster Dulles for the petitioner, and by Mr. Walter H. Pollak for the respondent.

No. 251. A. W. Mellon, Director General of Railroads, as Agent of the President of the United States, petitioner, *v.* C. B. Ivey and E. S. Estes. Petition for a writ of certiorari to the Supreme Court of the State of Florida submitted by Mr. Scott M. Loftin for the petitioner, and by Mr. Roswell King for the respondents.

No. 252. Mrs. L. E. Williams, individually and natural Tutrix of her minor son John Earl Williams, petitioner, *v.* Great Southern Lumber Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. W. J. Waguespack for the petitioner, and by Mr. H. Generes Dufour for the respondent.

No. 254. Benjamin A. Levy, Trustee of the Estate of Robert Jenkins Corporation, petitioner, *v.* Anthony C. Post. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit submitted by Mr. Walter Hartstone for the petitioner, and by Mr. James H. Devine for the respondent.

No. 255. Peter Martin, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Edward Dinkelspiel for the petitioner, and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, and Mr. Mahlon D. Kiefer for the respondent.

No. 257. Albert A. Zink, Roy Surey, John Laviscount, et al., petitioners, *v.* Black Star Line and T. V. O'Conner, Chairman, etc. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia submitted by Mr. Reeves T. Strickland for the petitioners, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Farnum, and Mr. J. Frank Staley for the respondents.

No. 258. Commercial Credit Company, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Duane R. Dills for the petitioner.

No. 259. Erie Railroad Company, petitioner, *v.* International Products Company. Petition for a writ of certiorari to the Supreme Court of the State of New York submitted by Mr. Theodore Kiendl, Mr. John W. Davis, and Mr. Wm. C. Cannon for the petitioner, and by Mr. David Paine for the respondent.

No. 260. City of New Brunswick, William G. Howell, Treasurer of the City of New Brunswick, et al., petitioners, *v.* The United States of America and United States Housing Corporation. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. John W. Davis and Mr. Edward L. Patterson for the petitioners, and by Mr. Solicitor General Mitchell and Mr. Alfred A. Wheat for the respondents.

No. 261. The Sisseton and Wahpeton Bands of Sioux Indians, petitioners, *v.* The United States. Petition for a writ of certiorari to the Court of Claims submitted by Mr. Thomas Sterling and Mr.

Robert T. Tedrow for the petitioners, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Galloway, Mr. George T. Stormont, and Mr. W. W. Scott for the respondent.

No. 264. Sidney C. Borg, et al., as a Committee, etc., Acting under a Bondholders' Agreement, petitioner, *v. Illinois Terminal Company*. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Nathan G. Moore, Mr. Alfred A. Cook, Mr. Charles S. Cutting, and Mr. William P. Sidley for the petitioner, and by Mr. H. S. Baker for the respondent.

No. 265. Carrie Howard Steedman and Eugenia Howard Edmunds, petitioners, *v. The United States*. Petition for a writ of certiorari to the Court of Claims submitted by Mr. Frank S. Bright and Mr. S. L. Swarts for the petitioners, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Galloway, and Mr. Frank K. Dyar for the respondent.

No. 266. Alaska Packers Association, petitioner, *v. Industrial Accident Commission of the State of California and John Peterson*. Petition for a writ of certiorari to the Supreme Court of the State of California submitted by Mr. Allen L. Chickering for the petitioner, and by Mr. H. W. Hutton for the respondents.

No. 267. Fred Smith, petitioner, *v. The United States of America*. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Nathan April for the petitioner, and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, and Mr. J. Louis Monarch for the respondent.

No. 268. Springfield Boiler Company and The Superheater Company, petitioners, *v. Babcock & Wilcox Company*. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Fritz v. Briesen, Mr. Charles E. Hughes, Mr. William A. Redding, and Mr. John E. Hubbell for the petitioners, and by Mr. Livingston Gifford and Mr. Clarence B. Byrnes for the respondent.

No. 269. Aileen E. Mitchell (Successor of C. Minkwitz, former Treasurer of Fort Bend County, Texas), as Treasurer of Fort Bend County, Texas, et al., petitioners, *v. J. W. Hampel et al., Trustees in Bankruptcy, et al.* Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. T. W. Gregory for the petitioners, and by Mr. Lewis R. Bryan for the respondents.

No. 270. Missouri Pacific Railroad Company, petitioner, *v. M. Barry*. Petition for a writ of certiorari to the Supreme Court of

the State of Arkansas submitted by Mr. R. E. Wiley, Mr. Edward J. White, and Mr. Edgar B. Kinsworthy for the petitioner, and by Mr. J. F. Loughborough for the respondent.

No. 278. Wong Gar Wah, petitioner, *v.* Walter E. Carr, District Director, United States Immigration Service, Los Angeles, California. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. George W. Hott for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Luhring, and Mr. Harry S. Ridgely for the respondent.

No. 279. Clyde Steamship Company, petitioner, *v.* Elizabeth Beer, as administratrix of the goods, chattels, & credits of Adolph Beer, deceased. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Clarence Bishop Smith for the petitioner, and by Mr. Harold R. Medina for the respondent.

No. 280. National Bank Supply Company, Inc., petitioner, *v.* Bankers Utilities Company, Inc., and Butler F. Greer. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. C. P. Goepel, Mr. Charles E. Townsend, and Mr. William A. Loftus for the petitioner.

No. 281. Ida Nolet Limoges and Honore Nolet, petitioners, *v.* Minnesota Iron Company. Petition for a writ of certiorari to the Supreme Court of the State of Minnesota submitted by Mr. John E. Palmer and Mr. John B. Arnold for the petitioners, and by Mr. Frank D. Adams and Mr. Elmer F. Blu for the respondent.

No. 282. Charles B. Brewer, petitioner, *v.* Andrew W. Mellon. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia submitted by Mr. Richard L. Merrick for the petitioner.

No. 283. The United States, petitioner, *v.* Magnolia Petroleum Company, E. R. Brown, R. Waverly Smith, et al., etc. Petition for a writ of certiorari to the Court of Claims submitted by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Galloway, and Mr. Alexander H. McCormick for the petitioner, and by Mr. Barry Mohun and Mr. W. H. Francis for the respondents.

No. 284. Neale, Inc., Edward G. Neale, Thomas N. Neale, et al., etc., et al., petitioners, *v.* Honorable Paul J. McCormick and Edward J. Henning, Judges, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Samuel Knight and Mr. Samuel E. Darby, jr., for the petitioners.

No. 285. Holland Furniture Company, petitioner, *v.* Perkins Glue Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. William H. Davis and Mr. James A. Watson for the petitioner, and by Mr. Gorham Crosby for the respondent.

No. 286. The Clear Vision Pump Company, petitioner, *v.* The Wichita Visible Gasoline Pump Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. William F. Hall, Mr. Alfred J. O'Brien, and Mr. Hal M. Black for the petitioner, and by Mr. Harry W. Hart and Mr. Delos G. Haynes for the respondents.

No. 287. Pennsylvania Railroad Company, petitioner, *v.* Steamship Harvey H. Brown, Castner, Curran & Bullitt, Inc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Chauncey I. Clark for the petitioner, and by Mr. W. H. McGrann for the respondents.

No. 289. Jack Cavana, petitioner, *v.* Addison Miller, Inc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Everett J. Smith for the petitioner, and by Mr. J. Kemp Bartlett for the respondent.

No. 290. The United States of America *ex relatione* Ellery C. Stowell, petitioner, *v.* William C. Deming, George R. Wales, and Jessie Dell, Civil Service Commissioners, etc. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia submitted by Mr. Ellery C. Stowell and Mr. Albert H. Putney for the petitioner, and by Mr. Solicitor General Mitchell and Mr. Assistant Attorney General Farnum for the respondents.

No. 294. Business Men's Assurance Company of America, petitioner, *v.* Dora A. Scott. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Rees Turpin for the petitioner, and by Mr. Horace N. Hawkins for the respondent.

No. 295. J. George Wright, Superintendent Osage Agency, for and on behalf of Estate of Gilbert Cox, etc., petitioner, *v.* C. E. Ashbrook, Legal Guardian of Catherine Cox, et al. Petition for a writ of certiorari to the Supreme Court of the State of Oklahoma submitted by Mr. James M. Humphreys for the petitioner.

No. 297. Beatrice Grayson Johnson, petitioner, *v.* Wright Thornburgh, as the Administrator of the Estate of Anna C. Thornburgh, deceased, et al., etc., et al. Petition for a writ of certiorari to the Supreme Court of the State of Oklahoma submitted by Mr. C. B. McCrory for the petitioner, and by Mr. Nathan A. Gibson for the respondents.

No. 298. R. A. Jeanneret, petitioner, *v.* Chicago, Burlington & Quincy Railroad Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. E. R. Morrison and Mr. Lawrence H. Cake for the petitioner, and by Mr. Bruce Scott and Mr. Kenneth F. Burgess for the respondent.

No. 299. Arnold J. Hellmich, Collector of Internal Revenue, etc., petitioner, *v.* Isadore N. Hellman; and

No. 300. Arnold J. Hellmich, Collector of Internal Revenue, etc., petitioner, *v.* Milton C. Hellman. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, and Mr. Sewall Key for the petitioner.

No. 302. Robert L. Crook and Daniel H. Christman, petitioners, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. J. D. Wilkinson and Mr. C. H. Lewis for the petitioners, and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, and Mr. J. Louis Monarch for the respondent.

No. 303. Paul Villere, Trustee of the Estate of John P. Rausch Co., Inc., Bankrupts, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Percy S. Benedict for the petitioner, and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, Mr. A. W. Gregg, and Mr. Albert T. Clark for the respondent.

No. 305. Mike Fritzel, petitioner, *v.* The United States of America; and

No. 306. William R. Rothstein, petitioner, *v.* The United States of America. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Bernhardt Frank and Mr. Maclay Hoyne for the petitioners, and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, and Mr. John J. Byrne for the respondent.

No. 307. The United States, *ex relatione*, Clinton M. Searl, petitioner, *v.* Thomas E. Robertson, Commissioner of Patents. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia submitted by Mr. H. A. Toulmin and Mr. H. A. Toulmin, jr., for the petitioner, and by Mr. Assistant Attorney General Gallo-way for the respondent.

No. 308. Eugene K. Pape, by Elsie Wilson Pape, His Guardian *ad litem*, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Overton G. Ellis for the

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

No. 309. William L. Litzrodt, petitioner, *v.* Thomas W. Miller, Alien Property Custodian, and Frank White, Treasurer of the United States. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Arthur Garfield Hays for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Farnum, and Mr. Dean Hill Stanley for the respondents.

No. 310. Chester La Mare, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. John E. Kinnane for the petitioner, and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, and Mr. Mahlon D. Kiefer for the respondent.

No. 311. International-Great Northern Railroad Company et al., Petitioners, *v.* Mrs. Jessie B. Adkins, as Administratrix and Individually, etc., et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Frank Andrews for the petitioners, and by Mr. H. C. Carter and Mr. Perry J. Lewis for the respondents.

No. 312. Arkansas Wholesale Grocers Association, Reynolds-Davis Grocery Co., Griffin Grocery Co., et al., petitioners, *v.* Federal Trade Commission. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Edgar Watkins and Mr. Mac Asbill for the petitioners, and by Mr. Solicitor General Mitchell, Mr. Bayard T. Hainer, Mr. Adrien F. Busick, and Mr. Eugene W. Burr for the respondent.

No. 313. Central National Bank Savings and Trust Company and Joseph A. Klein, Trustee, petitioners, *v.* The Murphy Hotels Corporation. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. D. J. Needham and Mr. Austin V. Cannon for the petitioners, and by Mr. Thomas H. Hogsett for the respondent.

No. 314. Angola Transfer Company, petitioner, *v.* The Texas & Pacific Railway Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. John D. Grace for the petitioner.

No. 315. S. A. Swanson, petitioner, *v.* Luckenbach Steamship Co., Inc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Arthur I. Moulton for the petitioner.

No. 316. Robert B. Armstrong and John M. Parker, petitioners, *v.* The United States of America. Petition for a writ of certiorari

to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. William C. Bachelder, Mr. A. J. Groesbeck, and Mr. Harold K. Bachelder for the petitioners, and by Mr. Solicitor General Mitchell, Mr. Assistant to the Attorney General Donovan, and Mr. Horace R. Lamb for the respondent.

No. 317. Edgar Day, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. William C. Bachelder, Mr. A. J. Groesbeck, and Mr. Harold K. Bachelder for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant to the Attorney General Donovan, and Mr. Horace R. Lamb for the respondent.

No. 318. Grace A. Leathe, petitioner, *v.* Title Guaranty Trust Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. S. Mayner Wallace and Mr. Henry S. Priest for the petitioner, and by Mr. Xenophon P. Wilfley, Mr. Fred L. Williams, and Mr. Earl F. Nelson for the respondent.

No. 320. Alexandria Paper Company, petitioner, *v.* Eibel Process Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Arthur M. Hood for the petitioner, and by Mr. Harrison F. Lyman for the respondent.

No. 321. Mutual Life Insurance Company of New York, petitioner, *v.* Edgar M. Wright, as Guardian of Nettie T. Henderson, a minor. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Wm. Douglas Arant and Mr. Frederick L. Allen for the petitioner, and by Mr. B. P. Crum for the respondent.

No. 323. Simon P. Lesselyoung, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. John T. Sullivan for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Luhring, and Mr. Harry S. Ridgely for the respondent.

No. 324. Otto C. Kurtz, Administrator of the Estate of Edward J. Gall, deceased, petitioner, *v.* Detroit, Toledo & Ironton Railroad Company. Petition for a writ of certiorari to the Supreme Court of the State of Michigan submitted by Mr. Herbert P. Whitney for the petitioner, and by Mr. Wallace R. Middleton and Mr. Clifford B. Longley for the respondent.

No. 325. John L. Lewis, President of the United Mine Workers of America, et al., petitioners, *v.* Red Jacket Consolidated Coal and Coke Company;

No. 326. The International Organization of the United Mine America, et al., petitioners, *v.* Borderland Coal Corporation, et al.;

No. 327. International Organization, United Mine Workers of America, et al., petitioners, *v.* Alpha Pocahontas Coal Company et al.;

No. 328. International Organization, United Mine Workers of America, et al., petitioners, *v.* Aetnae Sewell Smokeless Coal Company et al.;

No. 329. International Organization, United Mine Workers of America, et al., petitioners, *v.* Dry Branch Coal Company et al.;

No. 330. International Organization, United Mine Workers of America, et al., petitioners, *v.* Nelson Fuel Company et al.;

No. 331. International Organization, United Mine Workers of America, et al., petitioners, *v.* Leevale Coal Company and Hopkins Fork Coal Company;

No. 332. International Organization, United Mine Workers of America, et al., petitioners, *v.* Seng Creek Coal Company and Mordue Collieries Company;

No. 333. International Organization, United Mine Workers of America, et al., petitioners, *v.* Raleigh-Wyoming Coal Company, Hazy Eagle Collieries Company et al.;

No. 334. International Organization, United Mine Workers of America, et al., petitioners, *v.* Anchor Coal Company et al.;

No. 335. International Organization, United Mine Workers of America, et al., petitioners, *v.* Sterling Block Coal Company et al.; and

No. 336. International Organization, United Mine Workers of America, et al., petitioners, *v.* Carbon Fuel Company et al. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. William A. Glasgow, jr., and Mr. Henry Warrum for the petitioners, and by Mr. Albert M. Belcher, Mr. Edgar Greever, and Mr. Robert S. Spilman for the respondents.

No. 337. The Williamsport Wire Rope Company, petitioner, *v.* The United States. Petition for a writ of certiorari to the Court of Claims submitted by Mr. Clarence A. Miller and Mr. James Walton for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Galloway, and Mr. George H. Foster for the respondent.

No. 338. George T. Shaw, petitioner, *v.* C. A. Owens. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. F. W. Clements, Mr.

Lawrence H. Cake, and Mr. Sidney L. Herold for the petitioner, and by Mr. Frank J. Looney for the respondent.

No. **339.** Minnie E. Patterson, as Administratrix of the Goods, Chattels, and Credits of William V. Patterson, deceased, petitioner, *v.* New York Central Railroad Company, sued as New York Central & Hudson River Railroad Company. Petition for a writ of certiorari to the Supreme Court of the State of New York submitted by Mr. Walter A. Fullerton for the petitioner, and by Mr. Sherman A. Murphy for the respondent.

No. **340.** Charles Erwin Brown, petitioner, *v.* Pere Marquette Railway Company. Petition for a writ of certiorari to the Supreme Court of the State of Michigan submitted by Mrs. Riley L. Crane for the petitioner, and by Mr. John C. Shields, Mr. George W. Weadock, and Mr. Vincent Weadock for the respondent.

No. **341.** D. B. Heiner, Collector of United States Internal Revenue for the Twenty-third District of Pennsylvania, petitioner, *v.* James R. Tindle and The Union Trust Company of Pittsburgh, Co-executors, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Solicitor General Mitchell for the petitioner, and by Mr. James Walton for the respondents.

No. **342.** Krauss Brothers Lumber Company, petitioner, *v.* Andrew W. Mellon, Director General of Railroads, as Agent, etc., et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Brenton K. Fisk for the petitioner, and by Mr. Sidney F. Andrews and Mr. Alex. M. Bull for the respondents.

No. **344.** Hubert Work, as Secretary of the Interior, petitioner, *v.* Robert L. Braffet, Administrator of the Estate of Mark P. Braffet, deceased. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia submitted by Mr. Solicitor General Mitchell, Mr. E. O. Patterson, and Mr. O. H. Graves for the petitioner, and by Mr. Walter Edmund Burke for the respondent.

No. **345.** Frank Dane, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia submitted by Mr. Wilton J. Lambert, Mr. Rudolph H. Yeatman, and Mr. Austin F. Canfield for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Luhring, and Mr. Harry S. Ridgely for the respondent.

No. **346.** Finkelstein & Kommel, petitioners, *v.* The United States. Petition for a writ of certiorari to the United States Court of Customs Appeals submitted by Mr. Frederick W. Brooks, jr., for the

petitioners, and by Mr. Solicitor General Mitchell and Mr. Assistant Attorney General Lawrence for the respondent.

No. **348.** A. Lawrence Mills and John R. Gray, petitioners, *v.* Charles T. Sherman, First Trust and Savings Bank, a Corporation, and Louis Boisot, et al., Trustees. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. G. L. Wire for the petitioners, and by Mr. Thomas G. Long for the respondents.

No. **349.** The Kansas City Southern Railway Company, petitioner, *v.* Franklin Jones, Administrator of the Estate of D. R. Ferguson, deceased. Petition for a writ of certiorari to the Supreme Court of the State of Texas submitted by Mr. F. H. Moore and Mr. J. J. King for the petitioner, and by Mr. S. P. Jones for the respondent.

No. **350.** Ritchie L. Dunn, Trustee in Bankruptcy of the Estate of John Rothschild, Bankrupt, petitioner, *v.* Shell Company of California. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Clarence A. Shuey for the petitioner, and by Mr. Edward J. McCutchen for the respondent.

No. **353.** George Westcott Stearn, R. W. Warren, and S. T. Kent Oliver, petitioners, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. T. F. Railsback for the petitioners, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Luhring, and Mr. Harry S. Ridgely for the respondent.

No. **354.** Guillermo Severino and Petra Absalon, petitioners, *v.* El Hogar Filipino, Sociedad Mutua de Construccion y Prestamos, Petition for a writ of certiorari to the Supreme Court of the Philippine Islands submitted by Mr. William J. Rohde and Mr. Robert W. Jennings for the petitioners, and by Mr. Clyde A. DeWitt and Mr. Eugene A. Perkins for the respondent.

No. **355.** Gervasio Miraflores and Jose Miraflores, petitioners, *v.* El Hogar Filipino, Sociedad Mutua de Construccion y Prestamos. Petition for a writ of certiorari to the Supreme Court of the Philippine Islands submitted by Mr. William J. Rohde and Mr. Robert W. Jennings for the petitioners, and by Mr. Clyde A. DeWitt and Mr. Eugene A. Perkins for the respondent.

No. **356.** Joseph S. Williams, Charles M. Boyd, Frank M. Eshleman, et al., petitioners, *v.* The United States. Petition for a writ of certiorari to the Court of Claims submitted by Mr. Philip Rubenstein for the petitioners, and by Mr. Solicitor General Mitchell and Mr. Assistant Attorney General Galloway for the respondent.

No. **357.** The Gulf and Ship Island Railroad Company, petitioner, *v.* Mrs. Rubie Curtis, Administratrix of the Estate of George D.

Curtis, deceased. Petition for a writ of certiorari to the Supreme Court of the State of Mississippi submitted by Mr. T. J. Wills and Mr. R. W. Fletcher for the petitioner, and by Rubie Curtis, *pro se*.

No. 358. W. L. Brown, Administrator of W. E. Brown, deceased, petitioner, *v.* Norfolk and Western Railway Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. William H. Werth for the petitioner.

No. 359. George D. Emery and Insurance Company of North America, petitioner, *v.* Ove Lange, Trustee. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Oscar R. Houston for the petitioner.

No. 360. Goodyear Tire & Rubber Company, petitioner, *v.* Juan G. Gallardo, Treasurer. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit submitted by Mr. Nelson Gammans and Mr. Francis G. Caffey for the petitioner, and by Mr. William Catron Rigby and Mr. George C. Butte for the respondent.

No. 361. W. T. Irwin, Sherman & Ellis, Inc., Heco Envelope Co., et al., petitioners, *v.* The Missouri Valley Bridge & Iron Co. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Kemper K. Knapp, Mr. John R. Cochran, Mr. Frank E. Tyler, and Mr. Joseph A. O'Donnell for the petitioners, and by Mr. Lee Bond and Mr. Fred B. Silsbee for the respondent.

No. 362. Chicago, Burlington & Quincy Railroad Company, petitioner, *v.* The United States. Petition for a writ of certiorari to the Court of Claims submitted by Mr. F. W. Clements and Mr. Lawrence H. Cake for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Galloway, and Mr. Lisle A. Smith for the respondent.

No. 363. Chicago, Milwaukee & St. Paul Railway Company, petitioner, *v.* The United States. Petition for a writ of certiorari to the Court of Claims submitted by Mr. F. W. Clements and Mr. Lawrence H. Cake for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Galloway, and Mr. Louis R. Mehlinger for the respondent.

No. 367. The People of the State of Illinois and Oscar E. Carlstrom, as Attorney General of the State of Illinois and John C. Fisher, et al., petitioners *v.* Illinois Central Railroad Company and Southern Illinois and Kentucky Railroad Company. Petition for a writ of certiorari to the Supreme Court of the State of Illinois submitted by Mr. Harry Eugene Kelly and Mr. Oscar E. Carlstrom for

the petitioners, and by Mr. Walter S. Horton, Mr. Edward C. Craig, and Mr. Robert V. Fletcher for the respondent.

No. **368.** The Aetna Insurance Company of Hartford, Connecticut, petitioner, *v.* Licking Valley Milling Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Joseph S. Laurent for the petitioner, and by Mr. S. D. Rouse for the respondent.

No. **369.** George E. Truman, as County Treasurer of Pinal County, Arizona, J. C. Callaghan, as Treasurer, etc., et al., petitioners, *v.* Walter J. Thalheimer, Trustee in Bankruptcy of Florence Commercial Company, bankrupt. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. John W. Murphy and Mr. Earl Anderson for the petitioners, and by Mr. Henderson Stockton for the respondent.

No. **371.** Atlantic Lighterage Corporation, petitioner, *v.* Ernest Soderberg managing owner of the barge "Alert." and Cunard Steamship Company, Ltd. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Pierre M. Brown and Mr. Horace L. Cheyney for the petitioner, and by Mr. George De Forest Lord for the respondent.

No. **372.** William McCully, petitioner, *v.* Monongahela Railroad Company. Petition for a writ of certiorari to the Supreme Court of the State of Pennsylvania submitted by Mr. William McCully *pro se*, and by Mr. Frederic D. McKenney, Mr. John Spalding Flannery, and Mr. Robert D. Dalzell for the respondent.

No. **373.** Franklin County, Arkansas, petitioner, *v.* Harriman National Bank; and

No. **374.** Franklin County, Arkansas, petitioner, *v.* Sullivan County National Bank. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Thomas B. Pryor and Mr. Vincent M. Miles for the petitioner.

No. **375.** Midland Valley Railroad Company, petitioner, *v.* Thomas Barkley et al. Petition for a writ of certiorari to the Supreme Court of the State of Arkansas submitted by Mr. Thomas B. Pryor and Mr. Vincent M. Miles for the petitioner, and by Mr. Charles I. Evans for the respondents.

No. **376.** John J. Mitchell, Augustine L. Humes, and Illinois Merchants Trust Company, as Executors, petitioners, *v.* The United States. Petition for a writ of certiorari to the Court of Claims submitted by Mr. Milward W. Martin and Mr. A. L. Humes for the petitioners, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Galloway, and Mr. Alexander H. McCormick for the respondent.

No. 377. M. B. Siegel, Inc., petitioner, *v.* City of Chicago. Petition for a writ of certiorari to the Supreme Court of the State of Illinois submitted by Mr. Elmer M. Leesman for the petitioner, and by Mr. Samuel A. Ettelson, Mr. James W. Breen, Mr. Edgar B. Tolman, and Mr. William H. Sexton for the respondent.

No. 378. United States, Use of Union Gas Engine Company, petitioner, *v.* Newport Shipbuilding Corporation, Limited, National Surety Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. Edmund L. Jones, Mr. Frank J. Hogan, and Mr. Thomas M. Fields for the petitioner, and by Mr. Ellwood T. Morey and Mr. Wm. Henry White for the respondent.

No. 379. Monty Morris, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. James Patrick Gilmore for the petitioner, and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, and Mr. Mahlon D. Kiefer for the respondent.

No. 380. Chicago, Milwaukee & St. Paul Railway Company, petitioner, *v.* Carl F. Leverentz, Administrator of the Estate of Carl Edward Leverentz, deceased. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. F. W. Root and Mr. A. C. Erdall for the petitioner, and by Mr. Montreville J. Brown for the respondent.

No. 382. Southern Pacific Company, petitioner, *v.* Del Kalbaugh and James Moxley. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Frank Thunen and Mr. C. F. R. Ogilby for the petitioner, and by Mr. James Moxley for the respondent.

No. 384. Howard Moore, petitioner, *v.* The City of Nampa. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. George L. Nye for the petitioner, and by Mr. Leon M. Fisk for the respondent.

No. 385. Graff Furnace Company, petitioner, *v.* Hans Machler. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Jerry A. Mathews and Mr. Philip V. Matte for the petitioner.

No. 386. Ruby Steamship Corporation, Ltd., petitioner, *v.* Johnson & Higgins. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Edward F. Treadwell for the petitioner, and by Mr. Cletus Keating and Mr. Ira A. Campbell for the respondent.

No. 389. William R. George, petitioner, *v.* The State of Idaho. Petition for a writ of certiorari to the Supreme Court of the State

of Idaho submitted by Mr. Charles J. Williamson for the petitioner and by Mr. Leon M. Fisk for the respondent.

No. **390.** Charlotte F. Jones, petitioner, *v.* The Counties Gas and Electric Company. Petition for a writ of certiorari to the Supreme Court of the State of Pennsylvania submitted by Charlotte F. Jones *pro se.*

No. **393.** The Lehigh and Hudson River Railway Company, petitioner, *v.* John H. Hubbard. Petition for a writ of certiorari to the Supreme Court of the State of New York submitted by Mr. Herbert A. Taylor for the petitioner.

No. **395.** Charles W. Bostrom, Lawrence W. Lawson, et al., etc., petitioners, *v.* Cuyamel Fruit Company, claimant and owner of Steamship "Nicaroa," and W. G. Coyle and Company, et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. John Grace for the petitioners.

No. **396.** George F. Willett et al., petitioners, *v.* Robert F. Herick et al. Petition for a writ of certiorari to the Superior Court for the County of Norfolk, State of Massachusetts, submitted by Mr. Sherman L. Whipple, Mr. Joseph Wiggin, and Mr. Boyd B. Jones for the petitioners and by Mr. Malcolm Donald, Mr. Thomas Hunt, Mr. Lowell A. Mayberry, and Mr. George L. Mayberry for the respondents.

No. **397.** Union Bank and Trust Company of Helena, Montana, petitioner, *v.* Lester H. Loble, as Trustee in Bankruptcy of Gans & Klein Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. M. S. Gunn for the petitioner and by Mr. H. G. McIntire for the respondent.

No. **398.** Jacob Woitte, Frank M. Bates, Joseph Essex, et al., petitioners, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. H. C. Faulkner for the petitioners and by Mr. Solicitor General Mitchell and Assistant Attorney General Willebrandt for the respondent.

No. **402.** Josephine H. Plane, petitioner, *v.* Walter E. Carr, as District Director of Immigration of the United States for the District of Los Angeles. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Roger O'Donnell and Mr. J. Edward Keating for the petitioner and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Luhning, and Mr. Harry S. Ridgely for the respondent.

No. **403.** Jerry R. McCoy, petitioner, *v.* A. S. J. Shaw, as State Auditor of the State of Oklahoma and The Pure Oil Company.

Petition for a writ of certiorari to the Supreme Court of the State of Oklahoma submitted by Mr. Robert M. Rainey and Mr. Streeter B. Flynn for the petitioner and by Mr. Edwin Dabney for the respondents.

No. 405. Fred Ludwig, Alfred A. Gotshall and Leland L. Morris, Partners, etc., petitioners, *v.* W. S. Raydure, as partnership, Selina Raydure, et al., etc. Petition for a writ of certiorari to the Court of Appeals of Lucas County, State of Ohio, submitted by Mr. Albert H. Miller and Mr. Charles H. Brady for the petitioners, and by Mr. Frank A. Baldwin for the respondent.

No. 406. Pittsburgh Hotels Company, petitioner, *v.* The United States. Petition for a writ of certiorari to the Court of Claims submitted by Mr. George R. Beneman for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Galloway, and Mr. Alexander H. McCormick for the respondent.

No. 419. Frank P. Blair, petitioner, *v.* The United States. Petition for a writ of certiorari to the Court of Claims submitted by Mr. James W. Good, Mr. James B. Westcott, and Mr. W. Warfield Ross for the petitioner and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Galloway, and Mr. Frank K. Dyar for the respondent.

No. 420. Globe Indemnity Company of New York, petitioner, *v.* County of Scotts Bluff, Nebraska, Peter B. Schmidt, etc., et al. Petition for a writ of certiorari to the Supreme Court of the State of Nebraska submitted by Mr. Matthew A. Hall, Mr. Raymond G. Young, and Mr. Harvey M. Johnsen for the petitioner.

No. 421. Louis Schrijver, Adolph Krijn, and Lehman Rudolph Krijn, copartners, etc., petitioners, *v.* Howard Sutherland, as Alien Property Custodian of the United States. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia submitted by Mr. Sidney Post Simpson, Mr. Goldthwaite H. Dorr, and Mr. Robert F. Cogswell for the petitioners, and Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Farnum, and Mr. Dean Hill Stanley for the respondent.

No. 422. Modern Workmen of the World, The Modern Workmen of World Society, Samuel J. Master, et al., petitioners, *v.* Charles A. Hartmann et al. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia submitted by Mr. W. Bissell Thomas, Mr. Walter H. Newton, and Mr. J. K. M. Norton for the petitioners.

No. 423. Stock Yards Loan Company, petitioner, *v.* Commercial National Bank of Independence, Kansas. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Henry M. Ward, Mr. Henry L.

McCune, and Mr. David A. Murphy for the petitioner, and by Mr. Charles W. German for the respondent.

No. 424. Edward E. Jenkins, as Receiver of the National City Bank of Salt Lake City, Utah, et al., petitioners, *v.* National Surety Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. E. M. Bagley, Mr. John Jensen, and Mr. Harold M. Stephens for the petitioners, and by Mr. Ray Van Cott for the respondent.

No. 425. Midland National Bank of Minneapolis, petitioner, *v.* Dakota Life Insurance Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Andreas Ueland for the petitioner, and by Mr. John B. Hanten for the respondent.

No. 426. Samuel M. Hastings, as Administrator of the Estate of Thomas Rankin, deceased, petitioner, *v.* Frank Graham Jones. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Kemper K. Knapp and Mr. John R. Cochran for the petitioner, and by Mr. Caruthers Ewing and Mr. Thomas Francis Lowe for the respondent.

No. 428. Morton E. Converse & Son Company, petitioner, *v.* H. C. White Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. William F. Hall and Mr. Thomas G. Haight for the petitioner, and by Mr. James J. Kennedy for the respondent.

No. 429. Arkansas & Memphis Railway Bridge & Terminal Company, petitioner, *v.* State of Arkansas *ex rel.* Attorney General. Petition for a writ of certiorari to the Supreme Court of the State of Arkansas submitted by Mr. J. W. Canada for the petitioner, and by Mr. H. W. Applegate, Mr. Joe T. Robinson, Mr. J. W. House, and Mr. C. H. Moses for the respondent.

No. 432. Oil Fields Corporation, petitioner, *v.* John S. Dashko, T. P. Novick, Olga Novick, et al. Petition for a writ of certiorari to the Supreme Court of the State of Arkansas submitted by Mr. Albert L. Wilson for the petitioner.

No. 433. City of Gainesville, petitioner, *v.* Brown-Crummer Investment Company, Southern Surety Company, and H. O. Head, Executor of H. W. Head. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. W. O. Davis for the petitioner, and by Mr. F. C. Dillard, Mr. Rice Maxey, and Mr. H. O. Head for the respondents.

No. 434. C. W. Bassett, A. Pincolini, and G. D. Madalena, petitioners, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Sardis Summerfield for the peti-

tioners, and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, and Mr. John J. Byrne for the respondent.

No. 435. R. C. Clapp, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Robert C. Faulston for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Luhring, and Mr. Harry S. Ridgely for the respondent.

No. 436. Massachusetts Bonding and Insurance Company, petitioner, *v.* National Surety Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Herbert C. Smyth for the petitioner, and by Mr. Louis Marshall and Mr. James Marshall for the respondent.

No. 438. Barney Pearlman, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Hall S. Lusk for the petitioner, and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, and Mr. Lawrence J. Kosters for the respondent.

No. 439. The Hanna Stoker Company, petitioner, *v.* Locomotive Stoker Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Walter F. Murray, Mr. Drury W. Cooper, and Mr. J. Snowden Bell for the petitioner, and by Mr. Paul Synnestvedt for the respondent.

No. 440. Philippine National Bank, petitioner, *v.* American Surety Company of New York. Petition for a writ of certiorari to the Supreme Court of the State of New York submitted by Mr. John T. Loughran for the petitioner, and by Mr. Allan C. Rowe for the respondent.

No. 441. Green-Moore & Co., Inc., J. E. Lowe and Crawford Doyle, petitioners, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Charles A. McCoy and Mr. G. T. Hawkins for the petitioners, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Parmenter, and Mr. Perry G. Michener for the respondent.

No. 442. The O. K. Manufacturing Company, petitioner, *v.* The Bassick Manufacturing Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Alfred M. Allen and Mr. W. B. Turner for the petitioner, and by Mr. Lynn A. Williams for the respondent.

No. 443. The Larkin Automotive Parts Company, petitioner, *v.* The Bassick Manufacturing Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Alfred M. Allen and Mr. W. B. Turner for the petitioner, and by Mr. Lynn A. Williams for the respondent.

No. 444. Maurice Kay and Benjamin Kay, petitioners, *v.* Edgar C. Snyder, United States Marshal, etc., and Needham C. Turnage, United States Commissioner, etc. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia submitted by Mr. J. S. Easby-Smith, Mr. David A. Pine, Mr. A. L. Newmyer, and Mr. Milton W. King for the petitioners, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Luhring, and Mr. Harry S. Ridgely for the respondent.

No. 445. Norwegian American Securities Corporation, petitioner, *v.* Henry H. Kaufman, Trustee in Bankruptcy. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Roscoe H. Hupper for the petitioner, and by Mr. Ralph F. Colin for the respondent.

No. 446. Charley Hee, alias Dong Bow Hee, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit submitted by Mr. Joseph Fairbanks for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Luhring, and Mr. Harry S. Ridgely for the respondent.

No. 447. Robert H. Aldredge, petitioner, *v.* Baltimore & Ohio Railroad Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. W. H. Douglas for the petitioner, and by Mr. Douglas W. Robert for the respondent.

No. 448. Goon Bon June, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit submitted by Mr. Walter Bates Farr and Mr. Everett Flint Damon for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Luhring, and Mr. Frank M. Parrish for the respondent.

No. 450. Tribond Sales Corporation, petitioner, *v.* Harry S. New, Postmaster General of the United States. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia submitted by Mr. E. F. Colladay for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Luhring, and Mr. Harry S. Ridgely for the respondent.

No. 451. Sarah Marcus Greenberg, petitioner, *v.* The Pennsylvania Trust Company of Pittsburgh, Trustee in Bankruptcy. Peti-

tion for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Lowrie C. Barton for the petitioner, and by Mr. John M. Benner for the respondent.

No. 452. Missouri Pacific Railroad Company, petitioner, *v.* James M. Russell. Petition for a writ of certiorari to the Supreme Court of the State of Missouri submitted by Mr. Edward J. White and Mr. James F. Green for the petitioner, and by Mr. Charles E. Morrow for the respondent.

No. 456. Federal Intermediate Credit Bank of Columbia, South Carolina, petitioner, *v.* Chas. S. Mitchell, W. E. Richardson, Truckers Supply Company, et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. D. W. Robinson for the petitioner.

No. 457. American Exchange Irving Trust Company, petitioner, *v.* Leon Bonnasse, Joseph Bonnasse, et al., etc., et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Oscar R. Houston and Mr. D. Roger Englar for the petitioner, and by Mr. Homer L. Loomis for the respondents.

No. 458. Patrick A. McDonnell, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit submitted by Mr. LaRue Brown and Mr. William B. Sullivan for the petitioner, and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, and Mr. Mahlon D. Kiefer for the respondent.

No. 459. Republic of France, Compagnie Franco-Indo-Chinoise and Engineering Timer Company, Ltd., petitioner, *v.* French Overseas Corporation, as owner of the schooner "Malcolm Baxter, Jr." Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. John M. Woolsey, Mr. Mark W. Maclay, Mr. Robert S. Erskine, and Mr. Charles K. Carpenter for the petitioners, and by Mr. D. Roger Englar, Mr. T. Catesby Jones, and Mr. James W. Ryan for the respondent.

No. 460. Elmer C. Dyer et al., petitioners, *v.* George A. Stauffer, as Marshal, etc., et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. U. G. Denman and Mr. Herbert W. Nauts for the petitioners, and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, and Mr. Sewall Key for the respondent.

No. 462. The New Britain Machine Company, a corporation under the laws of the State of Ohio, petitioner, *v.* Emma Cone. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Murray Seasongood for the petitioner, and by Mr. Frank F. Dinsmore for the respondent.

No. 466. The City of New York, petitioner, *v.* The New York Central Railroad Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. George P. Nicholson for the petitioner, and by Mr. T. Catesby Jones for the respondent.

No. 469. Riverside Oil & Refining Company, petitioner, *v.* Cimarron River Oil Company, Sophie Mussellem, M. S. Mussellem, et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. C. M. Oakes and Mr. Thos. D. Lyons for the petitioner, and by Mr. John J. Shea, Mr. H. M. Gray, Mr. Wesley E. Disney, Mr. Anthony P. Nugent, and Mr. C. K. Newman for the respondents.

No. 470. Missouri Pacific Railroad Company, petitioner, *v.* Martin Woodward. Petition for a writ of certiorari to the Supreme Court of the State of Missouri submitted by Mr. Thomas Hackney, Mr. Edward J. White, and Mr. Leslie A. Welch for the petitioner, and by Mr. William S. Hogsett for the respondent.

No. 472. Southern Pacific Company, a corporation, petitioner, *v.* Hildur Haglund, as Administratrix of the Estate of Ernest Haglund, deceased, et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. William Denman for the petitioner, and by Mr. Ira S. Lillick for the respondents.

No. 473. Southern Pacific Company, a corporation, petitioner, *v.* Moore Shipbuilding Company, a corporation, and Ralph Navigation & Coal Company, et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. William Denman for the petitioner, and by Mr. Ira S. Lillick for the respondent.

No. 474. Peoples Transit Company, petitioner, *v.* George A. Henshaw et al., receivers of the Oklahoma Railway Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Warren K. Snyder for the petitioner, and by Mr. John B. Dudley for the respondent.

No. 475. Pere Marquette Railroad Company, petitioner, *v.* Frank Farrelli. Petition for a writ of certiorari to the Appellate Court for the First District of the State of Illinois submitted by Mr. Sidney C. Murray for the petitioner, and by Mr. Herbert H. Patterson for the respondent.

No. 476. Alfred Leeb and Louis Nova, co-partners, doing business under the firm name and style of Batjer & Company, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. William E. Russell and Mr. Benj. A. Levitt for

the petitioners, and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, and Mr. K. L. Campbell for the respondent.

No. 477. Old Honesty Oil Company, petitioner, *v.* Clara B. Shuler. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Finis E. Riddle for the petitioner.

No. 478. Van Dusen Harrington Company, petitioner, *v.* Illinois Central Railroad Company. Petition for a writ of certiorari to the Supreme Court of the State of Minnesota submitted by Mr. Albert C. Remele for the petitioner, and by Mr. Asa G. Briggs for the respondent.

No. 479. James R. Caton, Joseph C. Koogle, Fannie P. Gilbert, et al., petitioners, *v.* Michigan Sanitarium and Benevolent Association et al. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia submitted by Mr. Frederic D. McKenney, Mr. John Spaulding Flannery, Mr. G. Bowdoin Craighill, Mr. Henry C. Clark, Mr. George V. Triplett, jr., Mr. W. C. Sullivan, and Mr. Roger J. Whiteford for the petitioners, and by Mr. Frank J. Hogan, Mr. Stanton C. Peelle, Mr. Dale D. Drain, and Mr. William H. Donovan for the respondents.

No. 480. Joe Parente and Armando Bonacorsi, petitioners, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Robert B. McMillan for the petitioners, and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, and Mr. J. Louis Monarch for the respondent.

No. 481. Joseph J. Weinhandler, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Stuart G. Gibboney for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Luhring, and Mr. Harry S. Ridgely for the respondent.

No. 482. Glendola Steamship Corporation, petitioner, *v.* Standard Oil Company (N. J.). Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Sanford H. E. Freund and Mr. Horace M. Gray for the petitioner, and by Mr. W. H. McGrann for the respondent.

No. 484. Cornell Steamboat Company, petitioner, *v.* State Industrial Board and Ida C. Benson, widow, etc. Petition for a writ of certiorari to the Supreme Court of the State of New York submitted by Mr. Harry H. Flemming for the petitioner.

No. 485. Boston Insurance Company of Boston, Massachusetts, petitioner, *v.* John S. Sorenson and T. B. S. Nielsen, Copartners,

trading under the name, etc., et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. George W. P. Whip for the petitioner and by Mr. Frank B. Ober and Mr. D. Roger Englar for the respondents.

No. 486. The United States of America, petitioner, *v.* W. N. Hayes et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Solicitor General Mitchell and Mr. Assistant Attorney General Parmenter for the petitioner and by Mr. John J. Shea for the respondents.

No. 487. The United States of America, petitioner, *v.* Cimarron River Oil Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Solicitor General Mitchell for the petitioner and by Mr. C. B. Ames, Mr. H. M. Gray, Mr. John J. Shea, Mr. Anthony P. Nugent, Mr. Wesley E. Disney, and Mr. C. F. Newman for the respondents.

No. 488. Commonwealth Casualty Company, petitioner, *v.* Louisa C. Aichner. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Lambert C. Walther, Mr. John S. Leahy, and Mr. Walter H. Saunders for the petitioner.

No. 489. Reeves Coal and Dock Company, E. T. McDonald, Receiver, etc., petitioner, *v.* George E. Geddes. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. M. H. Boutelle and Mr. A. E. Boyesen for the petitioner and by Mr. Harold G. Simpson for the respondent.

No. 490. Mollie Tiger, and Baby Cumsey, by C. L. Garber, etc., et al., petitioners, *v.* F. S. Lozier, C. F. Robertson, J. Garfield Buell, et al. Petition for a writ of certiorari to the Supreme Court of the State of Oklahoma submitted by Mr. Lewis C. Lawson for the petitioners and by Mr. George S. Ramsey, Mr. Alvin Richards, and Mr. John M. Chick for the respondents.

No. 491. Camp Manufacturing Company, petitioner, *v.* S. Liles Miller, Administrator of the Estate of D. B. Miller, deceased. Petition for a writ of certiorari to the Supreme Court of the State of South Carolina submitted by Mr. C. G. Garnett for the petitioner and by Mr. D. W. Robinson for the respondent.

No. 492. Union Freight Railroad Company, petitioner, *v.* Batchelder & Snyder Company. Petition for a writ of certiorari to the Superior Court of Suffolk County, State of Massachusetts, submitted by Mr. Arthur W. Blackman for the petitioner.

No. 493. Roy Olmstead, Jerry L. Finch, Clarence G. Healy, et al., petitioners, *v.* The United States of America. Petition for a writ

of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. John F. Dore for the petitioners and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, and Mr. John J. Byrne for the respondent.

No. 494. E. E. Easton, petitioner, *v.* Susan T. Brant, C. M. Sperry, Southwestern Securities Company, et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. William H. Wylie for the petitioner and by Mr. H. W. O'Melveny and Mr. Walter K. Tuller for the respondents.

No. 495. Clinchfield Railroad Company, petitioner, *v.* Elice H. Dunn, Administratrix of the Estate of Milledge D. Hunnicutt, deceased. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Jas. J. McLaughlin and Mr. John W. Price for the petitioner and by Mr. Robert Burrow for the respondent.

No. 496. The Carter Oil Company, J. Wood Glass, F. A. Calvert, et al., petitioners, *v.* Taylor Eli, James Eli, Charlotte Chuculate, etc., et al. Petition for a writ of certiorari to the Supreme Court of the State of Oklahoma submitted by Mr. Chester I. Long, Mr. George E. Chamberlain, Mr. Peter Q. Nyce, Mr. James A. Veasey, and Mr. George S. Ramsey for the petitioners and by Mr. Daniel Haden Linebaugh and Mr. Paul Pinson for the respondents.

No. 497. Warren E. Brown, First National Bank of Dover, First National Bank of Upper Sandusky, et al., petitioners, *v.* Louis H. Krietmeyer. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. G. W. L. Smith for the petitioners, and by Mr. Giles J. Patterson for the respondent.

No. 498. Kerr Steamship Co., Inc., petitioner, *v.* Radio Corporation of America. Petition for a writ of certiorari to the Court of Appeals to the State of New York submitted by Mr. Elkan Turk for the petitioner, and by Mr. Peter F. McAllister for the respondent.

No. 499. John Pleich, Sr., petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Jay Good for the petitioner, and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, and Mr. Mahlon D. Kiefer for the respondent.

No. 500. Thomas J. Casey, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. John T. Casey for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Luhring, and Mr. Harry S. Ridgely for the respondent.

No. 502. Lewis G. Norton, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Charles R. Pierce for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Parmenter, Mr. E. O. Patterson, and Mr. E. T. Burke for the respondent.

No. 503. Wolf Mineral Process Corporation, petitioner, *v.* Minerals Separation North American Corporation. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. Henry W. Anderson and Mr. William M. Chadbourne for the petitioner, and by Mr. Charles McH. Howard, Mr. Henry D. Williams, Mr. William Houston Kenyon, and Mr. Lindley M. Garrison for the respondent.

No. 504. Wehr Company, petitioner, *v.* Roy J. Winsor. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. George L. Wilkinson for the petitioner, and by Mr. Theodore K. Bryant for the respondent.

No. 506. Czarnikow-Rionda Company, petitioner, *v.* West Market Grocery Company (formerly known as Sheppard Strassheim Co.). Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Garrard Glenn for the petitioner, and by Mr. Ralph Merriam for the respondent.

No. 508. American Railway Express Company, petitioner, *v.* Terry Packing Company. Petition for a writ of certiorari to the Supreme Court of the State of South Carolina submitted by Mr. Charles W. Stockton, Mr. J. Nelson Frierson, and Mr. Branch P. Kerfoot for the petitioner, and by Mr. Edward L. Craig for the respondent.

No. 510. The Compania de Navegacion, Interior, S. A., petitioner, *v.* Fireman's Fund Insurance Company;

No. 511. The Compania de Navegacion, Interior, S. A., petitioner, *v.* Globe & Rutgers Fire Insurance Company;

No. 512. The Compania de Navegacion, Interior, S. A., petitioner, *v.* Northwestern Fire & Marine Insurance Company;

No. 513. The Compania de Navegacion, Interior, S. A., petitioner, *v.* Hartford Fire Insurance Company;

No. 514. The Compania de Navegacion, Interior, S. A., petitioner, *v.* National Liberty Insurance Company;

No. 515. The Compania de Navegacion, Interior, S. A., petitioner, *v.* Aetna Insurance Company;

No. 516. The Compania de Navegacion, Interior, S. A., petitioner, *v.* Western Assurance Company;

No. 517. The Compania de Navegacion, Interior, S. A., petitioner, *v.* Liverpool & London & Globe Insurance Company, Ltd.;

No. 518. The Compania de Navegacion, Interior, S. A., petitioner, *v.* Springfield Fire & Marine Insurance Company;

No. 519. The Compania de Navegacion, Interior, S. A., petitioner, *v.* Franklin Fire Insurance Company; and

No. 520. The Compania de Navegacion, Interior, S. A., petitioner, *v.* Phoenix Insurance Company. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. John D. Grace for the petitioner, and by Mr. T. Catesby Jones, Mr. Henry P. Dart, jr., and Mr. Robert H. Kelley for the respondents.

No. 522. William H. Wohlstatter, next friend of Jew Lee, petitioner, *v.* A. W. Brough, Chinese Inspector in Charge at the Port of New York. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Walter Bates Farr for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Luhring, and Mr. Harry S. Ridgely for the respondent.

No. 523. Star Ball Player Company, petitioner, *v.* The Playograph Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals, for the Third Circuit submitted by Mr. Thomas J. Johnston, Mr. J. Granville Meyers, and Mr. Charles S. Jones for the petitioner and by Mr. Joseph H. Milans and Mr. Calvin T. Milans for the respondent.

No. 525. Lucinda Haldeman, as administratrix of the goods, chattels, rights, and credits, which were of Fred Haldeman, deceased, petitioner, *v.* Reading Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Charles A. Ludlow for the petitioner.

No. 526. Michael F. Loughman, President of the State Tax Commission and John J. Merrill, et al., State Tax Commissioners, etc., petitioners, *v.* Martha J. Smith, as sole executrix of the last will and testament of Mary J. Smith, deceased. Petition for a writ of certiorari to the Supreme Court of the State of New York submitted by Mr. Albert Ottinger for the petitioners, and by Mr. John L. McMaster for the respondent.

No. 528. Fordson Coal Company, petitioner, *v.* Wiley Spurlock, T. H. Webb, Taylor Spurlock, et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Wallace R. Middleton, Mr. Clifford B. Longley, and Mr. Cleon K. Calvert for the petitioner and by Mr. Charles H. Morris for the respondent.

No. 532. Charles S. Green, Emory A. Kern, Z. J. Hendrick, et al., petitioners, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the

Ninth Circuit submitted by Mr. Arthur E. Griffin for the petitioners, and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, and Mr. John J. Byrne, for the respondent.

No. 533. Edward H. McInnis, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Frank R. Jeffrey for the petitioner, and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, and Mr. John J. Byrne for the respondent.

No. 534. Karl Buzynski, petitioner, *v.* Luckenbach Steamship Co., Inc., and The Texas Contracting Company, Inc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. James W. Wayman for the petitioner.

No. 535. Jerome G. Farquhar, petitioner, *v.* William M. Henderson and Plymouth Oil Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. John W. Davis, Mr. H. D. Rummel, Mr. John S. Weller, Mr. William A. Glasgow, jr., and Mr. Thomas J. Walsh for the petitioner and by Mr. Owen J. Roberts, Mr. Charles M. Thorp, and Mr. Earl F. Reed for the respondent.

No. 136. Hudson Coal Company, plaintiff in error, *v.* Commonwealth of Pennsylvania. In error to the Supreme Court of the State of Pennsylvania. Dismissed with costs, per stipulation of counsel.

No. 111. Red Star Motor Drivers Association, The Blue Ribbon Auto Drivers Association of Michigan for the use, etc., Harry A. Dietz, et al., plaintiffs in error, *v.* City of Detroit, James W. Inches, Commissioner, etc. Argument commenced by Mr. E. N. Barnard for the plaintiff in error. The Court declined to hear further argument.

No. 88. J. Mell Brooks and Blytheville Special School District No. 5, plaintiffs in error, *v.* Ralph Koonce, as State Treasurer of the State of Arkansas. Argument commenced by Mr. P. A. Lasley for the plaintiff in error. The Court declined to hear further argument.

No. 181. Swift & Company et al. and Armour & Company et al. *v.* The United States of America. Argument commenced by Mr. Charles E. Hughes for Swift & Company et al., and continued by Mr. Assistant to the Attorney General Donovan.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, October 4th, will be as follows: Nos. 181, 154, 176 (and 177), 194, 211 (212 and 213), 214 (215 and 216), 164, 235, 188, 152, 156, 157, 167, 210, 218, 219 (and 220), 240, 13, 43, 110, 175, 185, 195, 226.

SUPREME COURT OF THE UNITED STATES

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

Frank L. Belknap, of Chicago, Ill.; John L. Kenefick, of Buffalo, N. Y.; Harry C. Barron, of Washington, D. C.; James W. Macdonald, of Los Angeles, Calif.; and Melvin D. Wilson, of Los Angeles, Calif., were admitted to practice.

No. 181. Swift & Company et al. and Armour & Company et al. *v.* The United States of America. Argument continued by Mr. Edgar Watkins for the American Wholesale Grocers' Association et al., interveners, by special leave of court, and concluded by Mr. William C. Breed for the National Wholesale Grocers of the United States, intervener, by special leave of court.

No. 154. John W. Blodgett *v.* Charles Holden, Collector of Internal Revenue. Argued by Mr. Mark Norris for Blodgett, and by Mr. Alfred A. Wheat for Holden, Collector.

No. 176. Atlantic Coast Line Railroad Company, petitioner, *v.* Standard Oil Company of Kentucky; and

No. 177. Standard Oil Company, Incorporated in Kentucky, petitioner, *v.* Atlantic Coast Line Railroad Company. Argued by Mr. Thomas W. Davis for the Atlantic Coast Line Railroad Company, and by Mr. Charles G. Middleton for the Standard Oil Company of Kentucky.

No. 194. Barber Asphalt Paving Company, petitioner, *v.* Standard Asphalt & Rubber Company. Argument commenced by Mr. John W. Davis for the petitioner.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, October 5, will be as follows: Nos. 194, 211 (212 and 213), 214 (215 and 216), 164, 235, 188, 152, 156, 157, 167, 210, 218, 219 (and 220), 240, 13, 43, 110, 175, 185, 195, and 226.

SUPREME COURT OF THE UNITED STATES

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

Edward S. Hemphill, of Jacksonville, Fla.; C. T. Lewis, jr., of Columbus, Ohio; and W. T. Fitzgerald, of Washington, D. C., were admitted to practice.

No. 101. Board of Public Utility Commissioners of the State of New Jersey, appellant, *v.* Middlesex Water Company. Leave granted to file brief for plaintiff in error in opposition to motion to dismiss, on motion of Mr. Thomas Brown in that behalf.

No. 496. The Carter Oil Company, J. Wood Glass, F. A. Calvert, et al., petitioners, *v.* Taylor Eli, James Eli, Charlotte Chuculate, etc., et al. Leave granted to file supplement to reply brief for petitioner by Monday next, with leave to counsel for respondent to file reply thereto within one week, on motion of Mr. Chester I. Long for the petitioners.

No. 194. Barber Asphalt Paving Company, petitioner, *v.* Standard Asphalt & Rubber Company. Argument continued by Mr. John W. Davis for the petitioner, and concluded by Mr. Charles E. Hughes for the respondent.

No. 211. T. H. Smallwood, W. F. Smallwood, A. D. Smallwood, et al., etc., petitioners, *v.* Juan G. Gallardo, Treasurer of Porto Rico;

No. 212. Adolfo Valdes Ordonez, Salvador Garcia, Victor Ochoa, et al., etc., petitioners, *v.* Juan G. Gallardo, Treasurer of Porto Rico;

No. 213. Insular Motor Corporation, petitioner, *v.* Juan G. Gallardo, Treasurer of Porto Rico;

No. 214. Adolfo Valdes, Pio Perez, Luis C. Cuyar, et al., etc., petitioners, *v.* Juan G. Gallardo, Treasurer of Porto Rico;

No. 215. Finlay, Waymouth & Lee, Inc., petitioner, *v.* Juan G. Gallardo, Treasurer of Porto Rico; and

No. 216. Angel Abarca Portilla, Rafael Abarca Portilla, Enrique Abarca Sanfeliz, et al., etc., petitioners, *v.* Juan G. Gal-

lardo, Treasurer of Porto Rico. Argument commenced by Mr. Frank G. Caffey, of counsel for the petitioners in Nos. **211, 212, and 213**; and continued by Mr. William Cattron Rigby for the respondents, and concluded by Mr. Carroll G. Walter for the petitioners in Nos. **214, 215, and 216**.

No. **164**. Juan G. Gallardo, Treasurer, appellant, *v.* Santini Fertilizer Company. Argued by Mr. William Cattron Rigby for the appellant, and by Mr. Nelson Gammans for the appellee.

No. **235**. News Syndicate Company *v.* The New York Railroad Company, The Pennsylvania Railroad Company, et al. Argument commenced by Mr. Luther M. Walter for the News Syndicate Company.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, October 6, will be as follows: Nos. **235, 188, 152, 156, 157, 167, 210, 218, 219 (and 220), 240, 13, 43, 110, 175, 185, 195, and 226**.

SUPREME COURT OF THE UNITED STATES

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

Murray Bourne, of Fresno, Calif.; Lester Goodwin Budlong, of Pittsburgh, Pa.; M. A. Ned Looney, of Oklahoma City, Okla.; Ernest L. Walton, of Bainville, Mont.; James E. MacCloskey, jr., of Pittsburgh, Pa.; and Charles E. F. McCann, of New York City, were admitted to practice.

No. 235. News Syndicate Company *v.* The New York Central Railroad Company, The Pennsylvania Railroad Company, et al. Argument continued by Mr. Luther M. Walter for the News Syndicate Co., and concluded by Mr. Parker McCollester for the New York Central R. R. Co. et al.

No. 188. Southern California Edison Company, petitioner, *v.* Amelia Herminghaus, Bertha Genevieve Bottoms, Victoria Pearl Womack, et al., etc. Argument commenced by Mr. Edward F. Treadwell for the petitioner. The Court declined to hear further argument.

No. 152. F. H. Mason, petitioner, *v.* C. F. Routzahn, Collector of Internal Revenue. Leave granted to James E. McCloskey, jr., to file brief as *amicus curiae*. Argued by Mr. Horace Andrews and Mr. Charles E. Hughes for the petitioner, and by Mr. Solicitor General Mitchell for the respondent.

No. 156. L. M. Willcuts, Collector of Internal Revenue for the District of Minnesota, petitioner, *v.* Milton Dairy Company. Argument commenced by Mr. Solicitor General Mitchell for the petitioner, and continued by Mr. Haydn D. Cole for the respondent.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday will be as follows: Nos. 156, 157, 167, 210, 218, 219 (and 220), 240, 13, 43, 110, 175, 185, 195, and 226.

SUPREME COURT OF THE UNITED STATES

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

L. D. McPherson, of Chicago, Ill.; John H. Clogston, of Buffalo, N. Y.; and Thomas S. McPheeters, of St. Louis, Mo., were admitted to practice.

No. 156. L. M. Willcuts, Collector of Internal Revenue for the District of Minnesota, petitioner, *v.* Milton Dairy Company. Argument concluded by Mr. Ira C. Oehler for the respondent.

No. 218. The Liberty National Bank of Roanoke, Virginia, petitioner, *v.* James A. Bear, Trustee in Bankruptcy of W. L. Becker & Company et al. Argued by Mr. James D. Johnston for the petitioner, and by Mr. H. D. Apperson for the respondents.

No. 167. W. C. Tucker, petitioner, *v.* Acel C. Alexander, Commissioner of Internal Revenue. Argued by Mr. Charles H. Garnett for the petitioner, and by Mr. Solicitor General Mitchell for the respondent.

No. 219. D. B. Heiner, Collector of Internal Revenue for the Twenty-third District of Pennsylvania, petitioner, *v.* The Colonial Trust Company, Executor of the Will of Glenn T. Braden, deceased; and

No. 220. C. G. Lewellyn, Former Collector of Internal Revenue for the Twenty-third District of Pennsylvania, petitioner, *v.* The Colonial Trust Company, Executor of the Will of Glenn T. Braden, deceased. Argued by Mr. Solicitor General Mitchell for the petitioners, and by Mr. John W. Davis for the respondents.

No. 157. The United States of America, petitioner, *v.* W. A. McFarland and J. Norris McFarland, Copartners, trading as Henry Marcus & Son. Argument commenced by Mr. J. S. Bohannon for the petitioner.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, October 10, will be as follows: Nos. 157, 210, 240, 13, 43, 110, 175, 185, 195, and 226.

SUPREME COURT OF THE UNITED STATES

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

John L. Tye, of Atlanta, Ga.; Charles Scott, of Jackson, Miss.; John A. C. Lightner, of Milwaukee, Wis.; H. M. Trieber, of Little Rock, Ark.; Clifton W. Gray, of Little Rock, Ark.; Robert Kelly Prentice, of New York City; Herbert Mathews, of Lakewood, Ohio; James T. Kilbreth, of New York City; and Cullen R. Liskow, of Lake Charles, La., were admitted to practice.

No. 140. Mammoth Oil Company, Sinclair Crude Oil Purchasing Company, and Sinclair Pipe Line Company, petitioners, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Decree affirmed with costs and the cause remanded to the District Court of the United States for the District of Wyoming. Opinion by Mr. Justice Butler. Mr. Justice Van Devanter and Mr. Justice Stone took no part in the consideration or decision of this case.

No. 30. The United States *ex rel.* Skinner and Eddy Corporation, petitioner, *v.* J. R. McCarl, Comptroller General of the United States. On writ of certiorari to the Court of Appeals of the District of Columbia. Judgment affirmed against the relator with costs and the cause remanded to the Court of Appeals of the District of Columbia. Opinion by Mr. Justice Brandeis.

The Chief Justice announced the following orders of the court:

No. 190. William H. Blodgett, Tax Commissioner, etc., petitioner, *v.* Arthur Silberman, Charles Moebius, et al., and

No. 191. Arthur Silberman, Charles Moebius, et al., petitioners, *v.* William H. Blodgett, Tax Commissioner, etc. The motion to advance these causes is denied.

No. 197. Interstate Busses Corporation, appellant, *v.* William H. Blodgett, Tax Commissioner, etc., et al. The motion to advance this cause is denied.

No. 225. H. Plamals, petitioner, *v.* The Steamship "Pinar del Rio," her engines, boilers, etc. The motion to advance this cause is denied.

No. 242. J. W. Hampton, Jr., & Co., petitioner, *v.* The United States. The motion to advance this cause is denied.

No. 293. The United States of America and the Interstate Commerce Commission, appellants, *v.* The Kansas City Southern Railway Company et al. The motion to advance this cause is granted and the case assigned for argument on Monday, November 21 next, after the criminal cases assigned for that day.

No. 430. State of Ohio, on relation of National Mutual Insurance Company, plaintiff in error, *v.* William C. Safford, Superintendent of Insurance, etc.; and

No. 431. State of Ohio, on relation of The Celina Mutual Casualty Company, plaintiff in error, *v.* William C. Safford, Superintendent of Insurance, etc. The motion to advance these cases is granted and the cases are assigned for argument on Monday, February 20 next.

No. 101. Board of Public Utility Commissioners of the State of New Jersey, appellant, *v.* Middlesex Water Company. Appeal from the District Court of the United States for the District of New Jersey, *Per curiam*: Motion to dismiss granted on the authority of *Smith v. Wilson*, 273 U. S. 388.

No. 253. B. S. Wheeler and M. S. Galasso, plaintiffs in error, *v.* Galen D. Pue. In error to the Supreme Court of the State of Montana. Motion to dismiss granted under section 237 of the Judicial Code, as amended by the act of February 13, 1925 (43 Stat. 936, 937), for lack of jurisdiction. Treating the writ of error as an application for certiorari, the certiorari is denied under the authority of *Taubel, etc., Co. v. Fox*, 264 U. S. 426, 429; *Liberty Bank v. Bear*, 265 U. S. 365, 369.

No. 276. County of Delaware, Pennsylvania, plaintiff in error, *v.* United States Shipping Board Emergency Fleet Corporation; and

No. 277. School District of Tinicum Township, Pennsylvania, plaintiff in error, *v.* United States Shipping Board Emergency Fleet Corporation. In error to the United States Circuit Court of Appeals for the Third Circuit. *Per curiam*: Motion to dismiss granted on the authority of section 237 of the Judicial Code, as amended by the act of February 13, 1925 (43 Stat. 936, 937).

No. 1. Rhederei M. Jebsen Company, appellant, *v.* The United States;

No. 2. The Firm of M. Jebsen, Corresponding Owner of the Steamship Company, et al., etc., appellant, *v.* The United States;

No. 3. Hamburg-American Line Terminal and Navigation Company, appellant, *v.* The United States;

No. 4. Hamburg-American Line Terminal and Navigation Company, appellant, *v.* The United States;

No. 5. Atlas Line Steamship Company, appellant, *v.* The United States;

No. 6. Atlas Line Steamship Company, appellant, *v.* The United States;

No. 7. North German Lloyd, appellant, *v.* The United States;

No. 8. North German Lloyd, appellant, *v.* The United States;

No. 9. North German Lloyd, appellant, *v.* The United States;

No. 10. Hamburg-Amerikanische Paketfahrt Aktien-Gesellschaft, etc., appellant, *v.* The United States;

No. 11. Hamburg-Amerikanische Paketfahrt Aktien-Gesellschaft, etc., appellant, *v.* The United States; and

No. 12. Deutsch-Australische Dampfschiffs-Gesellschaft, appellant, *v.* The United States. The motion to pass these cases is granted and the cases are set for March 5, 1928.

No. 4, original. State of Nevada, complainant, *v.* Crown Williamette Paper Company. This case is continued until the next term with leave to the parties to make such stipulation for the relations between them during the interval in respect to the subject matter of the case as they may be advised.

No. 507. Arthur Rich, petitioner, *v.* The People of the State of Michigan. The motion to postpone the submission of the petition for a writ of certiorari in this cause is denied.

No. 511. October term, 1926. The Pueblo of Santa Rosa, petitioner, *v.* Albert B. Fall, Secretary of Interior, et al. The motion to correct the mandate and modify the judgment in this cause is denied.

No. 394. The United States of America, *v.* Glen Murray; and

No. 383. E. Dittburner, plaintiff in error, *v.* The State of Tennessee. These criminal cases upon the docket are advanced and assigned for argument on Monday, October 24 next.

No. 258. Commercial Credit Company, petitioner, *v.* The United States of America; and

No. 437. John Howell, plaintiff in error, *v.* The State of Georgia. These criminal cases upon the docket are advanced and assigned for argument on Monday, November 21 next.

No. 347. Joe Genna, petitioner, *v.* State of Louisiana; and

No. 351. Molton Brasseaux, petitioner, *v.* The State of Louisiana. On petitions for writs of certiorari to the Supreme Court of the State

of Louisiana. The motions for leave to proceed further herein *in forma pauperis* are denied, for the reason that the Court, upon examination of the unprinted records herein submitted, finds that there are no grounds upon which certiorari can be issued, application for which is therefore hereby also denied.

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

No. 352. *Ex parte*: William Faltin, petitioner. On petition for a writ of certiorari to the Supreme Court of the State of Arizona. The motion for leave to proceed further herein *in forma pauperis* is denied, for the reason that the Court, upon examination of the unprinted record herein submitted, finds that there are no grounds upon which certiorari can be issued, application for which is therefore hereby also denied.

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

No. 427. J. D. Austin, petitioner, *v.* The United States of America. On petition for a 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 unprinted record herein submitted, finds that there are no grounds upon which certiorari can be issued, application for which is therefore also denied.

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

No. 549. John B. Lemieux, Peter Lemieux, Maggie Martineau, et al., petitioners, *v.* Agate Land Company and City of Superior. On petition for a writ of certiorari to the Supreme Court of the State of Wisconsin. The motion for leave to proceed further herein *in forma pauperis* is denied for the reason that the Court, upon examination of the unprinted record herein submitted, finds that there are no grounds upon which certiorari can be issued, application for which is therefore also denied.

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

No. —, original. *Ex parte*: In the matter of Frank A. Turner, petitioner. The motions of Frank Turner for leave to file a petition for a writ of *habeas corpus* in this case and to proceed *in forma pauperis* therein are both denied, with leave to the petitioner to apply

to the District Judges for the Northern District of California, or to the Circuit Judges therein, for hearing of such petition.

No. 165. O. E. Harlin, Norta Harlin, and the American Investment Company, plaintiffs in error, *v.* Mary Gage, Columbus Le Flore and Lorena Le Flore. In error to the Supreme Court of the State of Oklahoma. Writ of error dismissed under section 237 of the Judicial Code, as amended by the act of February 13, 1925 (43 Stat. 936), and, treating the writ of error as an application for a writ of certiorari at the request of the parties, the application for certiorari is denied.

No. 252. Mrs. L. E. Williams, individually and natural Tutrix of her minor son John Earl Williams, petitioner, *v.* Great Southern Lumber Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit granted.

No. 258. Commercial Credit Company, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted.

No. 260. City of New Brunswick, William G. Howell, Treasurer of the City of New Brunswick, et al., petitioners, *v.* The United States of America and United States Housing Corporation. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit granted.

No. 266. Alaska Packers Association, petitioner, *v.* Industrial Accident Commission of the State of California and John Peterson. Petition for a writ of certiorari to the Supreme Court of the State of California granted.

No. 269. Aileen E. Mitchell, etc., et al., petitioners, *v.* J. W. Hampel et al., Trustees in Bankruptcy, et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit granted.

No. 222. William R. Verner, Sole Executor under the Will of Emily L. Moore, deceased, petitioner, *v.* The United States. Petition for a writ of certiorari to the Court of Claims denied.

No. 232. John D. Chapman, petitioner, *v.* The United States. Petition for a writ of certiorari to the Court of Claims denied.

No. 236. J. F. McMurray, petitioner, *v.* The Choctaw Nation of Indians and The Chickasaw Nations of Indians; and

No. 245. The Choctaw Nation of Indians and the Chickasaw Nation of Indians, petitioners, *v.* J. F. McMurray. Petitions for writs of certiorari to the Court of Claims denied.

No. 237. St. Louis Merchants Bridge Terminal Railway Company, petitioner, *v.* Edna LaLone, Administratrix of the Estate of Maurice LaLone, deceased. Petition for a writ of certiorari to the St. Louis Court of Appeals, State of Missouri, denied.

No. 238. Terminal Railroad Association of St. Louis, petitioner, *v.* James Swain. Petition for a writ of certiorari to the St. Louis Court of Appeals, State of Missouri, denied.

No. 239. John Caruthers, petitioner, *v.* Henry B. Hines and Cal. T. Scott. Petition for a writ of certiorari to the Supreme Court of the State of Texas denied.

No. 241. Apolinaria Solon, petitioner, *v.* The Government of the Philippine Islands et al. Petition for a writ of certiorari to the Supreme Court of the Philippine Islands denied.

No. 243. Detroit Steel Products Company, petitioner, *v.* The United States. Petition for a writ of certiorari to the Court of Claims denied.

No. 244. Rembrandt H. Peale, petitioner, *v.* Dwight F. Davis, Secretary of War, Hubert Work, Secretary of the Interior, William M. Jardine, etc., et al. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 246. Katie Roberts Wilson, petitioner, *v.* Margaret Jane Robinson, Jane Doe Robinson, John Doe Robinson, et al., etc., et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 247. Minn Marie Wilson, petitioner, *v.* Margaret Jane Robinson, Jane Doe Robinson, John Doe Robinson, et al., etc. et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 248. Solomon Laurisden and Harry Kamps, petitioners, *v.* Louis H. Alexander and John Doe Alexander. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 249. New York Life Insurance Company, petitioner, *v.* Henri M. Sliosberg. Petition for a writ of certiorari to the Supreme Court of the State of New York denied.

No. 250. New York Life Insurance Company, petitioner. *v.* Henri M. Sliosberg. Petition for a writ of certiorari to the Supreme Court of the State of New York denied.

No. 251. A. W. Mellon, Director General of Railroads, as Agent of the President of the United States, petitioner, *v.* C. B. Ivey and E. S. Estes. Petition for a writ of certiorari to the Supreme Court of the State of Florida denied.

No. 254. Benjamin A. Levy, Trustee of the Estate of Robert Jenkins Corporation, petitioner, *v.* Anthony C. Post. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 255. Peter Martin, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 257. Albert A. Zink, Roy Surcy, John Laviscount, et al., petitioners, *v.* Black Star Line and T. V. O'Connor, Chairman United States Shipping Board, Garnishee. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 259. Erie Railroad Company, petitioner, *v.* International Products Company. Petition for a writ of certiorari to the Supreme Court of the State of New York denied.

No. 261. The Sisseton and Wahpeton Bands of Sioux Indians, petitioners, *v.* The United States. Petition for a writ of certiorari to the Court of Claims denied.

No. 264. Sidney C. Borg et al., as a Committee, etc., Acting under a Bondholders' Agreement, petitioner, *v.* Illinois Terminal Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 265. Carrie Howard Steedman and Eugenia Howard Edmunds, petitioners, *v.* The United States. Petition for a writ of certiorari to the Court of Claims denied.

No. 267. Fred Smith, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 268. Springfield Boiler Company et al., petitioners, *v.* Babcock & Wilcox Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 270. Missouri Pacific Railroad Company, petitioner, *v.* M. Barry. Petition for a writ of certiorari to the Supreme Court of the State of Arkansas denied.

No. 278. Wong Gar Wah, petitioner, *v.* Walter E. Carr, District Director, United States Immigration Service, Los Angeles, California. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 279. Clyde Steamship Company, petitioner, *v.* Elizabeth Beer, as administratrix of the goods, chattels, and credits of Adolph Beer, deceased. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 280. National Bank Supply Company, Inc., petitioner, *v.* Bankers Utilities Company, Inc., and Butler F. Greer. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 281. Ida Nolet Limoges and Honore Nolet, petitioners, *v.* Minnesota Iron Company. Petition for a writ of certiorari to the Supreme Court of the State of Minnesota denied.

No. 426. Samuel M. Hastings, as Administrator of the Estate of Thomas Rankin, deceased, petitioner, *v.* Frank Graham Jones. Death of Frank Graham Jones suggested and Nina K. Jones, Executrix, etc., substituted as the party respondent, on motion of Mr. Claudian B. Northrop in behalf of counsel for the respondent.

No. 390. Charlotte F. Jones, petitioner, *v.* The Counties Gas and Electric Company. Motion for judgment by default submitted by Charlotte F. Jones, *pro se.*

No. 192. George McNeir, petitioner, *v.* Charles W. Anderson, United States Collector of Internal Revenue for the Third District of New York. Leave granted to file brief of Mrs. Andrew Carnegie as *amicus curiae*, on motion of Mr. Bernhard Knollenberg in that behalf.

No. 528. Fordson Coal Company, petitioner, *v.* Wiley Spurlock, T. H. Webb, Taylor Spurlock, et al. Leave granted to file supplemental brief on behalf of the petitioner, on motion of Mr. Cleon K. Calvert in that behalf.

No. 44. Dunbar-Dukate Company, Incorporated, plaintiff in error, *v.* The Celeste Sugar Company, Incorporated. Motion to abate cause or to substitute parties defendant in error submitted by Mr. E. W. Wilkinson in that behalf, with leave to file printed motion within five days.

No. 497. Warren E. Brown, First National Bank of Dover, et al., petitioners, *v.* Louis H. Krietmeyer. Leave granted to file reply brief of petitioners, on motion of Mr. Robert F. Cogswell in that behalf.

No. 538. A. B. Caplinger, as County Judge of Poinsett County, Arkansas, petitioner, *v.* United States on relation of Harriman National Bank. Leave granted to file brief of respondent by Friday next, on motion of Mr. Robert F. Cogswell in that behalf.

No. 46. Thomas H. Dent, as Administrator of Elmira Holland, deceased, plaintiff in error, *v.* James S. Swilley. Diminution of the record suggested and motion for a writ of certiorari granted, on motion of Mr. Charles H. Bates in behalf of counsel for the defendant in error.

No. 507. Arthur Rich, petitioner, *v.* The People of the State of Michigan. Petition for a writ of certiorari to the Supreme Court of

the State of Michigan submitted by Mr. Harry Eugene Kelly and Mr. Thornton M. Pratt for the petitioner, and by Mr. William W. Potter for the respondent.

No. 524. Ernest Wiltsee, on behalf of himself, Arthur J. Stevens, et al., petitioners, *v.* Francis R. Hart et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit submitted by Mr. Francis Kohlman, Mr. Sherman L. Whipple, and Mr. Arthur D. Hill for the petitioners, and by Mr. Charles F. Choate, jr., and Mr. Nathan Matthews for the respondents.

No. 529. Andrew W. Mellon, Director General of Railroads, as Agent, petitioner, *v.* World Publishing Company;

No. 530. Andrew W. Mellon, Director General of Railroads, as Agent, petitioner, *v.* Tulsa Paper Company; and

No. 531. Andrew W. Mellon, Director General of Railroads, as Agent, petitioner, *v.* Democrat Printing Company. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Alex M. Bull and Mr. Sidney F. Andrews, for the petitioner, and by Mr. Karl Knox Gartner and Mr. John J. Shea for the respondents.

No. 537. Munson Steamship Line, petitioner, *v.* Dampskibs Aktieselskabet Jeanette Skinner, owner of the Norwegian Steamship "John Peakke." Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Mark W. Maclay and Mr. Frank A. Bernero for the petitioner and by Mr. John W. Griffin and Mr. Herbert K. Stockton for the respondent.

No. 538. A. B. Caplinger, as County Judge of Poinsett County, Arkansas, petitioner, *v.* United States on relation of Harriman National Bank. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. A. B. Caplinger *pro se.*

No. 539. Frederick A. Cook, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. H. C. Wade for the petitioner and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, and Mr. George H. Foster for the respondent.

No. 544. Morgan & Bird Gravel Company, Inc., represented by J. P. Wilkinson, receiver, petitioner, *v.* M. T. Walker et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. C. Huffman Lewis and Mr. J. D. Wilkinson for the petitioner.

No. 545. Guaranty Trust Company of New York, petitioner, *v.* G. F. Grohe-Henrich & Co. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. John W. Davis, Mr. William C. Cannon, and Mr. Theodore Kiendl for the petitioner and by Mr. Henry G. Hotchkiss and Mr. Wm. H. White, jr., for the respondent.

No. 157. The United States of America, petitioner, *v.* W. A. McFarland and J. Norris McFarland, Copartners, trading, etc. Argument continued by Mr. J. S. Bohannon for the petitioner, by Mr. William H. Hudgins for the respondents, and concluded by Mr. Lothrop Withington for the respondents.

No. 210. David H. Blair, Commissioner of Internal Revenue, petitioner, *v.* Oesterlein Machine Company. Argued by Mr. Assistant to the Attorney General Donovan for the petitioner, and by Mr. J. Robert Sherrod for the respondent.

No. 240. Brimstone Railroad & Canal Company, appellant, *v.* The United States of America, Louisiana Western Railroad Company, et al. Argument commenced by Mr. C. R. Liskow for the appellant and continued by Mr. Blackburn Esterline for the United States.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, October 11, will be as follows: Nos. 240, 13, 43, 110, 175, 185, 195, 226, 14, and 16.

SUPREME COURT OF THE UNITED STATES

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

George W. Weyand, of Buffalo, N. Y.; Herbert A. Hickman, of Buffalo, N. Y.; Charles A. Meyer, of Detroit, Mich.; Theodore Rasseieur, of St. Louis, Mo.; Carroll Blakely Low, of New York City; John L. Steinbugler, of New York City; Myer L. Orlov, of Boston, Mass.; Victor Ford Collins, of Boston, Mass.; and Robert J. Shaw, of Sigourney, Iowa, were admitted to practice.

The Chief Justice announced that the Court will adjourn at 2 o'clock until to-morrow at 12 o'clock noon.

No. 240. Brimstone Railroad & Canal Company, appellant, *v.* The United States of America, Louisiana Western Railroad Company, et al. Leave granted to file reply brief of appellant, on motion of Mr. Wylie M. Barrow in that behalf.

No. 240. Brimstone Railroad & Canal Company, appellant, *v.* The United States of America, Louisiana Western Railroad Company, et al. Argument continued by Mr. Blackburn Esterline for the United States, by Mr. D. W. Knowlton for the Interstate Commerce Commission, and concluded by Mr. Wylie M. Barrow for the appellant.

No. 13. Reba Fenwick, plaintiff in error, *v.* Orel J. Myers, Prosecuting Attorney, Darke County, Ohio. Submitted by Mr. George W. Mannix, jr., and Mr. T. A. Billingsley for the plaintiff in error, and by Mr. Edward C. Turner for the defendant in error.

No. 43. The People of the State of New York, *ex rel.* George C. Bryant, plaintiff in error, *v.* Charles F. Zimmerman, Chief of Police of Buffalo, New York, et al. Submitted by Mr. John H. Connaughton and Mr. W. F. Zummbrunn for the plaintiff in error, and by Mr. Walter F. Hofheims, Mr. John H. Clogston, and Mr. Albert Ottinger for the defendants in error.

No. 110. John P. Donnelley *v.* The United States of America. Submitted by Mr. Henry M. Hoyt and Mr. Frank H. Norcross for Donnelley, and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, and Mr. Norman J. Morrisson for the United States.

No. 175. The United States of America, petitioner, *v.* Ole Berkenness. Argued by Assistant Attorney General Willebrandt for the petitioner. No appearance for the respondent.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, October 12, will be as follows: Nos. 185, 195, 226, 14, 16, 17, 20, 21 (22, 23, 24, 25, 26, and 27), 28, and 29.

SUPREME COURT OF THE UNITED STATES

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

Joseph R. Curl, of Wheeling, W. Va, was admitted to practice.

No. 17. William C. Atwater & Company, Incorporated, appellant, *v.* The United States. Submitted by Mr. Walter Carroll Low for the appellant and by Mr. Solicitor General Mitchell and Mr. Gardner P. Lloyd for the appellee, with leave to appellant to file a brief within one week, on motion of Mr. George Maurice Morris, in that behalf.

No. 29. Gong Lum and Chew How, next friends for Martha Lum, plaintiffs in error, *v.* G. P. Rice, L. C. Brown, Henry McGowan, et al. Submitted by Mr. James N. Flowers for the plaintiffs in error and by Mr. Rush H. Knox and Mr. E. C. Sharp for the defendants in error.

No. 185. Joseph E. Marron, petitioner, *v.* The United States of America. Argued by Mr. Hugh L. Smith for the petitioner and by Assistant Attorney General Willebrandt for the respondent.

No. 195. Agustin Segurola and Manuel Santiago, petitioners, *v.* The United States of America. Argued by Mr. E. B. Wilcox for the petitioners and by Mr. Assistant to the Attorney General Donovan for the respondent.

No. 226. Rosario Gambino and Joseph Lima, petitioners, *v.* The United States of America. Argument commenced by Mr. Irving K. Baxter for the petitioners and continued by Assistant Attorney General Willebrandt for the respondent.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, October 13, will be as follows: Nos. 226, 14, 16, 20, 21 (and 22, 23, 24, 25, 26, and 27), 28, 31, 32, 33, and 34.

SUPREME COURT OF THE UNITED STATES

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

Alexander Seaton Coke, of Dallas, Tex.; P. J. Alexander, of Smithville, Tex.; Claude A. Niles, of Cheeotah, Okla.; and John M. Gannon, of Hibbing, Minn., were admitted to practice.

No. 32. Jennie M. Blair, *née* Adair, plaintiff in error, *v.* Sam F. Wilkerson, Maude Schneider, individually and as Executrix, etc., et al. Submitted by Mr. Henry Warrum, Mr. E. M. Frye, and Mr. G. L. Grant for the plaintiff in error, and by Mr. W. A. Chase for the defendants in error.

No. 226. Rosario Gambino and Joseph Lima, petitioners, *v.* The United States of America. Argument continued by Assistant Attorney General Willebrandt for the respondent, and concluded by Mr. Irving K. Baxter for the petitioners.

No. 14. Millsaps College, plaintiff in error, *v.* City of Jackson. Argued by Mr. Charles Scott for the plaintiff in error, and by Mr. Garner W. Green and Mr. William H. Watkins for the defendant in error.

No. 16. People of the State of New York, *ex rel.* International Bridge Company, plaintiff in error, *v.* State Tax Commission. Argued by Mr. S. Fay Carr for the plaintiff in error, and by Mr. Herbert A. Hickman for the defendant in error.

No. 454. Harry Hawkins, Charles Dawes, et al., plaintiffs in error, *v.* Elmer E. Klein, W. A. Moses, et al. Leave granted to file statement of points to be relied upon and designation of parts of record to be printed on or before November 1 next, on motion of Mr. Charles B. Cochran in that behalf.

No. 20. Thomas W. Phillips, Jr., et al., etc., substituted for Oklahoma Natural Gas Company, a corporation, plaintiffs in error, *v.* The State of Oklahoma, The Corporation Commission of the State of Oklahoma, et al. Argument commenced by Mr. Charles B. Cochran for the plaintiffs in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, October 14, will be as follows: Nos. 20, 21 (and 22, 23, 24, 25, 26, and 27), 28, 31, 33, 34, 35, 36, 37, and 38.

SUPREME COURT OF THE UNITED STATES

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

John Henry Lewin, of Baltimore, Md.; Roger B. Williams, of Baltimore, Md.; John Francis Gough, of Jersey City, N. J.; John Francis Neyland, of San Francisco, Calif.; J. Paul Miller, of San Francisco, Calif.; Walter F. Boye, of Chicago, Ill.; and Julius T. Muench, of St. Louis, Mo., were admitted to practice.

No. 38. John H. Roche, plaintiff in error, *v.* D. K. McDonald. Submitted by Mr. Lucius G. Nash for the plaintiff in error and by Mr. W. G. Graves for the defendant in error.

No. 20. Thomas W. Phillips, Jr., et al., etc., substituted for Oklahoma Natural Gas Company, plaintiffs in error, *v.* The State of Oklahoma, The Corporation Commission of the State of Oklahoma, et al. Argument continued by Mr. Charles B. Cochran for the plaintiffs in error and concluded by Mr. E. S. Ratliff for the defendants in error.

No. 21. State of Missouri, *ex rel.* Washington University, plaintiff in error, *v.* Public Service Commission of Missouri and Union Electric Light & Power Company;

No. 22. State of Missouri, *ex rel.* Washington University, plaintiff in error, *v.* Public Service Commission of Missouri and Union Electric Light & Power Company;

No. 23. State of Missouri, *ex rel.* St. Louis Brewing Association, plaintiff in error, *v.* Public Service Commission of Missouri and Union Electric Light & Power Company;

No. 24. State of Missouri, *ex rel.* St. Louis Brewing Association, plaintiff in error, *v.* Public Service Commission of Missouri and Union Electric Light & Power Company;

No. 25. State of Missouri, *ex rel.* Wainright Real Estate Company, plaintiff in error, *v.* Public Service Commission of Missouri and Union Electric Light & Power Company;

No. 26. State of Missouri, *ex rel.* Wainright Real Estate Company, plaintiff in error, *v.* Public Service Commission of Missouri and Union Electric Light & Power Company; and

No. 27. State of Missouri, *ex rel.* Hotel Statler Company, Inc., plaintiff in error, *v.* Public Service Commission of Missouri and Union Electric Light & Power Company. Leave granted three counsel to present oral argument for the plaintiffs in error, on motion of Mr. Charles M. Polk in that behalf. Argued by Mr. Charles M. Polk, Mr. Marion C. Early, and Mr. Charles Nagel for the plaintiffs in error, and by Mr. Theodore Rassieur for the defendants in error.

No. 28. H. C. Haas, plaintiff in error, *v.* L. Greenwald and Walter W. Stevens. Argued by Mr. Nathan William MacChesney for the defendants in error, and case submitted by Mr. J. F. Sullivan for the plaintiff in error.

No. 31. New York Central Railroad Company, petitioner, *v.* Wheeling Can Company. Argued by Mr. Joseph R. Curl for the petitioner. No appearance for the respondent.

No. 33. Arthur C. Brown *v.* The United States of America. Argued by Mr. Assistant to the Attorney General Donovan for the United States, and case submitted by Mr. Weymouth Kirkland and Mr. Robert N. Golding for Brown.

No. 34. Equitable Trust Co. of New York, as Trustee in Bankruptcy of Knauth, Nachod & Kuhne, petitioner, *v.* Carl Rochling et al., trading as Gebrueder Rochling. Argument commenced by Mr. Godfrey Goldmark for the petitioner.

Adjourned until Monday next, at 12 o'clock.

The day call for Monday, October 17, will be as follows: Nos. 34, 35, 36, 37, 39, 40, 41, 42, 45, and 46.

SUPREME COURT OF THE UNITED STATES

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

Dennis P. Quinlan, of Washington, D. C.; R. E. Rouer, of Fort Worth, Tex.; Anna Judge Veters, of New Orleans, La.; Harry L. Crabtree, of Ellsworth, Me.; S. Sanford Levy, of New Orleans, La.; Justin A. Altschul, of Springfield, Ohio; Hugh Howell, of Atlanta, Ga.; Rawghlie C. Stanford, of Phoenix, Ariz.; J. Bayard Clark, of Fayetteville, N. C.; Elliot S. Benedict, of New York City; and Wilber M. Brucker, of Saginaw, Mich., were admitted to practice.

The Chief Justice announced the following orders of the Court:

No. 390. Charlotte F. Jones, petitioner, *v.* The Counties Gas and Electric Company. The motion for judgment by default is denied.

No. 370. F. H. Fullwood, plaintiff in error, *v.* City of Canton, Ohio et al. In error to the Supreme Court of the State of Ohio. *Per curiam*: The motion for leave to proceed further herein *in forma pauperis* is denied for the reason that the Court, upon examination of the unprinted record, finds that no Federal question is presented, and the writ of error is therefore also dismissed on the authority of *Farrell v. O'Brien*, 199 U. S. 89, 100; *Toup v. Ulyses Land Co.*, 237 U. S. 580, 583; *Piedmont Power and Light Co. v. Town of Graham*, 253 U. S. 193, 195. The costs already incurred herein, by direction of the Court, shall be paid by the Clerk from the special fund in his custody, as provided in the order of October 29, 1926.

No. 157. The United States of America, petitioner, *v.* W. A. McFarland and J. Norris McFarland, Copartners, trading as Henry Marcus & Son. On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit. *Per curiam*: The decision of this case does not require a decision of the questions which are presented in the petition for certiorari because of which the writ was granted, and the certiorari heretofore granted in this case is therefore revoked upon the authority of *Southern Power Co. v. North Carolina Service Co.*, 263 U. S. 508.

No. 13. Reba Fenwick, plaintiff in error, *v.* Orel J. Myers, Prosecuting Attorney, Darke County, Ohio. In error to the Supreme Court of the State of Ohio. *Per curiam*: Dismissed for want of jurisdiction for lack of a substantial Federal question on the authority of Seaboard Air Line Ry. Co. *v.* Padgett, 236 U. S. 668, 671; Farrell *v.* O'Brien, 199 U. S. 89, 100; Toup *v.* Ulyses Land Co., 237 U. S. 580, 583; Piedmont Power and Light Co. *v.* Town of Graham, 253 U. S. 193, 195.

No. 111. Red Star Motor Drivers Association, The Blue Ribbon Auto Drivers Association of Michigan for the use, etc., Harry A. Dietz, et al., plaintiffs in error, *v.* City of Detroit, James W. Inches, Commissioner of Police of the City of Detroit, et al. In error to the Supreme Court of the State of Michigan. *Per curiam*: Dismissed for want of a substantial Federal question on the authority of Shulthis *v.* McDougal, 225 U. S. 561, 569; Hull *v.* Burr, 234 U. S. 712, 720; Norton *v.* Whiteside, 239 U. S. 144, 147.

No. 88. J. Mell Brooks and Blytheville Special School District No. 5, plaintiffs in error, *v.* Ralph Koonce, as State Treasurer of the State of Arkansas. *Per curiam*: Affirmed on the authority of Mills County *v.* Railroad Company, 107 U. S. 557, 566; State of Alabama *v.* Schmidt, 232 U. S. 168, 173; King County *v.* Seattle School District No. 1, 263 U. S. 361, 364.

No. 181. Swift & Company, et al., and Armour & Company, et al. *v.* The United States of America. *Per curiam*: In accordance with section 251 of the Judicial Code, as existing prior to the act of February 13, 1925, c. 229, 43 Stat. 936, it is ordered that the entire record in this cause be sent up to the Court so that the whole matter in controversy may be considered by the Court, and the cause is hereby set down for hearing on the first Tuesday of January next.

No. 188. Southern California Edison Company, petitioner, *v.* Amelia Herminghaus, Bertha Genevieve Bottoms, Victoria Pearl Womack, et al., etc. On writ of certiorari to the Supreme Court of the State of California. *Per curiam*: Dismissed for want of a Federal question on the authority of Tracy *v.* Ginzberg, 205 U. S. 170, 178; Bonner *v.* Forman, 213 U. S. 86, 91; Central Land Co. *v.* Laidley, 159 U. S. 103, 112.

No. 283. The United States, petitioner, *v.* Magnolia Petroleum Company, E. R. Brown, R. Waverly Smith, et al., etc. Petition for a writ of certiorari to the Court of Claims granted.

No. 285. Holland Furniture Company, petitioner, *v.* Perkins Glue Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit granted.

No. 297. Beatrice Grayson Johnson, petitioner, *v.* Wright Thornburgh, as the Administrator of the Estate of Anna C. Thornburgh, deceased, Wright Thornburgh, by his guardian, etc., et al. Petition for a writ of certiorari to the Supreme Court of the State of Oklahoma granted.

No. 299. Arnold J. Hellmich, Collector of Internal Revenue, etc., petitioner, *v.* Isadore N. Hellman; and

No. 300. Arnold J. Hellmich, Collector of Internal Revenue, etc., petitioner, *v.* Milton C. Hellman. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit granted.

No. 321. Mutual Life Insurance Company of New York, petitioner, *v.* Edgar M. Wright, as Guardian of Nettie T. Henderson, a minor. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit granted.

No. 282. Charles B. Brewer, petitioner, *v.* Andrew W. Mellon. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 284. Neale, Inc., Edward G. Neale, Thomas N. Neale, et al., etc., et al., petitioners, *v.* Honorable Paul J. McCormick and Edward J. Henning, Judges, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 286. The Clear Vision Pump Company, petitioner, *v.* The Wichita Visible Gasoline Pump Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 287. Pennsylvania Railroad Company, petitioner, *v.* Steamship "Harvey H. Brown," Castner, Curran & Bullitt, Inc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 289. Jack Cavana, petitioner, *v.* Addison Miller, Inc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 290. The United States of America *ex relatione* Ellery C. Stowell, petitioner, *v.* William C. Deming, George R. Wales, and Jessie Dell, Civil Service Commissioners, etc. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 294. Business Men's Assurance Company, petitioner, *v.* Dora A. Scott. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 295. J. George Wright, Superintendent Osage Agency, for and on behalf of Estate of Gilbert Cox, Osage Allottee, No. 139, deceased, petitioner, *v.* C. E. Ashbrook, Legal Guardian of Catherine

Cox, Johnson & Johnson and Holcombe & Holden. Petition for a writ of certiorari to the Supreme Court of the State of Oklahoma denied.

No. 298. R. A. Jeanneret, petitioner, *v.* Chicago, Burlington & Quincy Railroad Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 302. Robert L. Crook and Daniel H. Christman, petitioners, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 303. Paul Villere, Trustee of the Estate of John P. Rausch Co., Inc., Bankrupts, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 305. Mike Fritzel, petitioner, *v.* The United States of America; and

No. 306. William R. Rothstein, 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. 307. The United States, *ex relatione*, Clinton M. Searl, petitioner, *v.* Thomas E. Robertson, Commissioner of Patents. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 308. Eugene K. Pape, by Elsie Wilson Pape, his guardian *ad litem*, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 309. William L. Litzrodt, petitioner, *v.* Thomas W. Miller, Alien Property Custodian, and Frank White, Treasurer of the United States. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 310. Chester La Mare, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 311. International-Great Northern Railroad Company et al., petitioners, *v.* Mrs. Jessie B. Adkins, as Administratrix and individually, etc., et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 312. Arkansas Wholesale Grocers Association, Reynolds-Davis Grocery Co., Griffin Grocery Co., et al., petitioners, *v.* Federal Trade Commission. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 313. Central National Bank Savings and Trust Company and Joseph A. Klein, Trustee, petitioners, *v.* The Murphy Hotels Corporation. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 314. Angola Transfer Company, petitioner, *v.* The Texas & Pacific Railway Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 315. S. A. Swanson, petitioner, *v.* Luckenbach Steamship Co., Inc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 316. Robert B. Armstrong and John M. Parker, petitioners, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 317. Edgar Day, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 318. Grace A. Leathe, petitioner, *v.* Title Guaranty Trust Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 320. Alexandria Paper Company, petitioner, *v.* Eibel Process Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 323. Simon P. Lesselyoung, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 324. Otto C. Kurtz, Administrator of the Estate of Edward J. Gall, deceased, petitioner, *v.* Detroit, Toledo & Ironton Railroad Company. Petition for a writ of certiorari to the Supreme Court of the State of Michigan denied.

No. 325. John L. Lewis, President of the United Mine Workers of America et al., petitioners, *v.* Red Jacket Consolidated Coal and Coke Company;

No. 326. The International Organization of the United Mine Workers of America et al., petitioners, *v.* Borderland Coal Corporation et al.;

No. 327. International Organization, United Mine Workers of America et al., petitioners, *v.* Alpha Pocahontas Coal Company et al.;

No. 328. International Organization, United Mine Workers of America et al., petitioners, *v.* Aetnae Sewell Smokeless Coal Company et al.;

No. 329. International Organization, United Mine Workers of America et al., petitioners, *v.* Dry Branch Coal Company et al.;

No. 330. International Organization, United Mine Workers of America et al., petitioners, *v.* Nelson Fuel Company et al.;

No. 331. International Organization, United Mine Workers of America et al., petitioners, *v.* Leevale Coal Company and Hopkins Fork Coal Company;

No. 332. International Organization, United Mine Workers of America et al., petitioners, *v.* Seng Creek Coal Company and Mordue Collieries Company;

No. 333. International Organization, United Mine Workers of America et al., petitioners, *v.* Raleigh-Wyoming Coal Company, Hazy Eagle Collieries Company et al.;

No. 334. International Organization, United Mine Workers of America et al., petitioners, *v.* Anchor Coal Company et al.;

No. 335. International Organization, United Mine Workers of America et al., petitioners, *v.* Sterling Block Coal Company et al.; and

No. 336. International Organization, United Mine Workers of America et al., petitioners, *v.* Carbon Fuel Company et al. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 338. George T. Shaw, petitioner, *v.* C. A. Owens. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. —, original. *Ex parte*: In the matter of the Modern Workmen of the World and the Modern Workmen of the World Society, John B. Kinnear and Samuel J. Masters, petitioners. Motion for leave to file petition for writ of *mandamus* submitted by Mr. J. K. M. Norton for the petitioners.

No. 725. October term, 1926. Fairmont Creamery Company *v.* The State of Minnesota. Motion to retax costs submitted by Mr. Clifford L. Hilton for the defendant in error.

No. 527. Lena Kahlstrom, as Administratrix of the Estate of Charles Kahlstrom, deceased, petitioner, *v.* International Stevedoring Company. Leave granted petitioner to file reply brief on or before October 28, on motion of Mr. Joseph L. Tepper in that behalf.

No. 543. Arthur Rich, plaintiff in error, *v.* The People of the State of Michigan. Motion to advance submitted by Mr. Wilbur M. Brucker for the defendant in error.

No. 527. Lena Kahlstrom, as Administratrix of the Estate of Charles Kahlstrom, deceased, petitioner, *v.* International Stevedoring Company. Petition for a writ of certiorari to the Supreme Court of

the State of Washington submitted by Mr. Arthur E. Griffin for the petitioner, and by Mr. Stephen V. Carey and Mr. Alfred J. Schweppe for the respondent.

No. 536. Francis J. McDonald, petitioner, *v.* Albert T. Rosasco. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Roscoe H. Hupper, Mr. Howard M. Long, and Mr. William J. Dean for the petitioner, and by Mr. Homer L. Loomis for the respondent.

No. 540. McCormick Intercoastal Steamship Company, claimant, etc., et al., petitioners, *v.* Yamashita Kisen Kabushiki Kaisha, claimant, etc., et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Ira S. Lillick for the petitioners, and by Mr. W. H. Hayden and Mr. Lane Summers for the respondents.

No. 541. Bachus-Brooks Company, petitioner, *v.* Northern Pacific Railway Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Ralph Whelan, Mr. Thomas L. Philips, and Mr. John Junell for the petitioner, and by Mr. Thomas D. O'Brien, Mr. Charles Bunn, and Mr. Edward S. Stringer for the respondents.

No. 542. John D. Key, in his own behalf and as the guardian *ad litem* of Margaret Key et al., etc., petitioners, *v.* Panama Railroad Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Chauncey P. Fairman and Mr. Charles Kerr for the petitioners and by Mr. John O. Collins for the respondent.

No. 546. National Ben Franklin Fire Insurance Company, petitioner, *v.* William M. Filkins, as Trustee in Bankruptcy of the Estate of U. S. Pulp Products Corporation. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Abner Siegal for the petitioner, and by Mr. Harry E. Newell for the respondent.

No. 547. The Yorkshire Insurance Company, Limited, petitioner, *v.* William M. Filkins, as Trustee in Bankruptcy of the Estate of U. S. Pulp Products Corporation. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Abner Siegal for the petitioner, and by Mr. Harry E. Newell for the respondent.

No. 551. Boston Sand & Gravel Company, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit submitted by Mr. Foye M. Murphy for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Farnum, and Mr. J. Frank Staley for the respondent.

No. 553. Old Colony Trust Company et al., executors, petitioners, *v.* John F. Malley, Former Collector of Internal Revenue, et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit submitted by Mr. O. Walker Taylor, Mr. Frank W. Grinnell, Mr. George L. Shearer, and Mr. Robert C. Shelley for the petitioners.

No. 554. Elizabeth C. Taft, petitioner, *v.* Frank K. Bowers, Collector of Internal Revenue for the Second District of the State of New York. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Henry W. Taft for the petitioner, and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, and Mr. Sewall Key for the respondent.

No. 575. Gilbert C. Greenway, Jr., petitioner, *v.* Frank K. Bowers, Collector of United States Internal Revenue for the Second District of the State of New York. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Roger S. Baldwin for the petitioner, and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, and Mr. Sewall Key for the respondent.

No. 378. United States, use of Union Gas Engine Company, petitioner, *v.* Newport Shipbuilding Corporation, Limited, National Surety Company. On petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit. Dismissed on motion of the petitioner.

No. 381. Weldon J. Bailey, petitioner, *v.* The State of Arizona, on relation of John W. Murphy, Attorney General. On petition for a writ of certiorari to the Supreme Court of the State of Arizona. Dismissed for failure to comply with the rules.

No. 578. William R. Berry, plaintiff in error, *v.* C. A. Bates, Amy A. Bates, Flora E. Henshaw, et al. In error to the District Court of Appeal, First Appellate District, State of California. Dismissed on motion of plaintiff in error.

No. 586. Lulu Mignon Murphy, petitioner, *v.* Eugenie R. Bird, Administratrix of the Estate of Dan W. Bird, S. S. Murphy, et al. Motion for leave to proceed *in forma pauperis* submitted by Lulu Mignon Murphy, *pro se*.

No. 34. Equitable Trust Co. of New York, as Trustee in Bankruptcy of Knauth, Nachod & Kuhne, petitioner, *v.* Carl Rochling, et al., trading as Gebrueder Rochling. Argument continued by Mr. Godfrey Goldmark for the petitioner, and by Mr. Henry G. Hotchkiss for the respondents, and concluded by Mr. Godfrey Goldmark for the petitioner.

No. 35. Bloecher & Schaaf, Inc., Howard Browning, George R. Ebhardt, et al., plaintiffs in error, *v.* Mayor and City Council of Baltimore and Hampson Jones, Commissioner of Health. Argument commenced by Mr. Emory H. Niles for the plaintiffs in error. The Court declined to hear further argument.

No. 36. Missouri-Kansas-Texas Railroad Company, petitioner, *v.* The State of Texas. Argued by Mr. A. H. McKnight for the petitioner, and by Mr. J. W. Bailey and Mr. Luther Nickels for the respondent.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, October 18, will be as follows: Nos. 37, 39, 40, 41, 42, 45, 46, 47, 48 (and 49), and 50.

66421—27—17

SUPREME COURT OF THE UNITED STATES

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

Cleon Headley, of St. Paul, Minn.; Warren S. Carter, of St. Paul, Minn.; William J. Doyle, jr., of Cazenovia, N. Y.; C. Russell Riordon, of Washington, D. C.; Richard B. McCulloch, of Marianna, Ark.; Charles Clarke Cooper, jr., of Washington, D. C.; Miguel Romualdez, of Manila, P. I.; Harry Friedman, of Washington, D. C.; Robert Douglas Duke, of San Francisco, Calif.; Otto W. Heider, of Sheridan, Oreg.; and W. D. Jamieson, of Washington, D. C., were admitted to practice.

No. 47. Cobb Brick Company, plaintiff in error, *v.* Clara C. Lindsay. Submitted by Mr. George Thompson, jr., for the plaintiff in error, and by Mr. Gillis A. Johnson for the defendant in error.

No. 50. J. Smylie Herkness, appellant, *v.* Valentine K. Irion, Commissioner of Conservation of the State of Louisiana, and Percy Saint, Attorney General of the State of Louisiana. Continued *per* stipulation of counsel.

No. 37. The Temco Electric Motor Company, petitioner, *v.* Apco Manufacturing Company. Argued by Mr. H. A. Toulmin, jr., and Mr. H. A. Toulmin for the petitioner, and by Mr. Clifford L. Anderson for the respondent.

No. 39. Gulf, Mobile and Northern Railroad Company, petitioner, *v.* W. F. Wells. Argued by Mr. Ellis B. Cooper for the petitioner, and case submitted by Mr. W. Calvin Wells for the respondent.

No. 40. B. A. Marlin, petitioner, *v.* John Lewallen and Lucy Condren. Argued by Mr. Claude A. Niles for the petitioner, and by Mr. Harry B. Parris for the respondents.

No. 41. Atlantic Coast Line Railroad Company, petitioner, *v.* Ida May Southwell, Administratrix of H. J. Southwell. Argued by Mr. Thomas W. Davis for the petitioner, and by Mr. J. Bayard Clark for the respondent.

No. 42. Compania General de Tabacos de Filipinas, petitioner, *v.* Collector of Internal Revenue. Argument commenced by Mr. William Cattron Rigby for the respondent and case submitted for the petitioner by Mr. W. F. Williamson, Mr. B. M. Aikins, and Mr. Barry Mohun, with leave to petitioner to file reply brief hereafter, on motion of Mr. Richard E. Shands, in that behalf.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, October 19, will be as follows: Nos. 42, 45, 46, 48 (and 49), 52, 53, 54, 55, 56, and 57.

SUPREME COURT OF THE UNITED STATES

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

H. C. Brodie, of Olympia, Wash., was admitted to practice.

No. 44. Dunbar-Dukate Company, Incorporated, plaintiff in error, *v.* The Celeste Sugar Company, Incorporated. Leave granted defendant in error to file opposition to motion to abate or substitute, on or before October 28 next, on motion of Mr. George E. Strong in behalf of counsel for the defendant in error.

No. 52. C. J. Longest, petitioner, *v.* W. C. Langford and G. N. Puckett. Submitted by Mr. H. A. Ledbetter for the petitioner, and by Mr. S. R. Bowen and Mr. W. F. Semple for the respondent.

No. 53. Gulf, Colorado & Santa Fe Railway Company, petitioner, *v.* Mrs. Olena Moser, Administratrix. Submitted by Mr. J. W. Terry, and Mr. Lawrence H. Cake for the petitioner, and by Mr. A. L. Curtis for the respondent.

No. 42. Compania General de Tabacos de Filipinas, petitioner, *v.* Collector of Internal Revenue. Argument concluded by Mr. William Catron Rigby for the respondent.

No. 45. R. C. Breen, Phoebe Wiseman, D. S. Ringrey, et al., plaintiffs in error, *v.* Morton Denison Hull, William E. Boeing, Caroline Boeing Poole. Argument commenced by Mr. H. V. Mercer for the plaintiffs in error. The Court declined to hear further argument.

No. 46. Thomas H. Dent, as Administrator of Elmira Holland, deceased, plaintiff in error, *v.* James S. Swilley. Argued by Mr. William L. Houston for the plaintiff in error, and case submitted by Mr. Thomas B. Dupree for the defendant in error.

No. 48. Alexander Latzko, William Latzko, Charles Latzko, et al., etc., petitioners, *v.* Equitable Trust Company of New York, Trustee in Bankruptcy; and

No. 49. Equitable Trust Company of New York, Trustee in Bankruptcy, petitioner, *v.* Alexander Latzko, William Latzko, Charles Latzko, et al. Argued by Mr. Charles A. Brodek for Alexander Latzko et al., and by Mr. Godfrey Goldmark for the Equitable Trust Company of New York, Trustee in Bankruptcy.

No. 54. A. W. Mellon, Director General of Railroads and Agent of the President, petitioner, *v.* L. E. McKinley. Argument commenced by Mr. Ashby M. Warren for the petitioner.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, October 20, will be as follows: Nos. 54, 55, 56, 57, 58, 59, 60, 61, 62, and 63.

SUPREME COURT OF THE UNITED STATES

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

Robert N. Brumbaugh, of Dayton, Ohio; Ishur L. Jacobson, of Dayton, Ohio; Albertus McL. Marshall, of Dayton, Ohio; Byron B. Harlan, of Dayton, Ohio; Walter H. Moses, of Chicago, Ill.; Charles Fairhurst, of Washington, D. C.; H. P. Viering, of Gretna, La.; Charles Fairhurst, of Greenfield, Mass.; and John A. Sibley, of Atlanta, Ga., were admitted to practice.

The Chief Justice announced that the Court will adjourn at 2 p. m. to-morrow.

No. 54. A. W. Mellon, Director General of Railroads and Agent of the President, petitioner, *v.* L. E. McKinley. Argument continued by Mr. Ashby M. Warren for the petitioner. The Court declined to hear further argument.

No. 55. Railroad Commission of Wisconsin, John J. Blaine, as Governor of Wisconsin, et al., appellants, *v.* Chicago and North Western Railway Company et al. Appeal from the District Court of the United States for the Eastern District of Wisconsin. Dismissed on motion of counsel for the appellants.

No. 56. Produits Metallurgiques Anciens Etablissements Meiboom & Cie, Societe Anonyme, petitioner, *v.* Gulf Export & Transportation Company. On writ of certiorari to the Supreme Court of the State of New York. Dismissed pursuant to rule 19, on motion of Mr. E. Curtis Rouse for the respondent.

No. 57. Chicago, Burlington & Quincy Railroad Company, petitioner, *v.* Wells-Dickey Trust Company, Special Administrator of the Estate of Elmer E. Anderson, deceased. Argued by Mr. J. C. James for the petitioner, and case submitted by Mr. F. M. Miner and Mr. Robert J. McDonald for the respondent.

No. 58. The Baltimore & Ohio Railroad Company, petitioner, *v.* Dora Goodman, Administratrix of the Estate of Nathan Goodman,

deceased. Argued by Mr. A. McL. Marshall for the petitioner, and by Mr. Robert N. Brumbaugh for the respondent. Leave granted to file brief for respondent hereafter on motion of Mr. R. N. Brumbaugh.

No. 59. George D. Iverson, Jr., plaintiff in error, *v.* Illinois Glass Company. Argument commenced by Mr. Harry Zoller, jr., for the plaintiff in error. The Court declined to hear further argument.

No. 60. Ben W. Steele, Executor of Estate of A. B. Steele, deceased, petitioner, *v.* J. H. Drummond. Argued by Mr. John A. Sibley for the respondent, and case submitted by Mr. William D. Thomson and Mr. Harold Hirsch for the petitioner:

No. 61. Mueller Grain Company, petitioner, *v.* American State Bank of Omaha, Nebraska. Leave granted petitioner to file reply brief on or before October 27 next, on motion of Mr. Walter H. Moses in that behalf. Argument commenced by Mr. Walter H. Moses for the petitioner.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, October 21, will be as follows: Nos. 61, 62, 65, 66, 63, 64, 67 (and 68). 69, 70, and 71.

SUPREME COURT OF THE UNITED STATES

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

Davidson L. Southard, of Palm Beach, Fla.; William J. Malone, of Bristol, Conn.; Frank Collis Bowers, of New York City; Gardner K. Byers, of Louisville, Ky.; David J. A. Hayes, of Chicago, Ill.; Frank T. Fancher, of West Palm Beach, Fla.; James P. Doran, of New Bedford, Mass.; E. Paul Yaselli, of New York City; and R. W. Huntoon, of Seattle, Wash., were admitted to practice.

No. 61. Mueller Grain Company, petitioner, *v.* American State Bank of Omaha, Nebraska. Argument concluded by Mr. Walter H. Moses for the petitioner, and case submitted by Mr. Carl Meyer, Mr. Henry Russell Platt, and Mr. David F. Rosenthal for the respondent.

No. 62. John A. Grosfield and Richard Caples *v.* The United States of America. Argument commenced by Mr. Harold Goodman for Grosfield and Caples, and continued by Assistant Attorney General Willebrandt for the United States.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, October 24, will be as follows: Nos. 62, 65, 66, 63, 64, 67 (and 68), 69, 70, 71, 394, and 383.

66421—27—21

SUPREME COURT OF THE UNITED STATES

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

Edward C. Holden, jr., of Lynn, Mass.; Nelson Duvall Brecht, of Washington, D. C.; Henry Walton Proffitt, of New York City; Ralph G. Albrecht, of New York City; Cornelius D. Murane, of Casper, Wyo.; and S. Leo Ruslander, of Pittsburgh, Pa., were admitted to practice.

No. 211. T. H. Smallwood, W. F. Smallwood, A. D. Smallwood, et al., etc., petitioners, *v.* Juan G. Gallardo, Treasurer of Porto Rico.

No. 212. Adolfo Valdes Orgonez, Salvador Garcia, Victor Ochoa, et al., etc., petitioners, *v.* Juan G. Gallardo, Treasurer of Porto Rico;

No. 213. Insular Motor Corporation, petitioner, *v.* Juan G. Gallardo, Treasurer of Porto Rico;

No. 214. Adolfo Valdes, Pio Perez, Luis C. Cuyar, et al., etc., petitioners, *v.* Juan G. Gallardo, Treasurer of Porto Rico;

No. 215. Finlay, Waymouth & Lee, Inc., petitioner, *v.* Juan G. Gallardo, Treasurer of Porto Rico; and

No. 216. Angel Abarca Portilla, Rafael Abarca Portilla, Enrique Abarca Sanfeliz, et al., etc., petitioners, *v.* Juan G. Gallardo, Treasurer of Porto Rico. On writs of certiorari to the United States Circuit Court of Appeals for the First Circuit. Decrees reversed without costs to either party, and causes remanded to the District Court of the United States for the District of Porto Rico with direction to dismiss the bills. Any money deposited in Court for payment of taxes in case of adverse decision to be returned. Opinion by Mr. Justice Holmes. Mr. Justice Sutherland took no part in the consideration or decision of these cases.

No. 164. Juan G. Gallardo, Treasurer, appellant, *v.* Santini Fertilizer Company. Appeal from the District Court of the United States for the District of Porto Rico, transferred from the United States Circuit Court of Appeals for the First Circuit. Decree reversed without costs to either party, and cause remanded to the District Court of the United States for the District of Porto Rico, with direction to dismiss the bill. Opinion by Mr. Justice Holmes.

Mr. Justice Sutherland took no part in the consideration or decision of these cases.

The Chief Justice announced the following orders of the Court:

No. 44. Dunbar-Dukate Company, Incorporated, plaintiff in error, *v.* The Celeste Sugar Company, Incorporated. In error to the Supreme Court of the State of Louisiana. *Per curiam:* The motion to substitute party for defendant in error is denied for the reason that the absence of a substantial federal question requires the Court to grant the motion to dismiss on the authority of *Shulthis v. McDougal*, 225 U. S. 561, 569; *Hull v. Burr*, 234 U. S. 712, 720; *Norton v. Whiteside*, 239 U. S. 144, 147.

No. —, original. *Ex parte:* In the matter of the Modern Workmen of the World and the Modern Workmen of the World Society, John B. Kinnear and Samuel J. Masters, petitioners. Motion for leave to file petition for writ of *mandamus* herein denied.

No. 543. Arthur Rich, plaintiff in error, *v.* The People of the State of Michigan. The motion to advance this case is granted and the case assigned for argument on Monday, November 21 next, after the cases heretofore assigned for that day.

No. 586. Lulu Mignon Murphy, petitioner, *v.* Eugenie R. Bird, Administratrix of the Estate of Dan W. Bird, S. S. Murphy, et al. On petition for a writ of certiorari to the Supreme Court of the State of Louisiana. *Per curiam:* The motion for leave to proceed further herein *in forma pauperis* is denied for the reason that the Court, upon examination of the unprinted record herein submitted finds that there is no substantial Federal question presented upon which jurisdiction for certiorari could be based, application for which is therefore also denied on the authority of *Tracy v. Ginzberg*, 205 U. S. 170, 178; *Bonner v. Gorman*, 213 U. S. 86, 91; *Central Land Co. v. Laidley*, 159 U. S. 103, 112. The costs already incurred herein by direction of the Court shall be paid by the clerk from the special fund in his custody as provided in the order of October 29, 1926.

No. 110. John P. Donnelley *v.* The United States of America. It is ordered that this case be returned to the docket, and, in accordance with section 239 of the Judicial Code, as amended by the act of February 13, 1925 (43 Stat. 936), it is also ordered that the entire record in this cause be certified up to the Court so that the whole matter in controversy may be considered by the Court, and the case is hereby set down for hearing on the 21st day of November next.

No. 32. Jennie M. Blair, *nee* Adair, plaintiff in error, *v.* Sam F. Wilkerson, Maud Schneider, individually and as Executrix, etc., et al. In error to the Supreme Court of the State of Oklahoma. *Per curiam:* The writ of error is dismissed on the authority of section 237 of the Judicial Code, as amended by the act of February 13,

1925 (43 Stat. 936, 937), for lack of jurisdiction. Treating the writ of error as an application for certiorari, the certiorari is denied for the reason that, if granted, the case would have to be affirmed on the authority of *Gilcrease v. McCullough*, 249 U. S. 178.

No. 16. People of the State of New York, *ex rel.* International Bridge Company, plaintiff in error, *v.* State Tax Commission. In error to the Supreme Court of the State of New York. *Per curiam:* Affirmed on the authority of *International Bridge Co. v. People of the State of New York*, 254 U. S. 126.

No. 20. Thomas W. Phillips, Jr., et al., etc., substituted for Oklahoma Natural Gas Company, a corporation, plaintiff in error, *v.* The State of Oklahoma, The Corporation Commission of the State of Oklahoma, Shawnee Gas & Electric Company, a corporation, et al. In error to the Supreme Court of the State of Oklahoma. *Per curiam:* The writ of error is dismissed on the authority of section 237 of the Judicial Code, as amended by the act of February 13, 1925 (43 Stat. 936, 937), for lack of jurisdiction. Treating the writ of error as an application for certiorari, the certiorari is denied for want of a substantial federal question on the authority of *Shulthis v. McDougal*, 225 U. S. 551, 569; *Hull v. Burr*, 234 U. S. 712, 720; *Norton v. Whiteside*, 239 U. S. 144, 147.

No. 21. State of Missouri, *ex rel.* Washington University, plaintiff in error, *v.* Public Service Commission of Missouri and Union Electric Light & Power Company;

No. 22. State of Missouri, *ex rel.* Washington University, plaintiff in error, *v.* Public Service Commission of Missouri and Union Electric Light & Power Company;

No. 23. State of Missouri, *ex rel.* St. Louis Brewing Association, plaintiff in error, *v.* Public Service Commission of Missouri and Union Electric Light & Power Company;

No. 24. State of Missouri, *ex rel.* St. Louis Brewing Association, plaintiff in error, *v.* Public Service Commission of Missouri and Union Electric Light & Power Company;

No. 25. State of Missouri, *ex rel.* Wainwright Real Estate Company, plaintiff in error, *v.* Public Service Commission of Missouri and Union Electric Light & Power Company;

No. 26. State of Missouri, *ex rel.* Wainwright Real Estate Company, plaintiff in error, *v.* Public Service Commission of Missouri and Union Electric Light & Power Company; and

No. 27. State of Missouri, *ex rel.* Hotel Statler Company, Inc., plaintiff in error, *v.* Public Service Commission of Missouri and Union Electric Light & Power Company. In error to the Supreme Court of the State of Missouri. *Per curiam:* The writs of error are dismissed on the authority of Section 237 of the Judicial Code, as amended by the act of February 13, 1925 (43 Stat. 936, 937), for

lack of jurisdiction. Treating the writs of error as applications for certiorari, the applications are denied for want of a substantial Federal question on the authority of *Shulthis v. McDougal*, 225 U. S. 561, 569; *Hull v. Burr*, 234 U. S. 712, 720; *Norton v. Whiteside*, 239 U. S. 144, 147.

No. 28. H. C. Haas, plaintiff in error, *v. L. Greenwald and Walter W. Stevens*. In error to the Supreme Court of the State of California. *Per curiam*: Affirmed on the authority of *Bratton v. Chandler*, 260 U. S. 110, 115.

No. 31. New York Central Railroad Company, petitioner, *v. Wheeling Can Company*. On writ of certiorari to the Supreme Court of Appeals of the State of West Virginia. Reversed on the authority of *United States v. St. Louis, San Francisco and Texas Ry. Co.* and *United States v. Wabash Ry. Co.*, 270 U. S. 1, 3; and the cause remanded to the said Supreme Court of Appeals for further proceedings.

No. 33. Arthur C. Brown *v. The United States of America*. In accordance with section 239 of the Judicial Code, as amended by the act of February 13, 1925 (c. 229, 43 Stat. 936), it is ordered that the entire record in this cause be certified up to the Court so that the whole matter in controversy may be considered by the Court, and this cause is hereby set down for hearing on the first Tuesday of January next.

No. 35. Bloecher & Schaaf, Inc., Howard Browning, George R. Ebhardt, et al., plaintiffs in error, *v. Mayor and City Council of Baltimore and Hampson Jones, Commissioner of Health*. In error to the Court of Appeals of the State of Maryland. *Per curiam*: Affirmed on the authority of *Watson v. Maryland*, 218 U. S. 173, 178; *Adams v. Milwaukee*, 228 U. S. 572, 579, 582.

No. 47. Cobb Brick Company, plaintiff in error, *v. Clara C. Lindsay*. In error to the Court of Civil Appeals, Third Supreme Judicial District, State of Texas. *Per curiam*: It is now here ordered and adjudged by this Court that the judgment of the Court of Civil Appeals of the State of Texas in this cause be, and the same is hereby, vacated, and this cause be, and the same is hereby, remanded, without costs to either party, to the said Court of Civil Appeals with directions for further proceedings in the light of the decision of the Supreme Court of Texas in *Magnolia Petroleum Co. v. Hamilton*, 283 S. W. 475, and of the decisions of this Court in *Missouri ex rel. Wabash Ry. Co. v. Public Service Commission*, 273 U. S. 126; *Dorchy v. Kansas*, 264 U. S. 286; *Gulf, Colorado & Santa Fe Ry. Co. v. Dennis*, 224 U. S. 503.

No. 45. R. C. Breen, Phoebe Wiseman, D. S. Ringrey, et al., plaintiffs in error, *v. Morton Denison Hull, William E. Boeing*,

Caroline Boeing Poole. In error to the Supreme Court of the State of Minnesota. *Per curiam*: Dismissed for want of a Federal question on the authority of *Shulthis v. McDougal*, 225 U. S. 561, 569; *Hull v. Burr*, 234 U. S. 712, 720; *Norton v. Whiteside*, 239 U. S. 144, 147. The Chief Justice took no part in the consideration or decision of this case.

No. 46. Thomas H. Dent, as Administrator of Elmira Holland, deceased, plaintiff in error, *v. James S. Swilley*. In error to the Court of Civil Appeals, Ninth Supreme Judicial District, State of Texas. *Per curiam*: The writ of error is dismissed on the authority of Section 237 of the Judicial Code, as amended by the act of February 13, 1925 (43 Stat. 936, 937), for lack of jurisdiction. Treating the writ of error as an application for certiorari, the certiorari is denied for want of a substantial Federal question on the authority of *Tracy v. Ginzberg*, 205 U. S. 170, 178; *Bonner v. Gorman*, 213 U. S. 86, 91; *Central Land Co. v. Laidley*, 159 U. S. 103, 112.

No. 54. A. W. Mellon, Director General of Railroads and Agent of the President, petitioner, *v. L. E. McKinley*. On writ of certiorari to the Court of Appeals of the State of Kentucky. *Per curiam*: The grounds which were presented in the petition for certiorari, because of which the writ was granted, do not prove to have a substantial basis in the record, and the certiorari heretofore granted in this case is therefore vacated upon the authority of *United States v. McFarland* No. 157, decided October 17, 1927; *Southern Power Co. v. North Carolina Service Co.*, 263 U. S. 508; *Houston Oil Co. v. Goodrich*, 245 U. S. 440.

No. 59. George D. Iverson, Jr., plaintiff in error, *v. Illinois Glass Company*. In error to the Court of Appeals of the State of Maryland. *Per curiam*: The writ of error is dismissed on the authority of Section 237 of the Judicial Code, as amended by the act of February 13, 1925 (43 Stat. 936, 937), for lack of jurisdiction. Treating the writ of error as an application for certiorari, the certiorari is denied for want of a substantial Federal question on the authority of *Tracy v. Ginzberg*, 205 U. S. 170, 178; *Bonner v. Gorman*, 213 U. S. 86, 91; *Central Land Co. v. Laidley*, 159 U. S. 103, 112.

No. 61. Mueller Grain Company, petitioner, *v. American State Bank of Omaha, Nebraska*. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. *Per curiam*: Reversed on the authority of *Fleischman Construction Co. v. United States*, use of *Forsberg*, 270 U. S. 349, 356; *Law v. United States*, 266 U. S. 494, 496; and the cause remanded to the said United States Circuit Court of Appeals for further proceedings.

No. 62. John A. Grosfield and Richard Caples *v.* The United States of America. In accordance with section 239 of the Judicial Code, as amended by the act of February 13, 1925 (43 Stat. 936), it is ordered that the entire record in this cause be certified up to the Court so that the whole matter in controversy may be considered by the Court, and the cause is hereby set down for hearing on the first Tuesday of January next.

No. 342. Krauss Brothers Lumber Company, petitioner, *v.* Andrew W. Mellon, Director General of Railroads, as Agent, etc., et al. Petition for writ of certiorari granted, the discussion to be limited to the question of practice in respect to the bill of exceptions upon which the case in the Circuit Court of Appeals was made to turn.

No. 346. Finkelstein & Kommel, petitioners, *v.* The United States. Petition for writ of certiorari granted, and the case set for hearing on November 21 next after the cases heretofore set for that date.

No. 341. D. B. Heiner, Collector of United States Internal Revenue for the Twenty-third District of Pennsylvania, petitioner, *v.* James R. Tindle and The Union Trust Company of Pittsburgh, Co-executors, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit granted.

No. 344. Hubert Work, as Secretary of the Interior, petitioner, *v.* Robert L. Braffet, Administrator of the Estate of Mark P. Braffet, deceased. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia granted.

No. 349. The Kansas City Southern Railway Company, petitioner, *v.* Franklin Jones, Administrator of the Estate of D. R. Ferguson, deceased. Petition for a writ of certiorari to the Supreme Court of the State of Texas granted.

No. 375. Midland Valley Railroad Company, petitioner, *v.* Thomas Barkley et al. Petition for a writ of certiorari to the Supreme Court of the State of Arkansas granted.

No. 376. John J. Mitchell, Augustine L. Humes, and Illinois Merchants Trust Company, as Executors, petitioners, *v.* The United States. Petition for a writ of certiorari to the Court of Claims granted.

No. 384. Howard Moore, petitioner, *v.* The City of Nampa. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted.

No. 339. Minnie E. Patterson, as Administratrix of the Goods, Chattels, and Credits of William V. Patterson, deceased, petitioner, *v.* New York Central Railroad Company, sued as New York Central & Hudson River Railroad Company. Petition for a writ of certiorari to the Supreme Court of the State of New York denied.

No. 340. Charles Erwin Brown, petitioner, *v.* Pere Marquette Railway Company. Petition for a writ of certiorari to the Supreme Court of the State of Michigan denied.

No. 345. Frank Dane, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 348. A. Lawrence Mills and John R. Gray, petitioners, *v.* Charles T. Sherman, First Trust and Savings Bank, a corporation, and Louis Boisot, et al., trustees. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 350. Ritchie L. Dunn, Trustee in Bankruptcy of the Estate of John Rothschild, Bankrupt, petitioner, *v.* Shell Company of California. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 353. George Westcott Stearn, R. W. Warren, and S. T. Kent Oliver, petitioners, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 354. Guillermo Severino and Petra Absalon, petitioner, *v.* El Hogar Filipino, Sociedad Mutua de Construccion y Prestamos. Petition for a writ of certiorari to the Supreme Court of the Philippine Islands denied.

No. 355. Gervasio Miraflores and Jose Miraflores, petitioners, *v.* El Hogar Filipino, Sociedad Mutua de Construccion y Prestamos. Petition for a writ of certiorari to the Supreme Court of the Philippine Islands denied.

No. 356. Joseph S. Williams, Charles M. Boyd, Frank M. Eshleman, et al., petitioners, *v.* The United States. Petition for a writ of certiorari to the Court of Claims denied.

No. 357. The Gulf and Ship Island Railroad Company, petitioner, *v.* Mrs. Rubie Curtis, Administratrix of the Estate of George D. Curtis, deceased. Petition for a writ of certiorari to the Supreme Court of the State of Mississippi denied.

No. 358. W. L. Brown, Administrator of W. E. Brown, deceased, petitioner, *v.* Norfolk and Western Railway Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 359. George D. Emery and Insurance Company of North America, petitioners, *v.* Ove Lange, Trustee. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 360. Goodyear Tire & Rubber Company, petitioner, *v.* Juan G. Gallardo, Treasurer. Petition for a writ of *cērtiorari* to the United States Circuit Court of Appeals for the First Circuit denied.

No. 361. W. T. Irwin, Sherman & Ellis, Inc., Heco Envelope Co., et al., petitioners, *v.* The Missouri Valley Bridge & Iron Co. Petition for a writ of *certiorari* to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 362. Chicago, Burlington & Quincy Railroad Company, petitioner, *v.* The United States. Petition for a writ of *certiorari* to the Court of Claims denied.

No. 363. Chicago, Milwaukee & St. Paul Railway Company, petitioner, *v.* The United States. Petition for a writ of *certiorari* to the Court of Claims denied.

No. 367. The People of the State of Illinois and Oscar E. Carlstrom, as Attorney General of the State of Illinois, and John C. Fisher, et al., petitioners, *v.* Illinois Central Railroad Company and Southern Illinois and Kentucky Railroad Company. Petition for a writ of *certiorari* to the Supreme Court of the State of Illinois denied.

No. 368. Aetna Insurance Company of Hartford, Connecticut, petitioner, *v.* Licking Valley Milling Company. Petition for a writ of *certiorari* to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 369. George E. Truman, as County Treasurer of Pinal County, Arizona, J. C. Callaghan, as Treasurer of the State of Oklahoma, et al., petitioners, *v.* Walter J. Thalheimer, Trustee in Bankruptcy of Florence Commercial Company, Bankrupt. Petition for a writ of *certiorari* to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 371. Atlantic Lighterage Corporation, petitioner, *v.* Ernest Soderberg, managing owner of the barge *Alert*, and Cunard Steamship Company, Ltd. Petition for a writ of *certiorari* to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 372. William McCully, petitioner, *v.* Monogahela Railroad Company. Petition for a writ of *certiorari* to the Supreme Court of the State of Pennsylvania denied.

No. 373. Franklin County, Arkansas, petitioner, *v.* Harriman National Bank; and

No. 374. Franklin County, Arkansas, petitioner, *v.* Sullivan County National Bank. Petition for writs of *certiorari* to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 377. M. B. Siegel, Inc. petitioner, *v.* City of Chicago. Petition for a writ of certiorari to the Supreme Court of the State of Illinois denied.

No. 379. Monty Morris, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 380. Chicago, Milwaukee & St. Paul Railway Company, petitioner, *v.* Carl F. Leverentz, Administrator of the Estate of Carl Edward Leverentz, deceased. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 382. Southern Pacific Company, petitioner, *v.* Del Kalbaugh and James Moxley. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 385. Graff Furnace Company, petitioner, *v.* Hans Machler. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

The Chief Justice also announced an order authorizing the clerk to pay to the city of New Orleans certain balances of deposits for costs in cases Nos. 282, 283, and 284 of October Term, 1884; Nos. 7 and 54 of October Term, 1886; and No. 4 of October Term, 1888.

The Chief Justice also announced an order authorizing the clerk to charge off on his books in certain cases costs deemed to be uncollectible covering the period of time from October Term, 1913, to October Term, 1925.

ORDER

The Court will take a recess from Monday, October 31, until Monday, November 21, next.

No. 569. Rupert Ribnik, plaintiff in error, *v.* Andrew F. McBride, Commissioner of Labor of the State of New Jersey. Motion to advance submitted by Mr. Daniel Davenport in behalf of counsel for plaintiff in error.

No. 42. Compania General de Tabacos de Filipinas, petitioner, *v.* Collector of Internal Revenue. Leave granted respondent to file supplemental brief on motion of Mr. William C. Rigby in that behalf.

No. 158. John Lapique, Successor in interest of the Estate of Maria Espiritu Chiljulla De Leonis, etc., appellant, *v.* Frank E. Walsh, Administrator, etc., Harry L. Dunnigan, et al. Motion to advance submitted by Mr. Hugh Reid for the petitioner.

No. 407. H. F. Ferry, plaintiff in error, *v.* Alice M. Ramsey, C. L. King, and L. D. Hadley;

No. 408. C. L. Harris, as Executor of the Last Will and Testament of T. A. Kramer, deceased, plaintiff in error, *v.* Alice M. Ramsey, C. L. King, H. F. Ferry, et al.;

No. 409. H. F. Ferry, plaintiff in error, *v.* W. O. James, C. L. King, and L. D. Hadley;

No. 410. C. L. Harris, as Executor of the Last Will and Testament of T. A. Kramer, deceased, plaintiff in error, *v.* W. O. James, C. L. King, H. F. Ferry, et al.;

No. 411. H. F. Ferry, plaintiff in error, *v.* Ramsey Petroleum Company, C. L. King, L. D. Hadley, et al.;

No. 412. C. L. Harris, as Executor of the Last Will and Testament of T. A. Kramer, plaintiff in error, *v.* Ramsey Petroleum Company, C. L. King, L. D. Hadley, et al.;

No. 413. H. F. Ferry, plaintiff in error, *v.* G. L. Ramsey, C. L. King, et al.;

No. 414. C. L. Harris, as Executor of the Last Will and Testament of T. A. Kramer, deceased, plaintiff in error, *v.* G. L. Ramsey, C. L. King, H. F. Ferry, et al.;

No. 415. H. F. Ferry, plaintiff in error, *v.* M. R. Chastain, C. L. King, L. D. Hadley, et al.;

No. 416. C. L. Harris, as Executor of the Last Will and Testament of T. A. Kramer, deceased, plaintiff in error, *v.* M. R. Chastain, C. L. King, L. D. Hadley, et al.;

No. 417. H. F. Ferry, plaintiff in error, *v.* A. L. Lloyd, C. L. King, and L. D. Hadley; and

No. 418. C. L. Harris, as Executor of the Last Will and Testament of T. A. Kramer, deceased, plaintiff in error, *v.* A. L. Lloyd, C. L. King, and H. F. Ferry, et al. Motion to consolidate and as to printing submitted by Mr. George E. Strong for the plaintiffs in error.

No. 461. Chimney Rock Company, a corporation, petitioner, *v.* The United States. Petition for a writ of certiorari to the Court of Claims submitted by Mr. L. L. Hamby for the petitioner, and by Mr. Solicitor General Mitchell and Mr. Assistant Attorney General Galloway for the respondent.

No. 483. Central Union Trust Company of New York, Guaranty Trust Company of New York, Frederic A. Julliard, et al., etc., petitioners, *v.* The United States. Petition for a writ of certiorari to the Court of Claims submitted by Mr. John M. Perry and Mr. John W. Drye, jr., for the petitioners, and by Mr. Solicitor General Mitchell, Assistant Attorney General Galloway, and Mr. Fred K. Dyar for the respondent.

No. 550. Tucker Barnett and Wysey Winn, petitioners, *v.* Prairie Oil & Gas Company, W. A. Kunkle, Hannah Bird, et al. Petition for a writ of certiorari to the United States Circuit Court

of Appeals for the Eighth Circuit submitted by Mr. Lewis C. Lawson for the petitioners, and by Mr. A. A. Davidson and Mr. T. J. Flannelly for the respondents.

No. 556. Garfield A. Street, petitioner, *v.* Emily M. Stubblefield and Emily M. Stubblefield, Executrix, Estate of Thomas W. Stubblefield. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia submitted by Mr. Charles H. Merillat for the petitioner, and by Mr. C. A. Brandenburg, Mr. E. C. Brandenburg, and Mr. Louis M. Denit for the respondents.

No. 557. Arthur L. Bisbee, Frank J. Bisbee, Edgar C. Bisbee, petitioners, *v.* Midland Linseed Products Company, E. C. Warner Company, Grain Securities Company, Ltd., et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eight Circuit submitted by Mr. H. V. Mercer for the petitioners, and by Mr. John Junell for the respondents.

No. 558. Kunglig Jarnvagsstyrelsen, also known as the Royal Administration of the Swedish State Railways, petitioner, *v.* The National City Bank of New York and Dexter & Carpenter, Inc.; and

No. 559. Kunglig Jarnvagsstyrelsen, also known as the Royal Administration of the Swedish State Railways, petitioner, *v.* Dexter & Carpenter, Inc. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Gustav Lange, jr., for the petitioner, and by Mr. Charles S. Haight and Mr. John A. Garver for the respondents.

No. 560. Auto Motive Equipment Company and Gilfillan Bros., Inc., petitioners, *v.* The Connecticut Telephone & Electric Company, Incorporated. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Wylie C. Margeson and Mr. William H. Davis for the petitioners, and by Mr. George H. Mitchell for the respondent.

No. 562. Leon Kanner, Joseph Kanner, and Max Kanner, petitioners, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Leon Kanner; *pro se*, and by Mr. Solicitor General Mitchell, Assistant Attorney General Luhning, and Mr. Harry S. Ridgely for the respondent.

No. 563. Otis Elevator Company, petitioner, *v.* Lois Hoskins and Hotel Randolph Company. Petition for a writ of certiorari to the Supreme Court of the State of Iowa submitted by Mr. Edwin W. Sims, Mr. Elwood G. Godman, and Mr. James L. Coleman for the petitioner, and by Mr. Joseph G. Gamble, Mr. Donald Evans, Mr. Clifford V. Cox, and Mr. Wm. F. Riley for the respondents.

No. 565. Nathan Bard, petitioner, *v.* John B. Chilton, Warden, Kentucky State Penitentiary, Herbert Woodruff, Sheriff of Hopkins County, etc., et al.; and

No. 566. Bunyan Fleming, petitioner, *v.* John B. Chilton, Warden, Kentucky State Penitentiary, Herbert Woodruff, Sheriff of Hopkins County, etc., et al. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Sinclair Merrell Russell for the petitioners, and by Mr. Andrew T. Smith for the respondents.

No. 567. Theodore Davis Boal, as Executor of the will of Annie B. Davis, deceased, and Kate Atwood, Individually, etc., petitioners, *v.* Metropolitan Museum of Art of the City of New York and the Rhode Island Hospital Trust Company, as Administrator, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Tompkins McIlvaine, Mr. Lyman K. Clark, and Mr. William E. Carnochan for the petitioners, and by Mr. Robert Thorne, Mr. William R. Tillinghast, and Mr. James C. Collins for the respondents.

No. 570. Jacob Marcus and Benjamin Marcus, petitioners, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Lourie C. Barton for the petitioners, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Luhring, and Mr. Harry S. Ridgely for the respondent.

No. 572. Gypsy Oil Company, petitioner, *v.* Leo Bennett Escoe, a Minor, by O. W. Stephens, Guardian, etc. Petition for a writ of certiorari to the Supreme Court of the State of Oklahoma submitted by Mr. Chester I. Long for the petitioner, and by Mr. Creekmore Wallace for the respondents.

No. 65. Ray C. Simmons, petitioner, *v.* Edward P. Swan. Argued by Mr. William J. Malone and Mr. Percy S. Bryant for the petitioner, and by Mr. Charles Fairhurst for the respondent.

No. 66. The State of Washington, on the relation of Stimson Timber Company, plaintiff in error, *v.* E. V. Kuykendall (John C. Denny, substituted) as Director of Public Works of the State of Washington, et al. Argued by Mr. C. A. Reynolds for the plaintiff in error, and by Mr. H. C. Brodie for the defendants in error.

No. 63. Kansas City Southern Railway Company, petitioner, *v.* R. E. Ellzey. Argument commenced by Mr. F. H. Moore for the petitioner, and continued by Mr. S. P. Jones for the respondent.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, October 25, will be as follows: Nos. 63, 64, 67 (and 68), 69, 70, 71, 394, 383, 72, and 73.

SUPREME COURT OF THE UNITED STATES

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

Bert Lawton, of Pawhuska, Okla.; Abraham J. Levin, of Detroit, Mich.; Lawrence Walton Morris, of Houston, Tex.; Gerald A. Gillett, of Hammond, Ind.; George L. Badder, of Highland Park, Mich.; and Lester L. Bauer, of Chicago, Ill., were admitted to practice.

No. 63. Kansas City Southern Railway Company, petitioner, *v.* R. E. Ellzey. Argument continued by Mr. S. P. Jones for the respondent, and concluded by Mr. C. N. Lewis for the petitioner.

No. 64. Kinney-Coastal Oil Company and Texas Production Company, petitioners, *v.* Michael F. Kieffer, Orpha M. Kieffer, Herbert L. Leaming, et al., etc., et al. Argued by Mr. Edward M. Freeman for the petitioners, and by Mr. C. S. Murane for the respondents.

No. 67. City of Hammond, petitioner, *v.* Schappi Bus Line, Inc. Argument commenced by Mr. C. B. Tinkham for the petitioner, and continued by Mr. William J. Whinery for the respondent.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, October 26, will be as follows: Nos. 67, 68, 69, 70, 71, 394, 383, 72, 73, and 74.

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SUPREME COURT OF THE UNITED STATES

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

John J. D. Preston, of Charleston, W. Va.; Paul J. Sedgwick, of Washington, D. C.; F. M. Livezey, of Huntington, W. Va.; and Elmer Haslett, of San Francisco, Calif., were admitted to practice.

No. 74. Andrew W. Mellon, Director General of Railroads, as agent designated by the President, etc., plaintiff in error, *v.* Thomas E. O'Neil. Submitted by Mr. Clifton P. Williamson and Mr. Herbert S. Ogden for the plaintiff in error, and by Mr. Nathan Ballin for the defendant in error.

No. 67. City of Hammond, petitioner, *v.* Schappi Bus Line, Inc. Argument concluded by Mr. William J. Whinery for the respondent.

No. 68. City of Hammond, petitioner, *v.* Farina Bus Line and Transportation Company. Submitted by Mr. Louis T. Michener, Mr. C. B. Tinkham, and Mr. Gerald Gillett for the petitioner, and by Mr. Jesse J. Ricks and Mr. Edmond W. Hebel for the respondent.

No. 69. Mercantile Trust Company of St. Louis, Missouri, petitioner, *v.* Wilmot Road District. Argued by Mr. George B. Rose for the petitioner, and by Mr. Robert E. Wiley for the respondent.

No. 70. Louisville Gas & Electric Company, plaintiff in error, *v.* W. H. Shanks, as Auditor of the State of Kentucky. Argued by Mr. Matthew O'Dogherty for the plaintiff in error, and case submitted by Mr. Swager Shirley for the defendant in error.

No. 71. C. G. Lewellyn, Collector of Internal Revenue for the Twenty-third District of the United States, etc., petitioner, *v.* Electric Reduction Company. Argued by Assistant Attorney General Galloway for the petitioner, and by Mr. S. Leo Ruslander for the respondent.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, October 27, will be as follows: Nos. 394, 383, 72, 73, 75 (and 76), 77, 78, 80, 85, and 86.

SUPREME COURT OF THE UNITED STATES

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

Hiram C. Todd, of New York City; Fletcher Rockwood, of St. Paul, Minn.; Charles E. Nichols, jr., of Albany, N. Y.; Scott T. Fitzhugh, of Memphis, Tenn.; and John Arthur Brown, of Philadelphia, Pa., were admitted to practice.

The Chief Justice announced that the Court will adjourn at 2 p. m. to-morrow.

No. 394. *The United States of America v. Glen Murray*. It is now here ordered by this Court, in accordance with section 239 of the Judicial Code, as amended by the act of February 13, 1925 (43 Stat. 936), that the entire record in this cause be certified to this Court so that the whole matter in controversy may be considered by the Court; and the cause is hereby assigned for argument on Monday, November 21 next, after the cases heretofore assigned for that day, to be heard with case No. 539, *Frederick A. Cook, petitioner, v. The United States of America*, should the Court grant the petition for a writ of certiorari now pending in the latter case.

No. 383. *E. Dittburner, plaintiff in error, v. The State of Tennessee*. In error to the Supreme Court of the State of Tennessee. Dismissed pursuant to the nineteenth rule.

No. 72. *Fordson Coal Company, plaintiff in error, v. John M. Moore, successor to John M. Jonson, Sheriff of Pike County*. Argument commenced by Mr. Wallace R. Middleton for the plaintiff in error. The Court declined to hear further argument.

No. 73. *Andrew W. Mellon, Director General of Railroads and Agent of the President, petitioner, v. Arkansas Land & Lumber Company*. Argued by Mr. J. Q. Mahaffey for the petitioner, and by Mr. E. F. McFaddin for the respondent.

No. 75. Northwestern Mutual Life Insurance Company, plaintiff in error, *v.* The State of Wisconsin; and

No. 76. Northwestern Mutual Life Insurance Company, plaintiff in error, *v.* The State of Wisconsin. Argued by Mr. Sam T. Swansen and Mr. George Lines for the plaintiffs in error and by Mr. Franklin E. Bump for the defendant in error.

No. 77. Gunder Draxton, Edward Brandson, Ole Norgaard, et al., plaintiffs in error, *v.* C. P. Fitch, O. W. Healy, N. Carroll, et al. Argued by Mr. Victor E. Anderson for the defendants in error, and case submitted by Mr. James Manahan for the plaintiffs in error.

No. 78. A. B. Leach & Company, Inc., petitioner, *v.* Walter Peirson. Argument commenced by Mr. Francis Rawle for the petitioner and continued by Mr. John Arthur Brown for the respondent.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, October 28, will be as follows: Nos. 78, 80, 85, 89, 90, 91, 92, 93, 94, and 95.

SUPREME COURT OF THE UNITED STATES

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

Reuben S. Lind, of New York City, was admitted to practice.

No. 88. J. Mell Brooks and Blytheville Special School District No. 5, plaintiffs in error, *v.* Ralph Koonce, as State Treasurer of the State of Arkansas. Mandate granted, *per* stipulation of counsel.

No. 92. City of Philadelphia, *ex relatione* Daniel J. Furey, taxpayer, et al., appellants, *v.* Philadelphia Rapid Transit Company, William D. B. Ainey, James S. Benn, et al., etc. Continued, *per* stipulation of counsel.

No. 80. E. G. Griffin, C. S. Littleton, and Southern Surety Company, plaintiffs in error, *v.* George L. Powers, J. A. Gholson, F. W. Meacham, et al. Argument commenced by Mr. Carlyle S. Littleton for the plaintiffs in error. The Court declined to hear further argument.

No. 85. Henry W. McMaster and Francis H. Skelding, as Receiver of the Wabash Pittsburgh Terminal Railway Company, petitioners, *v.* George J. Gould, Kingdon Gould, et al., as Executors, etc. Argued by Mr. Louis Marshall for the petitioners, and by Mr. William Wallace, jr., for the respondents.

Adjourned until Monday next at 12 o'clock.

SUPREME COURT OF THE UNITED STATES

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

John W. Burrus, of Washington, D. C.; Joseph Loeffler, of Baltimore, Md.; David Friedman, of Baltimore, Md.; Lusk M. Colville, of Pawhuska, Okla.; Eldridge Hart, of Winter Park, Fla.; D. H. Hill Arnold, of Elkins, W. Va.; and E. A. McCulloch, of Little Rock, Ark., were admitted to practice.

No. 41. Atlantic Coast Line Railroad Company, petitioner, *v.* Ida May Southwell, Administratrix of H. J. Southwell. On writ of certiorari to the Supreme Court of the State of North Carolina. Judgment reversed with costs, and the cause remanded to said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Holmes.

No. 58. The Baltimore and Ohio Railroad Company, petitioner, *v.* Dora Goodman, Administratrix of the estate of Nathan Goodman, deceased. On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. Judgment reversed with costs, and the cause remanded to the District Court of the United States for the Southern District of Ohio for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Holmes.

The Chief Justice announced the following orders of the Court:

No. 158. John Lapique, Successor in interest of the Estate of Maria Espiritu Chiljulla De Leonis, etc., appellant, *v.* Frank E. Walsh, Frank E. Walsh, Administrator, etc., et al. The motion to advance this case is denied.

No. 569. Rupert Ribnik, plaintiff in error, *v.* Andrew F. McBride, Commissioner of Labor of the State of New Jersey. The motion to advance this case is denied.

No. 407. H. F. Ferry, plaintiff in error, *v.* Alice M. Ramsey et al.;

No. 408. C. L. Harris, as executor, etc., plaintiff in error, *v.* Alice M. Ramsey et al.;

No. 409. H. F. Ferry, plaintiff in error, *v.* W. O. James et al.;

No. 410. C. L. Harris, as executor, etc., plaintiff in error, *v.* W. O. James et al.;

No. 411. H. F. Ferry, plaintiff in error, *v.* Ramsey Petroleum Company et al.;

No. 412. C. L. Harris, as executor, etc., plaintiff in error, *v.* Ramsey Petroleum Company et al.;

No. 413. H. F. Ferry, plaintiff in error, *v.* G. L. Ramsey et al.;

No. 414. C. L. Harris, as executor, etc., plaintiff in error, *v.* G. L. Ramsey et al.;

No. 415. H. F. Ferry, plaintiff in error, *v.* M. R. Chastain et al.;

No. 416. C. L. Harris, as executor, etc., plaintiff in error, *v.* M. R. Chastain et al.;

No. 417. H. F. Ferry, plaintiff in error, *v.* A. L. Lloyd et al.; and

No. 418. C. L. Harris, as executor, etc., plaintiff in error, *v.* A. L. Lloyd. Motion for counsel for the plaintiffs in error in each of twelve similar cases to consolidate them all for hearing, as they were consolidated in the Supreme Court of Kansas, on the ground that the evidence in the cases is substantially the same, with directions to print the whole record in two of the cases and only so much of the record in the remaining cases as is necessary to show the difference between the cases. The counsel for certain of the defendants in error in each of the cases contend that the printing of the evidence as a part of the record is unnecessary and will needlessly encumber the record and that the printing of such evidence would be contrary to the rules of the Court. The motion to consolidate and print is granted as proposed, the ultimate cost of printing, of course, to await the event and the effect of any omission to print, to be at the risk of the plaintiffs in error moving for the consolidation and the limitation of printing.

No. 36. Missouri-Kansas-Texas Railroad Company, petitioner, *v.* The State of Texas. On writ of certiorari to the Court of Civil Appeals, Third Supreme Judicial District, State of Texas. *Per curiam*: In this case, in which a certiorari was granted, the writ is now vacated for the reason that the grounds advanced for the granting of the writ prove, upon an examination of the record, not to have a substantial basis. *Southern Power Co. v. North Carolina Public Service Co.*, 263 U. S. 508; *Houston Oil Co. v. Goodrich*, 245 U. S. 440; *United States v. McFarland*, No. 157, decided October 17, 1927.

In this case exception is taken by one of counsel for the respondent to seven pages of a reply brief filed by one of counsel for the petitioner. The matter excepted to is an effort by counsel for the petitioner to minimize and detract from the weight of a supplemental record which the Court permitted to be filed by a recital

of correspondence and communications between opposing counsel with an intimation that, contrary to an agreement, no opportunity had been furnished to oppose the filing. Respondent's counsel asks that this brief be stricken from the files as improper. The motion is granted. The supplemental record was filed by order of the Court. No motion was made to have the order revoked or the record stricken off the files. We can not approve of this insinuating and irregular method of reflecting on opposing counsel and on the relevancy and weight of a document which the Court has permitted to be filed.

No. 72. Fordson Coal Company, plaintiff in error, *v.* John M. Moore, successor to John M. Johnson, Sheriff of Pike County. In error to the Court of Appeals of the State of Kentucky. *Per curiam*: The writ of error is dismissed on the authority of section 237 of the Judicial Code, as amended by the act of February 13, 1925 (43 Stat. 936, 937), for lack of jurisdiction. *Jett Bros. Distilling Company v. City of Carrollton*, 252 U. S. 1, 5, 6. Treating the writ of error as an application for certiorari, the certiorari is denied for want of a substantial federal question on the authority of *Shulthis v. McDougal*, 225 U. S. 561, 569; *Hull v. Burr*, 234 U. S. 712, 720; *Norton v. Whiteside*, 239 U. S. 144, 147.

No. 77. Gunder Draxton, Edward Brandson, Ole Norgaard, et al., plaintiffs in error, *v.* C. P. Fitch, O. W. Healy, N. Carroll, et al. In error to the Supreme Court of the State of Minnesota. *Per curiam*: Dismissed for want of a substantial federal question on the authority of *Shulthis v. McDougal*, 225 U. S. 561, 569; *Hull v. Burr*, 234 U. S. 712, 720; *Norton v. Whiteside*, 239 U. S. 144, 147.

No. 80. E. G. Griffin, C. L. Sittleton, and Southern Surety Company, plaintiffs in error, *v.* George L. Powers, J. A. Gholson, F. W. Meacham, et al. In error to the Supreme Court of the State of Tennessee. *Per curiam*: Affirmed on the authority of *Dent v. West Virginia*, 129 U. S. 114, 122; *Douglas v. Noble*, 261 U. S. 165, 169, 170; *Graves v. Minnesota*, 272 U. S. 425, 427.

No. 403. Jerry R. McCoy, petitioner, *v.* A. S. J. Shaw, as State Auditor of the State of Oklahoma and The Pure Oil Company. Petition for a writ of certiorari to the Supreme Court of the State of Oklahoma granted.

No. 424. Edward E. Jenkins, as Receiver of the National City Bank of Salt Lake City, petitioners, *v.* National Surety Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit granted.

No. 425. Midland National Bank of Minneapolis, petitioner, *v.* Dakota Life Insurance Company. Petition for a writ of certiorari

to the United States Circuit Court of Appeals for the Eighth Circuit granted.

No. **433.** City of Gainesville, petitioner, *v.* Brown-Crummer Investment Company, Southern Surety Company and H. O. Head, Executor of H. W. Head. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit granted.

No. **446.** Charley Hee, alias Dong Bow Hee, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit granted.

No. **539.** Frederick A. Cook, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit granted.

No. **386.** Ruby Steamship Corporation, Ltd., petitioner, *v.* Johnson & Higgins. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. **389.** William R. George, petitioner, *v.* The State of Idaho. Petition for a writ of certiorari to the Supreme Court of the State of Idaho denied.

No. **390.** Charlotte F. Jones, petitioner, *v.* The Counties Gas and Electric Company. Petition for a writ of certiorari to the Supreme Court of the State of Pennsylvania denied.

No. **393.** The Lehigh and Hudson River Railway Company, petitioner, *v.* John H. Hubbard. Petition for a writ of certiorari to the Supreme Court of the State of New York denied.

No. **395.** Charles W. Bostrom, Lawrence W. Lawson, Clyde H. Young, Jr., et al., etc., petitioners, *v.* Cuyamel Fruit Company, claimant and owner of Steamship "Nicarao," and W. G. Coyle and Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. **396.** George F. Willett et al., petitioners, *v.* Robert F. Herick et al. Petition for a writ of certiorari to the Superior Court for the County of Norfolk, State of Massachusetts, denied.

No. **397.** Union Bank and Trust Company of Helena, Montana, petitioner, *v.* Lester H. Loble, as Trustee in Bankruptcy of Gans & Klein Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. **398.** Jacob Woitte, Frank M. Bates, Joseph Essex, et al., petitioners, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. **402.** Josephine H. Plane, petitioner, *v.* Walter E. Carr, as District Director of Immigration of the United States for the Dis-

trict of Los Angeles. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 405. Fred Ludwig, Alfred A. Gotshall, and Leland L. Morris, Partners, etc., petitioners, *v.* W. S. Raydure, a partnership, Selina Raydure, et al., etc. Petition for a writ of certiorari to the Court of Appeals of Lucas County, State of Ohio, denied.

No. 406. Pittsburgh Hotels Company, petitioner, *v.* The United States. Petition for a writ of certiorari to the Court of Claims denied.

No. 419. Frank P. Blair, petitioner, *v.* The United States. Petition for a writ of certiorari to the Court of Claims denied.

No. 420. Globe Indemnity Company of New York, petitioner, *v.* County of Scotts Bluff, Nebraska, Peter B. Schmidt, as County Treasurer of Scotts Bluff, Nebraska, et al. Petition for a writ of certiorari to the Supreme Court of the State of Nebraska denied.

No. 421. Louis Schrijver, Adolph Krijn, and Lehman Rudolph Krijn, copartners, etc., petitioners, *v.* Howard Sutherland, as Alien Property Custodian of the United States. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 422. Modern Workmen of the World, The Modern Workmen of the World Society, Samuel J. Master, et al., petitioners, *v.* Charles A. Hartmann, et al. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 423. Stock Yards Loan Company, petitioner, *v.* Commercial National Bank of Independence, Kansas. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 426. Samuel M. Hastings, as Administrator of the Estate of Thomas Rankin, deceased, petitioner, *v.* Nina K. Jones, Executrix, of Frank Graham Jones, deceased. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 428. Morton E. Converse & Son Company, petitioner, *v.* H. C. White Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 429. Arkansas & Memphis Railway Bridge & Terminal Company, petitioner, *v.* State of Arkansas *ex rel.* Attorney General. Petition for a writ of certiorari to the Supreme Court of the State of Arkansas denied.

No. 432. Oil Fields Corporation, petitioner, *v.* John S. Dashko, T. P. Novick, Olga Novick, et al. Petition for a writ of certiorari to the Supreme Court of the State of Arkansas denied.

No. 434. C. W. Bassett, A. Pincolini, and G. D. Madalena, petitioners, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 435. R. C. Clapp, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 436. Massachusetts Bonding and Insurance Company, petitioner, *v.* National Surety Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 438. Barney Pearlman, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 439. The Hanna Stoker Company, petitioner, *v.* Locomotive Stoker Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 440. Philippine National Bank, petitioner, *v.* American Surety Company of New York. Petition for a writ of certiorari to the Supreme Court of the State of New York denied.

No. 441. Green-Moore & Co., Inc., J. E. Lowe, and Crawford Doyle, petitioners, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 442. The O. K. Manufacturing Company, petitioner, *v.* The Bassick Manufacturing Company; and

No. 443. The Larkin Automotive Parts Company, petitioner, *v.* The Bassick Manufacturing Company. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 444. Maurice Kay and Benjamin Kay, petitioners, *v.* Edgar C. Snyder, United States Marshal, etc., and Needham C. Turnage, United States Commissioner, etc. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 445. Norwegian American Securities Corporation, petitioner, *v.* Henry H. Kaufman, Trustee in Bankruptcy. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 107. The United States, petitioner, *v.* United Cigar Stores Company of America. On writ of certiorari to the Court of Claims. Dismissed and mandate granted on motion of Mr. Solicitor General Mitchell for the petitioner.

No. 555. Levi Lurie, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Henry C. Walters, Mr. Arthur P. Hicks, and Mr. Cashan P. Head for the petitioner, and by Mr. Solicitor General Mitchell, Assistant Attorney General Lühring, and Mr. Harry S. Ridgely for the respondent.

No. 561. Mark Skinner Willing and The Northern Trust Company, as Trustee, etc., et al., petitioners, *v.* Chicago Auditorium Association. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Charles E. Hughes, Mr. Homer H. Cooper, and Mr. Samuel Topliff for the petitioners, and by Mr. Walter L. Fisher and Mr. William C. Boyden for the respondent.

No. 564. Milton E. Springer, Dalmacio Costas, et al., petitioners, *v.* The Government of the Philippine Islands. Petition for a writ of certiorari to the Supreme Court of the Philippine Islands submitted by Mr. Jose Abad Santos, Mr. James Ross, Mr. Quintin Paredes, and Mr. Claro M. Recto for the petitioners, and by Mr. William Cattron Rigby and Mr. Hugh C. Smith for the respondent.

No. 568. Automotive Products Corporation, petitioner, *v.* Wolverine Bumper & Specialty Company, Rollie B. Fageol and American Chain Company, Inc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. George L. Wilkinson for the petitioner, and by Mr. Frederick S. Duncan for the respondents.

No. 571. Spencer Kellogg & Sons, Inc., petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Frank Gibbons for the petitioner, and by Mr. Solicitor General Mitchell and Mr. Assistant to the Attorney General Donovan for the respondent.

No. 573. Gregorio Agoncillo, Baldomero Roas, and Catalino Lavadia, petitioners, *v.* The Government of the Philippine Islands. Petition for a writ of certiorari to the Supreme Court of the Philippine Islands submitted by Mr. Jose Abad Santos, Mr. James Ross, Mr. Quintin Paredes, and Mr. Claro M. Recto for the petitioners, and by Mr. William Cattron Rigby and Mr. Hugh C. Smith for the respondent.

No. 577. Standard Pipe Line Company, Incorporated, petitioner, *v.* Miller County Highway & Bridge District. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. William H. Arnold and Mr. David C. Arnold for the petitioner, and by Mr. Henry Moore, Jr., for the respondent.

No. 583. Daisy L. Burneson, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Frank F. Gentsch and Mr. Joseph W. Heintzman for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Luhring, and Mr. Harry S. Ridgely for the respondent.

Adjourned until Monday, November 21, at 12 o'clock.

The day call of Monday, November 21, will be as follows: Nos. 437, 258, 293, 543, 110, 346, 394 (and 539), 79 (and 19), 81, and 82 (and 83 and 84).

SUPREME COURT OF THE UNITED STATES

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

Thomas M. Shackelford, jr., of Tampa, Fla.; George W. White, of Michigan City, Ind.; Vincent I. Campagno, of San Francisco, Calif.; Walter C. Fox, jr., of San Francisco, Calif.; Anthony N. Skapiak, of New York City; Albert W. Chapman, of Boston, Mass.; Daniel T. McDonald, of Washington, D. C.; Virgil Y. Moore, of Madisonville, Ky.; Franklin E. Phillips, jr., of Boston, Mass.; Clarence T. Ellis, of Washington, D. C.; John Dillon Fitzgerald, of Washington, D. C.; Madison L. Hill, of Washington, D. C.; David Fillmore Smith, of Washington, D. C.; and William Seth Atkins, of Hope, Ark., were admitted to practice.

No. 210. David H. Blair, Commissioner of Internal Revenue, petitioner, *v.* Oesterlein Machine Company. On writ of certiorari to the Court of Appeals of the District of Columbia. Decree modified and affirmed with costs. Opinion by Mr. Justice Stone. Mr. Justice Sutherland took no part in the consideration or decision of this case.

No. 167. W. C. Tucker, petitioner, *v.* Acel C. Alexander, Commissioner of Internal Revenue. On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Judgment reversed with costs, and the cause remanded to the District Court of the United States for the Western District of Oklahoma for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Stone. Mr. Justice Sutherland took no part in the consideration or decision of this case.

No. 219. D. B. Heiner, Collector of Internal Revenue for the Twenty-third District of Pennsylvania, petitioner, *v.* The Colonial Trust Company, Executor of the Will of Glenn T. Braden, deceased; and

No. 220. C. G. Lewellyn, Former Collector of Internal Revenue for the Twenty-third District of Pennsylvania, petitioner, *v.* The Colonial Trust Company, Executor of the Will of Glenn T. Braden, deceased. On writs of certiorari to the United States Circuit Court

of Appeals for the Third Circuit. Judgments reversed with costs, and the cases 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 Stone. Mr. Justice Sutherland took no part in the consideration or decision of this case.

No. 63. Kansas City Southern Railway Company, petitioner, *v.* R. E. Ellzey. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Judgment of the District Court of the United States for the Western District of Louisiana affirmed, and the judgment of the United States Circuit Court of Appeals for the Fifth Circuit reversed with costs, and the cause remanded to the District Court of the United States for the Western District of Louisiana for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Stone. Mr. Justice Sutherland took no part in the consideration or decision of this case.

No. 71. C. G. Lewellyn, Collector of Internal Revenue for the Twenty-third District of the United States, etc., petitioner, *v.* Electric Reduction Company. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Judgment of the District Court of the United States for the Western District of Pennsylvania affirmed, and the judgment of the United States Circuit Court of Appeals for the Third Circuit reversed with costs, and the cause remanded to the District Court of the United States for the Western District of Pennsylvania for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Stone. Mr. Justice Sutherland took no part in the consideration or decision of this case.

No. 34. Equitable Trust Company of New York, as Trustee in Bankruptcy of Knauth, Nachod & Kuhne, petitioner, *v.* Carl Rochling et al., trading as Gebrueder Rochling. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Decree reversed with costs and the cause remanded to the District Court of the United States for the Southern District of New York for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Stone. Mr. Justice Sutherland took no part in the consideration or decision of this case.

No. 48. Alexander Latzko, William Latzko, Charles Latzko, et al., etc., petitioners, *v.* Equitable Trust Company of New York, Trustee in Bankruptcy. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Writ of certiorari dismissed. Opinion by Mr. Justice Stone. Mr. Justice Sutherland took no part in the consideration or decision of this case.

No. 49. Equitable Trust Company of New York, Trustee in Bankruptcy, petitioner, *v.* Alexander Latzko, William Latzko, Charles Latzko, et al. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Decree of the District Court of the United States affirmed, and decree of the said Circuit Court of Appeals affirmed in part and reversed in part, with costs against the respondents herein, and cause remanded to the District Court of the United States for the Southern District of New York for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Stone. Mr. Justice Sutherland took no part in the consideration or decision of this case.

No. 74. Andrew W. Mellon, Director General of Railroads, as Agent Designated by the President, etc., plaintiff in error, *v.* Thomas E. O'Neil. In error to the Supreme Court of the State of New York. Writ of error dismissed for want of jurisdiction, and treating the writ of error as an application for writ of certiorari, the application is denied. Opinion by Mr. Justice Sanford. Mr. Justice Sutherland took no part in the consideration or decision of this case.

No. 156. L. M. Willcuts, Collector of Internal Revenue for the District of Minnesota, petitioner, *v.* Milton Dairy Company. On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Judgment of the District Court of the United States for the District of Minnesota affirmed, and judgment of the United States Circuit Court of Appeals for the Eighth Circuit reversed with costs, and the cause remanded to the District Court of the United States for the District of Minnesota for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Sanford. Mr. Justice Sutherland took no part in the consideration or decision of this case.

No. 235. News Syndicate Company *v.* The New York Central Railroad Company, The Pennsylvania Railroad Company, et al. On certificate from the United States Circuit Court of Appeals for the Seventh Circuit. Question 1 is answered "Yes; for the ascertainment of damages." Question 2 is answered "Yes." Question 3 is answered "Yes." Question 4 is not answered. Opinion by Mr. Justice Butler. Mr. Justice Sutherland took no part in the consideration or decision of this case.

No. 17. William C. Atwater & Company, incorporated, appellant, *v.* The United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Butler. Mr. Justice Sutherland took no part in the consideration or decision of this case.

No. 185. Joseph E. Marron, petitioner, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgment affirmed, and cause re-

manded to the District Court of the United States for the Northern District of California. Opinion by Mr. Justice Butler. Mr. Justice Sutherland took no part in the consideration or decision of this case.

No. 60. Ben W. Steele, Executor of Estate of A. B. Steele, deceased, petitioner, *v.* J. H. Drummond. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Judgment affirmed with costs and the cause remanded to the District Court of the United States for the Northern District of Georgia. Opinion by Mr. Justice Butler. Mr. Justice Sutherland took no part in the consideration or decision of this case.

No. 66. The State of Washington on the Relation of Stimson Timber Company, plaintiff in error, *v.* E. V. Kuykendall (John C. Denney, substituted), as Director of Public Works of the State of Washington, et al. In error to the Supreme Court of the State of Washington. Judgment affirmed with costs. Opinion by Mr. Justice Butler. Mr. Justice Sutherland took no part in the consideration or decision of this case.

No. 577, October term, 1926. St. Louis and San Francisco Railroad Company et al. *v.* E. B. Spiller et al. Motion to retax costs denied. Opinion by Mr. Justice Brandeis. Mr. Justice Sutherland took no part in the consideration or decision of this motion.

No. 57. Chicago, Burlington & Quincy Railroad Company, petitioner, *v.* Wells-Dickey Trust Company, as Special Administrator of the Estate of Elmer E. Anderson, deceased. On writ of certiorari to the Supreme Court of the State of Minnesota. Judgment reversed with costs and the cause remanded to said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Brandeis. Mr. Justice Sutherland took no part in the consideration or decision of this case.

No. 67. City of Hammond, petitioner, *v.* Schappi Bus Line, Inc. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Decree modified, without costs to either party in this Court, and cause remanded to the District Court of the United States for the District of Indiana for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Brandeis. Mr. Justice Sutherland took no part in the consideration or decision of this case.

No. 68. City of Hammond, petitioner, *v.* Farina Bus Line and Transportation Company. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Decree modified, without costs to either party in this Court, and cause remanded to the District Court of the United States for the District of Indiana for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Brandeis. Mr. Justice Sutherland took no part in the consideration or decision of this case.

No. 152. F. H. Mason, petitioner, *v.* C. F. Routzahn, Collector of Internal Revenue. On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. Judgment of the District Court of the United States for the Northern District of Ohio affirmed, and judgment of the United States Circuit Court of Appeals for the Sixth Circuit reversed with costs, and cause remanded to the District Court of the United States for the Northern District of Ohio for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Brandeis. Mr. Justice Sutherland took no part in the consideration or decision of this case.

No. 14. Millsaps College, plaintiff in error, *v.* City of Jackson. In error to the Supreme Court of the State of Mississippi. Judgment affirmed with costs. Opinion by Mr. Justice McReynolds. Mr. Justice Sutherland took no part in the consideration or decision of this case.

No. 53. Gulf, Colorado & Santa Fe Railway Company, petitioner, *v.* Mrs. Olena Moser, Administratrix. On writ of certiorari to the Court of Civil Appeals, Third Supreme Judicial District, State of Texas. Judgment reversed with costs, and cause remanded to the said Court of Civil Appeals for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice McReynolds. Mr. Justice Sutherland took no part in the consideration or decision of this case.

No. 75. Northwestern Mutual Life Insurance Company, plaintiff in error, *v.* The State of Wisconsin; and

No. 76. Northwestern Mutual Life Insurance Company, plaintiff in error, *v.* The State of Wisconsin. In error to the Supreme Court of the State of Wisconsin. 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 McReynolds. Mr. Justice Sutherland took no part in the consideration or decision of this case.

No. 154. John W. Blodgett *v.* Charles Holden, Collector of Internal Revenue. On certificate from the United States Circuit Court of Appeals for the Sixth Circuit. Question 2 is answered as follows: So far as the Revenue Act of 1924 undertakes to impose a tax because of the gifts made during January, 1924, it is arbitrary and invalid under the due process clause of the Fifth Amendment. It is only necessary to answer the one question. Opinion by Mr. Justice McReynolds. Separate opinion by Mr. Justice Holmes, Mr. Justice Brandeis, Mr. Justice Sanford, and Mr. Justice Stone. Mr. Justice Sutherland took no part in the consideration or decision of this case.

No. 175. The United States of America, petitioner, *v.* Ole Berkeness. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Decree affirmed and cause remanded to the District Court for the Territory of Alaska. Opinion by Mr. Justice McReynolds. Mr. Justice Sutherland took no part in the consideration or decision of this case.

No. 65. Ray C. Simmons, petitioner, *v.* Edward P. Swan. On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit. Judgment reversed with costs, and cause remanded to the District Court of the United States for the District of Massachusetts for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Holmes. Mr. Justice Sutherland took no part in the consideration or decision of this case.

No. 69. Mercantile Trust Company of St. Louis, Missouri, petitioner, *v.* Wilmot Road District. 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 Eastern District of Arkansas for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Holmes. Mr. Justice Sutherland took no part in the consideration or decision of this case.

No. 78. A. B. Leach & Company, Inc., petitioner, *v.* Walter Peirson. 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 Eastern District of Pennsylvania for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Holmes. Mr. Justice Sutherland took no part in the consideration or decision of this case.

No. 725, October term, 1926. Fairmont Creamery Company, plaintiff in error, *v.* The State of Minnesota. Motion to retax costs denied. Opinion by Mr. Chief Justice Taft. Mr. Justice Sutherland took no part in the consideration or decision of this motion.

No. 29. Gong Lum and Chew How, next friends for Martha Lum, plaintiffs in error, *v.* G. P. Rice, L. C. Brown, Henry McGowan, et al. In error to the Supreme Court of the State of Mississippi. Judgment affirmed with costs. Opinion by Mr. Chief Justice Taft. Mr. Justice Sutherland took no part in the consideration or decision of this case.

No. 42. Compania General de Tabacos de Filipinas, petitioner, *v.* Collector of Internal Revenue. On writ of certiorari to the Supreme Court of the Philippine Islands. Decree reversed in part and affirmed in part, and the cause remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this

Court. Opinion by Mr. Chief Justice Taft. Dissenting: Mr. Justice Holmes and Mr. Justice Brandeis. Mr. Justice Sutherland took no part in the consideration or decision of this case.

No. 149. Jessie L. Wickwire, individually and as executrix and trustee under the last will and testament of Edward L. Wickwire, deceased, petitioner, *v.* Mabel G. Reinecke, as Collector and as Acting Collector of Internal Revenue, etc. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Judgments of the Circuit Court of Appeals and of the District Court reversed with costs, and cause remanded to the District Court of the United States for the Northern District of Illinois for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Chief Justice Taft. Mr. Justice Sutherland took no part in the consideration or decision of this case.

No. 195. Augustin Segurola and Manuel Santiago, petitioners, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit. Judgment affirmed, and cause remanded to the District Court of the United States for the District of Porto Rico. Opinion by Mr. Chief Justice Taft. Mr. Justice Sutherland took no part in the consideration or decision of this case.

The Chief Justice announced the following orders of the Court:

No. 599. Henry Hunter, plaintiff in error, *v.* The State of Louisiana; and

No. 600. Frank Nigro *v.* The United States of America. These criminal cases upon the docket are advanced and assigned for argument on Monday, December 5 next.

No. —, original. *Ex Parte*: In the Matter of Charles A. Stutzman. *Per curiam*: The motions of Charles A. Stutzman for leave to file a petition for *habeas corpus* in this case and to proceed *in forma pauperis* therein are both denied for the reason that the Court, upon examination of the unprinted petition, and papers accompanying it, finds that there are no grounds upon which the writ of *habeas corpus* can be issued. The costs already incurred herein by direction of the Court shall be paid by the clerk from the special fund in his custody, as provided in the order of October 29, 1926.

No. 448. Goon Bon June, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit granted.

No. 456. Federal Intermediate Credit Bank of Columbia, South Carolina, petitioner, *v.* Chas. S. Mitchell, W. E. Richardson, Truckers Supply Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit granted.

No. 459. Republic of France, Compagnie Franco-Indo Chinoise and Engineering Timber Company, Ltd., petitioner, *v.* French Overseas Corporation, as owner of the schooner "Malcolm Baxter, Jr." Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 472. Southern Pacific Company, a corporation, petitioner, *v.* Hildur Haglund, as Administratrix of the Estate of Ernest Haglund, deceased, et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted.

No. 473. Southern Pacific Company, a corporation, petitioner, *v.* Moore Shipbuilding Company, a corporation, and Rolph Navigation & Coal Company, et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted.

No. 496. The Carter Oil Company, J. Wood Glass, F. A. Calvert, et al., petitioners, *v.* Taylor Eli, James Eli, Charlotte Chuculate, etc., et al. Petition for a writ of certiorari to the Supreme Court of the State of Oklahoma granted.

No. 500. Thomas J. Casey, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted.

No. 510. The Compania de Navegacion, Interior, S. A., petitioner, *v.* Fireman's Fund Insurance Company;

No. 511. The Compania de Navegacion, Interior, S. A., petitioner, *v.* Globe & Rutgers Fire Insurance Company;

No. 512. The Compania de Navegacion, Interior, S. A., petitioner, *v.* Northwestern Fire & Marine Insurance Company;

No. 513. The Compania de Navegacion, Interior, S. A., petitioner, *v.* Hartford Fire Insurance Company;

No. 514. The Compania de Navegacion, Interior, S. A., petitioner, *v.* National Liberty Insurance Company;

No. 515. The Compania de Navegacion, Interior, S. A., petitioner, *v.* Aetna Insurance Company;

No. 516. The Compania de Navegacion, Interior, S. A., petitioner, *v.* Western Assurance Company;

No. 517. The Compania de Navegacion, Interior, S. A., petitioner, *v.* Liverpool & London & Globe Insurance Company, Ltd.;

No. 518. The Compania de Navegacion, Interior, S. A., petitioner, *v.* Springfield Fire & Marine Insurance Company;

No. 519. The Compania de Navegacion, Interior, S. A., petitioner, *v.* Franklin Fire Insurance Company; and

No. 520. The Compania de Navegacion, Interior, S. A., petitioner, *v.* Phoenix Insurance Company. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit granted.

No. 534. Karl Buzynski, petitioner, *v.* Luckenbach Steamship Co., Inc., and The Texas Contracting Company, Inc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit granted.

No. 538. A. B. Caplinger, as County Judge of Poinsett County, Arkansas, petitioner, *v.* United States on relation of Harriman National Bank. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit granted.

No. 551. Boston Sand & Gravel Company, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit granted.

No. 561. Mark Skinner Willing and The Northern Trust Company, as Trustee, etc., et al., petitioners, *v.* Chicago Auditorium Association. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted.

No. 564. Milton E. Springer, Dalmacio Costas, and Anselmo Hilario, petitioners, *v.* The Government of the Philippine Islands; and

No. 573. Gregorio Agoncillo, Baldomero Roxas, and Catalino Lavadia, petitioners, *v.* The Government of the Philippine Islands. Petition for writs of certiorari to the Supreme Court of the Philippine Islands granted.

No. 577. Standard Pipe Line Company, Incorporated, petitioner, *v.* Miller County Highway & Bridge District. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit granted.

No. 554. Elizabeth C. Taft, petitioner, *v.* Frank K. Bowers, Collector of Internal Revenue for the Second District of the State of New York; and

No. 575. Gilbert C. Greenway, Jr., petitioner, *v.* Frank K. Bowers, Collector of United States Internal Revenue for the Second District of the State of New York. Petitions for writs 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 the petitions for writs of certiorari in these cases.

No. 447. Robert H. Aldredge, petitioner, *v.* Baltimore & Ohio Railroad Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 450. Tribond Sales Corporation, petitioner, *v.* Harry S. New, Postmaster General of the United States. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 451. Sarah Marcus Greenberg, petitioner, *v.* The Pennsylvania Trust Company of Pittsburgh, Trustee in Bankruptcy. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 452. Missouri Pacific Railroad Company, petitioner, *v.* James M. Russell. Petition for a writ of certiorari to the Supreme Court of the State of Missouri denied.

No. 457. American Exchange Irving Trust Company, petitioner, *v.* Leon Bonnasse, Joseph Bonnasse, and Eugene Bonnasse, doing business under the firm name & style of Banque Bonnasse and Banque Privee et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 458. Patrick A. McDonnell, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 460. Elmer C. Dyer et al., petitioners, *v.* George A. Stauffer, as Marshal, etc., et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 461. Chimney Rock Company, a Corporation, petitioner, *v.* The United States. Petition for a writ of certiorari to the Court of Claims denied.

No. 462. The New Britain Machine Company, a corporation under the laws of the State of Ohio, petitioner, *v.* Emma Cone. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 466. The City of New York, petitioner, *v.* The New York Central Railroad Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 469. Riverside Oil & Refining Company, petitioner, *v.* Cimarron River Oil Company, Sophie Mussellem, M. S. Mussellem, et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 470. Missouri Pacific Railroad Company, petitioner, *v.* Martin Woodward. Petition for a writ of certiorari to the Supreme Court of the State of Missouri denied.

No. 474. Peoples Transit Company, petitioner, *v.* George A. Henshaw et al., receivers of the Oklahoma Railway Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 475. Pere Marquette Railroad Company, petitioner, *v.* Frank Farrelli. Petition for a writ of certiorari to the Appellate Court of the State of Illinois, First District, denied.

No. 476. Alfred Leeb and Louis Nova, copartners doing business under the firm name and style of Batjer & Company, petitioners, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 477. Old Honesty Oil Company, petitioner, *v.* Clara B. Shuler. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 478. Van Dusen Harrington Company, petitioner, *v.* Illinois Central Railroad Company. Petition for a writ of certiorari to the Supreme Court of the State of Minnesota denied.

No. 479. James R. Caton, Joseph C. Koogle, Fannie P. Gilbert, et al., petitioners, *v.* Michigan Sanitarium and Benevolent Association et al. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 480. Joe Parente and Armando Bonacorsi, petitioners, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 481. Joseph J. Weinhandler, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 482. Glendola Steamship Corporation, petitioner, *v.* Standard Oil Company (N. J.). Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 483. Central Union Trust Company of New York, Guaranty Trust Company of New York, Frederic A. Juilliard et al., etc., petitioners, *v.* The United States. Petition for a writ of certiorari to the Court of Claims denied.

No. 484. Cornell Steamboat Company, petitioner, *v.* State Industrial Board and Ida C. Benson, widow, etc. Petition for a writ of certiorari to the Supreme Court of the State of New York denied.

No. 485. Boston Insurance Company of Boston, Massachusetts, petitioner, *v.* John S. Sorenson and T. B. S. Nielsen, Copartners trading under the name, etc., et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 486. The United States of America, petitioner, *v.* W. N. Hayes, et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 487. The United States of America, petitioner, *v.* Cimarron River Oil Company, et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 488. Louisa C. Aichner, petitioner, *v.* Commonwealth Casualty Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 489. Reeves Coal and Dock Company, E. T. McDonald, Receiver, etc., petitioner, *v.* George E. Geddes. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 491. Camp Manufacturing Company, petitioner, *v.* S. Liles Miller, Administrator of the estate of D. B. Miller, deceased. Petition for a writ of certiorari to the Supreme Court of the State of South Carolina denied.

No. 492. Union Freight Railroad Company, petitioner, *v.* Batchelder & Snyder Company. Petition for a writ of certiorari to the Superior Court of Suffolk County, State of Massachusetts, denied.

No. 493. Roy Olmstead, Jerry L. Finch, Clarence G. Healy, et al., petitioners, *v.* The United States of America;

No. 532. Charles S. Green, Emory A. Kern, Z. J. Hendrick, et al., petitioners, *v.* The United States of America; and

No. 533. Edward H. McInnis, petitioner, *v.* The United States of America. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 494. E. E. Easton, petitioner, *v.* Susan T. Brant, C. M. Sperry, Southwestern Securities Company, et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 495. Clinchfield Railroad Company, petitioner, *v.* Elice H. Dunn, Administratrix of the Estate of Milledge D. Hunnicutt, deceased. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 498. Kerr Steamship Co., Inc., petitioner, *v.* Radio Corporation of America. Petition for a writ of certiorari to the Court of Appeals of the State of New York denied.

No. 499. John Pleich, Sr., petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 502. Lewis G. Norton, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 503. Wolf Mineral Process Corporation, petitioner, *v.* Minerals Separation North American Corporation. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 504. Wehr Company, petitioner, *v.* Roy J. Winsor. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 506. Czarnikow-Rionda Company, petitioner, *v.* West Market Grocery Company (formerly known as Sheppard Strassheim Co.). Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 507. Arthur Rich, petitioner, *v.* The People of the State of Michigan. Petition for a writ of certiorari to the Supreme Court of the State of Michigan denied.

No. 508. American Railway Express Company, petitioner, *v.* Terry Packing Company. Petition for a writ of certiorari to the Supreme Court of the State of South Carolina denied.

No. 522. William H. Wohlstatter, next friend of Jew Lee, petitioner, *v.* A. W. Brough, Chinese Inspector in Charge at the Port of New York. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 523. Star Ball Player Company, petitioner, *v.* The Playograph Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 524. Ernest Wiltsee, on behalf of himself, Arthur J. Stevens and H. Snowden Marshall, as Receivers, etc., et al., petitioners, *v.* Francis R. Hart et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 525. Lucinda Haldeman, as administratrix of the goods, chattels, rights, and credits, which were of Fred Haldeman, deceased, petitioner, *v.* Reading Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 526. Michael F. Loughman, President of the State Tax Commission, and John J. Merrill et al., State Tax Commissioners, etc., petitioners, *v.* Martha J. Smith, as sole executrix of the last will and testament of Mary J. Smith, deceased. Petition for a writ of certiorari to the Supreme Court of the State of New York denied.

No. 527. Lena Kahlstrom, as Administratrix of the Estate of Charles Kahlstrom, deceased, petitioner, *v.* International Stevedoring Company. Petition for a writ of certiorari to the Supreme Court of the State of Washington denied.

No. 528. Fordson Coal Company, petitioner, *v.* Wiley Spurlock, T. H. Webb, Taylor Spurlock, et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 529. Andrew W. Mellon, Director General of Railroads, as Agent, petitioner, *v.* World Publishing Company;

No. 530. Andrew W. Mellon, Director General of Railroads, as Agent, petitioner, *v.* Tulsa Paper Company; and

No. 531. Andrew W. Mellon, Director General of Railroads, as Agent, petitioner, *v.* Democrat Printing Company. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 535. Jerome G. Farquhar, petitioner, *v.* William M. Henderson and Plymouth Oil Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 536. Francis J. McDonald, petitioner, *v.* Albert T. Rosasco. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 537. Munson Steamship Line, petitioner, *v.* Dampskibs Aktieselskabet Jeanette Skinner, owner of the Norwegian Steamship "John Peakke." Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 540. McCormick Intercoastal Steamship Company, claimant, etc., et al., petitioners, *v.* Yamashita Kisen Kabushiki Kaisha, claimant, etc., et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 541. Bachus-Brooks Company, petitioner, *v.* Northern Pacific Railway Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 542. John D. Key, in his own behalf and as the guardian *ad litem* of Margaret Key et al., etc., petitioners, *v.* Panama Railroad Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 544. Morgan & Bird Gravel Company, Inc., Represented by J. P. Wilkinson, Receiver, petitioner, *v.* M. T. Walker et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 545. Guaranty Trust Company of New York, petitioner, *v.* G. F. Grohe-Henrich & Co. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 546. National Ben Franklin Fire Insurance Company, petitioner, *v.* William M. Filkins, as Trustee in Bankruptcy of the Estate of U. S. Pulp Products Corporation; and

No. 547. The Yorkshire Insurance Company, Limited, petitioner, *v.* William M. Filkins, as Trustee in Bankruptcy of the Estate of U. S. Pulp Products Corporation. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 550. Tucker Barnett and Wysey Winn, petitioners, *v.* Prairie Oil & Gas Company, W. A. Kunkle, Hannah Bird, et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 553. Old Colony Trust Company et al., executors, petitioners, *v.* John F. Malley, Former Collector of Internal Revenue, et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 555. Levi Lurie, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 556. Garfield A. Street, petitioner, *v.* Emily M. Stubblefield and Emily M. Stubblefield, Executrix, Estate of Thomas W. Stubblefield. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 557. Arthur L. Bisbee, Frank J. Bisbee, Edgar C. Bisbee, petitioners, *v.* Midland Linseed Products Company, E. C. Warner Company, Grain Securities Company, Ltd., et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 560. Auto Motive Equipment Company and Gilfillan Bros., Inc., petitioners, *v.* The Connecticut Telephone & Electric Company, Incorporated. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 562. Leon Kanner, Joseph Kanner, and Max Kanner, petitioners, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 565. Nathan Bard, petitioner, *v.* John B. Chilton, Warden, Kentucky State Penitentiary, Herbert Woodruff, Sheriff of Hopkins County, etc., et al.; and

No. 566. Bunyan Fleming, petitioner, *v.* John B. Chilton, Warden, Kentucky State Penitentiary, Herbert Woodruff, Sheriff of Hopkins County, etc., et al. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 567. Theodore Davis Boal, as Executor of the will of Annie B. Davis, deceased, and Kate Atwood, individually, etc., petitioners, *v.* Metropolitan Museum of Art of the City of New York and the Rhode Island Hospital Trust Company, as Administrator, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 568. Automotive Products Corporation, petitioner, *v.* Wolverine Bumper & Specialty Company, Rollie B. Fageol and American

Chain Company, Inc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 570. Jacob Marcus and Benjamin Marcus, petitioners, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 571. Spencer Kellogg & Sons, Inc., petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 583. Daisy L. Burneson, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 563. Otis Elevator Company, petitioner, *v.* Lois Hoskins and Hotel Randolph Company. Petition for a writ of certiorari to the Supreme Court of the State of Iowa denied. The Chief Justice took no part in the consideration or decision of the petition for a writ of certiorari in this case.

No. 490. Mollie Tiger and Baby Cumsey, by C. L. Garber, etc., et al., petitioners, *v.* F. S. Lozier, C. F. Robertson, J. Garfield Buell, et al. On petition for a writ of certiorari to the Supreme Court of the State of Oklahoma. *Per curiam:* The petition for certiorari is denied for the reason that the petitioner has failed to comply with section 2 of rule 35 of the Supreme Court which provides that the "petition shall contain only a summary and short statement of the matter involved and the reasons relied upon for the issuance of the writ," and that the supporting brief must be direct and concise.

The petition for certiorari filed in this case contains no concise statement of the facts, is sixty-six pages long, and purports to set forth forty-seven "Federal Questions Arising in This Case." The petitioner's brief, of seventy-two pages, is prefaced by some twenty pages of "General Propositions of Law," and followed by an appendix of two hundred and ten pages of excerpts from the record.

No. 497. Warren E. Brown, First National Bank of Dover, First National Bank of Upper Sandusky, et al., petitioners, *v.* Louis H. Krietmeyer. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. *Per curiam:* The petition for certiorari is denied for the reason that the petitioner has failed to comply with section 2 of Rule 35 of the Supreme Court, which provides that the "petition shall contain only a summary and short statement of the matter involved and the reasons relied on for the issuance of the writ," and that the supporting brief must be direct and concise.

The petition for certiorari filed in this case is fifty-one pages long and contains no concise statement of the facts. The brief in support of the petition is seventy-two pages long and is presented separately.

Both the petition and the brief have the same appendix, which is ninety pages long, and contains many references to Florida statutes.

No. 558. Kunglig Jarnvagsstyrelsen, also known as the Royal Administration of the Swedish State Railways, petitioner, *v.* The National City Bank of New York and Dexter & Carpenter, Inc.; and

No. 559. Kunglig Jarnvagsstyrelsen, also known as the Royal Administration of the Swedish State Railways, petitioner, *v.* Dexter & Carpenter, Inc. On petition for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit. *Per curiam:* The petition for two writs of certiorari is denied for the reason that the petitioner has failed to comply with section 2 of Rule 35 of the Supreme Court, which provides that the "petition shall contain only a summary and short statement of the matter involved and the reasons relied on for the issuance of the writ," and that the supporting brief must be direct and concise.

The petition filed in this case for the two writs of certiorari is thirty-four pages long, and the petitioner's brief filed in support thereof is one hundred ninety-six pages long, thirty-six pages of which are devoted to a statement of the facts.

No. 572. Gypsy Oil Company, petitioner, *v.* Leo Bennett Escoe, a Minor, by O. W. Stephens, Guardian, etc. On petition for a writ of certiorari to the Supreme Court of the State of Oklahoma. *Per curiam:* This petition for certiorari to the Supreme Court of the State of Oklahoma is denied.

The application was not made in accordance with section 8 (a), act of February 13, 1925, Ch. 229, 43 Stat. 936, 940, which provides:

"No writ of error, appeal, or writ of certiorari shall be allowed or entertained unless application therefor be duly made within three months after the entry of such judgment or decree * * *."

The judgment of the Supreme Court was entered March 22, 1927. A timely petition for rehearing was denied June 14, 1927. On June 18, 1927, an application for leave to file a second petition for rehearing was endorsed:

"Leave granted to file—Fred C. Branson, Chief Justice."

"On August 2, 1927, as appears from the minutes, the following proceedings were taken by the court:

"Gypsy Oil Company *v.* Escoe, et al. Application for leave to file a second petition for rehearing denied; application for oral argument denied. Fred C. Branson, Chief Justice."

On September 30, 1927, more than three months after denial of the petition for rehearing (June 14), the present petition for certiorari was filed.

The running of the time within which proceedings may be initiated here to bring up judgment or decree for review is suspended by the

seasonable filing of a petition for rehearing. But it begins to run from the date of denial of such petition and further suspension can not be obtained by the mere presentation of a motion for leave to file a second request for rehearing. *Morse v. United States*, 270 U. S. 151, 153, 154.

If, however, a timely motion for leave to file the second petition is granted, and the petition is actually entertained by the Court, then the time within which application may be made here for certiorari begins to run from the day when the Court denies such second petition.

No. —, original. *In re. Abraham S. Gilbert*. It is ordered that the clerk issue a rule returnable Monday, December 12, 1927, addressed to Abraham S. Gilbert, of New York City, member of this bar, which shall direct—

That he make written report to this Court showing what fees or allowances have been paid to him (also when and by whom paid) for services as master in the several causes reviewed here during the October term, 1921, and reported in 259 U. S. 101, under the following titles:

Newton, as Attorney General of the State of New York, et al., *v. Consolidated Gas Company of New York*; Same *v. New York & Queens Gas Company*; Same *v. Central Union Gas Company*; Same *v. Northern Union Gas Company*; Same *v. New York Mutual Gas Light Company*; Same *v. Standard Gas Light Company of the City of New York*; Same *v. New Amsterdam Gas Company*; Same *v. East River Gas Company of Long Island City*.

That he likewise report whether he has returned or repaid any portion of the fees or allowances received by him as such master, with dates and names of the parties.

That if he has received fees or allowances as master in any of the specified causes exceeding the maximum amount held by us to be permissible, and has not returned or repaid the excess, then he shall show cause why his name ought not to be stricken from the roll of attorneys permitted to practice here and he be punished for contempt or otherwise dealt with as the circumstances may require.

No. 13, original. The United States of America, complainant, *v. The State of Idaho*. Leave granted to file answer of the defendant, State of Idaho, on motion of Mr. Solicitor General Mitchell in behalf of counsel for the defendant.

No. 283. The United States, petitioner, *v. Magnolia Petroleum Company et al.* Motion to advance submitted by Mr. Solicitor General Mitchell for the petitioner.

No. 299. Arnold J. Hellmich, Collector of Internal Revenue, etc., petitioner, *v.* Isadore N. Hellman; and

No. 300. Arnold J. Hellmich, Collector of Internal Revenue, etc., petitioner, *v.* Milton C. Hellman. Motion to advance submitted by Mr. Solicitor General Mitchell for the petitioner.

No. 391. A. R. Young Construction Company et al., plaintiffs in error, *v.* D. E. Dunne, etc. Motion for leave to file designation of additional parts of the record to be printed submitted by Mr. Chester I. Long for the defendant in error in support of the motion, and by Mr. Willard Brooks and Mr. Charles M. Miller for the plaintiff in error in opposition thereto.

No. 70. Louisville Gas & Electric Co., plaintiff in error, *v.* W. H. Shanks, as Auditor of the State of Kentucky. Leave granted to file supplemental brief for the plaintiff in error on motion of Mr. C. R. McAtee in that behalf.

No. 592. James C. Colgate, appellant, *v.* The Philadelphia Electric Power Company, et al., etc. Motion to advance and for restraining order submitted by Mr. Charles F. Carusi in behalf of counsel for the appellant and by Mr. Wm. Clarke Mason in opposition thereto.

No. 376. John J. Mitchell, Augustine L. Humes, Illinois Merchants Trust Company, as Executors, petitioners, *v.* The United States. Death of John J. Mitchell, one of the executors, suggested and case continued in the name of the surviving executors, on motion of Mr. Milward W. Martin and Mr. A. L. Humes in that behalf.

No. 576. W. E. Thomas, Trustee in Bankruptcy of Wilson Mercantile Company, Bankrupt, petitioner, *v.* J. M. Lester. Petition for writ of certiorari to the Supreme Court of the State of Arkansas submitted by Mr. H. Rozier Dulany, jr., Mr. A. L. Adams, and Mr. H. L. Ponder for the petitioner, and by Mr. J. Merrick Moore and Mr. Clifton W. Gray for the respondent.

No. 580. Leo J. Gonch, petitioner, *v.* Republic Storage Company, Inc. Petition for writ of certiorari to the Supreme Court of the State of New York submitted by Mr. John T. Loughran for the petitioner, and by Mr. Outerbridge Horsey for the respondent.

No. 581. American Colonia Bank of Porto Rico, petitioner, *v.* Mercedes Guerra y Cobian et al.; and

No. 582. American Colonial Bank of Porto Rico, petitioner, *v.* Mercedes Guerra y Cobian et al. Petition for writs of certiorari to the United States Circuit Court of Appeals for the First Circuit submitted by Mr. Francis E. Neagle for the petitioner, and by Mr. Hugh R. Francis for the respondent.

No. 584. L. F. Vance, petitioner, *v.* Chicago Portrait Company, Edwin L. Belshe, Robert B. Stout, et al. Petition for writ of certiorari to the District Court of the United States for the Northern District of Illinois submitted by Mr. L. F. Vance, *pro se*, and by Mr. John T. Evans for the respondents.

No. 585. L. F. Vance, petitioner, *v.* Chicago Portrait Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. L. F. Vance, *pro se*, and by Mr. John T. Evans for the respondents.

No. 587. John A. Vesey, petitioner, *v.* V. K. Irion, Commissioner of Conservation of the State of Louisiana, et al. Petition for writ of certiorari to the Supreme Court of the State of Louisiana submitted by Mr. R. C. Milling and Mr. Eugene D. Saunders for the petitioner.

No. 588. Edwin C. Jameson, Leroy W. Baldwin, Louis V. Bright, et al., etc., petitioners, *v.* Guaranty Trust Company of New York and Merrel P. Callaway, as Trustees, Robert T. Swaine, et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. John Lewis Smith, Mr. Robert Kelly Prentice, and Mr. Irvine L. Lenroot for the petitioners, and by Mr. Silas H. Strawn, Mr. Ralph M. Shaw, Mr. H. H. Field, Mr. Paul D. Cravath, Mr. Robert T. Swaine, Mr. John W. Davis, Mr. Edwin S. S. Sunderland, and Mr. William A. W. Stewart for the respondents.

No. 590. Columbus Electric & Power Company and S. Morgan Smith Company, petitioners, *v.* Allis-Chalmers Manufacturing Company and William M. White. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Robert C. Alston and Mr. Hubert Howson for the petitioners, and by Mr. Clifton V. Edwards, Mr. George F. DeWein, and Mr. J. Blanc Monroe for the respondents.

No. 591. Percival Wilds, as Trustee in Bankruptcy of Winfield Scott Norris, trading as Scott Norris & Company, petitioner, *v.* Lebanon National Bank. Petition for writ of certiorari to the Supreme Court of the State of New York submitted by Mr. Caruthers Ewing and Mr. Bertram F. Shipman for the petitioner, and by Mr. John E. Joyce for the respondent.

No. 593. California Highway Indemnity Exchange, petitioner, *v.* Marie Kruger. Petition for writ of certiorari to the Supreme Court of the State of California submitted by Mr. Ellwood P. Morey for the petitioner, and by Mr. Edwin J. Baumberger for the respondent.

No. 594. The Village of University Heights and John Migchelbrink, Inspector of Buildings, etc., petitioners, *v.* The Cleveland Jewish Orphan Home. Petition for writ of certiorari to the United

States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Frederick A. Henry for the petitioners, and by Mr. Newton D. Baker and Mr. Robert M. Morgan for the respondent.

No. 595. W. Freeland Dalzell, petitioner, *v.* Steamship "Hermes," Bruusgaard Kiosteruds Dampskibs Aktieselskabet. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Chauncey I. Clark for the petitioner, and by Mr. John W. Griffin for the respondent.

No. 597. Morimura, Arai & Co., petitioners, *v.* Nathan Taback and Louis Taback, individually and as copartners trading as Taback Brothers. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. James D. Carpenter, jr., for the petitioners, and by Mr. David H. Bilder and Mr. Nathan Bilder for the respondents.

No. 598. Hussey Tie Company, petitioner, *v.* Knickerbocker Insurance Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Samuel W. Fordyce, Mr. John H. Holliday, Mr. Thomas W. White, and Mr. Walter R. Mayne for the petitioner, and by Mr. Wendell P. Barker, Mr. Thos. S. McPheeters, and Mr. Henry Davis for the respondent.

No. 437. John Howell, plaintiff in error, *v.* The State of Georgia. In error to the Supreme Court of the State of Georgia. Dismissed with costs on motion of counsel for the plaintiff in error.

No. 258. Commercial Credit Company, petitioner, *v.* The United States of America. Argument commenced by Mr. Duane R. Dills for the petitioner, and continued by Mr. Solicitor General Mitchell for the respondent.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, November 22, will be as follows: Nos. 258, 293, 543, 346, 110, 394 (and 539), 79 (and 19), 81, 82 (and 83 and 84), and 86.

SUPREME COURT OF THE UNITED STATES

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

William H. Herdman, of Omaha, Nebr.; William S. O'Brien, of Buckhannon, W. Va.; William J. O'Donovan, of Manila, P. I.; Carl H. Zeiss, of Winnetko, Ill.; John C. McWhorter, of Buckhannon, W. Va.; Charles H. Loud, of Miles City, Mont.; Albert H. Angstman, of Helena, Mont.; Russell I. Hare, of New York City; Jay D. Coulter, of Washington, D. C.; Ulysses G. Young, of Buckhannon, W. Va.; Edwin S. Pillsbury, of San Francisco, Calif.; J. M. Mannon, jr., of San Francisco, Calif.; Arthur C. Gunther, of Louisville, Ky.; and Rudolph Nelstead, of Miles City, Mont., were admitted to practice.

No. 258. Commercial Credit Company, petitioner, *v.* The United States of America. Argument concluded by Mr. Solicitor General Mitchell for the respondent. Leave granted petitioner to file reply brief on or before Friday next.

No. 293. The United States of America and The Interstate Commerce Commission, appellants, *v.* The Kansas City Southern Railway Company, The Arkansas Western Railway Company, Fort Smith and Van Buren Railway Company, et al. Argued by Mr. Blackburn Esterline for appellant, the United States of America, and by Mr. S. W. Moore for the appellees.

No. 543. Arthur Rich, plaintiff in error, *v.* The People of the State of Michigan. Argument commenced by Mr. Harry Eugene Kelly for the plaintiff in error and continued by Mr. Thornton M. Pratt for the plaintiff in error. The Court declined to hear further argument.

No. 346. Finkelstein & Kommel, petitioners, *v.* The United States. Argued by Mr. Frederick W. Brooks, jr., for the petitioners, and by Mr. Solicitor General Mitchell for the respondent.

No. 110. John P. Donnelley *v.* The United States of America. Argued by Assistant Attorney General Willebrandt for the United States, and case submitted by Mr. Henry M. Hoyt and Mr. Frank H. Norcross for Donnelley.

No. 394. The United States of America *v.* Glen Murray; and

No. 539. Frederick A. Cook, petitioner, *v.* The United States of America. Argument commenced by Mr. H. C. Wade for the petitioner in No. 539.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, November 23, will be as follows: Nos. 394 (and 539), 79 (and 19), 81, 82 (and 83 and 84), 86, 87, 89, 90, 91, and 93.

SUPREME COURT OF THE UNITED STATES

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

Thomas H. Healy, of Washington, D. C.; Melville Monheimer, of Seattle, Wash.; Addison G. Kistle, of Council Bluffs, Iowa; F. Eldred Boland, of San Francisco, Calif.; Charles E. Swanson, of Council Bluffs, Iowa; Frank E. Northrop, of Council Bluffs, Iowa; and William J. Oven, of Tallahassee, Fla., were admitted to practice.

No. 7, original. The State of Wisconsin, complainant, *v.* The State of Illinois and Sanitary District of Chicago et al.;

No. 11, original. State of Michigan, complainant, *v.* The State of Illinois and Sanitary District of Chicago; and

No. 12, original. State of New York, complainant, *v.* State of Illinois and Sanitary District of Chicago. Report of special master presented by Mr. Charles Evans Hughes, the special master herein, and the report ordered filed.

No. 96. Ella R. Clarke, plaintiff in error, *v.* Shoshoni Lumber Company and Allan Boysen. Passed for ninety days on motion of Mr. Wm. J. Hughes, jr., for the plaintiff in error.

No. 394. The United States of America *v.* Glen Murray; and

No. 539. Frederick A. Cook, petitioner, *v.* The United States of America. Argument continued by Mr. H. C. Wade for the petitioner in No. 539, and concluded by Assistant Attorney General Willebrandt for the United States.

No. 79. United Fuel Gas Company, appellant, *v.* The Public Service Commission of West Virginia, I. Wade Coffman, and C. E. Nethken, et al. Argument commenced by Mr. John W. Davis for the appellant, and continued by Mr. Robert S. Spilman for the appellees.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, November 28, will be as follows: Nos. 79 (and 19), 81, 82 (and 83 and 84), 86, 87, 89, 90, 91, 93, and 94 (and 108).

SUPREME COURT OF THE UNITED STATES

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

Thomas F. Cameron, of Washington, D. C.; Truman D. Wade, of Phoenixville, Pa.; S. Lawrence Miller, of New York City; W. L. Cook, of Houston, Tex.; and Joseph Bearak, of Boston, Mass., were admitted to practice.

No. 176. Atlantic Coast Line Railroad Company, petitioner, *v.* Standard Oil Company of Kentucky; and

No. 177. Standard Oil Company, Incorporated in Kentucky, petitioner, *v.* Atlantic Coast Line Railroad Company. On writs of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. Decree of the District Court of the United States for the Western District of Kentucky affirmed, and decree of the United States Circuit Court of Appeals for the Sixth Circuit affirmed in part and reversed in part, and cause remanded to the said District Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Chief Justice Taft. Mr. Justice Sutherland took no part in the consideration or decision of this case.

The Chief Justice announced the following orders of the Court:

No. 283. The United States, petitioner, *v.* Magnolia Petroleum Company, E. R. Brown, R. Waverly Smith, et al., etc. Motion to advance this case is granted and the case assigned for argument on Tuesday, January 3 next, after the cases heretofore assigned for that day.

No. 299. Arnold J. Hellmich, Collector of Internal Revenue, etc., petitioner, *v.* Isadore N. Hellman; and

No. 300. Arnold J. Hellmich, Collector of Internal Revenue, etc., petitioner, *v.* Milton C. Hellman. The motions to advance these cases are granted and the cases assigned for argument on Tuesday, January 3 next, after the cases heretofore assigned for that day.

No. 592. James C. Colgate, appellant, *v.* Philadelphia Electric Power Company, Nathan R. Buller, William D. B. Ainey, et al., etc., et al. The motion to advance this case is granted and the case assigned for argument on Tuesday, January 3 next, after the cases heretofore assigned for that day. The motion for a restraining order in this case is denied.

No. 391. A. R. Young Construction Company and Cecil L. Newbold, Receiver, plaintiffs in error, *v.* D. E. Dunne, G. C. Dunne, and G. M. Dunne, partners, etc. The motion of the defendants in error for leave to file a designation of parts of the record to be printed is granted, the printing of the same to be at the expense of the moving party.

No. 293. The United States of America and The Interstate Commerce Commission, appellants, *v.* The Kansas City Southern Railway Company, The Arkansas Western Railway Company, Fort Smith and Van Buren Railway Company, et al. Appeal from the District Court of the United States for the Western District of Missouri. *Per curiam*: Reversed and cause remanded to the District Court of the United States for the Western District of Missouri with directions to vacate the injunction decree and dismiss the petition for want of jurisdiction, on the authority of the United States *v.* Los Angeles & Salt Lake Railroad Co., 273 U. S. 299.

No. 543. Arthur Rich, plaintiff in error, *v.* The People of the State of Michigan. In error to the Supreme Court of the State of Michigan. *Per curiam*: Dismissed for want of a substantial federal question on the authority of *Shulthis v. McDougal*, 225 U. S. 561, 569; *Hull v. Burr*, 234 U. S. 712, 720; *Norton v. Whiteside*, 239 U. S. 144, 147.

No. 346. Finkelstein & Kommel, petitioners, *v.* The United States. On writ of certiorari to the United States Court of Customs Appeals. *Per curiam*: Reversed on the authority of the United States *v.* Fish, 268 U. S. 607, 612; the decision being that section 489 of the Tariff Act of 1922 (c. 356, 42 Stat. 858, 962; U. S. C., Title 19, sec. 361) does not forbid the Customs Court to adopt rules of practice permitting the filing of such petitions before liquidation, that it has jurisdiction to consider petitions so filed, and its decision in this case granting the petition was not ineffective for want of jurisdiction.

No. 337. The Williamsport Wire Rope Company, petitioner, *v.* The United States. Petition for a writ of certiorari to the Court of Claims granted.

No. 576. W. E. Thomas, Trustee in Bankruptcy of Wilson Mercantile Company, Bankrupt, petitioner, *v.* J. M. Lester. Petition for a writ of certiorari to the Supreme Court of the State of Arkansas denied.

No. 580. Leo J. Gonch, petitioner, *v.* Republic Storage Company, Inc. Petition for a writ of certiorari to the Supreme Court of the State of New York denied.

No. 581. American Colonial Bank of Porto Rico, petitioner, *v.* Mercedes Guerra y Cobian et al.; and

No. 582. American Colonial Bank of Porto Rico, petitioner, *v.* Mercedes Guerra y Cobian et al. Petition for writs of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 584. L. F. Vance, petitioner, *v.* Chicago Portrait Company, Edwin L. Belshe, Robert B. Stout, et al. Petition for a writ of certiorari to the District Court of the United States for the Northern District of Illinois denied.

No. 585. L. F. Vance, petitioner, *v.* Chicago Portrait Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 587. John A. Vesey, petitioner, *v.* V. K. Irion, Commissioner of Conservation of the State of Louisiana, et al. Petition for a writ of certiorari to the Supreme Court of the State of Louisiana denied.

No. 590. Columbus Electric & Power Company and S. Morgan Smith Company, petitioners, *v.* Allis-Chalmers Manufacturing Company and William M. White. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 591. Percival Wilds, as Trustee in Bankruptcy of Winfield Scott Norris, trading as Scott Norris & Company, petitioner, *v.* Lebanon National Bank. Petition for a writ of certiorari to the Supreme Court of the State of New York denied.

No. 593. California Highway Indemnity Exchange, petitioner, *v.* Marie Kruger. Petition for a writ of certiorari to the Supreme Court of the State of California denied.

No. 594. The Village of University Heights and John Migchelbrink, Inspector of Buildings, etc., petitioners, *v.* The Cleveland Jewish Orphan Home. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 595. W. Freeland Dalzell, petitioner, *v.* Steamship "Hermes," Bruusgaard Kiosteruds Dampskibs Aktieselskabet. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 598. Hussey Tie Company, petitioner, *v.* Knickerbocker Insurance Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 588. Edwin C. Jameson, Leroy W. Baldwin, Louis V. Bright, et al., etc., petitioners, *v.* Guaranty Trust Company of New York and Merrel P. Callaway, as Trustees, Robert T. Swaine, et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied. Mr. Justice Brandeis took no part in the consideration or decision of the petition for certiorari in this case.

No. —, original. *In re*: Abraham S. Gilbert. It is now here ordered by this Court that the time within which to file a return to the rule to show cause, issued pursuant to the order of this Court herein, dated November 21, 1927, be, and the same is hereby, extended to January 16, 1928.

No. 7, original. State of Wisconsin et al., complainants, *v.* State of Illinois and Sanitary District of Chicago, et al.

No. 11, original. State of Michigan, complainant, *v.* The State of Illinois and Sanitary District of Chicago; and

No. 12, original. State of New York, complainant, *v.* State of Illinois and Sanitary District of Chicago. The report of the Special Master showing his findings of fact, conclusions of law, and recommendations for a decree having been presented to the Court in printed form on the 23d day of this month,

It is now ordered that the parties to these causes be allowed severally until and including the 3d day of January, 1928, to print and present exceptions, if any they have, to such report or any part of the same.

No. 629. Wm. Wrigley, Jr., Company, petitioner, *v.* L. P. Larson, Jr., Company. Leave granted to file substituted petition, on motion of Mr. D. F. Rosenthal in behalf of counsel for the petitioner.

No. 103. John James Jackson, William A. Wilson, Christopher R. Shotton, et al., petitioners, *v.* Steamship "Archimedes," Lamport & Holt Line, Ltd., claimant. Leave granted to file brief of British Embassy, as *amicus curiæ*, on motion of Mr. Barry Mohun in behalf of Mr. Frederic R. Coudert and Mr. Howard Thayer Kingsbury, counsel for the British Embassy, and motion for oral argument submitted.

No. 81. Owen P. Smith, Geo. Sawyer, Martin J. Hyland, et al., plaintiffs in error, *v.* Commonwealth of Kentucky et al. Passed until December 6, on motion of Mr. A. O. Stanley for the plaintiffs in error.

No. 9, original. The State of Louisiana, complainant, *v.* The State of Mississippi. Leave granted to open, file, and publish testimony, on motion of Mr. Robert Ash for the complainant.

No. 501. H. E. Byram, Mark W. Potter, and Edward J. Brundage, as Receivers, etc., appellants, *v.* A. G. Risty, Chris Olson, L. E. Larson, et al., etc., et al. Motion to advance submitted by Mr. George C. Ober, Jr., in behalf of counsel for the appellants.

No. 615. The Staten Island Rapid Transit Railway Company, plaintiff in error, *v.* The Transit Commission of the State of New York; and

No. 616. The Staten Island Rapid Transit Railway Company and The Staten Island Railway Company, plaintiffs in error, *v.* The Transit Commission of the State of New York. Motion to advance submitted by Mr. Clarence M. Lewis for the defendant in error.

No. 603. L. P. Larson, Jr., Company, petitioner, *v.* Wm. Wrigley, Jr., Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Charles H. Aldrich and Mr. George S. Haight for the petitioner, and by Mr. Isaac H. Mayer and Mr. Wallace R. Lane for the respondent.

No. 605. Maryland Casualty Company, petitioner, *v.* Ohio River Gravel Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. Wilton J. Lambert, Mr. D. H. Hill Arnold, Mr. George F. Cushwa, and Mr. R. H. Yeatman for the petitioner.

No. 606. Maryland Casualty Company, petitioner, *v.* Ohio River Gravel Company and Zebedee Westfall. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. Wilton J. Lambert, Mr. D. H. Hill Arnold, Mr. George F. Cushwa, and Mr. R. H. Yeatman for the petitioner, and by Mr. U. G. Young and Mr. J. C. McWhorter for the respondents.

No. 608. Benzo Gas Motor Fuel Company, petitioner, *v.* The National Refining Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Henry L. McCune for the petitioner, and by Mr. T. H. Hogsett and Mr. I. J. Ringolsky for the respondent.

No. 609. Louisiana Railway & Navigation Company, petitioner, *v.* Walter McGlory. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. E. H. Randolph for the petitioner, and by Mr. S. P. Jones for the respondent.

No. 161. E. M. Jones Burget, plaintiff in error, *v.* The Borough of Dormont, Pittsburgh, Pennsylvania. In error to the United States Circuit Court of Appeals for the Third Circuit. Dismissed pursuant to the eleventh rule.

No. 94. Mayor and Board of Aldermen of the City of Natchez, appellants, *v.* S. B. McNeeley and Mrs. Louisia McNeeley, Administratrix, etc.; and

No. 108. Mrs. Louisia McNeeley, Administratrix of the Estate of S. B. McNeeley, deceased, appellant, *v.* Mayor and Board of Aldermen of the City of Natchez. Submitted by Mr. John B. Brunini for Mayor and Board of Aldermen of the City of Natchez. No brief filed for McNeeley.

No. 79. United Fuel Gas Company, appellant, *v.* The Public Service Commission of West Virginia, I. Wade Coffman, and C. E. Nethken, et al. Argument continued by Mr. Robert S. Spilman for the appellees, and concluded by Mr. F. M. Livezey for the appellees.

No. 19. The United Fuel Gas Company, a corporation, and Warfield Natural Gas Company, a corporation, appellants, *v.* The Railroad Commission of Kentucky, Frank N. Burns, et al., etc. Argued by Mr. John W. Davis for the appellants, and by Mr. John T. Diederich for the appellees.

No. 82. Commercial National Bank of Miles City, Montana, and W. M. Turner, Receiver, etc., plaintiffs in error, *v.* Custer County and John E. deCarle, as County Treasurer of the County of Custer;

No. 83. W. M. Turner, Receiver of the Commercial National Bank of Miles City, Montana, and Commercial National Bank of Miles City, Montana, plaintiffs in error, *v.* Custer County and John E. deCarle, as County Treasurer of the County of Custer; and

No. 84. Miles City National Bank of Miles City, Montana, plaintiff in error, *v.* Custer County and John E. deCarle, as County Treasurer of the County of Custer. Argued by Mr. C. H. Loud for the plaintiffs in error, and by Mr. Rudolph Nelstead and Mr. A. H. Angstman for the defendants in error.

No. 86. Commercial National Bank of Council Bluffs, Iowa, for itself and for and on behalf of its shareholders, et al., plaintiffs in error, *v.* George A. Burke, as County Auditor of Pottawattamie County, Iowa, et al. Argument commenced by Mr. George S. Wright for the plaintiffs in error. The Court declined to hear further argument.

No. 87. E. Paul Yaselli, petitioner, *v.* Guy D. Goff. Argument commenced by Mr. E. L. Miller for the petitioner.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, November 29, will be as follows: Nos. 87, 89, 90, 91, 93, 95, 97, 98, 99, and 100.

SUPREME COURT OF THE UNITED STATES

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

Charles R. Wilke, of Lincoln, Nebr.; Samuel D. Cohen, of New York City; Archibald A. Gillis, of Boston, Mass.; Ivan Kelso, of Los Angeles, Calif.; and John L. Young, of Dallas, Tex., were admitted to practice.

No. 98. Chesapeake and Ohio Railway Company, petitioner, *v.* K. S. Leitch. Submitted by Mr. Douglas W. Brown for the petitioner, and by Mr. John H. Holt, Mr. George B. Martin, and Mr. Rufus S. Dinkle for the respondent.

No. 87. E. Paul Yaselli, petitioner, *v.* Guy D. Goff. Argument continued by Mr. S. Lawrence Miller for the petitioner, by Mr. James M. Beck for the respondent, and concluded by Mr. J. Harlin O'Connell for the respondent.

No. 89. E. W. Bliss Company, petitioner, *v.* The United States. Argued by Mr. William B. King for the petitioner, and by Mr. Solicitor General Mitchell for the respondent.

No. 89. E. W. Bliss 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 findings. Counsel to enter into a stipulation as to the form of judgment to be entered in the Court of Claims.

No. 90. International-Great Northern Railroad Company and Ewing Norwood and A. F. Fisher, plaintiffs in error, *v.* Railroad Commission of Texas. Argued by Mr. W. L. Cook for the plaintiff in error, and by Mr. D. A. Simmons for the defendant in error.

No. 91. Standard Oil Company and Claude E. Shamp, plaintiffs in error, *v.* City of Lincoln, Frank C. Zehring, John Wright, et al. Argument commenced by Mr. William H. Herdman for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, November 30, will be as follows: Nos. 91, 93, 95, 97, 99, 100, 102, 103, 104, and 105.

SUPREME COURT OF THE UNITED STATES

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

Frank Andrade, of Honolulu, Hawaii; Maxwell E. McDowell, of Washington, D. C., and John C. Crawley, of New York City, were admitted to practice.

No. 600. Frank Nigro *v.* The United States of America. Case reassigned for argument on January 9, 1928, on motion of Mr. Alfred A. Wheat in that behalf.

No. 104. Missouri-Kansas-Texas Railroad Company of Texas, petitioner, *v.* J. H. King. Submitted by Mr. Alexander H. McKnight, Mr. Joseph M. Bryson, and Mr. Charles C. Huff for the petitioner, and by Mr. C. A. Davies for the respondent.

No. 91. Standard Oil Company and Claude E. Shamp, plaintiffs in error, *v.* City of Lincoln, Frank C. Zehring, John Wright, et al. Argument continued by Mr. L. A. Flansburg for the plaintiffs in error. The Court declined to hear further argument.

No. 93. Francis Powers, as Administrator of the Estate of Ann Powers, deceased, and Maurice Powers, plaintiffs in error, *v.* Joseph Komposh. Argument commenced by Mr. Hugh H. Obear for the plaintiffs in error. The Court declined to hear further argument.

No. 95. The Cleveland, Cincinnati, Chicago and St. Louis Railway Company, appellant, *v.* The United States of America and J. K. Dering Coal Company. Argued by Mr. George B. Gillespie for the appellant, by Mr. Blackburn Esterline for the United States, and by Mr. Patrick J. Farrell for the Interstate Commerce Commission.

No. 97. Josephine Stipcich *v.* Metropolitan Life Insurance Company. Argued by Mr. Chester I. Long for Stipcich, and by Mr. F. E. Boland for the Metropolitan Life Insurance Company.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, December 1, will be as follows: Nos. 99, 100, 102, 103, 105, 106, 109, 112, 113, and 114.

SUPREME COURT OF THE UNITED STATES

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

Porter R. Chandler, of New York City; H. Gardner Hudson, of Winston-Salem, N. C.; A. M. Pepper, of Lexington, Miss.; John Barnett Harshman, of Dayton, Ohio; Leo Thomas, of New York City; Ross Mathis, of Cotton Plant, Ark.; Alfred Eugene Holton, of Winston-Salem, N. C.; Floyd E. Jacobs, of Kansas City, Mo.; Robert J. Folonie, of Chicago, Ill.; Frank J. Wideman, of West Palm Beach, Fla.; Joseph Bradford Coolidge, of Dayton, Ohio; J. G. Burke, of Helena, Ark.; De Witt Poe, of Arkansas City, Ark.; George C. Denny, of New York City; and Frederic Rockwell Sanborn, of Brooklyn, N. Y., were admitted to practice.

No. 128. Seaboard Air Line Railway Company, petitioner, *v.* The State of Florida, *ex rel.* R. Hudson Burr, A. S. Wells, et al., etc. On writ of certiorari to the Supreme Court of the State of Florida. Dismissed on motion of Mr. T. W. Davis for the petitioner.

No. 129. Atlantic Coast Line Railroad Company, petitioner, *v.* State of Florida, *ex rel.* R. Hudson Burr, A. S. Wells, et al., etc. On writ of certiorari to the Supreme Court of the State of Florida. Dismissed on motion of Mr. T. W. Davis for the petitioner.

No. 99. Richmond Screw Anchor Co., Inc., petitioner, *v.* The United States. Argued by Mr. Charles E. Hughes for the petitioner, and by Mr. Assistant Attorney General Galloway for the respondent.

No. 100. Missouri Pacific Railroad Company, petitioner, *v.* Mary I. Aeby. Argued by Mr. Merrit U. Hayden for the petitioner, and by Mr. Patrick H. Cullen for the respondent.

No. 102. Robins Dry Dock & Repair Company, petitioner, *v.* George Flint, Samuel W. Collins, and Ludwig T. Brehm, etc. Argued by Mr. James K. Symmers and Mr. John C. Crawley for the petitioners, and by Mr. Roscoe H. Hupper for the respondents.

No. 103. John James Jackson, William A. Wilson, Christopher R. Shotton, et al., petitioners, *v.* Steamship "Archimedes," Lamport & Holt Line, Ltd., claimant. Leave granted to counsel for British Em-

bassy to argue orally. Argument commenced by Mr. Silas Blake Axtell for the petitioners, continued by Mr. Roscoe H. Hupper for the respondent, by Mr. Howard Thayer Kingsbury for the British Embassy in the United States of America, as *amicus curiae*, by special leave of Court, and concluded by Mr. Silas Blake Axtell for the petitioners.

No. 105. Fidelity & Deposit Company of Maryland, plaintiff in error, *v.* State of North Carolina on the relation of W. D. Smith. Argument commenced by Mr. H. G. Hudson for the plaintiff in error. The Court declined to hear further argument.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, December 2, 1927, will be as follows: Nos. 106, 109, 112, 113, 114, 115 (and 116), 117, 119 (and 120 and 121), 122, and 125.

SUPREME COURT OF THE UNITED STATES

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

Vincent D. Gorman, of Saginaw, Mich.; C. Paul Parker, of Chicago, Ill.; Lewell C. Butler, of Shreveport, La.; and Ewald Edward Selph, of Los Angeles, Calif., were admitted to practice.

No. 125. George Welch and Jackoline Welch, plaintiffs in error, *v.* Waddell Investment Company. Submitted by Mr. William Neff for the plaintiffs in error, and by Mr. B. A. Lewis for the defendant in error.

No. 106. United States Steel Products Company, claimant and owner of S. S. "Steel Trader," et al., petitioners, *v.* Donald J. Adams. Argued by Mr. John M. Woolsey for the petitioners, and by Mr. Silas B. Axtell for the respondent.

No. 109. S. S. Kresge Company, plaintiff in error, *v.* City of Dayton, Ohio, and Gustav A. Niehus, Chief Inspector, etc. Argued by Mr. J. B. Coolidge for the plaintiff in error, and by Mr. John B. Harshman for the defendant in error.

No. 112. Aetna Insurance Company, Agricultural Insurance Company, Alliance Insurance Company of Philadelphia, et al., petitioners, *v.* Ben C. Hyde, Superintendent of the Insurance Department of the State of Missouri. Argued by Mr. Charles E. Hughes for the petitioners, and by Mr. John T. Barker and Mr. Floyd E. Jacobs for the respondent.

No. 113. United States Shipping Board Emergency Fleet Corporation, petitioner, *v.* Western Union Telegraph Company. Argument commenced by Mr. Gardner P. Lloyd for the petitioner.

Adjourned until Monday at 12 o'clock.

The day call for Monday, December 5 next, will be as follows: Nos. 113, 114, 115 (and 116), 117, 119 (and 120 and 121), 122, 599, 126, 127, and 130.

SUPREME COURT OF THE UNITED STATES

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

Demetrius A. Tasiopoulos, of Chicago, Ill.; W. Sumner Holbrook, jr., of Los Angeles, Calif.; Edwin A. Lucas, of Philadelphia, Pa.; and Morris P. Schaffer, of New York City, were admitted to practice.

No. 2, original. The State of New Mexico, complainant, *v.* The State of Texas. Bill dismissed and decree directed under cross bill. The boundary line to be surveyed and marked by a commissioner or commissioners to be appointed by the Court, whose report shall be subject to its approval. The parties may submit within 40 days the form of a decree to carry these conclusions into effect. Opinion by Mr. Justice Sanford. Mr. Justice Sutherland took no part in the consideration or decision of this case.

No. 169. James W. Bothwell, William J. Michel, et al., Receivers of Employers Mutual Insurance and Service Company, petitioners, *v.* Buckbee, Mears Company. On writ of certiorari to the Supreme Court of the State of Minnesota. Judgment affirmed with costs. Opinion by Mr. Justice Brandeis. Mr. Justice Sutherland took no part in the consideration or decision of this case.

The Chief Justice announced the following orders of the Court:

No. 501. H. E. Byram, Mark W. Potter, and Edward J. Brundage, as Receivers, etc., appellants, *v.* A. G. Risty, Chris Olson, L. E. Larson, et al., etc., et al. The motion to advance this case is granted and the case assigned for argument on Monday, February 20 next.

No. 615. The Staten Island Rapid Transit Railway Company, plaintiff in error, *v.* The Transit Commission of the State of New York; and

No. 616. The Staten Island Rapid Transit Railway Company, plaintiff in error, *v.* The Transit Commission of the State of New York. The motion to advance these cases is granted and the cases assigned for argument on Monday, February 27 next.

No. 94. Mayor and Board of Aldermen of the City of Natchez, appellants, *v.* S. B. McNeeley and Mrs. Louisia McNeeley, Administratrix, etc.; and

No. 108. Mrs. Louisia McNeely, Administratrix of the Estate of S. B. McNeely, deceased, appellant, *v.* Mayor and Board of Aldermen of the City of Natchez. Appeals from the United States Circuit Court of Appeals for the Fifth Circuit. *Per curiam*: Affirmed on the authority of Mayor and Board of Aldermen of the Town of Vidalia *v.* McNeely, Administratrix, and McNeely, Administratrix, *v.* Mayor and Board of Aldermen of the Town of Vidalia, Nos. 140 and 163, October Term, 1926; opinion delivered June 6, 1927.

No. 82. Commercial National Bank of Miles City, Montana, and W. M. Turner, Receiver, etc., plaintiffs in error, *v.* Custer County and John E. deCarle, as County Treasurer of the County of Custer;

No. 83. W. M. Turner, Receiver of the Commercial National Bank of Miles City, Montana, and Commercial National Bank of Miles City, Montana, plaintiffs in error, *v.* Custer County and John E. deCarle, as County Treasurer of the County of Custer; and

No. 84. Miles City National Bank of Miles City, Montana, plaintiff in error, *v.* Custer County and John E. deCarle, as County Treasurer of the County of Custer. In error to the Supreme Court of the State of Montana. *Per curiam*: Reversed on the authority of First National Bank of Hartford *v.* Hartford, 273 U. S. 548, 559, 560; Minnesota *v.* First National Bank of St. Paul, 273 U. S. 561, 567, 568.

No. 86. Commercial National Bank of Council Bluffs, Iowa, for itself and for and on behalf of its shareholders et al., plaintiffs in error, *v.* George A. Burke, as County Auditor of Pottawattamie County, Iowa, et al. In error to the Supreme Court of the State of Iowa. *Per curiam*: Writ of error is dismissed for want of a final judgment in the highest court of the State as required by section 237 (a) of the Judicial Code, as amended by the act of February 13, 1925 (43 Stat. 936, 937), on the authority of Haseltine *v.* Central Bank of Springfield (No. 1), 183 U. S. 130, 131; Arnold *v.* United States, 263 U. S. 427, 434.

No. 87. E. Paul Yaselli, petitioner, *v.* Guy D. Goff. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. *Per curiam*: Affirmed on the authority of Bradley *v.* Fisher, 13 Wall. 335, 347; Alzua *v.* Johnson, 231 U. S. 106, 111.

No. 90. International-Great Northern Railroad Company and Ewing Norwood and A. F. Fisher, plaintiffs in error, *v.* Railroad Commission of Texas. In error to the Court of Civil Appeals, Third Supreme Judicial District, State of Texas. *Per curiam*: Affirmed on the authority of Railroad Commission of California *v.* Southern Pacific Company, 264 U. S. 331, 345.

No. 91. Standard Oil Company and Claude E. Shamp, plaintiffs in error, *v.* City of Lincoln, Frank C. Zehring, John Wright, et al. In error to the Supreme Court of the State of Nebraska. *Per curiam:* Affirmed on the authority of *Jones v. City of Portland*, 245 U. S. 217, 224, 225; *Green v. Frazier*, 253 U. S. 233, 242.

No. 104. Missouri-Kansas-Texas Railroad Company of Texas, petitioner, *v.* J. H. King. On writ of certiorari to the Court of Civil Appeals, 4th Supreme Judicial District, State of Texas. *Per curiam:* Reversed on the authority of *American Railway Express Company v. Daniel*, 269 U. S. 40, 42; *American Railway Express v. Levee*, 263 U. S. 19, 21; *American Railway Express Company v. Lindenburg*, 260 U. S. 584, 592; *Galveston, Harrisburg & San Antonio Railway Company v. Woodbury et al.*, 254 U. S. 357, 360; *Kansas City Southern Railway Company v. Carl*, 227 U. S. 639, 653, 656.

No. 93. Francis Powers, as Administrator of the Estate of Ann Powers, deceased, and Maurice Powers, plaintiffs in error, *v.* Joseph Komposh. In error to the Supreme Court of the State of Montana. *Per curiam:* Affirmed on the authority of *Rindge Company v. County of Los Angeles*, 262 U. S. 700, 707, 709; *Mt. Vernon-Woodberry County Duck Company v. Alabama Interstate Power Company*, 240 U. S. 30, 32.

No. 105. Fidelity & Deposit Company of Maryland, plaintiff in error, *v.* State of North Carolina on the relation of W. D. Smith. In error to the Supreme Court of the State of North Carolina. *Per curiam:* The writ of error is dismissed for want of a final judgment in the highest court of the State as required by Section 237 (a) of the Judicial Code, as amended by the act of February 13, 1925 (43 Stat. 936, 937), on the authority of *Haseltine v. Central Bank of Springfield (No. 1)*, 183 U. S. 130, 131; *Arnold v. The United States*, 263 U. S. 427, 434.

No. 109. S. S. Kresge Company, plaintiff in error, *v.* City of Dayton, Ohio, and Gustav A. Niehus, Chief Inspector, etc. In error to the Supreme Court of the State of Ohio. *Per curiam:* Affirmed on the authority of *St. Louis Poster Advertising Company v. City of St. Louis*, 249 U. S. 269, 274; *Maguire v. Reardon*, 225 U. S. 271, 172; *Walls v. Midland Carbon Company*, 254 U. S. 300, 324.

No. 125. George Welch and Jackoline Welch, plaintiffs in error, *v.* Waddell Investment Company. In error to the Supreme Court of the State of Oklahoma. *Per curiam:* The writ of error is dismissed on the authority of Section 237 of the Judicial Code, as amended by the act of February 13, 1925 (43 Stat. 936, 937), for lack of jurisdiction. *Jett Bros. Distilling Co. v. City of Carrollton*, 252 U. S. 1, 5, 6. Treating the writ of error as an application for certiorari, the certiorari is denied.

No. 597. Morimura, Arai & Co., petitioners, *v.* Nathan Taback and Louis Taback, individually and as copartners trading as Taback Brothers. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 603. L. P. Larson, Jr., Company, petitioner, *v.* Wm. Wrigley, Jr., Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted. The questions to be reexamined to be limited to those relating to the deduction of federal income and excess profits taxes from the net profits awarded to the petitioner.

No. 605. Maryland Casualty Company, petitioner, *v.* Ohio River Gravel Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 606. Maryland Casualty Company, petitioner, *v.* Ohio River Gravel Company and Zebedee Westfall. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 608. Benzo Gas Motor Fuel Company, petitioner, *v.* The National Refining Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 609. Louisiana Railway & Navigation Company, petitioner, *v.* Walter McGlory. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

The Chief Justice also announced the following order:

ORDER

The Court will take a recess from Monday, December 12, until Tuesday, January 3, next.

No. 551. Boston Sand & Gravel Company, petitioner, *v.* The United States of America. Motion to advance submitted by Mr. Solicitor General Mitchell for the respondent.

No. 613. Lehigh Valley Railroad Company, petitioner, *v.* The State of Russia; and

No. 614. Lehigh Valley Railroad Company, petitioner, *v.* The State of Russia. Leave granted to file reply brief within three days, on motion of Mr. Frederic D. McKenney, for the petitioner.

No. 601. Isaac G. Johnson & Company, petitioner, *v.* People of the State of New York. Petition for a writ of certiorari to the Supreme Court of the State of New York submitted by Mr. John Jay Mc-

Kelvey, Mr. Morgan J. O'Brien, and Mr. Martin Conboy for the petitioner, and by Mr. Albert Ottinger for the respondent.

No. 602. Antonio Fantauzzi, petitioner, *v.* Jose Esteban Garcia, a minor by his mother, Jacinta Garcia y. Torrendell. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit submitted by Mr. Francis E. Neagle for the petitioner, and by Mr. E. B. Wilcox for the respondent.

No. 604. Fannie D. Lake, Fred W. Lake, A. F. Lake, and E. D. Lake, petitioners, *v.* Central Savings Bank of Oakland. Petition for a writ of certiorari to the Supreme Court of the State of California submitted by Mr. Charles Reach for the petitioners, and by Mr. R. M. Fitzgerald and Mr. Chas. A. Beardsley for the respondent.

No. 613. Lehigh Valley Railroad Company, petitioner, *v.* The State of Russia. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Charles A. Boston, Mr. George S. Hobart, and Mr. Frederic D. McKenney for the petitioner, and by Mr. Frederic R. Coudert, Mr. Hartwell Cabell, Mr. Mahlon B. Doing, and Mr. Blaine F. Sturgis for the respondent.

No. 614. Lehigh Valley Railroad Company, petitioner, *v.* The State of Russia. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Charles A. Boston, Mr. George S. Hobart, and Mr. Frederic D. McKenney for the petitioner, and by Mr. Frederic R. Coudert, Mr. Hartwell Cabell, Mr. Mahlon B. Doing, and Mr. Blaine F. Sturgis for the respondent.

No. 617. Joseph V. Zottarelli and Nicola Salupo, petitioners, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Joseph C. Breitenstein for the petitioners, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Luhring, and Mr. Harry S. Ridgely for the respondent.

No. 618. C. A. Wenstrand, petitioner, *v.* The United States of America; and

No. 619. D. A. Wenstrand, petitioner, *v.* The United States of America. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Thomas S. Allen for the petitioners, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Luhring, and Mr. Harry S. Ridgely for the respondent.

No. 620. The United States of America, as Owner of the Steam Collier "Proteus," petitioner, *v.* Commonwealth and Dominion Line, Ltd., as Owner of the Steamship "Port Philip." Petition for a writ of certiorari to the United States Circuit Court of Appeals for the

Second Circuit submitted by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Farnum, and Mr. J. Frank Staley for the petitioner, and by Mr. Allan B. A. Bradley and Mr. George De Forest Lord for the respondent.

No. —, original. *Ex parte*: In the Matter of Joseph Y. Saunders. Motion for leave to proceed *in forma pauperis* submitted by Mr. Joseph Y. Saunders *pro se*.

No. 127. Bacon Service Corporation, plaintiff in error, *v.* Fred C. Huss, as Captain of the Fresno County Traffic Squad. Submitted by Mr. Jeremiah F. Sullivan for the plaintiff in error, and by Mr. U. S. Webb and Mr. Frank L. Guereña for the defendant in error.

No. 113. United States Shipping Board Emergency Fleet Corporation, petitioner, *v.* Western Union Telegraph Company. Argument continued by Mr. Gardner P. Lloyd for the petitioner, and concluded by Mr. John W. Davis for the respondent.

No. 114. N. & G. Taylor Co., Inc., petitioner, *v.* John A. Anderson and C. A. Gustafson, doing business under the name of Anderson and Gustafson, copartners. Argued by Mr. Henry S. Drinker, jr., for the petitioner, and by Mr. Hobart P. Young for the respondents.

No. 115. John D. Nagle, as Commissioner of Immigration at the Port of San Francisco, petitioner, *v.* Loi Hoa; and

No. 116. John D. Nagle, as Commisisoner of Immigration at the Port of San Francisco, petitioner, *v.* Lam Young, for and on behalf of Phuong Con. Argued by Mr. Solicitor General Mitchell for the petitioner, and case submitted by Mr. George W. Hott for the respondents.

No. 117. Daniel V. Harkin and Union Bank of Chicago, Receivers, etc., petitioners, *v.* Edward J. Brundage, Receiver, etc., et al. Argument commenced by Mr. Lloyd C. Whitman for the petitioners.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, December 6, will be as follows: Nos. 117, 119 (and 120 and 121), 122, 599, 126, 130, 81, 131, 133, and 134 (and 135).

SUPREME COURT OF THE UNITED STATES

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

Robert E. Bowling, of Pauls Valley, Okla.; Frank L. Sadoski, of Chicago, Ill.; Edward J. McGinnis, of Chicago, Ill.; Carl E. Abrahamson, of Chicago, Ill.; Francis B. Allegretti, of Chicago, Ill.; Jeannette Willensky, of Washington, D. C.; John T. O'Donnell, of Minneapolis, Minn.; Ira Leston Nickerson, of New York City; Henry E. Stauffer, of Washington, D. C.; A. Stanley DeNeale, of Washington, D. C.; Cornelius H. Dorety, of Washington, D. C.; Frederick A. Thuee, of Washington, D. C.; J. Rech Guckes, of Philadelphia, Pa.; and Edward Clark Kemp, of Boston, Mass., were admitted to practice.

No. 117. Daniel V. Harkin and Union Bank of Chicago, Receivers, etc., petitioners, *v.* Edward J. Brundage, Receiver, etc., et al. Argument concluded by Mr. Edward R. Johnston for the respondent.

No. 119. United States Shipping Board Emergency Fleet Corporation, petitioner, *v.* Rosenberg Brothers & Company;

No. 120. United States Shipping Board Emergency Fleet Corporation, petitioner, *v.* California Wine Association; and

No. 121. United States Shipping Board Emergency Fleet Corporation, petitioner, *v.* S. L. Jones & Company. Leave granted to file brief of Jacob Telfair Smith and Catz American Shipping Co., as *amici curiae*, on motion of Mr. John C. Prizer in that behalf. Argued by Mr. Chauncey G. Parker for the petitioner, and by Mr. J. M. Mannon, jr., for the respondents.

No. 122. Leo L. Spears, plaintiff in error, *v.* The State Board of Medical Examiners of the State of Colorado. Argument commenced by Mr. Albert L. Voye for the plaintiff in error. The Court declined to hear further argument.

No. 599. Henry Hunter, plaintiff in error, *v.* The State of Louisiana. Argued by Mr. Lewell C. Butler for the plaintiff in error, and by Mr. Aubrey M. Pyburn for the defendant in error.

No. 126. Ingram-Day Lumber Company, petitioner, *v.* Sydney C. McLouth, Revived against The American Loan & Trust Company, Administrator of the Estate of Sydney C. McLouth, deceased. Argument commenced by Mr. William J. Shaw for the petitioner.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, December 7, will be as follows: Nos. 126, 130, 81, 131, 133, 134 (and 135), 137, 138, 141, and 142.

SUPREME COURT OF THE UNITED STATES

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

Mr. Vernon E. Stenersen, of Minot, N. Dak.; Gustave Miller, of Washington, D. C.; William Merrick Parker, of Washington, D. C.; Hiram B. Calkins, of Philadelphia, Pa.; Halvor L. Halvorson, of Minot, N. Dak.; John P. Labofish, of Washington, D. C.; James N. Beery, of Kansas City, Mo.; George Sergeant, of Dallas, Tex.; Reed F. Cutler, of Lewistown, Ill.; Harry C. Bierman, of New Rochelle, N. Y.; Geo. Lewis Bailes, of Birmingham, Ala.; A. L. Emery, of Okmulgee, Okla.; E. Smythe Gambrell, of Atlanta, Ga.; Edward Brennan, of Savannah, Ga.; and Cicero I. Murray, of Lindsay, Okla., were admitted to practice.

No. 126. Ingram-Bay Lumber Company, petitioner, *v.* Sydney C. McLouth, Rivived against The American Loan & Trust Company, Administrator of the Estate of Sydney C. McLouth, deceased. Argument continued by Mr. William J. Shaw for the petitioner, by Mr. Gardner P. Lloyd for the respondent, and concluded by Mr. Ferris J. Stone for the petitioner.

No. 130. The Equitable Trust Company of New York, as Trustee in Bankruptcy of Knauth, Nachod & Kuhne, petitioner, *v.* The First National Bank of Trinidad, Colorado. Argued by Mr. Godfrey Goldmark for the petitioner, and by Mr. George Trosk for the respondent.

No. 81. Owen P. Smith, Geo. Sawyer, Martin J. Hyland, et al., plaintiffs in error, *v.* Commonwealth of Kentucky, Frank E. Daugherty, Attorney General, and Orie S. Ware, Commonwealth Attorney. Argument commenced by Mr. A. O. Stanley for the plaintiffs in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, December 8, will be as follows: Nos. 81, 131, 133, 134 (and 135), 137, 138, 141, 142, 143, and 144.

SUPREME COURT OF THE UNITED STATES

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

Harry Kalisch, of Newark, N. J.; Lee O. Cox, of Houston, Tex.; Robert Ewing Thomason, of El Paso, Tex.; Conover English, of Newark, N. J.; Henry J. Stites, of Louisville, Ky.; Herbert S. Sawyer, of Sarasota, Fla.; Franklin A. Miller, of St. Anthony, Idaho; and Walter A. Rice, of Detroit, Mich., were admitted to practice.

No. 81. Owen P. Smith, Geo. Sawyer, Martin J. Hyland, et al., plaintiffs in error, *v.* Commonwealth of Kentucky, Frank E. Daugherty, Attorney General, and Orie S. Ware, Commonwealth Attorney. Argument continued by Mr. Orie S. Ware for the defendants in error, and concluded by Mr. A. O. Stanley for the plaintiffs in error.

No. 131. Andrew W. Mellon, Director General of Railroads and Agent of the President under Transportation Act of 1920, petitioner, *v.* Edward Goodyear, as Administrator of the Estate of Lewis Goodyear, deceased. Argued by Mr. Luther Burns for the petitioner, and case submitted by Mr. Edwin C. Brandenburg and Mr. John F. McClure for the respondent.

No. 133. Ed. W. Hopkins, Assessor of the County of Los Angeles, State of California, E. M. Ross, Deputy Assessor, etc., et al., petitioners, *v.* Southern California Telephone Company and The Pacific Telephone and Telegraph Company. Argued by Mr. W. Sumner Holbrook, jr., and Mr. Everett W. Mattoon for the petitioners, and by Mr. Alfred Sutro for the respondents.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, December 9, will be as follows: Nos. 134 (and 135), 137, 138, 145, 142, 143, 144, 141, 146 (and 173), and 148.

SUPREME COURT OF THE UNITED STATES

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

E. Ormonde Hunter, of Savannah, Ga., and Walter L. Pope, of Missoula, Mont., were admitted to practice.

No. 135. Charles Thomason, J. O. Neill, J. W. Eatman, et al., plaintiffs in error, *v.* W. T. Rawleigh Company. Death of J. O. Neill suggested and Lena Neill, surviving widow, and Joseph E. Neill, George Neill, J. O. Neill, Jr., Sam Neill, and Carey Neill, children of J. O. Neill, deceased, substituted as parties plaintiffs in error on motion of Mr. Cicero I. Murray in that behalf.

No. 134. I. J. Gordon, B. M. Luton, E. F. Reed, et al., plaintiffs in error, *v.* W. T. Rawleigh Company; and

No. 135. Charles Thomason, Lena Neill, surviving widow, et al., etc., plaintiffs in error, *v.* W. T. Rawleigh Company. Argument commenced by Mr. Cicero I. Murray for the plaintiffs in error. The Court declined to hear further argument.

No. 134. I. J. Gordon, B. M. Juton, E. F. Reed, et al., plaintiffs in error, *v.* W. T. Rawleigh Company. In error to the Supreme Court of the State of Oklahoma. Dismissed for want of jurisdiction. Writ of certiorari denied.

No. 135. Charles Thomason, Lena Neill, surviving widow, et al., etc., plaintiffs in error, *v.* W. T. Rawleigh Company. In error to the Supreme Court of the State of Oklahoma. Dismissed for want of jurisdiction. Writ of certiorari denied.

No. 138. F. C. Lenton, H. M. Wilson, and E. H. Ray, plaintiffs in error, *v.* The Union National Bank of Minot. Argument commenced by Mr. H. L. Halverson for the plaintiffs in error. The Court declined to hear further argument.

No. 138. F. C. Lenton, H. M. Wilson, and E. H. Ray, plaintiffs in error, *v.* The Union National Bank of Minot. In error of the Supreme Court of North Dakota. Dismissed for want of jurisdiction. Writ of certiorari denied.

No. 145. Walter W. Pierce et al., plaintiffs in error, *v.* Obion Company, for use, etc., and Mercantile Trust Company. Argued by Mr. Thomas H. Malone for the plaintiffs in error, and by Mr. Charles Claffin Allen, jr., for the defendants in error.

No. 137. Jay A. Larkin, plaintiff in error, *v.* E. H. Pugh and Lincoln Safe Deposit Company. Argument commenced by Mr. Jay A. Larkin, *pro se.* The Court declined to hear further argument.

No. 137. Jay A. Larkin, plaintiff in error, *v.* E. H. Pugh and Lincoln Safe Deposit Company. In error to the Supreme Court of the State of Nebraska. Dismissed for want of jurisdiction. Writ of certiorari granted. Argument continued by Mr. Jay A. Larkin, *pro se,* and concluded by Mr. Karl J. Knoepfler for the respondent.

Adjourned until Monday next at 12 o'clock.

SUPREME COURT OF THE UNITED STATES

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

Robert H. Anderson, of Jacksonville, Fla.; John F. Oberlin, of Cleveland, Ohio; Robert Black, of Cincinnati, Ohio; William Joseph Hogan, jr., of Washington, D. C.; Charles Oechler, of New York City; Herbert R. Kaus, of New York City; Jesse L. England, of St. Louis, Mo.; Samuel L. Marcus, of New York City; Harry B. Chambers, of New York City; John O. Bigelow, of Newark, N. J.; May Thorpe Bigelow, of Washington, D. C.; Leonidas B. McIlhenny, of Dayton, Ohio; Rufus M. Potts, of Chicago, Ill.; John L. Carter, of Little Rock, Ark.; George D. Casto, of Salt Lake City, Utah; Eliot C. Lovett, of Washington, D. C.; Frank P. Darin, of River Rouge, Mich., were admitted to practice.

No. 226. Rosario Gambino and Joseph Lima, petitioners, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment reversed and the cause remanded to the District Court of the United States for the Northern District of New York for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Brandeis.

No. 102. Robins Dry Dock & Repair Company, petitioner, *v.* George Flint, Samuel W. Collins, and Ludwig T. Brehm, etc. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Decree reversed with costs, and the cause remanded to the District Court of the United States for the Southern District of New York for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Holmes.

The Chief Justice announced the following orders of the Court:

No. —, original. *Ex parte:* In the matter of Joseph Y. Saunders. The petition for a writ of *mandamus* against R. W. Walker, judge of the United States Circuit Court of Appeals for the Fifth Circuit, is denied.

The motion for leave to proceed further herein *in forma pauperis* is denied for the reason that the affidavit *in forma pauperis* does not show that the party making the motion is a poor person within the meaning of the act of June 25, 1910 (c. 435, 36 Stat. 866). The costs already incurred herein by direction of the Court shall be paid by the clerk from the special fund in his custody, as provided in the order of October 29, 1926.

No. 551. Boston Sand & Gravel Company, petitioner, *v.* The United States of America. The motion to advance this case is granted and the case assigned for argument on Monday, February 27 next.

No. 110. John P. Donnelley *v.* The United States of America; and

No. 97. Josephine Stipcich *v.* Metropolitan Life Insurance Company. It is ordered that these cases be restored to the docket for reargument and assigned for Monday, January 16 next.

No. 500. Thomas J. Casey, petitioner, *v.* The United States of America. It is ordered that this criminal case upon the docket be advanced and assigned for argument on Monday, January 9 next, after the case heretofore assigned for that day.

No. 98. Chesapeake and Ohio Railway Company, petitioner, *v.* K. S. Leitch. On writ of certiorari to the Supreme Court of Appeals of the State of West Virginia. The judgment of the Supreme Court of Appeals of the State of West Virginia in this case is affirmed by an equally divided Court.

No. 127. Bacon Service Corporation, plaintiff in error, *v.* Fred C. Huss, as Captain of the Fresno County Traffic Squad. In error to the Supreme Court of the State of California. *Per curiam*: The writ of error is dismissed on the authority of section 237 of the Judicial Code as amended by the act of February 13, 1925 (43 Stat. 936, 937), for lack of jurisdiction. *Jett Bros. Distilling Co. v. City of Carrollton*, 252 U. S. 1, 5, 6. Treating the writ of error as an application for certiorari, the certiorari is denied for want of a substantial Federal question on the authority of *Schmolke v. O'Brien*, as Chief of Police, 273 U. S. 646; *Dorchy v. Kansas*, 272 U. S. 306, 308; *Farrell v. O'Brien*, 199 U. S. 89, 100; *Toup v. Ulysses Land Co.*, 237 U. S. 580, 583; *Piedmont Power & Light Co. v. Town of Graham*, 253 U. S. 193, 195; *Seaboard Air Line Ry. v. Padgett*, 236 U. S. 668, 671.

No. 122. Leo L. Spears, plaintiff in error, *v.* The State Board of Medical Examiners of the State of Colorado. In error to the Supreme Court of the State of Colorado. Dismissed for want of a substantial Federal question on the authority of *Shulthis v. Mc-*

Dougal, 225 U. S. 561, 569; *Hull v. Burr*, 234 U. S. 712, 720; *Norton v. Whiteside*, 239 U. S. 144, 147.

No. 599. Henry Hunter, plaintiff in error, *v.* The State of Louisiana. In error to the Supreme Court of the State for Louisiana. *Per curiam*: The judgment of the Supreme Court of the State of Louisiana in this case is affirmed for the reason that, on the record and on the facts, no substantial Federal question is presented. *Shulthis v. McDougal*, 226 U. S. 561, 569; *Hull v. Burr*, 234 U. S. 712, 720; *Norton v. Whiteside*, 239 U. S. 144, 147.

No. 81. Owen P. Smith, Geo. Sawyer, Martin J. Hyland, et al., plaintiffs in error, *v.* Commonwealth of Kentucky, Frank E. Daugherty, Attorney General, and Orie S. Ware, Commonwealth Attorney. In error to the Court of Appeals of the State of Kentucky. *Per curiam*: Affirmed on the authority of *Adams v. City of Milwaukee*, 228 U. S. 572, 581, 583; *Laurel Hill Cemetery v. City and County of San Francisco*, 216 U. S. 358, 365, 366; *Dominion Hotel v. Arizona*, 249 U. S. 265, 268, 269; *Radice v. New York*, 264 U. S. 292, 296, 297.

No. 145. Walter W. Pierce, M. A. Gaulden, Howard Gaulden, et al., plaintiffs in error, *v.* Obion Company for use, etc., and Mercantile Trust Company. In error to the Supreme Court of the State of Tennessee. *Per curiam*: Dismissed for want of a substantial Federal question on the authority of *Shulthis v. McDougal*, 225 U. S. 561, 569; *Hull v. Burr*, 234 U. S. 712, 720; *Norton v. Whiteside*, 239 U. S. 144, 147.

No. 620. The United States of America, as Owner of the Steam Collier "Proteus," petitioner, *v.* Commonwealth and Dominion Line, Ltd., as Owner of the Steamship "Port Philip." Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted, the discussion to be limited to the question of the allowance of interest on the amount of the recovery, and the consideration thereof to await the decision of this Court in the case of *Boston Sand & Gravel Co. v. The United States*, No. 551, October term, 1927.

No. 601. Isaac G. Johnson & Company, petitioner, *v.* People of the State of New York. Petition for a writ of certiorari to the Supreme Court of the State of New York denied.

No. 602. Antonio Fantauzzi, petitioner, *v.* Jose Esteban Garcia, a minor by his mother, Jacinta Garcia y Torrendell. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 604. Fannie D. Lake, Fred W. Lake, A. F. Lake, and E. D. Lake, petitioners, *v.* Central Savings Bank of Oakland. Petition

for a writ of certiorari to the Supreme Court of the State of California denied.

No. 613. Lehigh Valley Railroad Company, petitioner, *v.* The State of Russia; and

No. 614. Lehigh Valley Railroad Company, petitioner, *v.* The State of Russia. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 617. Joseph Y. Zottarelli and Nicola Salupo, petitioners, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 618. C. A. Wenstrand, petitioner, *v.* The United States of America; and

No. 619. D. A. Wenstrand, petitioner, *v.* The United States of America. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 89. E. B. Bliss Company, petitioner, *v.* The United States. On writ of certiorari to the Court of Claims. The judgment and order entered herein on November 29, 1927, is hereby revoked, and the following is now substituted in its stead:

This Court is of opinion that the Secretary of the Navy had authority to make further contracts to pay the petitioner the increased cost resulting from the wage increases put into effect at the Secretary's instance, in the course of the petitioner's performance of the original contracts, and that the findings of the Court of Claims show that such further contracts were made and were based upon an adequate consideration, consisting of both advantage to the Government and detriment to the petitioner. The findings on other points are not such as to enable this Court finally to dispose of the case. Accordingly the judgment of the Court of Claims is reversed and the cause is remanded to that Court with directions (1) to make further findings (*a*) as to whether the instruments of release express the actual intention of the parties in respect of a settlement or release of the petitioner's claim for increased cost resulting from putting into effect the increased wages, or whether through mutual mistake, duress, or other sufficient ground for reformation the instruments of release were so drawn and signed that they failed to express the actual intention of the parties in that respect, and (*b*) as to what amount of increased cost to the petitioner resulted from the wage increases as respects work done under the original contracts after the wage increases took effect; (2) to make these findings from the evidence already taken and any additional evidence which the Court of Claims may deem it proper to receive; (3) to allow any amendments of the pleadings which may be needed to present the question

whether the instruments of release should be reformed to express the actual intention of the parties in the particular herein named; and (4) to render such judgment in the cause as may be appropriate in view of the amended pleadings and the supplemented findings.

The mandate herein shall issue forthwith.

No. 564. Milton E. Springer, Dalmacio Costas, and Anselmo Hilario, petitioners, *v.* The Government of the Philippine Islands; and

No. 573. Gregorio Agoncillo, Baldomero Roxas, and Catalino Lavadia, petitioners, *v.* The Government of the Philippine Islands. Motion to advance submitted by Mr. Solicitor General Mitchell for the respondent.

No. 607. The United States of America, Interstate Commerce Commission and Fort Smith, Subiaco & Rock Island Railroad Company, appellants, *v.* Missouri Pacific Railroad Company. Motion to advance submitted by Mr. Solicitor General Mitchell for the appellants.

No. 610. The United States of America *v.* The John Barth Company and United States Fidelity & Guaranty Company. Motion to advance submitted by Mr. Solicitor General Mitchell for the United States of America.

No. 361. W. T. Irwin, Sherman & Ellis, Inc., Heco Envelope Co., et al., petitioners, *v.* The Missouri Valley Bridge & Iron Co. Motion for leave to file petition for rehearing out of time submitted by Mr. James A. Reed in behalf of counsel for the petitioners.

No. 634. Must Hatch Incubator Co., Inc., appellant, *v.* I. L. Patterson, Governor of the State of Oregon, I. H. Van Winkle, Attorney General of the State of Oregon, W. H. Lytle, etc. Joint motion to advance submitted by Mr. W. D. Harris in that behalf.

No. —, original. The State of Colorado, complainant, *v.* The State of Kansas and The Finney County Water Users' Association, a corporation. Motion for leave to file bill of complaint submitted by Mr. William L. Boatright for the complainant.

No. 7, original. The State of Wisconsin, complainant, *v.* The State of Illinois and Sanitary District of Chicago, et al.; and

No. 12, original. State of New York, complainant, *v.* State of Illinois and Sanitary District of Chicago. Motion for extension of time within which to file briefs in support of exceptions to the report of the special master submitted by Mr. Robert Ash in behalf of the Attorneys General of the States of New York and Wisconsin, and motion denied pending such further order as this Court may enter hereafter respecting the filing of briefs herein.

No. 113. United States Shipping Board Emergency Fleet Corporation, petitioner, *v.* Western Union Telegraph Company. Leave granted to file additional brief of respondent within three days, on motion of Mr. Paul E. Lesh in that behalf.

No. 456. Federal Intermediate Credit Bank of Columbia, South Carolina, petitioner, *v.* Chas. S. Mitchell, W. E. Richardson, Truckers Supply Company, et al. Motion to advance submitted by Mr. D. W. Robinson for the petitioner.

No. 621. Bonded Products Corporation, petitioner, *v.* The Andrew Jergens Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. A. P. Bachman for the petitioner, and by Mr. Walter A. DeCamp and Mr. Edward S. Rogers for the respondent.

No. 622. William P. Deppe and Deppe Motors Corporation, petitioner, *v.* General Motors Corporation. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Livingston Gifford for the petitioners, and by Mr. Melville Church, Mr. Frederick P. Fish, and Mr. J. L. Stackpole for the respondent.

No. 623. Charles Warner Company, petitioner, *v.* Independent Pier Company; and

No. 624. Charles Warner Company, petitioner, *v.* Steamship "Gulftrade," whereof Gulf Refining Company is claimant. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. J. T. Manning for the petitioner.

No. 625. Northern Pacific Railway Company, petitioner, *v.* Interstate Commerce Commission. Petition for writ of certiorari to the Court of Appeals of the District of Columbia submitted by Mr. Charles W. Bunn, Mr. Dennis F. Lyons, Mr. Frederic D. McKenney, and Mr. John S. Flannery for the petitioner, and by Mr. P. J. Farrell for the respondent.

Adjourned until Tuesday, January 3 next, at 12 o'clock.

The day call for Tuesday, January 3, will be as follows: Nos. 181, 33, 62, 283, 299 (and 300), 592, 141, 142, 143, and 144.

SUPREME COURT OF THE UNITED STATES

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

Charles L. Carson, of Washington, D. C.; James P. Burns, of Washington, D. C.; Herbert Baruch, of Washington, D. C.; John S. Rixey, of Norfolk, Va.; James H. Baker, of Adrian, Mich.; Cleaton E. Rabey, of Norfolk, Va.; and Henry H. Furth, of St. Louis, Mo., were admitted to practice.

No. 126. Ingram-Day Lumber Company, petitioner, *v.* Sydney C. McLouth, Revived against the American Loan & Trust Company, Administrator of the Estate of Sydney C. McLouth, deceased. On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. Judgment reversed with costs, and cause remanded to the District Court of the United States for the Eastern District of Michigan for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Stone. Mr. Justice Sutherland took no part in the consideration or decision of this case.

No. 115. John D. Nagle, as Commissioner of Immigration at the Port of San Francisco, petitioner, *v.* Loi Hoa; and

No. 116. John D. Nagle, as Commissioner of Immigration at the Port of San Francisco, petitioner, *v.* Lam Young, for and on behalf of Phuong Con. On writs of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Decrees reversed with costs, and causes remanded to the District Court of the United States for the Northern District of California for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Stone. Mr. Justice Sutherland took no part in the consideration or decision of this case.

No. 38. John H. Roche, plaintiff in error, *v.* D. K. McDonald. In error to the Supreme Court of the State of Washington. Writ of error dismissed. Writ of certiorari granted. Judgment reversed with costs, and cause remanded to said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Sanford. Mr. Justice Sutherland took no part in the consideration or decision of this case.

No. 39. Gulf, Mobile and Northern Railroad Company, petitioner, *v.* W. F. Wells. On writ of certiorari to the Supreme Court of the State of Mississippi. Judgment reversed with costs, and cause remanded to said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Sanford. Mr. Justice Sutherland took no part in the consideration or decision of this case.

No. 73. Andrew W. Mellon, Director General of Railroads and Agent of the President, petitioner, *v.* Arkansas Land & Lumber Company. On writ of certiorari to the Supreme Court of the State of Arkansas. Judgment reversed with costs, and the cause remanded to said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Sanford. Mr. Justice Sutherland took no part in the consideration or decision of this case.

No. 103. John James Jackson, William A. Wilson, Christopher R. Shotton, et al., petitioners, *v.* Steamship "Archimedes," Lamport & Holt Line, Ltd., claimant. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Decree affirmed with costs, and the cause remanded to the District Court of the United States for the Southern District of New York. Opinion by Mr. Justice Sanford. Mr. Justice Sutherland took no part in the consideration or decision of this case.

No. 100. Missouri Pacific Railroad Company, petitioner, *v.* Mary I. Aeby. On writ of certiorari to the Supreme Court of the State of Missouri. Judgment reversed with costs, and the cause remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Butler. Mr. Justice Sutherland took no part in the consideration or decision of this case.

No. 114. N. & G. Taylor Co., Inc., petitioner, *v.* John A. Anderson and C. A. Gustafson, doing business under the name of Anderson & Gustafson, copartners. 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 Butler. Mr. Justice Sutherland took no part in the consideration or decision of this case.

No. 112. Aetna Insurance Company, Agricultural Insurance Company, Alliance Insurance Company of Philadelphia, et al., petitioners, *v.* Ben C. Hyde, Superintendent of the Insurance Department of the State of Missouri. On writ of certiorari to the Supreme Court of the State of Missouri. Dismissed with costs. Opinion by Mr. Justice Butler. Mr. Justice Sutherland took no part in the consideration or decision of this case.

No. 95. The Cleveland, Cincinnati, Chicago & St. Louis Railway Company, appellant, *v.* The United States of America and J. K. Dering Coal Company. Appeal from the District Court of the United States for the Northern District of Illinois. Decree affirmed. Opinion by Mr. Justice Brandeis. Mr. Justice Sutherland took no part in the consideration or decision of this case.

No. 113. United States Shipping Board Emergency Fleet Corporation, petitioner, *v.* Western Union Telegraph Company. On writ of certiorari to the Court of Appeals of the District of Columbia. Judgment reversed with costs, and the cause remanded to the said Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Brandeis. Mr. Justice Sutherland took no part in the consideration or decision of this case.

No. 106. United States Steel Products Company, claimant and owner of S. S. "Steel Trader" et al., petitioners, *v.* Donald J. Adams. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Decree reversed with costs, and cause remanded to the District Court of the United States for the Eastern District of Louisiana for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice McReynolds. Mr. Justice Sutherland took no part in the consideration or decision of this case.

No. 133. Ed. W. Hopkins, Assessor of the County of Los Angeles, State of California; E. M. Ross, Deputy Assessor, etc.; W. O. Welch, Tax Collector, etc., et al., petitioners, *v.* Southern California Telephone Company and the Pacific Telephone and Telegraph Company. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Decree affirmed with costs, and cause remanded to the District Court of the United States for the Southern District of California. Opinion by Mr. Justice McReynolds. Mr. Justice Sutherland and Mr. Justice Stone took no part in the consideration or decision of this case.

No. 194. Barber Asphalt Paving Company, petitioner, *v.* Standard Asphalt & Rubber Company. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Decree reversed with costs, and cause remanded to the District Court of the United States for the Southern District of Illinois for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Van Devanter. Mr. Justice Sutherland took no part in the consideration or decision of this case.

No. 130. The Equitable Trust Company of New York, as Trustee in Bankruptcy of Knauth, Nachod & Kuhne, petitioner, *v.* The First National Bank of Trinidad, Colorado. On writ of certiorari to the

United States Circuit Court of Appeals for the Second Circuit. Decree reversed with costs, and cause remanded to the District Court of the United States for the Southern District of New York, for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Holmes. Dissenting: Mr. Justice Stone and Mr. Justice McReynolds. Mr. Justice Sutherland took no part in the consideration or decision of this case.

No. 37. The Temco Electric Motor Company, petitioner, *v.* Apco Manufacturing Company. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Decree reversed with costs, and cause remanded to the District Court of the United States for the Northern District of Georgia for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Chief Justice Taft. Mr. Justice Sutherland took no part in the consideration or decision of this case.

No. 99. Richmond Screw Anchor Co., Inc., petitioner, *v.* The United States. On writ of certiorari to the Court of Claims. Judgment reversed and cause remanded for additional findings in conformity with the opinion of this Court. Opinion by Mr. Chief Justice Taft. Mr. Justice Sutherland took no part in the consideration or decision of this case.

No. 394. The United States of America *v.* Glen Murray. On certificate from the United States Circuit Court of Appeals for the Eighth Circuit. The cause is remanded to the District Court of the United States for the District of Nebraska with instructions to reverse the order placing Murray upon probation and for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Chief Justice Taft. Mr. Justice Sutherland took no part in the consideration or decision of this case.

No. 539. Frederick A. Cook, petitioner, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Judgment affirmed and cause remanded to the District Court of the United States for the Northern District of Texas. Opinion by Mr. Chief Justice Taft. Mr. Justice Sutherland took no part in the consideration or decision of this case.

The Chief Justice announced the following orders of the Court:

No. —, original. The State of Colorado *v.* The State of Kansas. The motion for leave to file bill of complaint is granted and process ordered to issue returnable on Monday, February 20, 1928.

No. 361. W. T. Irwin, Sherman & Ellis, Inc., Heco Envelope Co., et al., petitioners, *v.* The Missouri Valley Bridge & Iron Co. The motion for leave to file petition for a rehearing herein, made after the expiration of the twenty-five days within which, under rule 30,

the petition ought to have been filed, is granted. But the Court, after consideration of the full brief filed with the motion and the other briefs considered on the original hearing of the petition for certiorari, again denies the petition.

No. 607. The United States of America, Interstate Commerce Commission and Fort Smith, Subiaco & Rock Island Railroad Company, Appellants, *v.* Missouri Pacific Railroad Company. The motion to advance this case is granted and the case assigned for Monday, March 5 next, after the cases heretofore assigned for that day.

No. 456. Federal Intermediate Credit Bank of Columbia, South Carolina, petitioner, *v.* Chas. S. Mitchell, W. E. Richardson, Truckers Supply Company, et al. The motion to advance this case is granted and the case assigned for argument on Monday, March 12 next, after the cases heretofore assigned for that day.

No. 610. The United States of America, *v.* The John Barth Company and United States Fidelity & Guaranty Company. The motion to advance this case is granted and the case assigned for argument on Monday, March 12 next, after the cases heretofore assigned for that day.

No. 564. Milton E. Springer, Dalmacio Costas, and Anselmo Hilario, petitioners, *v.* The Government of the Philippine Islands; and

No. 573. Gregorio Agoncillo, Baldomero Roxas, and Catalino Lavadia, petitioners, *v.* The Government of the Philippine Islands. The motion to advance these cases is granted and the cases assigned for argument on Monday, April 9 next.

No. 634. Must Hatch Incubator Co., Inc., appellant, *v.* I. L. Patterson, Governor of the State of Oregon, et al. The motion to advance this case is granted and the case assigned for argument on Monday, April 9 next.

No. 623. Charles Warner Company, petitioner, *v.* Independent Pier Company; and

No. 624. Charles Warner Company, petitioner, *v.* Steamship "Gulftrade," whereof Gulf Refining Company is Claimant. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Third Circuit granted.

No. 621. Bonded Products Corporation, petitioner, *v.* The Andrew Jergens Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 622. William P. Deppe and Deppe Motors Corporation, petitioners *v.* General Motors Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 625. Northern Pacific Railway Company, petitioner, *v.* Interstate Commerce Commissioner. Petition for writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 79. United Fuel Gas Company, appellant, *v.* The Public Service Commission of West Virginia, I. Wade Coffman & C. E. Nethken, et al.; and

No. 19. The United Fuel Gas Company, a Corporation, and Warfield Natural Gas Company, a Corporation, appellants, *v.* The Railroad Commission of Kentucky, Frank N. Burns, et al., etc., and Frank E. Daugherty, Attorney General of Kentucky. It is ordered that these cases be restored to the docket for a reargument and they are assigned for Monday, February 27 next, after the cases heretofore assigned for that day.

No. 192. George McNeir, petitioner, *v.* Charles W. Anderson, United States Collector of Internal Revenue for the Third District of New York. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Reversed on confession of error, and mandate granted, on motion of Mr. Solicitor General Mitchell in that behalf.

No. 432. Oil Fields Corporation, petitioner, *v.* John S. Dashko, T. P. Novick, Olga Novick, et al. Motion for leave to file petition for a rehearing out of time, under rule 30, submitted by Mr. Albert L. Wilson for the petitioner.

No. —, original. The State of Connecticut, complainant, *v.* The Commonwealth of Massachusetts. Motion for leave to file bill of complaint submitted by Mr. Ernest L. Averill for the complainant.

No. 235. News Syndicate Company *v.* The New York Central Railroad Company et al. Motion for leave to file petition for a rehearing out of time, under rule 30, submitted by Mr. Parker McCollester in behalf of the New York Central Railroad Company et al.

No. 7, original. The State of Wisconsin et al., complainant, *v.* the State of Illinois and the Sanitary District of Chicago et al. Exceptions to the report of the Special Master submitted by Mr. R. T. Jackson in behalf of the States of Wisconsin, Ohio, Pennsylvania, and Minnesota.

No. 11, original. The State of Michigan, complainant, *v.* The State of Illinois and the Sanitary District of Chicago. Exceptions to the report of the Special Master submitted by Mr. Wilbur M. Brucker in behalf of the State of Michigan.

No. 12, original. The State of New York, complainant, *v.* The State of Illinois and the Sanitary District of Chicago. Exceptions to the report of the Special Master submitted by Mr. Randall J. LeBoeuf, jr., in behalf of the State of New York.

No. 7, original. The State of Wisconsin et al., complainants, *v.* The State of Illinois and the Sanitary District of Chicago;

No. 11, original. The State of Michigan, complainant, *v.* The State of Illinois and the Sanitary District of Chicago; and

No. 12, original. The State of New York, complainant, *v.* The State of Illinois and the Sanitary District of Chicago. Suggestions as to filing briefs submitted by Mr. James M. Beck for the State of Illinois and the Sanitary District of Chicago, and it is ordered that counsel for the respective parties in these cases shall, within three days from this date, agree upon such parts of the record as should be printed for the consideration of the exceptions filed to the report of the Special Master; briefs for all parties filing objections to said report to be filed within 30 days from the expiration of the time within which counsel shall agree as to the parts of the record to be printed; briefs for the State of Illinois and the Sanitary District of Chicago to be filed within 20 days after the time allowed counsel for the complainants within which to file briefs.

No. 262. Fairbanks, Morse & Company et al., petitioners, *v.* The American Valve and Meter Company et al. Suggestion of a diminution of the record and motion for a writ of certiorari submitted by Mr. Dwight B. Cheever for the petitioners.

No. 166. The United States of America, *ex rel.* Neils Peter Clausen, petitioner, *v.* Honorable Henry H. Curran, Commissioner of Immigration. Motion to pass submitted by Mr. H. L. Lohnes in behalf of Mr. Silas B. Axtell for the petitioner.

No. 532. Charles S. Green et al., petitioners, *v.* The United States of America. Motion for leave to file petition for rehearing out of time under rule 30 submitted by Mr. Joseph L. Tepper in behalf of counsel for the petitioners.

No. 97. Joseph E. Stipcich *v.* Metropolitan Life Insurance Co. Motion to bring up the entire record and cause submitted by Mr. Chester I. Long, Mr. George E. Chamberlain, Mr. Peter Q. Nyce, and Mr. G. C. Fulton for Stipcich.

No. 505. Chicago Cheese and Farm Products Co., petitioner, *v.* The United States. On petition for writ of certiorari to the Court of Claims. Dismissed on motion of Mr. Robert N. Golding in behalf of Mr. Willis D. Nance and Mr. Joseph B. Fleming, for the petitioner.

No. 185. Joseph E. Marron, petitioner, *v.* The United States of America. Motion for leave to file petition for a rehearing out of time under rule 30 submitted by Mr. Benjamin B. Pettus in behalf of Mr. Benjamin L. McKinley for the petitioner.

No. 626. Milton A. Nelms, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Everett J. Smith for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Luhring, and Mr. Harry S. Ridgely for the respondent.

No. 627. Eastern Coal and Export Corporation, petitioner, *v.* Norfolk and Western Railway Company. Petition for a writ of certiorari to the Supreme Court of Appeals of the State of Virginia submitted by Mr. Sherlock Bronson for the petitioner.

No. 628. Warner Marshall, petitioner, *v.* Walter D. Lovell. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Franklin F. Phillips for the petitioner, and by Mr. James D. Shearer for the respondent.

No. 629. Wm. Wrigley, Jr., Company, petitioner, *v.* L. P. Larson, Jr., Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Wallace R. Lane and Mr. Isaac H. Mayer for the petitioner, and by Mr. Charles H. Aldrich and Mr. George I. Haight for the respondent.

No. 632. The De Laski & Thropp Circular Woven Tire Company, petitioner, *v.* Murray Rubber Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Thomas G. Haight and Mr. E. Clarkson Seward for the petitioner, and by Mr. Drury W. Cooper and Mr. Luther E. Morrison for the respondent.

No. 636. Anna Marie Maney, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Edwin S. Mack and Mr. Louis Marshall for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Luhring, and Mr. Harry S. Ridgely for the respondent.

No. 637. Graver Corporation, petitioner, *v.* Fred Mansur, Trustee in Bankruptcy of White Star Oil & Refining Company, Bankrupt. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. H. S. Lewis for the petitioner.

No. 638. New Amsterdam Casualty Company, petitioner, *v.* W. T. Taylor Construction company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Augustus Benners for the petitioners, and by Mr. E. H. Cabaniss for the respondent.

No. 640. Alyea-Nichols Company, petitioner, *v.* John L. Pickering, Collector of Internal Revenue; and

No. 641. Alyea-Nichols Company, petitioner, *v.* The United States of America. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Charles H. Shamel, Mr. Rufus M. Potts, and Mr. Joseph W. Cox for the petitioner, and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, and Mr. J. Louis Monarch for the respondent.

No. 636. Anna Marie Maney, petitioner, *v.* The United States of America. Motion for leave to proceed *in forma pauperis* submitted by Mr. Edwin S. Mack and Mr. Louis Marshall for the petitioner.

No. 660. W. B. Mitchell, petitioner, *v.* Glenn E. Cunningham, as Trustee in Bankruptcy of Charles Rury, Bankrupt. Motion for leave to proceed *in forma pauperis* submitted by Mr. W. B. Mitchell, *pro se.*

No. 664. Floyd Richardson, petitioner, *v.* The State of California. Motion for leave to proceed *in forma pauperis* submitted by Mr. Floyd Richardson, *pro se.*

No. 548. Henry O. Head, plaintiff in error, *v.* Obion County, for the use of Houser Creek Drainage District. Submitted on printed briefs pursuant to stipulation, under the twenty-third rule.

No. 454. Harry Hawkins, Charles Dawes, Beatrice Peters Schapp, et al., plaintiffs in error, *v.* Elmer E. Klein, W. A. Moses, J. G. Marcum, et al. Motion to dismiss or affirm submitted by Mr. Vern E. Thompson and Mr. C. H. Merillat for the defendants in error, in support of the motion, and by Mr. C. B. Ames for the plaintiffs in error, in opposition thereto.

No. 181. Swift & Company et al. and Armour & Company et al. *v.* The United States of America. Argument commenced by Mr. Charles E. Hughes for Swift & Co. and Armour & Co. et al., and continued by Mr. Assistant to the Attorney General Donovan for the United States.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, January 4, will be as follows: Nos. 181, 33, 62, 283, 299 (and 300), 592, 141, 142, 143, and 144.

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SUPREME COURT OF THE UNITED STATES

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

Milton E. Hartley, of Washington, D. C.; Benj. Champneys Atlee, of Lancaster, Pa.; A. Allen Woodruff, of Philadelphia, Pa.; Glen R. Horner, of Okmulgee, Okla.; William A. Nunlist, of New York City; Eleanor Stuart Burch, of New York City; J. Harold Weise, of San Francisco, Calif.; Lanier McKee, of New York City; and W. R. Pohle, of Cristobal, Canal Zone; were admitted to practice.

ORDER

It is now here ordered by this Court that the bond of the Marshal, Frank K. Green, dated January 1, 1928, be, and the same is, this day approved and recorded.

No. 7, original. The State of Wisconsin et al., complainant, *v.* The State of Illinois and the Sanitary District of Chicago;

No. 11, original. The State of Michigan, complainant, *v.* The State of Illinois and the Sanitary District of Chicago; and

No. 12, original. The State of New York, complainant, *v.* The State of Illinois and the Sanitary District of Chicago. It is now here ordered by this Court that the order heretofore entered in these cases on Tuesday, January 3, be, and it is hereby, amended to provide as follows: Counsel for the complainants filing exceptions to the report of the Special Master shall indicate in narrative form within 10 days from this date such parts of the record as they deem necessary to support their exceptions, such designated narrative to be served upon counsel for the respondents, who shall within 10 days thereafter indicate in narrative form such additional parts of the record as they deem necessary. The joint abstract of the parts of the record to be printed in narrative form shall be filed with the Clerk of this Court within 20 days from this date and shall be printed under his supervision. Briefs for the complainants filing exceptions to the report of the Special Master shall be filed within 20 days from the

expiration of the time allowed for filing the joint abstract of record. Briefs for the respondents shall be filed within 15 days after the expiration of the time allowed complainants within which to file briefs.

No. 181. Swift & Company et al. and Armour & Company et al. *v.* The United States of America. Argument continued by Mr. William C. Breed for the National Wholesale Grocers Ass'n., and concluded by Mr. Charles E. Hughes for Swift & Co. et al.

No. 33. Arthur C. Brown *v.* The United States of America. Argument commenced by Mr. Robert N. Golding for Brown. The Court declined to hear further argument.

No. 62. John A. Grosfield and Richard Caplis *v.* The United States of America. Argued by Mr. Solicitor General Mitchell for the United States, and case submitted by Mr. Harold Goodman and Mr. Edwin Monnig for Grosfield and Caplis.

No. 283. The United States, petitioner, *v.* Magnolia Petroleum Company et al., etc. Argued by Mr. Assistant Attorney General Galloway for the petitioner, and by Mr. Barry Mohun for the respondents.

No. 299. Arnold J. Hellmich, collector, etc., petitioner, *v.* Isadore N Hellman; and

No. 300. Arnold J. Hellmich, collector, etc., petitioner, *v.* Milton C. Hellman. Argument commenced by Assistant Attorney General Willebrandt for the petitioner, and continued by Mr. Henry H. Furth for the respondents.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, December 5, will be as follows: Nos. 299 (and 300), 592, 141, 142, 143, 144, 146 (and 173), 147, 148, and 150.

SUPREME COURT OF THE UNITED STATES

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

Tom W. Holman, of Olympia, Wash.; Kenneth M. Fiske, of Chicago, Ill.; Louis B. Davidson, of New York City; John E. Jackson, of Pittsburgh, Pa.; and Smith B. Atwood, of Jefferson City, Mo., were admitted to practice.

No. 148. Miller & Lux, Inc., plaintiff in error, *v.* Railroad Commission of the State of California et al. Continued per stipulation of counsel.

No. 299. Arnold J. Hellmich, Collector, etc., petitioner, *v.* Isadore N. Hellman; and

No. 300. Arnold J. Hellmich, Collector, etc., petitioner, *v.* Milton C. Hellman. Argument concluded by Mr. Henry H. Furth for the respondents.

No. 592. James C. Colgate, appellant, *v.* Philadelphia Electric Power Co. et al. Argument commenced by Mr. E. J. Dimmock for the appellant. The Court declined to hear further argument.

No. 141. Delaware, Lackawanna & Western R. R. Co., petitioner, *v.* John Rellstab, Judge, etc., et al. Argued by Mr. M. M. Stallman for the petitioner, and by Mr. Harry Kalisch for the respondents.

No. 142. James W. Wuchter, plaintiff in error, *v.* Michael Pizzutti. Argued by Mr. James D. Carpenter, jr., for the plaintiff in error, and by Mr. Jacob R. Mantell for the defendant in error.

No. 143. Emma Sango, plaintiff in error, *v.* William Willig. Argued by Mr. William Neff for the plaintiff in error, and by Mr. G. R. Horner for the defendant in error.

No. 144. Eleanor Saltonstall & Lawrence Brooks, plaintiffs in error, *v.* Leverett Saltonstall et al., Trustees, etc. Argument commenced by Mr. Thomas Hunt for the plaintiffs in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, January 6, will be as follows: Nos. 144, 146 (and 173), 147, 150, 151, 153, 155, 158, 159, and 160.

SUPREME COURT OF THE UNITED STATES

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

Jessica Dee Stewart, of Washington, D. C.; Ralph B. Stewart, of Washington, D. C.; Holland R. Polak, of St. Louis, Mo.; Russel N. Low, of Washington, D. C.; Harrison M. Brooks, of Buffalo, N. Y.; and Harry M. Peyser, of Brooklyn, N. Y., were admitted to practice.

No. 166. United States *ex rel.* Niels Peter Claussen, petitioner, *v.* Hon. Henry H. Curran, Commissioner, etc. Suggestion of abatement submitted by Mr. Alfred A. Wheat for the respondent.

No. 158. John Lapique, successor in interest, etc., appellant, *v.* Frank E. Walsh, et al., etc. Submitted by Mr. John Lapique *pro se*, and by Mr. Herbert J. Goudge for the appellees.

No. 144. Eleanor Saltonstall & Lawrence Brooks, plaintiffs in error, *v.* Leverett Saltonstall et al., trustees, etc. Argument continued by Mr. Thomas Hunt for the plaintiffs in error and concluded by Mr. Edwin H. Abbot, jr., for the defendants in error.

No. 146. Henry Wilson et al., petitioners, *v.* Pacific Mail S. S. Co. et al., etc.; and

No. 173. Pacific Mail S. S. Co., claimant, etc., et al., petitioners, *v.* Henry Wilson. Argued by Mr. Farnham P. Griffiths for the Pacific Mail Steamship Co. et al. and by Mr. Louis T. Hengstler for Wilson et al.

No. 147. Delaware, Lackawanna & Western R. R. Co., petitioner, *v.* The Town of Morristown et al. Argument commenced by Mr. John W. Davis for the petitioner.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, January 9, will be as follows: Nos. 147, 150, 151, 153, 155, 159, 160, 500, 600, and 162.

SUPREME COURT OF THE UNITED STATES

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

Milton T. Farmer, of San Francisco, Calif.; Ernest C. Dickson, of Washington, D. C.; Frank M. Tracy, of Covington, Ky.; William G. Lynch, of Kansas City, Mo.; Noah A. Stancliffe, of New York City; William H. Milholland, of New York City; James D. Shaver, of Texarkana, Ark.; Frank H. Ward, of Cleveland, Ohio.; W. H. Martin, of Hot Springs, Ark.; and Harvey Roney, of Kansas City, Mo., were admitted to practice.

The Chief Justice announced the following orders of the Court:

No. 122. Leo L. Spears, plaintiff in error, *v.* The State Board of Medical Examiners of the State of Colorado. The petition for rehearing is denied, but the Court's order of dismissal entered December 12, 1927, is hereby changed so as to read: "Dismissed because the record does not disclose that any substantial federal question was made in the presentation of the cause in the State Supreme Court. *McCorquodale v. State of Texas*, 211 U. S. 432, 436, 437; *Consolidated Turnpike Co. v. Norfolk & Ocean View Ry. Co.*, 228 U. S. 326, 333, 334; *Godchaux Co. v. Estopinal*, 251, U. S. 179, 180, 181."

No. 185. Joseph E. Marron, petitioner, *v.* The United States of America. The motion for leave to file petition for rehearing out of time under Rule 30 is denied.

No. 235. News Syndicate Company *v.* The New York Central Railroad Company, The Pennsylvania Railroad Company, et al. The motion for leave to file petition for rehearing out of time under Rule 30 is denied.

No. 432. Oil Fields Corporation, petitioner, *v.* John S. Dashko, T. P. Novick, Olga Novick, et al. The motion for leave to file petition for rehearing out of time under Rule 30 is denied.

No. 636. Anna Marie Maney, petitioner, *v.* The United States of America. *Per curiam*: The petition for a writ of certiorari and the motion for leave to proceed further herein *in forma pauperis* are granted. The clerk is hereby directed to have the record printed forthwith and to pay the cost thereof, as well as the costs already incurred herein, from the special fund in his custody as provided in the order of October 29, 1926.

No. 660. W. B. Mitchell, petitioner, *v.* Glenn E. Cunningham, as Trustee in Bankruptcy of Charles Rury, Bankrupt. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. *Per curiam*: The motion for leave to proceed further herein *in forma pauperis* is denied for the reason that the Court, upon examination of the record herein submitted, finds that there are no grounds upon which certiorari can be issued, application for which is therefore also denied.

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

No. 664. Floyd Richardson, petitioner, *v.* The State of California. On petition for writ of certiorari to the Supreme Court of the State of California. *Per curiam*: The motion for leave to proceed further herein *in forma pauperis* is denied for the reason that the Court, upon examination of the unprinted record herein submitted, finds that there are no grounds upon which certiorari can be issued, application for which is therefore also denied.

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

No. —, original. The State of Connecticut *v.* The Commonwealth of Massachusetts. The motion for leave to file the bill of complaint herein is granted, and process ordered to issue returnable on Monday, March 5, 1928.

No. 262. Fairbanks, Morse & Co. and Sheffield Car Company, petitioners, *v.* American Valve & Meter Company and Edward E. Johnson. The suggestion of a diminution of the record and motion for certiorari is denied. But an order is hereby made upon the parties to show cause in printed briefs, if any cause there be, on or before February 20, 1928, why the decree entered by the Circuit Court of Appeals should not be reversed and the cause remanded to that court for further proceedings in conformity with the rulings recently made in the case of Barber Asphalt Paving Co. *v.* Standard Asphalt & Rubber Co., No. 194, October term, 1927, opinion announced January 3, 1928, in reference to the operation of rule 75 (b), and to the payment, by way of reimbursement for expenses and counsel fees, occasioned by the fault of one or the other parties herein through the disregard of rule 75 (b).

No. 97. Josephine Stipcich *v.* Metropolitan Life Insurance Co. The motion that the entire record be sent up under rule 34, subdivision 2, and section 239 of the Judicial Code as amended by the act of February 13, 1925 (43 Stat. 936, 938), is granted and the clerk is directed to notify the parties that the order setting this cause for

hearing on Monday, January 16 next, is revoked and the cause is set down for hearing on Monday, March 5 next.

No. 454. Harry Hawkins, Charles Dawes, Beatrice Peters Schapp, et al., plaintiffs in error, *v.* Elmer E. Klein, W. A. Moses, J. G. Marcum, et al. In error to the Supreme Court of the State of Oklahoma. *Per curiam:* The writ of error is dismissed on the authority of section 237 of the Judicial Code, as amended by the act of February 13, 1925 (43 Stat. 936, 937), for lack of jurisdiction. *Jett Bros. Distilling Co. v. City of Carrollton*, 252 U. S. 1, 5, 6. Treating the writ of error as an application for certiorari, the application is denied.

No. 548. Henry O. Head, plaintiff in error, *v.* Obion County, for the use of Houser Creek Drainage District. In error to the Supreme Court of the State of Tennessee. *Per curiam:* Dismissed for want of a substantial Federal question on the authority of *Pierce et al. v. Obion County, etc., et al.*, No. 145, October term, 1927, decided December 12, 1927; *Shulthis v. McDougal*, 225 U. S. 561, 569; *Hull v. Burr*, 234 U. S. 712, 720; *Norton v. Whiteside*, 239 U. S. 144, 147.

No. 592. James C. Colgate, appellant, *v.* Philadelphia Electric Power Company, Nathan R. Buller, William D. B. Ainey, et al., et al. Appeal from the District Court of the United States for the Eastern District of Pennsylvania. *Per curiam:* Dismissed for want of a substantial question on the authority of *Shulthis v. McDougal*, 225 U. S. 561, 569; *Hull v. Burr*, 234 U. S. 712, 720; *Norton v. Whiteside*, 239 U. S. 144, 147.

No. 143. Emma Sango, plaintiff in error, *v.* William Willig. In error to the Supreme Court of the State of Oklahoma. *Per curiam:* The writ of error is dismissed on the authority of section 237 of the Judicial Code, as amended by the act of February 13, 1925 (43 Stat. 936, 937), for lack of jurisdiction. Treating the writ of error as an application for certiorari, the certiorari is denied.

No. 158. John Lapique, Successor in interest of the Estate of Maria Espiritu Chiljulla De Leonis, etc., appellant, *v.* Frank E. Walsh, Frank E. Walsh, Administrator, etc., Harry L. Dunnigan et al. Appeal from the District Court of the United States for the Southern District of California. *Per curiam:* Dismissed for lack of jurisdiction in this Court under section 238 of the Judicial Code, as amended by the act of February 13, 1925 (43 Stat. 936, 938), on the authority of *Southern Pacific Co. v. The United States*, 270 U. S. 103, 105.

No. 166. The United States of America *ex rel.* Niels Peter Clausen, petitioner, *v.* Honorable Henry H. Curran, Commissioner of Immigration. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. *Per curiam:* In this case the order of the District Court dismissing the writ of *habeas*

corpus was entered on February 1, 1926; an appeal was allowed on February 9, 1926, to the Circuit Court of Appeals for the Second Circuit, which court, on December 14, 1926, entered a judgment affirming that of the District Court. A writ of certiorari was granted by this Court on March 7, 1927.

It appearing that Henry H. Curran, sued herein as Commissioner of Immigration, resigned such office on March 31, 1926, and was succeeded by Benjamin M. Day, who now holds that office, and that no motion was made under section 11 of the act of February 13, 1925 (c. 229 43 Stat. 936, 941), asking the Court to "permit the cause to be continued and maintained by or against the successor in office of such officer," and that the six months' period, within which such a motion could have been made, has expired, the Court now vacates the judgments entered in the District Court and in the Circuit Court of Appeals and remands the cause to the District Court with a direction to dismiss the cause as abated.

No. 85. Henry W. McMaster et al., Receivers, etc., petitioners, *v.* George J. Gould, et al., Executors, etc. On considering the record in this cause it is ordered by the Court that a rule be issued to the petitioner and respondent to show cause in printed form, if any cause there be, on or before Monday, January 23, 1928, why this writ of certiorari should not be dismissed for want of jurisdiction, on the ground that the decree sought to be reviewed is not a final decree within the meaning of section 237 (b) of the Judicial Code, in that it appears that Myron T. Herrick, one of the defendants, has appeared and answered the bill of complaint, and that the cause is still pending as to the said Herrick in the Supreme Court of the State of New York, and therefore has not been finally and completely determined.

No. 6, original. The State of Oklahoma, complainant, *v.* The State of Texas, the United States of America, intervener. It is hereby ordered by the Court that a rule be issued to the States of Texas and Oklahoma and to the United States to show cause in printed form if any cause there be, on or before Monday, February 20, 1928, why the decree entered in this cause on January 3, 1927, should not be amended by changing the clause 1 thereof so as to read as follows:

1. The boundary between the State of Texas and the State of Oklahoma constituting the eastern boundary of the panhandle of Texas and the main western boundary of Oklahoma, is the line of the true one-hundredth meridian of longitude west from Greenwich, extending north from its intersection with the south bank of the South Fork of Red River to its intersection with the line of the parallel of 36 degrees 30 minutes north latitude, as surveyed and marked by John H. Clark, United States commissioner, under the act of June 5, 1858, c. 92, which was confirmed as the northern boundary of the State of Texas

by the act of March 3, 1891, c. 542, and by a joint resolution of the Twenty-second Legislature of Texas.

Service of this rule will be made upon the attorneys general of the two States and of the United States, respectively.

No. 228. National Life Insurance Company, petitioner, *v.* The United States of America. It is ordered that this case be assigned for argument on Monday, April 9 next, after the cases heretofore assigned for that day.

No. 493. Roy Olmstead et al., petitioners, *v.* The United States of America;

No. 532. Charles S. Green et al., petitioners, *v.* The United States of America; and

No. 533. Edward H. McInnis, petitioner, *v.* The United States of America. Orders were entered on November 21, 1927, denying petitions for certiorari in these cases. Thereafter a petition for rehearing in **No. 533** was denied January 3, 1928, and a similar petition has been filed in **No. 532**. This Court now reconsiders all these three petitions for certiorari and grants the writs therein, limiting their consideration, however, to the question whether the use of evidence of private telephone conversations, between the defendants and others, intercepted by means of wire tapping, is a violation of the fourth and fifth amendments and, therefore, not permissible in the Federal courts.

No. 626. Milton A. Nelms, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 627. Eastern Coal and Export Corporation, petitioner, *v.* Norfolk and Western Railway Company. Petition for a writ of certiorari to the Supreme Court of Appeals of the State of Virginia denied.

No. 628. Warner Marshall, petitioner, *v.* Walter D. Lovell. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 629. Wm. Wrigley, Jr., Company, petitioner, *v.* L. P. Larson, Jr., Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 632. The De Laski & Thropp Circular Woven Tire Company, petitioner, *v.* Murray Rubber Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 637. Graver Corporation, petitioner, *v.* Fred Mansur, Trustee in Bankruptcy of White Star Oil & Refining Company, Bankrupt. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 638. New Amsterdam Casualty Company, petitioner, *v.* W. T. Taylor Construction Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 640. Alyea-Nichols Company, petitioner, *v.* John L. Pickering, Collector of Internal Revenue; and

No. 641. Alyea-Nichols Company, 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. 2, original. The State of New Mexico, complainant, *v.* The State of Texas. Time within which to file form of decree pursuant to the opinion of this Court announced December 5 extended for twenty days from January 14, on motion of Mr. J. Harry Covington for the complainant.

No. 292. Fred H. Slatmeyer, plaintiff in error, *v.* The Industrial Commission of Ohio. Death of Fred H. Slatmeyer suggested, and Arthur E. Hoffman as executor of the estate of Fred H. Slatmeyer, deceased, substituted as the party plaintiff in error, on motion of Mr. Frank H. Ward in that behalf.

No. 646. Minnie H. Leach, petitioner, *v.* Floyd E. Fischer, Guardian, etc., et al. Leave granted respondent to file brief within two weeks, on motion of Mr. Charles H. Bates in behalf of counsel for the respondents.

No. 633. Adelaide F. Chapman, petitioner, *v.* The United States. Petition for a writ of certiorari to the Court of Claims submitted by Mr. Sanford Robinson for the petitioner.

No. 635. Lacquer & Chemical Corporation, petitioner, *v.* Chester P. Mills, Federal Prohibition Administrator, etc., et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Lewis Landes for the petitioner, and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, and Mr. John T. Byrne for the respondents.

No. 644. Township of Maplewood, petitioner, *v.* Max Margolis; and

No. 645. Township of Maplewood and Reinhardt O. Osterman, Building Inspector, etc., petitioners, *v.* Max Margolis. Petition for writs of certiorari to the Court of Errors and Appeals of the State of New Jersey submitted by Mr. A. P. Bachman for the petitioner.

No. 647. The Monument Pottery Company, petitioner, *v.* Imperial Coal Corporation. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Edward L. Katzenbach for the petitioner, and by Mr. Gibbs L. Baker and Mr. Henry Ravenel for the respondent.

No. 648. W. S. McCray, petitioner, *v.* Sapulpa Petroleum Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. F. E. Riddle for the petitioner, and by Mr. Claude H. Rosenstein for the respondents.

No. 649. Olaf Stromland, Didrik Loga, and Arnold Sorvig, petitioners, *v.* Mystic Steamship Company, Claimant on its own behalf and on behalf of H. D. Babbidge, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. J. L. Morewitz for the petitioners, and by Mr. Henry H. Little for the respondent.

No. 686. Mrs. Ruby Inglett Arrington, petitioner, *v.* Grand Lodge. Brotherhood of Railroad Trainmen. Motion for leave to proceed *in forma pauperis* submitted by Ruby Inglett Arrington, *pro se*.

No. 147. Delaware, Lackawanna & Western R. R. Co., petitioner, *v.* The Town of Morristown et al. Argument continued by Mr. John W. Davis for the petitioner, and by Mr. Conover English for the respondents, and concluded by Mr. John W. Davis for the petitioner.

No. 150. John C. Denney, as Director of Public Works of Washington, et al., etc., appellants, *v.* Pacific Telephone & Telegraph Co.; and

No. 151. John C. Denney, as Director of Public Works of Washington, et al., etc., appellants, *v.* Home Telephone & Telegraph Co. Argument commenced by Mr. Arthur Schramm for the appellants in No. 150, continued by Mr. John H. Dunbar for the appellants, and concluded by Mr. Otto B. Rupp for the appellees.

No. 153. Seaboard Air Line Ry. Co. et al., appellants, *v.* William T. Lee, et al., etc. Argument commenced by Mr. Frank W. Gwathmey for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, January 10, 1928, will be as follows: Nos. 153, 155, 159, 160, 500, 600, 162, 163, 168, and 170.

SUPREME COURT OF THE UNITED STATES

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

Alfred C. B. McNevin, of New York City; Elvy E. Calloway, of Lakewood, Fla.; Syllas S. Meyer, of Los Angeles, Calif.; John W. Cowell, of Cincinnati, Ohio; John D. Meyer, of Pittsburgh, Pa.; William J. Aiken, of Pittsburgh, Pa.; and John Edgar Harris, of El Dorado, Ark.; were admitted to practice.

No. 153. Seaboard Air Line Railway Co. et al., appellants, *v.* William T. Lee et al., etc. Argument continued by Mr. Frank W. Gwathmey for the appellants, and concluded by Mr. Sidney S. Alderman for the appellees.

No. 155. Bryant Arnold, doing business as Kansas City Hay Company, et al., etc., plaintiffs in error, *v.* Forest Hanna et al. Argument commenced by Mr. Charles M. Blackmar for the plaintiffs in error. The Court declined to hear further argument.

No. 159. Goodyear Tire & Rubber Co., Inc., petitioner, *v.* The United States. Argued by Mr. Spencer Gordon for the petitioner, and by Mr. Alfred A. Wheat for the respondent.

No. 160. Toledo, St. Louis & Western R. R. Co., petitioner, *v.* Hilbert Stuart Allen. Argument commenced by Mr. Frank H. Sullivan for the petitioner.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, January 11, will be as follows: Nos. 160, 500, 600, 162, 163, 168, 170, 171, 172, and 174.

SUPREME COURT OF THE UNITED STATES

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

Joseph M. Hurt, jr., of Richmond, Va.; Theo. T. Turnbull, of Monticello, Fla.; N. P. Sims, of Bowling Green, Ky.; John J. Danhof, jr., of Detroit, Mich.; and Homer N. Young, of Pittsburgh, Pa., were admitted to practice.

No. 171. Katherine Linstead, Executrix, etc., petitioner, *v.* Chesapeake & Ohio Railway Co. Submitted by Mr. John W. Cowell for the petitioner, and by Mr. Frank M. Tracy for the respondent.

No. 160. Toledo, St. Louis & Western R. R. Co., petitioner, *v.* Hilbert Stuart Allen. Argument continued by Mr. Frank H. Sullivan for the petitioner, and concluded by Mr. Holland R. Polak for the respondent.

No. 500. Thomas J. Casey, petitioner, *v.* The United States of America. Argued by Mr. John T. Casey for the petitioner, and by Mr. Solicitor General Mitchell for the United States. Leave granted petitioner to file reply brief on or before Tuesday next.

No. 600. Frank Nigro *v.* The United States of America. Argument commenced by Mr. William G. Lynch for Nigro, and continued by Mr. Solicitor General Mitchell for the United States.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, January 12, will be as follows: Nos. 600, 162, 163, 168, 170, 172, 174, 178, 179, and 180.

SUPREME COURT OF THE UNITED STATES

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

Engie Vaughan Parham, of New Orleans, La.; B. F. Batts, of St. Louis, Mo.; Gustav Drews, of New York City; and James S. Eastham, of Methuen, Mass., were admitted to practice.

No. 179. Gulf, Mobile and Northern Railroad Company, petitioner, *v.* L. G. Touchstone. Submitted by Mr. Walter S. Welch and Mr. Ellis B. Cooper for the petitioner, and by Mr. W. Calvin Wells for the respondent.

No. 180. Ernest F. Dunham, plaintiff in error, *v.* Albert Ottinger, individually and as Attorney General, etc. Submitted by Mr. George Gordon Battle for the plaintiff in error, and by Mr. William H. Millholland for the defendant in error.

No. 600. Frank Nigro *v.* The United States of America. Argument concluded by Mr. Solicitor General Mitchell for the United States.

No. 162. Samuel J. Kornhauser, petitioner, *v.* The United States. Submitted by Mr. L. L. Hamby for the petitioner, and by Mr. Solicitor General Mitchell and Mr. Sewall Key for the respondent.

No. 163. Arthur H. Lamborn et al., petitioner, *v.* National Bank of Commerce of Norfolk, Virginia. Argued by Mr. Louis O. Van Doren for the petitioners, and by Mr. Tazewell Taylor for the respondent.

No. 168. Ancient Egyptian Arabic Order Nobles of the Mystic Shrine, etc., et al., petitioners, *v.* D. W. Michaux et al. Argument commenced by Mr. Harold S. Davis for the petitioners, and continued by Mr. Claude Pollard for the respondents.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, January 13, will be as follows: Nos. 168, 170, 172, 174, 178, 183 (and 189), 184, 186, 187, and 193.

SUPREME COURT OF THE UNITED STATES

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

Andrew D. Washington, of Washington, D. C.; Samuel B. Horowitz, of Boston, Mass.; Roy M. Sterne, of New York City; John May, of New Orleans, La.; Mario F. Di Troia, of Boston, Mass; and Charles I. Francis, of Wichita Falls, Tex., were admitted to practice.

No. 626. Milton A. Nelms, petitioner, *v.* The United States of America. Motion to hold order until decision in No. 600 submitted by Mr. Jos. W. Cox in behalf of counsel for the petitioner.

No. 673. Louis K. Liggett Company, appellant, *v.* The Honorable Thomas J. Baldrige, Attorney General of the Commonwealth of Pennsylvania, et al., etc., et al. Joint motion to advance submitted by Mr. Owen J. Roberts in that behalf.

No. 168. Ancient Egyptian Arabic Order Nobles of the Mystic Shrine, etc., et al., petitioners, *v.* D. W. Michaux et al. Argument continued by Mr. Claude Pollard for the respondents, and concluded by Mr. Harold S. Davis for the petitioners.

No. 170. Finance & Guaranty Co., petitioner, *v.* Henry W. Oppenheimer, Trustee in Bankruptcy, etc. Argued by Mr. S. M. Brandt for the petitioner, and by Mr. Joseph M. Hurt for the respondent.

No. 172. Manson R. Devil, receiver, etc., plaintiff in error, *v.* Peter G. Cameron, Secretary of Banking of Pennsylvania, etc. Argument commenced by Mr. William S. Moorhead for the plaintiff in error. The Court declined to hear further argument.

No. 174. Black & White Taxicab & Transfer Co., petitioner, *v.* Brown & Yellow Taxicab & Transfer Co. Argument commenced by Mr. N. P. Sims for the petitioner.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, January 16, will be as follows: Nos. 174, 178, 182, 183 (and 189), 184, 186, 187, 193, 110, and 196.

SUPREME COURT OF THE UNITED STATES

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

Charles H. Donovan, of Chevy Chase, Md.; Homer H. Kirby, of Washington, D. C.; Julian S. Wooster, of New York City; C. Tattenhorst, jr., of Cincinnati, Ohio; Chas. E. McPherrren, of Oklahoma City, Okla.; Stephen Robinson, of Des Moines, Iowa; and Casimir E. Midowicz, of Chicago, Ill., were admitted to practice.

No. 141. The Delaware, Lackawanna and Western Railroad Company, petitioner, *v.* John Rellstab, Judge of the United States District Court for the District of New Jersey, and the United States District Court for the District of New Jersey. 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 said United States Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Holmes.

The Chief Justice announced the following orders of the Court:

No. 626. Milton A. Nelms, petitioner, *v.* The United States of America. The motion to withhold issuing of the order denying the petition for writ of certiorari in this case until the decision of this Court in the case of *Nigro v. United States*, No. 600, is denied.

No. 673. Louis K. Liggett Company, appellant, *v.* The Honorable Thomas J. Baldrige, Attorney General of the Commonwealth of Pennsylvania, et al. The joint motion to advance this case is granted and the case assigned for argument on Monday, October 1st next.

No. 686. Mrs. Ruby Inglett Arrington, petitioner, *v.* The Grand Lodge of Brotherhood of Railroad Trainmen and Mrs. Ethel Inglett. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. *Per curiam*: The motion for leave to proceed further herein *in forma pauperis* is denied for the reason that the Court, upon examination of the unprinted record herein sub-

mitted finds that there are no grounds upon which certiorari can be issued, application for which is therefore also denied. The costs already incurred herein by direction of the Court shall be paid by the Clerk from the Special Fund in his custody as provided in the order of October 29, 1926.

No. 153. Seaboard Air Line Railway Company and Atlantic Coast Line Railroad Company, appellants, *v.* William T. Lee, George P. Pell and A. J. Maxwell, as members, etc., et al. Appeal from the District Court of the United States for the Eastern District of North Carolina. *Per curiam:* Affirmed on the authority of Atlantic Coast Line R. R. Co. *v.* Standard Oil Co. of Kentucky and Standard Oil Co. of Kentucky *v.* Atlantic Coast Line R. R. Co., Nos. 176 and 177, October Term, 1927, opinion announced November 28, 1927.

No. 155. Bryant Arnold, doing business as Kansas City Hay Company, C. F. Arnold, H. B. Arnold, et al., etc., et al., plaintiffs in error, *v.* Forest Hanna and C. P. Anderson. In error to the Supreme Court of the State of Missouri. *Per curiam:* Affirmed on the authority of (1) Watters *v.* People of the State of Michigan, 248 U. S. 65, 66; (2) Payne *v.* State of Kansas, 248 U. S. 112, 113.

No. 179. Gulf, Mobile and Northern Railroad Company, petitioner, *v.* L. G. Touchstone. On writ of certiorari to the Supreme Court of the State of Mississippi. *Per curiam:* Reversed on the authority of Jacobs *v.* Southern Railway Co., 241 U. S. 229, 232, 236.

No. 180. Ernest F. Dunham, plaintiff in error, *v.* Albert Ottinger, individually and as Attorney General of the State of New York. In error to the Supreme Court of the State of New York. *Per curiam:* Dismissed for want of a substantial federal question on the authority of Shulthis *v.* McDougal, 225 U. S. 561, 569; Hull *v.* Burr, 234 U. S. 712, 720; Norton *v.* Whiteside, 239 U. S. 144, 147.

No. 172. Lloyd Littrell, Receiver of the First National Bank of Carnegie, plaintiff in error, *v.* Peter G. Cameron, Secretary of Banking of Pennsylvania, in possession of the Carnegie Trust Company, et al. In error to the Supreme Court of the State of Pennsylvania. *Per curiam:* The judgment of the Supreme Court of the State of Pennsylvania in this case is affirmed for the reason that, on the record and on the facts, no substantial federal question is presented. Shulthis *v.* McDougal, 225 U. S. 561, 569; Hull *v.* Burr, 234 U. S. 712, 720; Norton *v.* Whiteside, 239 U. S. 144, 147.

No. 70. Louisville Gas & Electric Company, plaintiff in error, *v.* W. H. Shanks, as Auditor of the State of Kentucky. It is ordered that this case be restored to the docket and set for argument before the full Court on Monday, February 27th, next, after the cases heretofore assigned for that day.

No. 633. Adelaide F. Chapman, petitioner, *v.* The United States. Petition for a writ of certiorari to the Court of Claims granted.

No. 635. Lacquer & Chemical Corporation, petitioner, *v.* Chester P. Mills, Federal Prohibition Administrator for the Second District of New York, et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 644. Township of Maplewood, petitioner, *v.* Max Margolis. Petition for a writ of certiorari to the Court of Errors and Appeals of the State of New Jersey denied.

No. 645. Township of Maplewood, and Reinhardt O. Osterman, Building Inspector, etc., petitioners, *v.* Max Margolis. Petition for a writ of certiorari to the Court of Errors and Appeals of the State of New Jersey denied.

No. 647. The Monument Pottery Company, petitioner, *v.* Imperial Coal Corporation. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 648. W. S. McCray, petitioner, *v.* Sapulpa Petroleum Company, Mrs. Dannie Ross Burnett, as Administratrix, Mrs. Dannie Ross Burnett, et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 649. Olaf Stromland, Didrik Loga, and Arnold Sorvig, petitioners, *v.* Mystic Steamship Company, claimant on its own behalf and on behalf of H. D. Babbidge, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

The Chief Justice also announced the following order :

ORDER

The Court will take a recess from Monday, January 23d, until Monday, February 20th, next.

No. 194. Barber Asphalt Paving Company, petitioner, *v.* Standard Asphalt & Rubber Company. Motion for mandate denied.

No. 2, original. The State of New Mexico, complainant, *v.* The State of Texas. Leave granted to file petition for rehearing and supplemental petition for rehearing on motion of Mr. J. Harry Covington for the complainant.

No. 227. Cora B. Beatty, Executrix of the Last Will and Testament of John W. Beatty, deceased, petitioner, *v.* D. B. Heiner, Collector, etc. Leave granted to file brief of William Watson Smith and John G. Buchanan, as *amici curiae*, on motion of Mr. John G. Buchanan in that behalf.

No. 184. Fred M. Kirby, petitioner, *v.* The United States. Leave granted to file brief of Charles E. Hughes, Charles E. F. McCann, William C. Breed, Paul Armitage, and Harrison Tweed, as *amici curiae*, on motion of Mr. Edward Holloway in that behalf.

No. 184. Fred M. Kirby, petitioner, *v.* The United States. Leave granted to file brief of James E. MacCloskey, jr., as *amicus curiae*, on motion of Mr. Edward Holloway in that behalf.

No. 91. Standard Oil Company and Claude E. Shamp, plaintiffs in error, *v.* City of Lincoln, Frank C. Zehring, John Wright, et al. Leave granted to file petition for rehearing out of time on motion of Mr. Dale D. Drain in behalf of counsel for plaintiffs in error.

No. 98. Chesapeake and Ohio Railway Company, petitioner, *v.* K. S. Leitch. Leave granted to file petition for rehearing out of time on motion of Mr. William Strickland in behalf of counsel for the petitioner.

No. 493. Roy Olmstead, Jerry L. Finch, Clarence G. Healy, et al., petitioners, *v.* The United States of America;

No. 532. Charles S. Green, Emory A. Kern, Z. J. Hendrick, et al., petitioners, *v.* The United States of America; and

No. 533. Edward H. McInnis, petitioner, *v.* The United States of America. Motion to reassign these cases submitted by Mr. Joseph L. Tepper in behalf of counsel, and motion denied.

In re: Herbert Latham Fordham, petitioner. Motion to direct the Clerk to change the name of Herbert Latham Fordham on the roll of Attorneys admitted to practice in this Court to "Herbert Fordham" granted on motion of Mr. Robert F. Cogswell in that behalf.

No. 646 Minnie H. Leach, petitioner, *v.* Floyd E. Fischer, Guardian of the Estates of Eleanor Ann Fischer and Roderick Leach Fischer. Petition for a writ of certiorari to the Supreme Court of the State of Kansas submitted by Mr. I. N. Watson and Mr. R. E. Watson for the petitioner.

No. 650. Paul Rubio, petitioner, *v.* The United States of America. Petitioner for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Maxwell McNutt for the petitioner, and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, and Louise Foster for the respondent.

No. 651. Thomas Murphy, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted to Mr. Maxwell McNutt for the petitioner, and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, and Louise Foster for the respondent.

No. 652. Irving M. Austin, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Clarence V. Opper for the petitioner, and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, and Mr. K. L. Campbell for the respondent.

No. 656. Finance & Guaranty Company of Baltimore, Md., petitioner, *v.* Harry C. Stitt, Trustee, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. James Graham Glessner and Mr. Leo Oppenheimer for the petitioner, and by Mr. Clayton E. Emig for the respondent.

No. 658. The Lawrence-Williams Company, petitioner, *v.* Societe Enfants Gombault, et Cie. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. John F. Oberlin for the petitioner, and by Mr. Lanier McKee and Mr. James R. Garfield for the respondent.

No. 661. The Citizens & Southern Bank, petitioner, *v.* Carrie Y. Fayram, as Executrix of the Estate of Frederick Fayram. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Robert C. Alston for the petitioner, and by Mr. Charles B. Shelton for the respondent.

No. 662. Security Mortgage Company, petitioner, *v.* Charles A. Powers, Trustee in Bankruptcy, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. John E. Benton for the petitioner, and by Mr. Walter S. Dillon for the respondent.

No. —, original. *Ex parte*: Abraham S. Gilbert. Argued on the return to the rule to show cause by Mr. James M. Beck on behalf of the respondent.

No. 174. Black & White Taxicab & Transfer Co., petitioner, *v.* Brown & Yellow Taxicab & Transfer Co. Argument continued by Mr. N. P. Sims for the petitioner, and case submitted by Mr. M. M. Logan for the respondent.

No. 178. Gulf Fisheries Company, appellant, *v.* John L. Darrouzet, District & County Attorney, etc. Argued by Mr. Brantley Harris for the appellant and by Mr. D. A. Simmons for the appellee.

No. 182. Corona Cord Tire Co., petitioner, *v.* Dovan Chemical Corporation. Argument commenced by Mr. Dean S. Edmonds for the petitioner.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, January 17, will be as follows: Nos. 182, 183 (and 189), 184, 186, 187, 193, 110, 196, 197, and 198.

SUPREME COURT OF THE UNITED STATES

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

John G. Poore, of New York City; J. W. James, of Hastings, Nebr.; William M. Whittington, of Greenwood, Miss.; Robert D. Neely, of Omaha, Nebr.; Horace S. Davis, of Billings, Mont.; Frank S. Tavenner, of Woodstock, Va.; Wm. H. Griffin, of New York City; and D. O. Dechert, of Harrisonburg, Va., were admitted to practice.

No. **209.** V. L. Highland, petitioner, *v.* Russell Car & Snow Plow Co. Passed pursuant to rule 18 on motion of Mr. August Gutheim for the respondent.

No. **198.** Geo. O. Richardson Machinery Co., petitioner, *v.* Mrs. Annie Scott, Adm'x., etc. Submitted by Mr. D. H. Linebaugh and Mr. Paul Pinson for the petitioner, and by Mr. Jean H. Everest and Mr. Charles L. Moore for the respondent.

No. **182.** Corona Cord Tire Co., petitioner, *v.* Dovan Chemical Corporation. Argument continued by Mr. Dean S. Edmonds for the petitioner, and by Mr. John W. Davis for the respondent, and concluded by Mr. Dean S. Edmonds for the petitioner.

No. **183.** Western Union Telegraph Company, petitioner, *v.* C. H. Priester; and

No. **189.** Western Union Telegraph Company, petitioner, *v.* C. H. Priester. Argued by Mr. Francis Raymond Stark for the petitioner, and by Mr. D. M. Powell for the respondent.

No. **184.** Fred M. Kirby, petitioner, *v.* The United States. Argument commenced by Mr. Martin A. Schenck for the petitioner.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, January 18, will be as follows: Nos. **184, 186, 187, 193, 196, 197, 199, 201** (and **202**), **203**, and **204**.

SUPREME COURT OF THE UNITED STATES

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

Theo. L. Wilson, of Clarion, Pa.; Elmer Le Grand Goldsmith, of Indianapolis, Ind.; and Edmund Hill, jr., of Washington, D. C., were admitted to practice.

No. 184. Fred M. Kirby, petitioner, *v.* The United States. Argument continued by Mr. Martin A. Schenck for the petitioner, and concluded by Mr. Solicitor General Mitchell for the respondent.

No. 186. T. Smith & Son, Inc., plaintiff in error, *v.* Fannie Robinson Taylor, widow of George Taylor, etc. Argued by Mr. John May for the plaintiff in error, and by Mr. Eugie V. Parham for the defendant in error.

No. 187. Fort Smith, Subiaco and Rock Island R. R. Co., petitioner, *v.* Emma Moore, Admx., etc. Argued by Mr. James B. McDonough for the petitioner, and submitted by Emma Moore, *pro se.*

No. 193. Bountiful Brick Company et al., plaintiffs in error, *v.* Elizabeth W. Giles, as Widow and as Guardian, etc. Argued by Mr. Henry D. Moyle for the plaintiff in error, and by Mr. S. B. Horovitz for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, January 19, will be as follows: Nos. 110, 196, 197, 199, 201 (and 202), 203, 204, 205, 206, and 207.

SUPREME COURT OF THE UNITED STATES

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

Thomas J. Michie, of Charlottesville, Va., was admitted to practice.

No. 110. John P. Donnelley *v.* The United States of America. Reargued by Mr. Frank H. Norcross for Donnelley, and by Assistant Attorney General Willebrandt for the United States.

No. 196. People of Sioux County, Nebraska, petitioner, *v.* National Surety Company. Argued by Mr. Charles S. Lobingier for the petitioner, and by Mr. Edwin G. Davis for the respondent.

No. 197. Interstate Busses Corporation, appellant, *v.* William H. Blodgett, Tax Commissioner, etc., et al. Argument commenced by Mr. Edward H. Kelly for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, January 20, will be as follows: Nos. 197, 199, 201 (and 202), 203, 204, 205, 206, 207, 208, and 217.

66421—28—58

SUPREME COURT OF THE UNITED STATES

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

Honour B. Gelson, of New York City; Clarence N. Davidson, of Helena, Mont.; Grace L. Wallace, of Little Rock, Ark.; Edward C. Zullely, of East St. Louis, Ill.; Louis Beasley, of East St. Louis, Ill.; Millward C. Taft, of Chelsea, Vt.; A. George Bonehard, of Milwaukee, Wis.; Samuel Harber, of Union City, N. J.; Isadore Levin, of Detroit, Mich.; Hyman M. Seidelman, of Milwaukee, Wis.; and Morris Spector, of Boston, Mass.; were admitted to practice.

No. 208. Otis Sprout, plaintiff in error, *v.* City of South Bend, Indiana. Submitted by Mr. Dudley M. Shively for the plaintiff in error, and by Mr. Iden S. Romig for the defendant in error.

No. 197. Interstate Busses Corporation, appellant, *v.* William H. Blodgett, Tax Commissioner, etc., et al. Argument continued by Mr. Edward H. Kelly for the appellant. The Court declined to hear further argument.

No. 199. Julia V. Miller et al., plaintiffs in error, *v.* W. J. Schoene, State Entomologist. Argued by Mr. Randolph Harrison for the plaintiffs in error, and by Mr. F. S. Tavener for the defendant in error.

No. 201. Henry F. Long, Commissioner, etc., petitioner, *v.* George I. Rockwood; and

No. 202. Henry F. Long, Commissioner of Corporations, etc., petitioner, *v.* George I. Rockwood. Argued by Mr. F. Delano Putnam for petitioner, and by Mr. Merrill June for the respondent.

No. 203. Joseph M. Davis & Southern Surety Co., plaintiffs in error, *v.* Esther M. Jessup, Admx., etc. Argued by Mr. Robert S. Neely for the plaintiffs in error. No brief filed for the defendant in error.

No. 207. Montana National Bank of Billings, plaintiff in error, *v.* Yellowstone County of the State of Montana et al., etc. Argued by Mr. Horace S. Davis for the plaintiff in error, and by Mr. L. A. Foot for the defendants in error.

No. 206. State of Mississippi, for the use of Stokes V. Robertson, plaintiff in error, *v.* W. J. Miller et al. Argued by Mr. Stokes V. Robertson for the plaintiff in error, and submitted by Mr. Marion W. Reilly for the defendants in error.

Adjourned until Monday, January 23 next, at 12 o'clock.

SUPREME COURT OF THE UNITED STATES

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

James McKinley Rose, of New York City; Samuel M. Samter, of San Francisco, Calif.; Samuel A. Syme, of Washington, D. C.; John S. Porter, of Kittanning, Pa.; Floy C. Jones, of Kittanning, Pa.; George P. Alt, of Washington, D. C.; Madge Lee Guard, of Washington, D. C.; Benjamin Y. Wolf, of New Orleans, La.; William A. Allen, of St. Louis, Mo.; and Harry Troll, of St. Louis, Mo., were admitted to practice.

No. 170. Finance and Guaranty Company, petitioner, *v.* Henry W. Oppenheimer, Trustee in Bankruptcy for W. A. Lee, trading as National Motor Company, Bankrupt. On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit. Decree reversed in part and affirmed in part, and cause remanded to the District Court of the United States for the Eastern District of Virginia for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Holmes.

Ex parte: In re Abraham S. Gilbert. Under our order of November 21, 1927, the clerk issued a rule to the respondent, Abraham S. Gilbert, of New York City, a member of this bar, which directed that he make written report to this Court showing what fees or allowances have been paid to him (also when and by whom paid) for services as master in the several causes reviewed here during the October term, 1921, and reported in 259 U. S. 101, under the following titles: Newton, as Attorney General of the State of New York, et al., *v.* Consolidated Gas Company of New York; Same *v.* New York & Queens Gas Company; Same *v.* Central Union Gas Company; Same *v.* Northern Union Gas Company; Same *v.* New York Mutual Gas Light Company; Same *v.* Standard Gas Light Company of the City of New York; Same *v.* New Amsterdam Gas Company; Same *v.* East River Gas Company of Long Island City.

That he likewise report whether he has returned or repaid any portion of the fees or allowances received by him as such master with dates and names of the parties.

That if he has received fees or allowances as master in any of the specified causes exceeding the maximum amount held by us to be permissible, and has not returned or repaid the excess, then he shall show cause why his name ought not to be stricken from the roll of attorneys permitted to practice here and he be punished for contempt or otherwise dealt with as the circumstances may require.

On the return day, January 16, 1928, Gilbert presented himself, filed a written report, and was heard through counsel.

He asserts that he received as fees for services as master in the eight above-mentioned causes a total of \$118,000; he sets out their several amounts and shows by whom and when they were paid. He avers that no one of the gas companies which paid these fees has ever questioned the amount or asked return of any portion, and says that he believes it was proper for him to retain them, notwithstanding they greatly exceeded what we declared permissible. But he further says that if this Court, after viewing his response, should conclude that he is under legal or moral obligation to return any part of them, he is willing so to do.

In December, 1921, the District Court for the Southern District of New York made allowances to respondent for services as master in each of the above-mentioned causes and directed that they be paid by the complaining corporations, respectively, and thereafter taxed as costs against the defendants, the Attorney General of New York, and others. In obedience to such orders, and before the time for appeal expired, these were paid, as follows: By Consolidated Gas Co., Dec. 13, 1921, \$57,500; by N. Y. & Queens Gas Co., Dec. 16, 1921, \$12,500; by Central Union Gas Co., Dec. 16, 1921, \$12,500; by Northern Union Gas Co., Dec. 13, 1921, \$7,500; by N. Y. Mutual Gas Light Co., Dec. 16, 1921, \$11,500; by Standard Gas Light Co., Jan. 13, 1922, \$7,500; by New Amsterdam Gas Co., Jan. 13, 1922, \$4,500; by East River Gas. Co., Jan. 13, 1922, \$4,500.

The Attorney General and other defendants insisted that the allowances were excessive. The District Court overruled their objections; the matter came here and was decided May 15, 1922, 259 U. S. 101. We held that in the Consolidated Gas Company's case twice too much had been allowed and in the other causes three times too much—that the total compensation should not exceed \$49,250. And, further, that in making these awards the District Court abused its judicial discretion. Accordingly, we reversed the challenged decrees and remanded the causes with instructions to fix respondent's compensation within the following limitations: "In the cause wherein the Consolidated Gas Company is appellee here (No. 750) not exceeding \$28,750—one-half of the amount heretofore allowed; in each of the other seven causes, Nos. 751, 752, 753, 832, 833, 844, and 845, not exceeding one-third of the amount heretofore allowed

therein; and in the eight cases allowances totaling not more than \$49,250." We also directed "such further action in conformity with this opinion as may be necessary."

Upon receipt of the mandates, issued here June 19, 1922, the District Court ordered that the master's fees to the extent of the maximum permitted by us should be taxed against the several defendants as costs. Respondent made no effort to secure any further orders or direction by the District Court or this Court.

More than a year thereafter—December, 1923—apparently moved by published criticisms, respondent instituted a proceeding against the Consolidated Gas Company in the Supreme Court of New York under section 473, New York Civil Practice Act, wherein he sought and obtained a declaratory judgment reciting that that company had no valid claim against him for return of any part of the \$57,500 which it had paid. This proceeding was ill-advised, or worse, and the pronouncement therein can not aid him here. The State court had no power to determine the matter now before us.

Upon announcement of our opinion, May 15, 1922, it became the imperative duty of respondent immediately to return the fees received by him so far as they exceeded what we declared permissible. It is now his duty, without further delay, to return this excess with interest thereon at 6 per centum from May 15, 1922.

When respondent accepted appointment as master he assumed the duties and obligations of a judicial officer. He could not rightfully accept or retain anything as compensation unless sanctioned by proper order of court. Reception then or now of a gratuity from any party would be indefensible, and whether or no the corporations which paid him by direction of the court are satisfied with the result is now unimportant. He has long been an attorney and counsellor authorized to practice at this bar under the sanction of an oath to demean himself "uprightly, and according to law." Notwithstanding the adjudication here that excessive fees had been allowed by orders granted in abuse of judicial discretion, he has retained them for more than five years. He knew that he had got unearned money by improper orders of court, but he decided to keep it. Such conduct is far from "upright and according to law" within the fair intentment of those terms.

Further action will be postponed until Monday, February 20, 1928. The respondent will present himself at that time and report in writing concerning efforts made to comply with his obligations. Opinion by Mr. Chief Justice Taft.

The Chief Justice announced the following orders of the Court:

No. 98. Chesapeake and Ohio Railway Company, petitioner, *v.* K. S. Leitch. The petition for a rehearing in this case is granted,

and the case is assigned for argument before the full Court on Monday, March 12 next, after the cases heretofore assigned for that day.

No. 662. Security Mortgage Company, petitioner, *v.* Charles A. Powers, Trustee in Bankruptcy for Florida Furniture Corporation, Bankrupt. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit granted.

No. 646. Minnie H. Leach, petitioner, *v.* Floyd E. Fischer, Guardian of the Estates of Eleanor Ann Fischer and Roderick Leach Fischer. Petition for a writ of certiorari to the Supreme Court of the State of Kansas denied.

No. 650. Paul Rubio, petitioner, *v.* The United States of America, and

No. 651. Irving M. Austin, petitioner, *v.* The United States of America. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 652. Irving M. Austin, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 656. Finance & Guaranty Company of Baltimore, Md., petitioner, *v.* Harry C. Stitt, Trustee in Bankruptcy of West York Motor Company, Bankrupt. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 658. The Lawrence-Williams Company, petitioner, *v.* Societe Enfants Gombault, et Cie. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 661. The Citizens & Southern Bank, petitioner, *v.* Carrie Y. Fayram, as Executrix of the Estate of Frederick Fayram. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 85. Henry W. McMaster and Francis H. Skelding, as Receiver of the Wabash Pittsburgh Terminal Railway Company, petitioners, *v.* George J. Gould, Kingdon Gould, et al., as Executors, etc. Return to rule to show cause submitted by Mr. C. F. R. Ogilby, in behalf of Mr. Louis Marshall for the petitioners, and by Mr. William Wallace, jr., for the respondents.

No. 2, original. The State of New Mexico, complainant, *v.* The State of Texas. Leave granted to file brief of The El Paso Commercial Company, Fred Freeman, Hemly & Rishaberger and Mrs.

C. A. Kerber, as *amici curiae*, in support of complainant's petition for rehearing, on motion of Mr. Arthur Heleen in that behalf.

No. 2, original. The State of New Mexico, complainant, *v.* The State of Texas. Motion for further extension of time for filing form of decree submitted by Mr. Dean G. Acheson for the complainant, and motion denied.

No. —. Addie Robinson, Administratrix of the Estate of Elbert R. Robinson, petitioner, *v.* American Car and Foundry Company. Motion for leave to file petition for writ of certiorari submitted by Mr. J. Gray Lucas for the petitioner.

No. 642. Steve Nechay, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Robert Black and Mr. Frank Davis for the petitioner, and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, and Mr. K. L. Campbell for the respondent.

No. 654. P. DeRonde & Co., Inc., petitioner, *v.* The United States. Petition for a writ of certiorari to the Court of Claims submitted by Mr. Robert Ash for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Galloway, and Mr. W. W. Scott for the respondent.

No. 655. National City Bank of Seattle, petitioner, *v.* The United States. Petition for a writ of certiorari to the Court of Claims submitted by Mr. Robert Ash for the petitioner, and by Mr. Solicitor General Mitchell and Mr. Assistant Attorney General Galloway for the respondent.

No. 657. W. M. Farris, Shirley Smith, John B. Dunn, et al., petitioners, *v.* Illinois Bankers Life Association, W. H. Woods, J. R. Ebbersole, et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Jesse L. England for the petitioners, and by Mr. R. F. Potter and Mr. L. A. Stebbins for the respondents.

No. 665. Herman Miller, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Bernhard Frank for the petitioner, and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, and Mr. John J. Byrne for the respondent.

No. 669. The United States *ex rel.* Louis C. Mouquin, petitioner, *v.* William C. Hecht, as United States Marshal, etc. Petition for

a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. John E. Joyce for the petitioner, and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, and Mr. Mahlon D. Kiefer for the respondent.

No. 672. Charles M. Baker, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. L. S. Parsons for the petitioner, and by Mr. Solicitor General Mitchell and Assistant Attorney General Willebrandt for the respondent.

No. 674. Westinghouse Electric & Manufacturing Company, petitioner, *v.* De Forest Radio Telephone & Telegraph Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Frederick H. Wood, Mr. Drury W. Cooper, and Mr. Thomas Ewing for the petitioner, and by Mr. Charles E. Hughes, Mr. Thomas G. Haight, and Mr. Samuel E. Darby, jr., for the respondent.

No. 675. Westinghouse Electric & Manufacturing Company and Edward H. Armstrong, petitioners, *v.* The United States of America, Alexander Neissner, General Electric Company, et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Frederick H. Wood, Mr. Drury W. Cooper, and Mr. Thomas Ewing for the petitioners, and by Mr. Charles E. Hughes, Mr. Thomas G. Haight, Mr. Samuel E. Darby, jr., and Mr. William R. Ballard for the respondents.

No. 681. Morris & Cummings Dredging Company, Inc., petitioner, *v.* Cahill Towing Line, Inc., as owner of the Steam tug "Anna W," and J. J. Hock, et al., as owners, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. James D. Carpenter, jr., for the petitioner, and by Mr. George V. A. McCloskey for the respondent.

No. 664. Floyd Richardson, petitioner, *v.* The State of California. Motion for leave to withdraw certified transcript of record submitted on behalf of the clerk of the Supreme Court of the State of California.

Adjourned until Monday, February 20, at 12 o'clock.

The day call for Monday, February 20, will be as follows: Nos. 493 (and 532 and 533), 430 (and 431), 501, 96, 204, 205, 209, 217, 221, and 223.

SUPREME COURT OF THE UNITED STATES

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

Charles M. Thayer, of Worcester, Mass.; Leo T. Kissam, of New York City; Michael J. Doherty, of St. Paul, Minn.; Eugene E. Kelly, of New York City; William M. Seufert, of Englewood, N. J.; John Kee, of Bluefield, W. Va.; Forrest J. Hyde, jr., of Bronxville, N. Y.; Charles C. Lark, of Shamokin, Pa.; E. M. Smithdeal, of Dallas, Tex.; William A. Smith, of Topeka, Kans.; John T. Smith, of Tulsa, Okla.; Joseph E. Pottle, of Milledgegrove, Ga.; Edward Otis Proctor, of Newton, Mass.; Frank Leveroni, of Boston, Mass.; Luther F. Binkley, of Chicago, Ill.; Harry D. Kremer, of Lexington, Ky.; Tom J. Terral, of Little Rock, Ark.; Robert H. Strahan, of New York City; G. Howland Chase, 3d, of Washington, D. C.; Preston B. Kavanagh, of Washington, D. C.; and Clyde B. Johnson, of Charleston, W. Va., were admitted to practice.

No. 196. The People of Sioux County, Nebraska, petitioner, *v.* National Surety Company. On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Judgment reversed with costs, and cause remanded to the District Court of the United States for the District of Nebraska for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Stone.

No. 197. Interstate Busses Corporation, appellant, *v.* William H. Blodgett, Tax Commissioner of the State of Connecticut; Ernest E. Rogers, Treasurer of the State of Connecticut; Frederick M. Salmon, etc., et al. Appeal from the District Court of the United States for the District of Connecticut. Decree affirmed with costs. Opinion by Mr. Justice Stone.

No. 183. Western Union Telegraph Company, petitioner, *v.* C. H. Priester. On writ of certiorari to the Court of Appeals of the State of Alabama. Judgment 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 Stone.

No. 189. Western Union Telegraph Company, petitioner, *v.* C. H. Priestler. On writ of certiorari to the Supreme Court of the State of Alabama. Writ of certiorari dismissed. Opinion by Mr. Justice Stone.

No. 144. Eleanor Saltonstall and Lawrence Brooks, plaintiffs in error, *v.* Leverett Saltonstall et al., Trustees, and Treasurer and Receiver General of the Commonwealth of Massachusetts. In error to the Supreme Judicial Court of the State of Massachusetts. Decree affirmed with costs. Opinion by Mr. Justice Stone.

No. 199. Julia V. Miller, Ada V. Miller, and C. O. Miller, plaintiffs in error, *v.* W. J. Schoene, State Entomologist. In error to the Supreme Court of Appeals of the State of Virginia. Judgment affirmed with costs. Opinion by Mr. Justice Stone.

No. 119. United States Shipping Board Emergency Fleet Corporation, petitioner, *v.* Rosenberg Brothers & Company;

No. 120. United States Shipping Board Emergency Fleet Corporation, petitioner, *v.* California Wine Association; and

No. 121. United States Shipping Board Emergency Fleet Corporation, petitioner, *v.* S. L. Jones & Company. On writs of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Decrees reversed with costs, and causes remanded to the District Court of the United States for the Northern District of California with instructions to dismiss the libels. Opinion by Mr. Justice Sanford. Mr. Justice McReynolds is of opinion that the decree of the Circuit Court of Appeals should be affirmed.

No. 218. The Liberty National Bank, of Roanoke, Virginia, petitioner, *v.* James A. Bear, Trustee in Bankruptcy of W. L. Becker & Company et al. On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit. Decree 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 Sanford.

No. 258. Commercial Credit Company, petitioner, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Decree reversed, and cause remanded to the District Court of the United States for the Western District of Washington for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Sanford. Mr. Justice Stone took no part in the consideration or decision of this case.

No. 299. Arnold J. Hellmich, Collector of Internal Revenue, etc., petitioner, *v.* Isadore N. Hellman. 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 Eastern District of Missouri for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Sanford.

No. 300. Arnold J. Hellmich, Collector of Internal Revenue, etc., petitioner, *v.* Milton C. Hellman. 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 Eastern District of Missouri for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Sanford.

No. 283. The United States, petitioner, *v.* Magnolia Petroleum Company, E. R. Brown, R. Waverly Smith, et al., etc. On writ of certiorari to the Court of Claims. Judgment reversed, and cause remanded for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Butler.

No. 160. Toledo, St. Louis & Western Railroad Company, petitioner, *v.* Hilbert Stuart Allen. On writ of certiorari to the Supreme Court of the State of Missouri. Judgment reversed with costs, and cause remanded to said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Butler.

No. 206. State of Mississippi for the use of Stokes V. Robertson, plaintiff in error, *v.* W. J. Miller and The American Surety Company. In error to the Supreme Court of the State of Mississippi. Judgment reversed with costs, and cause remanded to said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Butler.

No. 186. T. Smith & Son, Inc., plaintiff in error, *v.* Fannie Robinson Taylor, Widow of George Taylor, Individually and as Representative of Her Minor Children, Essie and Lynn Taylor. In error to the Court of Appeal for the Parish of Orleans, State of Louisiana. Judgment affirmed with costs. Opinion by Mr. Justice Butler.

No. 147. The Delaware, Lackawanna and Western Railroad Company, petitioner, *v.* The Town of Morristown, Henry Laden, and others. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Decree reversed with costs, and cause remanded to the District Court of the United States for the District of New Jersey for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Butler. Concurring in part: Mr. Justice Holmes and Mr. Justice Brandeis.

No. 33. Arthur C. Brown *v.* The United States of America. On certificate from 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 Northern District of Illinois. Opinion by Mr. Justice Sutherland.

No. 162. Samuel J. Kornhauser, petitioner, *v.* The United States. On writ of certiorari to the Court of Claims. Judgment reversed, and cause remanded for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Sutherland.

No. 193. Bountiful Brick Company and United States Fidelity and Guaranty Company, plaintiffs in error, *v.* Elizabeth W. Giles, as Widow and as Guardian, etc., and The Industrial Commission of Utah. In error to the Supreme Court of the State of Utah. Judgment affirmed with costs. Opinion by Mr. Justice Sutherland.

No. 178. Gulf Fisheries Company, appellant, *v.* John L. Darrouzet, District and County Attorney of Galveston County, Texas; D. B. MacInerney, substituted by agreement. Appeal from the District Court of the United States for the Southern District of Texas. Decree affirmed with costs. Opinion by Mr. Justice Brandeis.

No. 198. Geo. O. Richardson Machinery Company, petitioner *v.* Mrs. Annie Scott, Administratrix of the Estate of John A. Scott, deceased. On writ of certiorari to the Supreme Court of the State of Oklahoma. Writ of certiorari dismissed with costs. Opinion by Mr. Justice Brandeis.

No. 18. The Liberty Warehouse Company, plaintiff in error, *v.* Burley Tobacco Growers' Co-Operative Marketing Association. In error to the Court of Appeals of the State of Kentucky. Judgment affirmed with costs. Opinion by Mr. Justice McReynolds.

No. 150. John C. Denney, as Director of Public Works of Washington; O. O. Calderhead, as Supervisor of Transportation of Washington; and C. Rea Moore, etc., et al., appellants, *v.* The Pacific Telephone and Telegraph Company. Appeal from the District Court of the United States for the Western District of Washington. Decree affirmed with costs. Opinion by Mr. Justice McReynolds. Mr. Justice Stone took no part in the consideration or decision of this case.

No. 151. John C. Denney, as Director of Public Works of Washington; O. O. Calderhead, as Supervisor of Transportation of Washington; C. Rea Moore, etc., et al., appellants, *v.* Home Telephone and Telegraph Company. Appeals from the District Court of the United States for the Western District of Washington. Decree affirmed with costs. Opinion by Mr. Justice McReynolds. Mr. Justice Stone took no part in the consideration or decision of this case.

No. 240. Brimstone Railroad & Canal Company, appellant, *v.* The United States of America, Louisiana Western Railroad Company, Kansas City Southern Railway Company, et al. Appeal from the District Court of the United States for the Western District of

Louisiana. 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 McReynolds. Dissenting: Mr. Justice Holmes and Mr. Justice Brandeis.

No. 40. B. A. Marlin, petitioner, *v.* John Lewallen and Lucy Con-dren. On writ of certiorari to the Supreme Court of the State of Oklahoma. Judgment reversed with costs, and cause remanded to said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Van Devanter.

No. 52. C. J. Longest, petitioner, *v.* W. C. Lanford and G. N. Puckett. 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. Justice Van Devanter.

No. 142. James W. Wuchter, plaintiff in error, *v.* Michael Piz-zutti. In error to the Court of Errors and Appeals of the State of New Jersey. Judgment reversed with costs, and cause remanded to said Court of Errors and Appeals for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Chief Justice Taft. Dissenting: Mr. Justice Brandeis, Mr. Justice Holmes, and Mr. Justice Stone.

No. 171. Katherine Linstead, Executrix of the estate of John A. Linstead, deceased, petitioner, *v.* The Chesapeake & Ohio Rail-way Company. On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. Judgment reversed with costs, and cause remanded to the District Court of the United States for the Eastern District of Kentucky for further proceed-ings in conformity with the opinion of this Court. Opinion by Mr. Chief Justice Taft.

No. 117. Daniel V. Harkin and Union Bank of Chicago, Receivers, etc., petitioners, *v.* Edward J. Brundage, receiver, etc., et al. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Decrees of the said Circuit Court of Appeals and of the District Court of the United States for the Northern Dis-trict of Illinois reversed with costs, and cause remanded to the said District Court for further proceedings in conformity with the opin-ion of this Court. Opinion by Mr. Chief Justice Taft.

The Chief Justice announced the following orders of the Court:

No. —. Addie Robinson, Administratrix of the Estate of El-berth R. Robinson, petitioner, *v.* American Car and Foundry Com-pany. The motion for leave to file petition for a writ of certiorari is denied.

No. 664. Floyd Richardson, petitioner, *v.* The State of California. B. Grant Taylor, Clerk of the Supreme Court of the State of California, having applied to this Court for permission to withdraw from the files of this Court certain documents filed on behalf of Floyd Richardson, as petitioner for the writ of certiorari, in the case of Floyd Richardson *v.* State of California, No. 664, October term, 1927, namely, document entitled "Petition for Hearing in the Supreme Court After Decision of the District Court of Appeals, Division Two, First Appellate District," and numbered Criminal 3039, and documents entitled "Clerk's Transcript on Appeal" and shorthand reporter's "Transcript on Appeal" in the District Court of Appeals, First Appellate District, State of California, and having represented that Floyd Richardson was at the time of the filing of his petition for certiorari, and still is, a prisoner in one of the State prisons of the State of California, and has represented himself without means to employ an attorney and to prepare copies of the documents necessary to be transmitted with his application for certiorari, and having applied to B. Grant Taylor, clerk of the Supreme Court of California, as clerk of the court, to copy, certify, and transmit the records as aforesaid, and it appearing that to avoid inconvenience and expense a copy of the petition for hearing in the Supreme Court of California was withdrawn from the clerk's office files in San Francisco in that court, and a copy of the transcript of judgment roll and of the testimony in the case was borrowed from the office of the attorney general of the State of California, and was transmitted to this Court, his application for the withdrawal is hereby granted, on condition that the documents to be withdrawn from the files of this Court and returned to the clerk of the Supreme Court of California, shall remain on file in that court, so that should it become necessary they can be returned to this Court at any time for examination. The clerk of this Court is therefore directed to transmit to the clerk of the Supreme Court of California the above papers which constitute the certified transcript of record in the case of Floyd Richardson *v.* State of California, No. 664, October term, 1927, upon the files of this Court.

No. 723. The United States of America, plaintiff in error, *v.* Jacob A. Goldman, Louis J. Desmare, Clem Miner, et al.;

No. 748. Gertrude Davis, plaintiff in error, *v.* The State of Ohio, and

No. 766. M. J. Dugan, plaintiff in error, *v.* The State of Ohio. It is now here ordered by this Court that these criminal cases on the docket be, and they are hereby, advanced and assigned for argument on Monday, April 9 next, after the cases heretofore assigned for that day.

No. 184. Fred M. Kirby, petitioner, *v.* The United States. On writ of certiorari to the Court of Claims. *Per curiam*: Affirmed on the authority of (1) *Mason v. Routzahn*, Collector of Internal Revenue, No. 152, October term, 1927, opinion announced November 21, 1927; (2) *The United States v. Anderson*, 269 U. S. 422, 443.

No. 187. Fort Smith, Subiaco and Rock Island Railroad Company, petitioner, *v.* Emma Moore, Administratrix of the Estate of William Moore, deceased. On writ of certiorari to the Supreme Court of the State of Arkansas. *Per curiam*: Reversed on the authority of *Gulf, Mobile & Northern R. R. Co. v. Wells*, No. 39, October term, 1927, opinion announced January 3, 1928; *Chicago, Milwaukee & St. Paul Ry. Co. v. Coogan*, 271 U. S. 472, 477, 478.

No. 203. Joseph M. Davis and Southern Surety Company, plaintiffs in error, *v.* Esther M. Jessup, Administratrix of the Estate of Ursa S. Jessup, deceased. In error to the Supreme Court of the State of Nebraska. *Per curiam*: The writ of error is dismissed for want of a final judgment in the highest court of the State as required by section 237 (a) of the Judicial Code, as amended by the act of February 13, 1925 (43 Stat. 936, 937), on the authority of *Haseltine v. Central Bank of Springfield* (No. 1), 183 U. S. 130, 131; *Schlosser v. Hemphill*, 198 U. S. 173, 175; *Arnold v. United States*, for the use of *Guimarin & Co.*, 263 U. S. 427, 434.

No. 674. Westinghouse Electric & Manufacturing Company, petitioner, *v.* De Forest Radio Telephone & Telegraph Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit granted.

No. 675. Westinghouse Electric & Manufacturing Company and Edward H. Armstrong, petitioners, *v.* The United States of America, Alexander Meissner, General Electric Company, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit granted.

No. 642. Steve Nechay, 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. 654. P. DeRonde & Co., Inc., petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 655. National City Bank of Seattle, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 657. W. M. Farris, Shirley Smith, John B. Dunn, et al., petitioners, *v.* Illinois Bankers Life Association, W. H. Woods, J. R. Ebbersole, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 665. Herman Miller, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 669. The United States *ex rel.* Louis C. Mouquin, petitioner, *v.* William C. Hecht, as United States Marshal, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 672. Charles M. Baker, 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. 681. Morris & Cummings Dredging Company, Inc., petitioner, *v.* Cahill Towing Line, Inc., as owner of the Steam tug "Anna W," and J. J. Hock, et al., as owners, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

ORDER

Whereas there is now in the hands of the clerk of this Court an accumulated fund of \$7,403.49, which represents balances owing to litigants out of monies paid in to meet anticipated costs in cases which, although pending when the payments were made, were finally disposed of before the opening of the October Term, 1922; and

Whereas these monies have remained unclaimed up to the present time; and

Whereas the clerk has made diligent but unsuccessful efforts to find the several claimants to the end that the monies might be paid over to them;

It is ordered: 1. The clerk of this Court shall forthwith give public notice by publication once a week for three consecutive weeks in four daily newspapers of wide circulation, one of which shall be a newspaper published in the city of Washington, to the effect that all persons claiming to be entitled to any part of the monies hereinbefore described are required to present their claims on or before the 15th day of May, 1928, and that all of such monies to which no valid claim is presented before that date will be disposed of as hereinafter provided.

2. All of such monies to which no valid claim is presented within the time so prescribed shall be paid by the Clerk into the Treasury of the United States, to be there held and disposed of as is or may be hereafter provided by law.

3. This order shall not relieve any litigant against whom costs were adjudged from the obligation to pay the same where that obligation has not been performed; nor shall it affect the right of a litigant in whose favor they were adjudged to receive them when paid.

ORDER

No. 154. John W. Blodgett *v.* Charles Holden, Collector of Internal Revenue.

It is hereby ordered that the opinion in Cause No. 154 of the present term, John W. Blodgett *v.* Charles Holden, Collector of Internal Revenue, on certificate from the United States Circuit Court of Appeals for the Sixth Circuit, heretofore handed down, be modified and made to read in the following manner:

By the Court: An equal division of opinion among the eight Justices who heard and considered this matter renders it impossible categorically to answer certified question No. 2. The other two questions, we think, are not essential. The statements of views by the Justices are enough to show that the tax exacted of Blodgett can not be sustained under sections 319-324 of the revenue act of 1924, and they will enable the Circuit Court of Appeals readily to reach a proper decision. The cause will be remanded there for appropriate action.

The opinion of Mr. Justice McReynolds is amended by striking out the words "And the question is so answered," and by adding thereto "The Chief Justice, Mr. Justice Van Devanter, and Mr. Justice Butler concur in this opinion."

The opinion of Mr. Justice Holmes is concurred in by Mr. Justice Brandeis, Mr. Justice Sanford, and Mr. Justice Stone.

ORDER

On the application of the Clerk, pursuant to section 221 of the Judicial Code, it is ordered that Horatio Stonier be, and he is hereby, appointed a deputy clerk of this Court.

No. 6, original. The State of Oklahoma, complainant, *v.* The State of Texas et al. Return to rule to show cause submitted by Mr. Solicitor General Mitchell for the United States.

No. 6, original. The State of Oklahoma, complainant, *v.* The State of Texas, et al. Return to rule to show cause submitted by Mr. Solicitor General Mitchell in behalf of Mr. Claude Pollard for the State of Texas.

No. 13, original. United States of America, complainant, *v.* State of Idaho. Motion for judgment on the pleadings and proposed form of decree submitted by Mr. Solicitor General Mitchell for the complainant.

No. 596. The Sisseton & Wahpeton Bands of Sioux Indians, appellants, *v.* The United States. Motion to dismiss submitted by Mr.

Solicitor General Mitchell for the appellee in support of the motion, and by Mr. Thomas Sterling and Mr. Robert T. Tedrow for the appellants in opposition thereto.

No. 446. Charley Hee, alias Dong Bow Hee, petitioner, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit. Reversed and remanded, per stipulation of counsel, on motion of Mr. Solicitor General Mitchell.

No. 448. Goon Bon June, petitioner, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit. Reversed and remanded, per stipulation of counsel, on motion of Mr. Solicitor General Mitchell.

No. 677. Sidney T. Ewert, Executor, James S. Mabon, et al., petitioners, *v.* Georgia Valliere Hampton, James Amos Valliere, et al. Leave granted to file amended petition for writ of certiorari on motion of Mr. Joseph C. Stone for the petitioners.

No. 740. W. A. Frost, doing business under the firm name of Mitchell Gin Company, appellant, *v.* Corporation Commission of the State of Oklahoma, Fred Capshaw et al. Joint motion to advance submitted by Mr. Richard D. Wilmer in that behalf.

No. 493. Roy Olmstead, Jerry L. Finch, et al., petitioners, *v.* The United States of America;

No. 532. Charles S. Green, Emory A. Kern, et al., petitioners, *v.* The United States of America; and

No. 533. Edward H. McInnis, petitioner, *v.* The United States of America. Leave granted to file brief of The Pacific Telephone and Telegraph Company, American Telephone and Telegraph Company, United States Independent Telephone Association, and Tri-State Telephone and Telegraph Company, as *amici curiae*, on motion of Mr. Robert H. Strahan in that behalf.

No. 768. Foster-Fountain Packing Company, Inc., and Sea Food Company, appellants, *v.* E. J. Haydel, Fred Schouest, L. R. Cabriac, et al.; and

No. 769. L. O. Johnson, Jr., and Sea Food Company, Tanas Herbert, et al., appellants, *v.* E. J. Haydel, Fred Schouest, et al. Motion to advance submitted by Mr. Percy Saint, Mr. Peyton R. Sandoz, Mr. M. M. Irwin, and Mr. John Dymond for the appellees.

No. 337. The Williamsport Wire Rope Company, petitioner, *v.* The United States. Motion to reverse and remand submitted by Mr. Clarence A. Miller for the petitioner and by Mr. Solicitor General Mitchell for the respondent.

No. 631. L. F. Vance, appellant, *v.* Chicago Portrait Company, Edwin L. Belshe, et al. Motion to dismiss submitted by Mr. John T. Evans for the respondents in support of the motion.

No. 242. J. W. Hampton, Jr., & Co., petitioner, *v.* The United States. Motion for leave to file brief of Charles F. Kingsley, as *amicus curiae*, submitted by Mr. Charles F. Kingsley in that behalf, and the motion denied.

No. —. *Ex parte*: In the matter of Abraham S. Gilbert. The petitioner presented himself at the bar of this Court, and submitted in person his return to the rule.

No. 631. L. F. Vance, appellant, *v.* Chicago Portrait Company, Edwin L. Belshe, et al. Suggestion of a diminution of the record and motion for writ of certiorari submitted by Mr. L. F. Vance, *pro se*, and by Mr. John T. Evans for the appellees in opposition thereto.

No. 585. L. F. Vance, petitioner, *v.* Chicago Portrait Company. Motion to transfer fund held in trust by the Clerk of the United States District Court for the Northern District of Illinois to the custody of the Clerk of this Court submitted by Mr. L. F. Vance, *pro se*.

No. 585. L. F. Vance, petitioner, *v.* Chicago Portrait Company. Motion for leave to file petition for a rehearing out of time under rule 30 submitted by Mr. L. F. Vance, *pro se*.

No. 133. Ed. W. Hopkins, Assessor of the County of Los Angeles, State of California, et al., petitioners, *v.* Southern California Telephone Company and The Pacific Telephone and Telegraph Company. Leave granted to file a petition for rehearing out of time under rule 30, on motion of Mr. Preston B. Kavanaugh in that behalf.

No. 15, original. The State of Colorado, complainant, *v.* The State of Kansas and The Finney County Water Users' Association. Motion for leave to file motion to dismiss and brief in support thereof by March 24th next, and to set the case for argument on such motion, submitted by Mr. Chester I. Long for the defendants.

No. 721. Byron Dunn and W. Robert Dunn, petitioners, *v.* J. Horace Lyons, Sheriff. Motion by W. Robert Dunn, one of the petitioners, for leave to proceed *in forma pauperis*, which motion suggests the death of Byron Dunn, the copetitioner in this case, submitted by Mr. M. G. Adams and Mr. C. W. Howth for petitioner.

No. 721. Byron Dunn and W. Robert Dunn, petitioners, *v.* J. Horace Lyons, Sheriff. Motion by W. Robert Dunn for an order directing that the record shall be printed at public expense, and for a refund of the deposit heretofore made, submitted by Mr. M. G. Adams and Mr. C. W. Howth for petitioner.

No. 659. Botany Worsted Mills, petitioner, *v.* The United States. Petition for a writ of certiorari to the Court of Claims submitted by Mr. Nathan A. Smyth for the petitioner, and by Mr. Solicitor General Mitchell for the respondent.

No. 667. Chicago, Milwaukee & St. Paul Railway Company, petitioner, *v.* The United States. Petition for a writ of certiorari to the Court of Claims submitted by Mr. F. Carter Pope for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Galloway, and Mr. Lisle A. Smith for the respondent.

No. 668. John Morini, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. William J. Moss-holder for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Luhring, and Mr. Harry S. Ridgely for the respondent.

No. 670. Alfred H. Beach, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Frans E. Lindquist for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Luhring, and Mr. Harry S. Ridgely for the respondent.

No. 671. Page Steel & Wire Company, petitioner, *v.* Blair Engineering Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. James M. Gifford, Mr. Wilson B. Brice, and Mr. Forrest M. Anderson for the petitioner, and by Mr. Merritt Lane for the respondent.

No. 677. Sidney T. Ewert, Executor, James S. Mabon, et al., etc., et al., petitioners, *v.* Georgia Valliere Hampton, James Amos Valliere, et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Joseph C. Stone, Mr. A. C. Wallace, and Mr. Wm. M. Matthews for the petitioners, and by Mr. Joseph W. Howell for the respondents.

No. 678. Richard Crane, petitioner, *v.* Commonwealth of Virginia and County of Charles City. Petition for a writ of certiorari to the Supreme Court of Appeals of the State of Virginia submitted by Mr. A. W. Patterson for the petitioner.

No. 680. Farmers Union Grain Company, petitioner, *v.* Hallet & Carey Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. John Junell and Mr. Egbert S. Oakley for the petitioner, and by Mr. Frederick H. Stinchfield for the respondent.

No. 682. Rocco DeBellis, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Robert A. Milroy and Mr. Benjamin P. Epstein for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Luhring, and Mr. Harry S. Ridgely for the respondent.

No. 683. Farmers State Bank of Rosalie, Nebraska, and Guarantee Fund Commission of Nebraska, petitioners, *v.* Metropolitan Savings Bank & Trust Company of Pittsburgh. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Charles M. Skiles and Mr. Ernest B. Perry for the petitioners.

No. 684. Remington Arms Union Metallic Cartridge Company, Inc., petitioner, *v.* The United States. Petition for a writ of certiorari to the Court of Claims submitted by Mr. William Wallace, jr., for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Galloway, and Mr. Dwight E. Rorer for the respondent.

No. 685. Northern Coal & Dock Company and General Accident, Fire & Life Assurance Corporation, Ltd., etc., petitioners, *v.* Emma Strand and Industrial Commission of Wisconsin. Petition for a writ of certiorari to the Supreme Court of the State of Wisconsin submitted by Mr. Louis Quarles, Mr. Lyman T. Powell, and Mr. John S. Sprowls for the petitioners, and by Mr. John A. Cadigan for the respondent.

No. 688. Eagle Indemnity Company, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. John S. Rixey and Mr. Cleaton E. Rabey for the petitioner, and by Mr. Solicitor General Mitchell, Assistant Attorney General Wilbrandt, and Mr. John J. Byrne for the respondent.

No. 689. The Baltimore and Ohio Railroad Company, petitioner, *v.* Edward Bilyew. Petition for a writ of certiorari to the Appellate Court of the State of Illinois, Fourth District, submitted by Mr. William A. Eggers, Mr. Edward C. Kramer, Mr. Rudolph J. Kramer, Mr. Bruce A. Campbell, and Mr. Morison R. Waite for the petitioner, and by Mr. Louis Beasley and Mr. Edward C. Zully for the respondent.

No. 690. Fred S. Hudson, Trustee in Bankruptcy of Interstate Refineries, Inc., and James B. Nourse, Trustee, etc., petitioners, *v.* Maryland Casualty Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Henry A. Bundschu for the petitioners, and by Mr. Spencer Harris and Mr. Clyde Taylor for the respondent.

No. 691. Austin Morley, Eugene H. McCarthy, et al., petitioners, *v.* Herbert A. Wilson, Police Commissioner of the City of Boston. Petition for a writ of certiorari to the Superior Court of the State of Massachusetts, County of Suffolk, submitted by Mr. Romney Spring and Mr. Wm. G. Thompson for the petitioners, and by Mr. Herbert Parker for the respondent.

No. 692. The Kansas City Southern Railway Company and Texarkana & Fort Smith Railway Company, petitioners, *v.* Roy Hooper, Tax Collector of Sevier County, Arkansas. Petition for a writ of certiorari to the Supreme Court of the State of Arkansas submitted by Mr. F. H. Moore, Mr. A. F. Smith, Mr. James B. McDonough, and Mr. Samuel W. Moore, for the petitioners, and by Mr. E. C. Lake for the respondent.

No. 693. The Buckeye Incubator Company and Samuel B. Smith, petitioners, *v.* Ira M. Petersime and Ray Petersime. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Charles E. Brock, Mr. Newton D. Baker, and Mr. Charles Neave for the petitioners, and by Mr. H. A. Toulmin and Mr. H. A. Toulmin, jr., for the respondents.

No. 694. Carolina A. Allison, John Allison, et al., petitioners, *v.* Harry J. Schnell and Frank V. Baldwin, executors, etc. Petition for a writ of certiorari to the Court of Errors and Appeals of the State of New Jersey submitted by Mr. Wilton J. Lambert, Mr. Rudolph H. Yeatman, and Mr. George D. Horning, jr., for the petitioners, and by Mr. Josiah Stryker and Mr. Edw. L. Katzenbach for the respondents.

No. 695. Virginia Shipbuilding Corporation and Joseph L. Crupper, Receiver, etc., petitioners, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. Wm. A. Barber, Mr. Wm. L. Day, Mr. J. K. M. Norton, and Mr. James R. Caton for the petitioners, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Farnum, Mr. J. Frank Staley, Mr. Chauncey G. Parker, and Mr. W. W. Nottingham for the respondent.

No. 698. Morris & Company, petitioner, *v.* K. Ikuno, Master and Claimant of the Steamship "Naples Maru." Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. George M. Lanning, and Mr. Edward R. Baird, jr., for the petitioner, and by Mr. George C. Sprague for the respondent.

No. 702. Greater New York Dock & Warehouse Co., Inc., petitioner *v.* Stapleton Dock & Warehouse Corporation and The City of New York. Petition for a writ of certiorari to the Supreme Court of the State of New York submitted by Mr. Samuel Silbiger for the petitioner, and by Mr. Albert S. Boardman and Mr. George P. Nicholson for the respondents.

No. 703. Knickerbocker Fuel Company, petitioner, *v.* Andrew W. Mellon, Director General of Railroads, as Agent. Petition for a writ of certiorari to the United States Circuit Court of Appeals for

the Second Circuit submitted by Mr. John G. Poore for the petitioner, and by Mr. Frederick H. Wood for the respondent.

No. 704. State of Washington on the Relation of Crooker Perry and Leonora Perry, his wife, petitioners, *v.* The Superior Court of the State of Washington for the County of Chelan et al. Petition for a writ of certiorari to the Supreme Court of the State of Washington submitted by Mr. Frank Reeves for the petitioner, and by Mr. F. G. Dorety, Mr. Thomas Balmer, Mr. Frank T. Post, and Mr. Charles S. Albert for the respondents.

No. 705. The United States, petitioner, *v.* Robert H. Lenson. Petition for a writ of certiorari to the Court of Claims submitted by Mr. Solicitor General Mitchell for the petitioner, and by Mr. George A. King, Mr. William B. King, and Mr. George R. Shields for the respondent.

No. 706. Marion & Eastern Railroad Company, petitioner, *v.* Illinois Central Railroad Company. Petition for a writ of certiorari to the Supreme Court of the State of Illinois submitted by Mr. Henry C. Keene for the petitioner, and by Mr. R. V. Fletcher and Mr. Edward C. Craig for the respondent.

No. 707. Pacific Steamship Company, petitioner, *v.* Carl G. Peterson. Petition for a writ of certiorari to the Supreme Court of the State of Washington submitted by Mr. Benjamin S. Grosscup, Mr. W. Carr Morrow, and Mr. J. O. Davies for the petitioner.

No. 709. Lillian Weare, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Donald Grant Hughes for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Luhning, and Mr. Harry S. Ridgely for the respondent.

No. 710. W. S. McCray, petitioner, *v.* J. A. Fulp, Receiver for the Sapulpa Petroleum Company and Sapulpa Petroleum Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Finis E. Riddle for the petitioner.

No. 711. Martine Ginal, petitioner, *v.* Benjamin M. Day, Commissioner of Immigration at the Port of New York. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Hugh Reid for the petitioner and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Luhning, and Mr. Harry S. Ridgely for the respondent.

No. 713. John Quinlan, W. W. Brown, Will Stuckey, et al., petitioners, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Charles Akerman for the petitioners

and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, and Mr. Mahlon D. Kiefer for the respondent.

No. 714. Abraham Bucksman, petitioner, *v.* The Hudson's Bay Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. George O. Wallace and Mr. W. L. Crawford for the petitioner, and by Mr. Robert E. L. Saner for the respondent.

No. 715. John W. Gleason, doing business as John W. Gleason Cotton Company, petitioner, *v.* Seaboard Air Line Railway Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Edward Brennan for the petitioner, and by Mr. E. Ormonde Hunter for the respondent.

No. 724. Duluth & Iron Range Rail Road Company, petitioner, *v.* The City of Duluth. Petition for a writ of certiorari to the Supreme Court of the State of Minnesota submitted by Mr. Frank D. Adams and Mr. Elmer F. Blu for the petitioner and by Mr. John B. Richards for the respondent.

No. 726. Josiah T. Rose, Collector of Internal Revenue for the District of Georgia. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, Mrs. K. L. Campbell, Mr. C. M. Charest, and Mr. L. H. Baylies for the petitioner and by Mr. Clifford L. Anderson and Mr. Daniel W. Rountree for the respondent.

No. 96. Ella R. Clarke, plaintiff in error, *v.* Shoshoni Lumber Company and Allan Boysen. Motion to dismiss submitted by Mr. Robert F. Cogswell in behalf of counsel for the respondent, in support of the motion.

No. 493. Roy Olmstead, Jerry L. Finch, et al., petitioners, *v.* The United States of America;

No. 532. Charles S. Green, Emory A. Kern, et al., petitioners, *v.* The United States of America; and

No. 533. Edward H. McInnis, petitioner, *v.* The United States of America. Argument commenced by Mr. John F. Dore for the petitioners.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, February 21, will be as follows: Nos. 493 (and 532 and 533), 430 (and 431), 501, 204, 205, 209, 217, 221, 223, and 224.

SUPREME COURT OF THE UNITED STATES

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

Shelby S. Faulkner, of Fort Worth, Tex.; Clark L. Brown, of Missoula, Mont.; Charles A. Hines, of Greensboro, N. C.; Leon E. Cone, of Morristown, N. J.; Samuel Dreskin, of Newark, N. J.; Clarence L. O'Donnell, of Pittsburgh, Pa.; James John Hayden, of Washington, D. C.; Thomas M. Mather, of Watertown, S. Dak.; John F. Nugent, of Boise, Idaho; William Fraser Himes, of Tampa, Fla.; Steart L. Tatum, of Springfield, Ohio; and John A. Hull, of Des Moines, Iowa, were admitted to practice.

The Chief Justice announced the following order of the Court:

ORDER

To-morrow, February 22, being a legal holiday, there will be no session of the Court. The Court will adjourn at the conclusion of to-day's business until Thursday next, at 12 o'clock.

No. 221. Fannie E. Untermeyer, as Executrix, etc., petitioner, *v.* Charles W. Anderson, as Collector, etc. Leave granted to file brief of Ira Jewell Williams, as *amicus curiae*, on motion of Mr. Ira Jewell Williams, jr., in that behalf.

No. 493. Roy Olmstead, Jerry L. Finch, et al., petitioners, *v.* The United States of America;

No. 532. Charles S. Green, Emory A. Kern, et al., petitioners, *v.* The United States of America; and

No. 533. Edward H. McInnis, petitioner, *v.* The United States of America. Argument continued by Mr. Frank R. Jeffrey for the petitioners, and concluded by Mr. Michael J. Doherty for the respondent.

No. 430. State of Ohio, on relation of National Mutual Insurance Co., plaintiff in error, *v.* William C. Safford, Superintendent of Insurance, etc.; and

No. 431. State of Ohio, on relation of the Celina Mutual Casualty Company, plaintiff in error, *v.* William C. Safford, Superintendent of Insurance, etc. Argued by Mr. Arthur I. Vorys and Mr. Herman L. Ekern for the plaintiffs in error, and by Mr. C. S. Younger for the defendant in error.

No. 96. Ella R. Clarke, plaintiff in error, *v.* Shoshoni Lumber Company and Allan Boysen. In error to the Supreme Court of the State of Wyoming. Dismissed for want of jurisdiction.

No. 501. H. E. Bryan, Mark W. Potter, and Edward J. Brundage, as receivers, etc., appellants, *v.* A. G. Risty et al., etc., et al. Chicago, Milwaukee, St. Paul and Pacific Railroad Company substituted as party appellant in the place of H. E. Bryan, Mark W. Potter, and Edward J. Brundage, as Receivers, etc., per stipulation of counsel, on motion of Mr. H. E. Judge in that behalf. Argument commenced by Mr. H. E. Judge for the appellant, and continued by Mr. T. M. Bailey for the appellant.

Adjourned until Thursday, February 23 next, at 12 o'clock.

The day call for Thursday, February 23, will be as follows: Nos. 501, 204, 205, 209, 217, 221, 223, 224, 225, and 227.

SUPREME COURT OF THE UNITED STATES

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

Myron Treavor Nailling, of Gulfport, Miss.; Moses Ehrenworth, of Norfolk, Va.; Hugo Levy, of New York City; Henry S. Drezner, of New York City; Malcolm K. Whyte, of Milwaukee, Wis.; and Albert Ward, of Indianapolis, Ind., were admitted to practice.

No. 229. Lucy B. Brooke, petitioner, *v.* City of Norfolk et al. Passed on motion of Mr. Andrew J. Montague in behalf of counsel for the respondents.

No. 763. Albert S. Williams, Commissioner of Finance of the State of Tennessee, L. D. Smith, Attorney General of Tennessee, et al., appellants, *v.* The Standard Oil Company of Louisiana. Time within which to file statement of points to be relied upon and designation of parts of the record to be printed extended to and including March 10th, per stipulation of counsel, on motion of Mr. Charles T. Cates, jr., in that behalf.

No. 764. Albert S. Williams, Commissioner of Finance of the State of Tennessee, L. D. Smith, Attorney General of Tennessee, et al., appellants, *v.* The Texas Company. Time within which to file statement of points to be relied upon and designation of parts of the record to be printed extended to and including March 10th, per stipulation of counsel, on motion of Mr. Charles T. Cates, jr., in that behalf.

No. 501. H. E. Bryan, Mark W. Potter, and Edward J. Brundage, as receivers, etc., appellants, *v.* A. G. Risty, et al., etc., et al. Argument continued by Mr. T. M. Bailey for the appellants, by Mr. N. B. Bartlett and Mr. E. O. Jones for the appellees, and concluded by Mr. H. E. Judge for the appellants.

No. 204. The United States of America, petitioner, *v.* Amalia Manzi. Argued by Mr. Solicitor General Mitchell for the petitioner. No brief for the respondent.

No. 205. National Leather Company, plaintiff in error, *v.* The Commonwealth of Massachusetts. Argued by Mr. Philip Nichols for the plaintiff in error, and by Mr. James S. Eastham for the defendant in error.

No. 209. V. L. Highland, petitioner, *v.* Russell Car & Snow Plow Co. Argument commenced by Mr. Ira Jewell Williams for the petitioner.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, February 24th, will be as follows: Nos. 209, 217, 221, 223, 224, 225, 227, 230, 231, and 233.

SUPREME COURT OF THE UNITED STATES

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

Marshall Low, of Washington, D. C.; A. G. Divet, of Fargo, N. Dak.; William D. Campbell, of Los Angeles, Calif.; Bernard J. Onen, of Battle Creek, Mich.; Charles A. Ellis, of New York City; Leon M. Bazile, of Richmond, Va.; Will A. Blanchard, of Anoka, Minn.; and Henry A. Larson, of Preston, Minn., were admitted to practice.

No. 233. John Lapique, An Assignee of the Estate of Miguel Leonis, deceased, appellant, *v.* Harry L. Dunnigan, E. R. Plummer, et al. Appeal from the District Court of the United States for the Southern District of California. Dismissed pursuant to the 21st rule.

No. 209. V. L. Highland, petitioner, *v.* Russell Car & Snow Plow Co. Argument continued by Mr. Ira Jewell Williams for the petitioner, and concluded by Mr. A. M. Liveright for the respondent.

No. 217. Harry Levy, Bankrupt, petitioner, *v.* Industrial Finance Corporation, et al. Argument commenced by Mr. S. M. Brandt for the petitioner. The Court declined to hear further argument.

No. 221. Fannie E. Untermeyer, as executrix, etc., petitioner, *v.* Charles W. Anderson, as collector, etc. Argument commenced by Mr. Louis Marshall for the petitioner, and continued by Mr. Alfred A. Wheat for the respondent.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, February 27, will be as follows: Nos. 221, 223, 224, 225, 227, 230, 231, 615 (and 616), 551, 79 (and 19), and 70.

SUPREME COURT OF THE UNITED STATES

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

George C. Faulkner, of San Francisco, Calif.; Hartley Sanders, of Princeton, W. Va.; Warner I. Cubberly, of Washington, D. C.; Blair S. Shuman, of San Francisco, Calif.; Benedict M. Holden, of Hartford, Conn.; Robert A. B. Cook, of Boston, Mass.; Paul G. Eger, of Lansing, Mich.; Robert H. Brenner, of Jersey City, N. J.; Maurice V. Semple, of Ashland, Ohio; Clifford E. Smith, of Ashland, Ky.; James L. Byrd, of Jackson, Miss.; Harry F. Kantner, of Reading Pa.; John Davey, of Tecumseh, Nebr.; Ray W. Nedrow, of Fairmont, Nebr.; Edwin Mechem, of Las Cruces, N. Mex.; A. T. Higgins, of New Orleans, La.; Max M. Schaumburger, of New Orleans, La.; T. G. Thompson, of Cleveland, Ohio; V. P. Crowe, of Oklahoma City, Okla.; and John G. Kaufman, of Philadelphia, Pa., were admitted to practice.

The Chief Justice announced the following orders of the Court:

No. 13, original. United States of America, complainant, *v.* State of Idaho. *Per curiam:* The motion by the United States for judgment on the pleadings is granted. It is ordered that the decree as proposed by the United States be entered, and that the Clerk be directed to send a copy thereof to the Governor of the State of Idaho, and to the Secretary of the Interior.

No. 15, original. State of Colorado *v.* State of Kansas. The motion by the defendant for leave to file a motion to dismiss the bill of complaint in equity and to dismiss the case is granted, with the provision that the defendant shall serve upon counsel for the complainant a brief in support thereof on or before March 3, 1928. And the motion to set the cause down for oral argument on such motion to dismiss is granted for hearing on the first Monday in October next, after the cases heretofore set for that day.

No. 596. The Sisseton & Wahpeton Bands of Sioux Indians, appellants, *v.* The United States. Further consideration of the motion to dismiss in this case is postponed to the hearing of the case on the merits.

No. 740. W. A. Frost, doing business under the firm name of Mitchell Gin Co., appellant, *v.* Corporation Commission of the State of Oklahoma, et al. The joint motion to advance this case is granted and the case is assigned for argument on Monday, October 1 next, after the cases heretofore assigned for that day.

No. 768. Foster-Fountain Packing Co., Inc., et al., appellants, *v.* E. J. Haydel et al.; and

No. 769. L. O. Johnson, Jr., et al., appellants, *v.* E. J. Haydel et al. The motion to advance these cases is granted and the cases assigned for argument on Monday, April 16 next.

No. 631. L. F. Vance, appellant, *v.* Chicago Portrait Company et al. Appeal from the District Court of the United States for the Northern District of Ohio. *Per curiam:* The motion to dismiss for lack of jurisdiction in this Court under section 238 of the Judicial Code, as amended by the act of February 13, 1925 (43 Stat. 936, 938) is granted.

No. 631. L. F. Vance, appellant, *v.* Chicago Portrait Company et al. The suggestion of a diminution of the record and motion for a writ of certiorari in this case is denied.

No. 585. L. F. Vance, petitioner, *v.* Chicago Portrait Company. The motion for leave to file petition for a rehearing out of time under rule 30 is denied.

No. 585. L. F. Vance, petitioner, *v.* Chicago Portrait Company. The motion to transfer a fund held by the clerk of the District Court of the United States for the Northern District of Illinois to the custody of the clerk of this Court is denied.

No. 721. Byron Dunn and W. Robert Dunn, petitioners, *v.* J. Horace Lyons, Sheriff. On petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. *Per curiam:* The motion for leave to proceed further herein *in forma pauperis* is denied for the reason that the Court, upon examination of the unprinted record herein submitted, finds that there are no grounds upon which certiorari can be issued, application for which is therefore also denied. The motion of the petitioner for a refund of the deposit heretofore made in the case is denied. Such additional costs as may have already been incurred herein and not paid shall, by direction of the Court, be paid by the clerk from the special fund in his custody as provided in the order of October 29, 1926.

No. 430. State of Ohio, on relation of National Mutual Insurance Company, plaintiff in error, *v.* William C. Safford, Superintendent of Insurance of the State of Ohio; and

No. 431. State of Ohio, on relation of the Celina Mutual Casualty Company, plaintiff in error, *v.* William C. Safford, Superintendent

of Insurance of the State of Ohio. In error to the Supreme Court of the State of Ohio. *Per curiam*: The writs of error are dismissed for want of a substantial Federal question on the authority of *Shulthis v. McDougal*, 225 U. S. 561, 569; *Hull v. Burr*, 234 U. S. 712, 720; *Norton v. Whiteside*, 239 U. S. 144, 147.

No. 659. Botany Worsted Mills, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims granted.

No. 678. Richard Crane, petitioner, *v.* Commonwealth of Virginia and County of Charles City. Petition for writ of certiorari to the Supreme Court of Appeals of the State of Virginia granted.

No. 684. Remington Arms Union Metallic Cartridge Company, Inc., petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims granted.

No. 685. Northern Coal & Dock Company and General Accident, Fire & Life Assurance Corporation, Ltd., of Perth, Scotland, petitioners, *v.* Emma Strand and Industrial Commission of Wisconsin. Petition for writ of certiorari to the Supreme Court of the State of Wisconsin granted.

No. 692. The Kansas City Southern Railway Company and Texarkana & Fort Smith Railway Company, petitioners, *v.* Roy Hooper, Tax Collector of Sevier County, Arkansas. Petition for writ of certiorari to the Supreme Court of the State of Arkansas granted.

No. 667. Chicago, Milwaukee & St. Paul Railway Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 668. John Morini, 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. 670. Alfred H. Beach, 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. 671. Page Steel & Wire Company, petitioner, *v.* Blair Engineering Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 677. Sidney T. Ewert, Executor, James S. Mabon, et al., etc., et al., petitioners, *v.* Georgia Valliere Hampton, James Amos Valliere, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 680. Farmers Union Grain Company, petitioner, *v.* Hallet & Carey Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 683. Farmers State Bank of Rosalie, Nebraska, and Guarantee Fund Commission of Nebraska, petitioners, *v.* Metropolitan Savings

Bank & Trust Company of Pittsburgh, Pennsylvania. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 688. Eagle Indemnity Company, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 689. The Baltimore and Ohio Railroad Company, petitioner, *v.* Edward Bilyeu. Petition for writ of certiorari to the Appellate Court of the State of Illinois, Fourth District, denied.

No. 690. Fred S. Hudson, Trustee in Bankruptcy of Interstate Refineries, Inc., and James B. Nourse, Trustee, etc., petitioners, *v.* Maryland Casualty Company. Petition for writ of certiorari to the United States Circuit of Appeals for the Eighth Circuit denied.

No. 693. The Buckeye Incubator Company and Samuel B. Smith, petitioners, *v.* Ira M. Petersime and Ray Petersime. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 694. Caroline A. Allison, John Allison, and Katharine MacLean, petitioners, *v.* Harry J. Schnell and Frank V. Baldwin, Executors & Trustees under the Will of William O. Allison, deceased, et al. Petition for writ of certiorari to the Court of Errors and Appeals of the State of New Jersey denied.

No. 695. Virginia Shipbuilding Corporation and Joseph L. Crupper, Receiver in Bankruptcy of Virginia Shipbuilding Corporation, petitioners *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

ORDER

1. It is now hereby ordered by this court that section 7 of rule 29 of this court be amended by striking therefrom the words "For docketing a case and filing and indorsing the transcript of the record, ten dollars," and inserting in lieu thereof the words "For docketing a case and filing and indorsing the transcript of the record, five dollars."

2. Also, by striking therefrom the words "For preparing the record or a transcript thereof for the printer, in all cases, including records presented with petitions for certiorari, indexing the same, supervising the printing, and distributing the printed copies to the justices, the reporter, the law library, and the parties or their counsel, eight cents per folio of each one hundred words," and inserting in lieu thereof the words "For preparing the record or a transcript thereof for the printer, in all cases, including records presented with petitions for certiorari, indexing the same, supervising the printing,

and distributing the printed copies to the justices, the reporter, the law library, and the parties or their counsel, four cents per folio of each one hundred words," but leaving therein unchanged the words "but where the necessary printed copies of the record as printed for the use of the court below are furnished, charges under this item will be limited to any additions printed here under the clerk's supervision."

3. Also by striking therefrom the words "For making a manuscript copy of the record when required under rule 11, twenty cents per folio of each one hundred words, but nothing in addition for supervising the printing," and inserting in lieu thereof the words "For making a manuscript copy of the record when required under rule 11, fifteen cents per folio of each one hundred words, but nothing in addition for supervising the printing."

4. Also, by striking therefrom the words "For filing briefs, five dollars for each party appearing," and inserting in lieu thereof the words "For filing briefs, three dollars for each party appearing."

This order shall apply to causes filed here on or after March 1, 1928, but not to causes filed prior to that date.

No. 521. T. Tomich, Harry F. Scott, and H. Mulberger, appellants, *v.* Union Trust Company, a corporation, Spokane & Eastern Trust Company, a corporation. Motion and stipulation to relax rule and to postpone printing of the record submitted by Mr. T. J. Walsh in behalf of Mr. John A. Shelton for the appellants.

No. 7, original. The State of Wisconsin et al., complainant, *v.* The State of Illinois and Sanitary District of Chicago, et al.;

No. 11, original. State of Michigan, complainant, *v.* The State of Illinois and Sanitary District of Chicago; and

No. 12, original. State of New York, complainant, *v.* State of Illinois and Sanitary District of Chicago. Motion to assign for hearing on exceptions to report of special master submitted by Mr. James M. Beck in that behalf. Four hours allowed for oral argument on motion of Mr. James M. Beck in that behalf.

No. 1. Rhederei M. Jebsen Company, appellant, *v.* The United States;

No. 2. The Firm of M. Jebsen, etc., appellant, *v.* The United States;

No. 3. Hamburg-American Line Terminal and Navigation Co., appellant, *v.* The United States;

No. 4. Hamburg-American Line Terminal and Navigation Co., appellant, *v.* The United States;

No. 5. Atlas Line Steamship Co., appellant, *v.* The United States;

No. 6. Atlas Line Steamship Co., appellant, *v.* The United States;

No. 7. North German Lloyd, appellant, *v.* The United States;

No. 8. North German Lloyd, appellant, *v.* The United States;

No. 9. North German Lloyd, appellant, *v.* The United States;

No. 10. Hamburg-Amerikanische Paketfahrt Aktien-Gesellschaft (also known as Hamburg-American Line), appellant, *v.* The United States;

No. 11. Hamburg-Amerikanische Paketfahrt Aktien-Gesellschaft (also known as Hamburg-American Line), appellant, *v.* The United States; and

No. 12. Deutsch-Australische Dampfschiffs-Gesellschaft, appellant, *v.* The United States. Reassigned for April 30 next, on motion of Mr. William D. Devoe for the appellants.

No. 708. Thomas Craven, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit submitted by Mr. William H. Lewis and Mr. Matthew L. McGrath for the petitioner.

No. 718. John C. Tobin, Trustee, etc., petitioner, *v.* Samuel Ackerman;

No. 719. John C. Tobin, Trustee, etc., petitioner, *v.* Barnett Kleinman; and

No. 720. John C. Tobin, Trustee, etc., petitioner, *v.* Joseph Goldmuntz et al. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Jacob M. Lashly for the petitioner, and by Mr. Harry S. Gleick for the respondents.

No. 731. Aetna Insurance Company et al., petitioners, *v.* William R. Baker, Superintendent of Insurance of the State of Kansas. Petition for a writ of certiorari to the Supreme Court of the State of Kansas submitted by Mr. Robert Stone, Mr. R. J. Fologie, Mr. Charles E. Hughes, and Mr. John L. Hunt for the petitioners, and by Mr. William A. Smith, Mr. John G. Egan, and Mr. John F. Rhodes for the respondent.

No. 732. Joe H. Tiger, petitioner, *v.* William M. Fewell et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. William Neff for the petitioner.

No. 733. The State of Washington *ex rel.* Mike Lukich, etc., et al., petitioners, *v.* Superior Court of the State of Washington for King County et al. Petition for a writ of certiorari to the Supreme Court of the State of Washington submitted by Mr. John J. Sullivan for the petitioners.

No. 734. Ira Jewell Williams, petitioner, *v.* Blakely D. McCaughn, Collector, etc. Petition for a writ of certiorari to the United States

Circuit Court of Appeals for the Third Circuit submitted by Mr. Ira Jewell Williams, jr., and Mr. Francis Shunk Brown for the petitioner.

No. 737. Robert C. Adams, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. William W. Chadbourne for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Farnum, and Mr. J. Frank Staley for the respondent.

No. 738. Missouri Pacific Railroad Company, petitioner, *v.* Mrs. Fannie Skipper, Administrator, etc. Petition for a writ of certiorari to the Supreme Court of the State of Arkansas submitted by Mr. Thomas B. Pryor and Mr. Edward J. White for the petitioner, and by Mr. Frank P. Pace for the respondent.

No. 741. W. K. Horton, suing as Guardian, etc., petitioner, *v.* New York Life Insurance Co. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Harry H. Smith for the petitioner, and by Mr. T. M. Stevens for the respondent.

No. 221. Fannie E. Untermyer, as Executrix of Edward D. Untermyer, etc., petitioner, *v.* Charles W. Anderson, as Collector of Internal Revenue of the United States, etc. Argument concluded by Mr. Alfred A. Wheat for the respondent.

No. 223. Western Gas Construction Company, plaintiff in error, *v.* Commonwealth of Virginia, at the relation of the State of Corporation Commission. Submitted by Mr. M. J. Fulton, Mr. T. J. Michie, jr., and Mr. John S. Brookes, jr., for the plaintiff in error, and by Mr. Leon M. Bazile and Mr. John R. Saunders for the defendant in error.

No. 224. M. O. Danciger and Emerich Oil Company, petitioners *v.* N. K. Smith. Argued by Mr. I. J. Ringolsky for the petitioner, and submitted by Mr. Jed C. Adams and Mr. W. B. Harrell for the respondents.

No. 225. H. Plamals, petitioner, *v.* The Steamship "Pinar Del Rio," her engines, boilers, etc. Argued by Mr. Charles A. Ellis for the petitioner, and by Mr. Cletus Keating for the respondent.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, February 28, will be as follows: Nos. 227, 230, 231, 615 (and 616), 551, 79 (and 19), 70, 234, 242, and 252.

SUPREME COURT OF THE UNITED STATES

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

Edward McCune Borger, of Pittsburgh, Pa.; George R. Sherriff, of Washington, D. C.; Albert B. Bauerle, of Philadelphia, Pa.; George M. Hagee, of St. Louis, Mo.; James H. Bunch, of Jacksonville, Fla.; Benjamin M. Rigler, of Minneapolis, Minn.; Leslie Weaver, of Thurber, Tex.; and Oscar L. Heltzen, of Providence, R. I., were admitted to practice.

No. —, original. *Ex parte*: In the Matter of Thomas E. Williams, Tax Commissioner of the State of Nebraska, et al., petitioners. Motion for leave to file petition for writ of mandamus submitted by Mr. Hugh LaMaster for the petitioners.

No. 227. Cora B. Beatty, executrix, etc., petitioner, *v.* D. B. Heiner, Collector, etc. Argued by Mr. W. D. Stewart for the petitioner, and by Mr. Alfred A. Wheat for the respondent.

No. 230. Henry Ellison et al., petitioners, *v.* Max Koswig, trading as F. F. Koswig. Argument commenced by Mr. John G. Kaufman for the petitioners. The Court declined to hear further argument.

No. 231. Texas and New Orleans R. R. Co., petitioner, *v.* Northside Belt Ry. Co. Argument commenced by Mr. J. H. Tallichet for the petitioner. The Court declined to hear further argument.

No. 615. Staten Island Rapid Transit Ry. Co., plaintiff in error, *v.* Transit Commission of the State of New York; and

No. 616. Staten Island Rapid Transit Ry. Co. et al., plaintiffs in error, *v.* Transit Commission of the State of New York. Argument commenced by Mr. Fred H. Wood for the plaintiffs in error. The Court ordered the hearing postponed.

No. 551. Boston Sand & Gravel Co., petitioner, *v.* The United States of America. Argument commenced by Mr. John W. Davis for the petitioner and continued by Mr. Assistant Attorney General Farnum for the respondent.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, February 29, will be as follows: Nos. 551, 79 (and 19), 70, 234, 242, 252, 256, 260, 263, and 266.

SUPREME COURT OF THE UNITED STATES

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

Mark H. Wight, of Olympia, Wash.; Charles E. Lane, of Cheyenne, Wyo.; John B. Gamble, of Athens, Ga.; B. G. Oberry, jr., of Willacoochee, Ga.; Reuben S. Douglass, of Clarksburg, W. Va.; W. C. W. Renshaw, of Huntington, W. Va.; Lawrence R. Lynch, of Clarksburg, W. Va.; Lawrence Raymond Rose, of New York City; and Leonard J. Matteson, of New York City, were admitted to practice.

No. 256. Mrs. James A. Swayne, plaintiff in error, *v.* City of Hattiesburg, Mississippi. Submitted by Mr. T. J. Wills for the plaintiff in error, and by Mr. J. N. Flowers for the defendant in error.

No. 551. Boston Sand & Gravel Co., petitioner, *v.* The United States of America. Argument concluded by Mr. Assistant Attorney General Farnum for the respondent.

No. 79. United Fuel Gas Co., appellant, *v.* Public Service Commission of West Virginia et al.; and

No. 19. United Fuel Gas Co., etc., et al., appellants, *v.* Railroad Commission of Kentucky et al. Reassigned for reargument on Monday, October 1st next.

No. 615. Staten Island Rapid Transit Ry. Co., plaintiff in error, *v.* Transit Commission of the State of New York; and

No. 616. Staten Island Rapid Transit Ry. Co. et al., plaintiffs in error, *v.* Transit Commission of the State of New York. Argument continued by Mr. Frederick H. Wood for the plaintiffs in error. Further hearing postponed with leave to counsel to file briefs as to the jurisdiction of this Court within ten days from this date.

No. 70. Louisville Gas & Electric Co., plaintiff in error, *v.* W. H. Shanks, as Auditor, etc. Clell Coleman, as Auditor, substituted as party defendant in error in the place of W. H. Shanks, former auditor on motion of Mr. Matthew O'Dogherty in that behalf.

No. 70. Louisville Gas & Electric Co., plaintiff in error, *v.* Clell Coleman, as Auditor, etc. Argued by Mr. Matthew O'Dogherty for the plaintiff in error, and by Mr. Clifford E. Smith for the defendant

in error. Leave granted defendant in error to file supplemental brief by Thursday, March 8.

No. 234. A. S. J. Shaw, State Auditor, etc., *v.* Gibson-Zahnisher Oil Corporation et al. Argument commenced by Mr. V. P. Crowe for Shaw, State Auditor, etc.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, March 1, will be as follows: Nos. 234, 242, 252, 260, 263, 266, 269, 271 (and 272), 274 (and 275), and 288.

SUPREME COURT OF THE UNITED STATES

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

Samuel Marshall Gold, of New York City; James S. Moore, jr., of Berkeley, Calif.; William N. Foster, of Houston, Tex.; E. B. Colgin, of Houston, Tex.; Arthur C. Verge, of Los Angeles, Calif.; Raymond C. Stanford, of Wichita Falls, Tex.; and William Scott Wilkinson, of Shreveport, La., were admitted to practice.

No. 271. State of Wisconsin *ex rel.* Walter S. Berger, plaintiff in error, *v.* Wm. J. Carry, as County Clerk, etc.; and

No. 272. State of Wisconsin *ex rel.* Mathilda W. Berger, plaintiff in error, *v.* Wm. J. Cary, as County Clerk, etc. Continued per stipulation of counsel.

No. 234. A. S. J. Shaw, State Auditor, etc., *v.* Gibson-Zahnisher Oil Corporation et al. Argument concluded by Mr. C. B. Cochran for the Gibson-Zahnisher Oil Corporation et al.

No. 242. J. W. Hampton, Jr., & Co., petitioner, *v.* The United States. Argued by Mr. Walter E. Hampton for the petitioner, and by Mr. Solicitor General Mitchell for the respondent.

No. 252. Mrs. L. E. Williams, individually, etc., petitioner, *v.* Great Southern Lumber Co. Argument commenced by Mr. W. J. Waguespack for the petitioner, and continued by Mr. H. Generes Dufour for the respondent.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, March 2, will be as follows: Nos. 252, 260, 263, 266, 269, 274 (and 275), 288, 291, 292, and 296 (and 304).

SUPREME COURT OF THE UNITED STATES

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

William H. Arnold, jr., of Texarkana, Ark.; James McG. Crockett, of Pocomoke City, Md.; and Ben T. Reidy, of Rock Island, Ill., were admitted to practice.

No. 252. Mrs. L. E. Williams, individually, etc., petitioner, *v.* Great Southern Lumber Company. Argument concluded by Mr. A. T. Higgins for the petitioner.

No. 260. City of New Brunswick et al., etc., petitioners, *v.* United States of America & U. S. Housing Corporation. Argued by Mr. John W. Davis for the petitioners, and by Mr. Solicitor General Mitchell for the respondents.

No. 263. St. Louis & Southwestern Ry. Co., appellant, *v.* J. H. Nattin, Tax Collector, etc. Argument commenced by Mr. J. D. Wilkinson for the appellant. The Court declined to hear further argument.

No. 266. Alaska Packers Association, petitioner, *v.* Industrial Accident Commission of the State of California and John Peterson. Argued by Mr. Blair S. Shuman for the petitioner, and by Mr. G. C. Faulkner for the respondents.

No. 269. Aileen E. Mitchell as Treasurer of Fort Bend County, Texas, et al., petitioners, *v.* J. W. Hampel, et al., trustees in Bankruptcy, et al. Argued by Mr. T. W. Gregory for the petitioners, and by Mr. E. B. Colgin for the respondents, with leave to counsel to file additional briefs.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, March 5, will be as follows: Nos. 274 (and 275), 288, 291, 292, 296 (and 304), 607, 97, 297, 301, and 319.

SUPREME COURT OF THE UNITED STATES

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

Augustus J. Harris, of Decatur, Ala.; Richard Taylor Rives, of Montgomery, Ala.; Albert Henry Veeder, of Chicago, Ill.; Francis B. Leech, of Washington, D. C.; Carl T. Mack, of Washington, D. C.; Russell A. Hart, of Detroit, Mich.; Gerald J. Callahan, of Holyoke, Mass; Edward E. Mitchell, of Washington, D. C.; Augustus L. Gebhard, of Bryan, Ohio; Charles W. Greenough, of Spokane, Wash.; Algernon O. Colburn, of Spokane, Wash.; and William Hogencamp Wurts, of Hackensack, N. J., were admitted to practice.

No. 85. Henry W. McMaster and Francis H. Skelding, as Receivers of the Wabash Pittsburgh Terminal Railway Company, petitioners, *v.* George J. Gould, Kingdon Gould, et al., as executors, etc. On writ of certiorari to the Supreme Court of the State of New York. Dismissed for want of jurisdiction. Opinion by Mr. Justice Sanford. Mr. Justice Stone took no part in the consideration or decision of this case.

No. 6, original. The State of Oklahoma, complainant, *v.* The State of Texas, The United States of America, intervener. Upon consideration of the responses to the rule to show cause issued on January 9, 1928, it is ordered, adjudged, and decreed that clause 1 of the decree entered in this cause on January 3, 1927 (273 U. S. 93), be and is changed so as to read as follows:

"1. The boundary between the State of Texas and the State of Oklahoma constituting the eastern boundary of the Panhandle of Texas and the main western boundary of Oklahoma is the line of the true one hundredth meridian of longitude west from Greenwich, extending north from its intersection with the south bank of the South Fork of Red River to its intersection with the northern boundary line of the State of Texas as surveyed and marked upon the ground by John H. Clark, United States commissioner, under the act of June 5, 1858, ch. 92, or with a line running due east from

the eastern terminus of the Clark survey if it is west of the meridian."

The clerk is directed to transmit copies of this order to the Governors of Texas and Oklahoma, the Secretary of the Interior, and Samuel S. Gannett, commissioner, respectively. Order announced by Mr. Justice Sanford.

No. 217. Harry Levy, Bankrupt, petitioner, *v.* Industrial Finance Corporation, Metropolitan Trust Company, and Chatham & Phenix National Bank of New York City. On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit. Decree affirmed with costs and the cause remanded to the District Court of the United States for the Eastern District of Virginia. Opinion by Mr. Justice Holmes, announced by Mr. Chief Justice Taft. Mr. Justice Stone took no part in the consideration or decision of this case.

The Chief Justice announced the following orders of the Court:

No. 521. T. Tomich, Harry F. Scott, and H. Mulberger, appellants, *v.* Union Trust Company, a corporation, et al. The motion of the appellants, that subdivision 2 of Rule 11 of this Court be suspended and that they shall not be required to deposit with the Clerk the sum necessary for the printing of the record herein until further order of the Court, is granted, such suspension to continue until the first Monday in November next.

No. 7, original. The State of Wisconsin et al., complainant, *v.* The State of Illinois and Sanitary District of Chicago, et al.;

No. 11, original. State of Michigan, complainant, *v.* The State of Illinois and Sanitary District of Chicago; and

No. 12, original. State of New York, complainant, *v.* State of Illinois and Sanitary District of Chicago. There has been a motion to assign these cases for hearing on exceptions to the report of the Special Master. The cases are set down for hearing on these exceptions on April 23 next. Four hours oral argument will be allowed to the States excepting to the report of the special master, and two and one-half hours oral argument will be allowed to the State of Illinois and the Sanitary District of Chicago.

No. —, original. *Ex parte:* In the matter of Thomas E. Williams, Tax Commissioner. The motion for leave to file a petition for a writ of mandamus is granted. The petition will be filed, and an order, returnable April 9 next, will issue against Hon. Joseph W. Woodrough, judge of the United States District Court for the District of Nebraska, Omaha Division, to show cause in printed form, if any there be, why a writ of mandamus should not issue out of this Court requiring him to call to his assistance two other Federal judges, as

provided for by section 266 of the Judicial Code as amended by the act of February 13, 1925 (43 Stat. 936, 938) to hear and determine the case herein at the final hearing.

No. 223. Western Gas Construction Company, plaintiff in error, *v.* Commonwealth of Virginia, at the relation of the State Corporation Commission. In error to the Supreme Court of Appeals of the State of Virginia. *Per curiam:* Affirmed on the authority of *Browning v. Waycross*, 233 U. S. 16, 22; *General Railway Signal Co. v. Virginia*, 246 U. S. 500, 510.

No. 227. Cora B. Beatty, Executrix of the Last Will and Testament of John W. Beatty, deceased, petitioner, *v.* D. B. Heiner, Collector of Internal Revenue of the Twenty-third District of the United States. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. *Per curiam:* Affirmed on the authority of *Irwin v. Gavit*, 268 U. S. 161, 167, 168. The Chief Justice took no part in the consideration or decision of this case.

No. 230. Henry Ellison, William R. Ellison, and Howard B. Ellison, Jr., individually, et al., petitioners, *v.* Max Koswig, trading as F. F. Koswig. On writ of certiorari to the Superior Court of the State of Pennsylvania. *Per curiam:* The grounds which were presented in the petition for certiorari, because of which the writ of was granted, do not prove to have a substantial basis in the record because of the lack of assignments of error therein showing the proper presentation of federal questions to the Superior Court of the State. The certiorari heretofore granted in this case is, therefore, vacated on the authority of *Missouri Pacific Railroad Co. v. Hanna*, 266 U. S. 184; *El Paso & Southwestern Railroad Co. v. Eichel*, 226 U. S. 590, 598; *Chicago, Indianapolis & Louisville Ry. Co. v. McGuire*, 196 U. S. 128, 131, 132.

No. 256. Mrs. James A. Swayne, plaintiff in error, *v.* City of Hattiesburg, Mississippi. In error to the Supreme Court of the State of Mississippi. *Per curiam:* Affirmed on the authority of *Embree v. Kansas City Road District*, 240 U. S. 242, 250; *Valley Farms Co. v. Westchester County*, 261 U. S. 155, 162, 164.

No. 709. Lillian Weare, petitioner, *v.* The United States of America. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. *Per curiam:* The petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit is granted, and, on confession of error by the United States, the judgment is reversed and the cause is remanded with directions to dismiss the case.

No. 705. The United States, petitioner, *v.* Robert H. Lenson. Petition for writ of certiorari to the Court of Claims granted.

No. 707. Pacific Steamship Company, petitioner, *v.* Carl G. Peterson. Petition for writ of certiorari to the Supreme Court of the State of Washington granted.

No. 715. John W. Gleason, doing business as John W. Gleason Cotton Company, petitioner, *v.* Seaboard Air Line Railway Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit granted.

No. 691. Austin Morley, Eugene H. McCarthy, Robert C. Sweatt, et al., petitioners, *v.* Herbert A. Wilson, Police Commissioner of the City of Boston. Petition for writ of certiorari to the Superior Court for the County of Suffolk, State of Massachusetts, denied.

No. 698. Morris & Company, petitioner, *v.* K. Ikuno, Master and Claimant of the Steamship "Naples Maru." Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 702. Greater New York Dock & Warehouse Co., petitioner, *v.* Stapleton Dock & Warehouse Corporation and The City of New York. Petition for writ of certiorari to the Supreme Court of the State of New York denied.

No. 703. Knickerbocker Fuel Company, petitioner, *v.* Andrew W. Mellon, Director General of Railroads, as Agent. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 704. State of Washington, on the relation of Crooker Perry and Leonora Perry, his wife, petitioners, *v.* The Superior Court of the State of Washington for the County of Chelan, The Honorable W. O. Parr, Judge, etc., et al. Petition for writ of certiorari to the Supreme Court of the State of Washington denied.

No. 706. Marion & Eastern Railroad Company, petitioner, *v.* Illinois Central Railroad Company. Petition for writ of certiorari to the Supreme Court of the State of Illinois denied.

No. 708. Thomas Craven, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 710. W. S. McCray, petitioner, *v.* J. A. Fulp, Receiver for the Sapulpa Petroleum Company, and Sapulpa Petroleum Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 711. Martine Ginal, petitioner, *v.* Benjamin M. Day, Commissioner of Immigration at the Port of New York. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 713. John Quinlan, W. W. Brown, Will Stuckey, et al., petitioners, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 714. Abraham Buckspan, petitioner, *v.* The Hudson's Bay Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 718. John C. Tobin, Trustee in Bankruptcy of the Estate of Morris Singer, petitioner, *v.* Samuel Ackerman;

No. 719. John C. Tobin, Trustee in Bankruptcy of the Estate of Morris Singer, petitioner, *v.* Barnett Kleinman; and

No. 720. John C. Tobin, Trustee in Bankruptcy of the Estate of Morris Singer, petitioner, *v.* Joseph Goldmuntz, et al. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 724. Duluth & Iron Range Rail Road Company, petitioner, *v.* The City of Duluth. Petition for writ of certiorari to the Supreme Court of the State of Minnesota denied.

No. 726. Josiah T. Rose, Collector of Internal Revenue for the District of Georgia, petitioner, *v.* Nunnally Investment Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 731. Aetna Insurance Company, Agricultural Insurance Company, Allemannia Fire Insurance Company, et al., petitioners, *v.* William R. Baker, Superintendent of Insurance, State of Kansas. Petition for writ of certiorari to the Supreme Court of the State of Kansas denied.

No. 732. Joe H. Tiger, petitioner, *v.* William M. Fewell, William Kopp, Augusta Jacobson, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 734. Ira Jewell Williams, petitioner, *v.* Blakely D. McCaughn, Collector of Internal Revenue for the First District of Pennsylvania. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 737. Robert C. Adams, 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. 738. Missouri Pacific Railroad Company, petitioner, *v.* Mrs. Fannie Skipper, Administratrix of the Estate of W. A. Skipper, deceased. Petition for writ of certiorari to the Supreme Court of the State of Arkansas denied.

No. 741. W. K. Horton, suing as Guardian for Lucinda Horton, Rosa Horton, et al., Minors, petitioner, *v.* New York Life Insurance Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 190. William H. Blodgett, Tax Commissioner of the State of Connecticut, petitioner, *v.* Arthur Silberman, Charles Moebius, Joseph Plant, et al., executors; and

No. 191. Arthur Silberman, Charles Moebius, Joseph Plant, et al., executors, etc., plaintiffs in error, *v.* William H. Blodgett, Tax Commissioner of the State of Connecticut. Leave granted to file brief of William R. Perkins, Sol M. Stroock, and Forrest Hyde, as *amici curiae*, on motion of Mr. H. H. Shelton in that behalf.

No. 14, original. The State of Connecticut, complainant, *v.* Commonwealth of Massachusetts. Leave granted to file answer on motion of Mr. F. Delano Putnam for the Commonwealth of Massachusetts.

No. 730. Benjamin Russell, J. M. Steverson, T. C. Russell, et al., petitioners, *v.* The United States of America. Leave granted to file brief of J. Robert Sherrod, Joseph D. Peeler, and Ward Loveless, as *amici curiae*, on motion of Mr. J. Robert Sherrod in that behalf.

No. 725. Wyandotte Terminal Railroad Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims submitted by Mr. Don F. Reed for the petitioner, and by Mr. Solicitor General Mitchell and Mr. Assistant Attorney General Galloway for the respondent.

No. 730. Benjamin Russell, J. M. Steverson, T. C. Russell, et al., petitioners, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Douglas Arant and Mr. Wm. S. Pritchard for the petitioners, and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, Mr. J. Louis Monarch, Mr. C. M. Charest, and Mr. Ralph E. Smith for the respondent.

No. 733. The State of Washington *ex rel.* Mike Lukich, *alias* Yukij, Joe Bolen, and Mark Duich, petitioners, *v.* Superior Court of the State of Washington for King County and Calvin S. Hall, Judge thereof. Petition for writ of certiorari to the Supreme Court of the State of Washington submitted by Mr. John J. Sullivan for the petitioners, and by Mr. Howard A. Hanson for the respondents.

No. 735. The United States of America *ex rel.* Isabel London, petitioner, *v.* Clifford D. Phelps, United States Immigration Inspector. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Harold Van Riper for the petitioner, and by Mr. Solicitor General Mitchell,

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

No. 736. A. Leo Weil and Charles M. Thorp, doing business under the firm name and style of Weil & Thorp, petitioners, *v.* Edward M. Neary. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. A. Leo Weil for the petitioners, and by Mr. Louis Marshall for the respondent.

No. 742. Synthetic Patents Company, Inc., petitioner, *v.* Howard Sutherland, as Alien Property Custodian, and Frank White, as Treasurer of the United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Lyttleton Fox for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Farnum, Mr. Robert W. Bonygne, and Mr. Dean Hill Stanley for the respondent.

No. 743. Synthetic Patents Company Inc., petitioner, *v.* Howard Sutherland, as Alien Property Custodian, and Frank White, as Treasurer of the United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Lyttleton Fox for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Farnum, Mr. Robert W. Bonygne, and Mr. Dean Hill Stanley for the respondent.

No. 744. James A. Reed, Charles L. McNary, William H. King, et al., etc., petitioners, *v.* The County Commissioners of Delaware County, Pennsylvania, The Prothonotary of Delaware County, and John J. Sailing, etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Jerry C. South for the petitioners.

No. 746. George Tazewell, as Presiding Judge of the Circuit Court of the State of Oregon for Multnomah County, petitioner, *v.* The State of Oregon *ex rel.* Edward Sullivan. Petition for writ of certiorari to the Supreme Court of the State of Oregon submitted by Mr. Erskine Wood for the petitioners and by Mr. Wallace McCamant for the respondent.

No. 747. Atlantic Coast Line Railroad Company, petitioner, *v.* C. M. Tyner, as Administrator of George A. Marshall, deceased. Petition for writ of certiorari to the Supreme Court of the State of South Carolina submitted by Mr. Thomas W. Davis and Mr. Simeon Hyde for the petitioner, and by Mr. Lionel K. Legge for the respondent.

No. 749. The Barker Painting Company, petitioner, *v.* Brotherhood of Painters, Decorators, and Paperhangers of America, et al.

Petition for writ of certiorari to the Court of Appeals of the District of Columbia submitted by Mr. William C. Sullivan for the petitioner, and by Mr. Vincent A. Sheehy for the respondents.

No. 750. W. A. Ledbetter, G. V. Pardue, W. A. Watson, et al., petitioners, *v.* Elias Wesley et al., and the United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. W. A. Ledbetter, Mr. H. L. Stuart, Mr. R. R. Bell, Mr. E. P. Ledbetter, Mr. H. A. Ledbetter, and Mr. L. A. Ledbetter for the petitioners, and by Mr. Chas. E. McPherrren for the respondents Elias Wesley et al., and by Mr. Solicitor General Mitchell, and Mr. Assistant Attorney General Parmenter for the respondent the United States of America.

No. 752. Samuel Thomas Walkup, petitioner, *v.* Interborough Rapid Transit Co. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Samuel Thomas Walkup, *pro se.*

No. 755. Elmer B. Jeffries, petitioner, *v.* Sam L. Gross, United States Marshal for the Northern District of Texas. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. William B. Harrell for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Luhring, and Mr. Harry S. Ridgely for the respondent.

No. 756. Charles Forbes, petitioner, *v.* Sam L. Gross, United States Marshal for the Northern District of Texas. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. William B. Harrell for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Luhring, and Mr. Harry S. Ridgely for the respondent.

No. 760. D. H. Kenne, petitioner, *v.* F. T. Gauen. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Theodore Mack for the petitioner.

No. 762. Edward G. Budd Manufacturing Company, petitioner, *v.* C. R. Wilson Body Company and Paul E. Breneman. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Melville Church and Mr. Henry S. Drinker, jr., for the petitioner, and by Mr. William J. Belknap and Mr. Clarence B. Zewadski for the respondents.

No. 771. Hubert Work, Secretary of the Interior, petitioner, *v.* Standard Oil Company. Petition for writ of certiorari to the Court of Appeals of the District of Columbia submitted by Mr. W. C. Morrow for the petitioner, and by Mr. Oscar Sutro and Mr. Louis Titus for the respondent.

No. 301. C. P. and S. J. Beaty et al., plaintiffs in error, *v.* W. S. Richardson, Tax Collector of Fulton County, Georgia. Submitted by Mr. R. E. Church for the plaintiffs in error, and by Mr. George M. Napier and Mr. T. R. Gress for the defendant in error.

No. 274. Sultan Railway & Timber Company, plaintiff in error, *v.* Department of Labor and Industries of the State of Washington and Claire Bowman, as Director of Labor and Industries; and

No. 275. Eclipse Mill Company, plaintiff in error, *v.* Department of Labor and Industries of the State of Washington and Claire Bowman as Director of Labor and Industries. Argued by Mr. Mark H. Wight for the defendants in error, and submitted by Mr. Frederic E. Fuller for the plaintiffs in error.

No. 288. Panhandle Oil Company, plaintiff in error, *v.* The State of Mississippi, on relation of R. H. Knox, Attorney General. Argued by Mr. George Butler for the plaintiff in error, and by Mr. J. L. Byrd for the defendant in error.

No. 291. Peninsula Produce Exchange, plaintiff in error, *v.* New York, Philadelphia and Norfolk Railroad Company, and The Pennsylvania Railroad Company. Argument commenced by Mr. J. M. Crockett for the plaintiff in error. The Court declined to hear further argument.

No. 292. Arthur E. Hoffman, as executor of the Estate of Fred H. Slatmeyer, deceased, plaintiff in error, *v.* The Industrial Commission of Ohio. Motion to dismiss submitted by Mr. Frank Davis, Jr., for the defendant in error, in support of the motion, and by Mr. William H. Miller for the plaintiff in error, in opposition thereto.

No. 292. Arthur E. Hoffman, as executor of the Estate of Fred H. Slatmeyer, deceased, plaintiff in error, *v.* The Industrial Commission of Ohio. Argument commenced by Mr. Frank H. Ward for the plaintiff in error. The Court declined to hear further argument.

No. 296. The C. A. King & Company, plaintiff in error, *v.* D. O. Horton; and

No. 304. D. O. Horton, plaintiff in error, *v.* The C. A. King Company. Argued by Mr. Morris Townley for the C. A. King & Company, and by Mr. A. L. Gebhard for Horton.

No. 607. The United States of America, Interstate Commerce Commission and Fort Smith, Subiaco & Rock Island Railroad Company, appellants, *v.* Missouri Pacific Railroad Company. Argument commenced by Mr. Blackburn Esterline for the United States of America and continued by Mr. H. H. Larrimore for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, March 6, will be as follows: Nos. 607, 97, 297, 319, 321, 341, 342, 343, 344, and 349.

SUPREME COURT OF THE UNITED STATES

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

Jos. C. Schroeder, of St. Louis, Mo.; Thomas E. Elcock, of Wichita, Kans.; Edwin L. Waugh, of Chicago, Ill.; John M. Mason, of Washington, D. C.; S. Sheldon Frost, of Albany, N. Y.; and Clement L. Waldron, of Omaha, Nebr., were admitted to practice.

No. 263. St. Louis & Southwestern Ry. Co., appellant, *v.* J. H. Nattin, Tax Collector, etc. Leave granted to file supplemental brief for the appellant within 10 days on motion of Mr. J. Zach Spearing in behalf of counsel for the appellant.

No. 607. The United States of America, Interstate Commerce Commission, et al., appellants, *v.* Missouri Pacific R. R. Co. Argument continued by Mr. H. H. Larimore for the appellee, and concluded by Mr. Daniel W. Knowlton for the Interstate Commerce Commission.

No. 97. Josephine Stipcich *v.* Metropolitan Life Insurance Co. Argued by Mr. Chester I. Long for Stipcich, and by Mr. F. Eldred Boland for the Metropolitan Insurance Company.

No. 297. Beatrice Grayson Johnson, petitioner, *v.* Wright Thornburgh, as the Administrator, etc., et al. Argument commenced by Mr. A. L. Emery for the petitioner.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, March 7, will be as follows: Nos. 297, 319, 321, 341, 342, 343, 344, 349, 364 (and 365), and 366.

SUPREME COURT OF THE UNITED STATES

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

McClure Kelley, of Washington, D. C.; W. R. Wallace, of Oklahoma City, Okla.; and Leon M. Fisk, of Boise, Idaho, were admitted to practice.

No. **297**. Beatrice Grayson Johnson, petitioner, *v.* Wright Thornburgh, as the Administrator, etc., et al. Argument continued by Mr. A. L. Emery for the petitioner. The Court declined to hear further argument.

No. **319**. Standard Pipe Line Co., Inc., et al., plaintiffs in error, *v.* Commissioners of Index Sulphur Drainage District et al. Argument commenced by Mr. William H. Arnold for the plaintiffs in error. The Court declined to hear further argument. Leave granted counsel to file briefs on application for writ of certiorari within two weeks.

No. **321**. Mutual Life Insurance Company, petitioner, *v.* Edgar M. Wright, as Guardian, etc. Argument commenced by Mr. William Douglas Arant for the petitioner. The Court declined to hear further argument.

No. **341**. D. B. Heiner, Collector, etc., petitioner, *v.* James R. Tindle, et al., Coexecutors, etc. Argued by Mr. Gardner P. Lloyd for the petitioner, and by Mr. James Walton for the respondents.

No. **342**. Kraus Brothers Lumber Company, petitioner, *v.* Andrew W. Mellon, Director General, etc., et al. Argued by Mr. Brenton K. Fisk for the petitioner, and by Mr. Alex M. Bull for the respondents.

No. **343**. Claude L. Hemphill, plaintiff in error, *v.* Julia Stott Orloff. Argument commenced by Mr. Charles A. Wagner for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, March 8, will be as follows: Nos. **343**, **344**, **349**, **364** (and **365**), **366**, **375**, **376**, **384**, **387**, and **388**.

SUPREME COURT OF THE UNITED STATES

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

Grace McDonald Phillips, of Roswell, N. Mex.; J. H. Sumrall, of Jackson, Miss.; and Edward B. Klewer, of Memphis, Tenn., were admitted to practice.

No. 343. Claude L. Hemphill, plaintiff in error, *v.* Julia Stott Orloff. Argument continued by Mr. Charles A. Wagner for the plaintiff in error, and concluded by Mr. Isadore Levin for the defendant in error.

No. 344. Hubert Work, as Secretary of the Interior, petitioner, *v.* Robert L. Braffet, Administrator, etc. Argued by Mr. Solicitor General Mitchell for the petitioner, and submitted by Mr. Walter Edmund Burke for the respondent. Leave granted respondent to file supplemental brief within one week on motion of Mr. W. W. Ross in behalf of counsel for the respondent.

No. 349. Kansas City Southern Railway Company, petitioner, *v.* Franklin Jones, Administrator, etc. Argued by Mr. A. W. Smith for the petitioner, and by Mr. S. P. Jones for the respondent.

No. 364. Mutual Life Insurance Company of New York, plaintiff in error, *v.* State of Wisconsin; and

No. 365. New York Life Insurance Company, plaintiff in error, *v.* State of Wisconsin. Argument commenced by Mr. J. Gilbert Hardgrove for the plaintiffs in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, March 9, will be as follows: Nos. 364 (and 365), 366, 375, 376, 384, 387, 388, 391, 392, and 399 (and 400).

SUPREME COURT OF THE UNITED STATES

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

Kark M. Geddes, of El Dorado, Kans.; Bruce R. Leydig, of El Dorado, Kans.; Frank Yetka, of Cloquet, Minn.; Lewis A. R. Innerarity, of New York City; Myles P. Tallmadge, of Denver, Colo.; and John de R. Storey, of New York City, were admitted to practice.

No. 15, original. State of Colorado, complainant, *v.* State of Kansas and The Finney County Water Users' Association. Leave granted complainant to file brief in opposition to the motion to dismiss, on or before May 1, on motion of Mr. Chester I. Long in that behalf.

No. 735. The United States of America *ex rel.* Isabel London, petitioner, *v.* Clifford D. Phelps, United States Immigration Inspector. Motion for leave to file supplemental brief for the petitioner submitted by Mr. Charles D. Council in behalf of counsel for the petitioner, and motion denied.

No. 392. John P. King Manufacturing Company, plaintiff in error, *v.* City Council of Augusta and Raleigh H. Daniel, Mayor, etc. William B. Bell, present mayor, substituted as a party defendant in error in the place of Raleigh H. Daniel, former mayor, on motion of Mr. Bryan Cumming in that behalf.

No. 364. Mutual Life Insurance Company of New York, plaintiff in error, *v.* The State of Wisconsin, and

No. 365. New York Life Insurance Company, plaintiff in error, *v.* The State of Wisconsin. Argument continued by Mr. P. Gilbert Hardgrove for the plaintiffs in error. The Court declined to hear further argument.

No. 366. G. F. DeGraff, as Treasurer, etc., plaintiff in error, *v.* City of Spokane, Washington. Argument commenced by Mr. C. W. Greenough for the plaintiff in error and continued by Mr. A. O. Colburn for the plaintiff in error. The Court declined to hear further argument.

No. 375. Midland Valley Railroad Company, petitioner, *v.* Thomas Barkley, et al. Argued by Mr. Thomas B. Pryor for the petitioner, and submitted by Mr. Charles I. Evans for the respondents.

No. 376. John J. Mitchell et al., executors, petitioners, *v.* The United States. Argued by Mr. A. Lowry Humes for the petitioners, and by Mr. Solicitor General Mitchell for the respondent.

No. 384. Howard Moore, petitioner, *v.* City of Nampa. Argument commenced by Mr. M. P. Tallmadge for the petitioner. The Court declined to hear further argument.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, March 12, will be as follows: Nos. 387, 388, 391, 392, 399 (and 400), 190 (and 191), 456, 610, 663, 98, and 285.

SUPREME COURT OF THE UNITED STATES

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

Thomas R. FitzSimmons, of New Haven, Conn.; Hugh C. Bickford, of Washington, D. C.; Paul H. Ray, of Salt Lake City, Utah; Thomas West Peyton IV, of Huntington, W. Va.; Sardius M. Brewster, of Topeka, Kans.; and C. G. Calhoun, of Tyler, Tex., were admitted to practice.

No. 159. The Goodyear Tire & Rubber Company, Inc., petitioner, *v.* The United States. On writ of certiorari to the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Sanford. Dissenting, Mr. Justice Holmes, Mr. Justice Sutherland, and Mr. Justice Stone. Opinion announced by Mr. Justice Sutherland.

The Chief Justice announced the following orders of the Court:

No. 301. C. P. and S. J. Beaty et al., plaintiffs in error, *v.* W. S. Richardson, Tax Collector of Fulton County, Georgia. In error to the Supreme Court of the State of Georgia. *Per curiam*: Dismissed for want of jurisdiction for the reason that the federal questions sought to be presented were by the record abandoned in the State Supreme court. *Harding v. Illinois*, 196 U. S. 78, 88; *Hulbert v. Chicago*, 202 U. S. 275, 281; *Central Union Telephone Co. v. Edwardsville*, 269 U. S. 190, 194, 195.

No. 291. Peninsula Produce Exchange, plaintiff in error, *v.* New York, Philadelphia and Norfolk Railroad Company, and The Pennsylvania Railroad Company. In error to the Court of Appeals of the State of Maryland. *Per curiam*: Affirmed on the authority of *Kansas City Southern Ry. Co. v. Wolf*, 261 U. S. 133, 139, 140; *Danzer & Co. v. Gulf & Ship Island R. R. Co.*, 268 U. S. 633, 636.

No. 292. Arthur E. Hoffman, as executor of the estate of Fred H. Slatmeyer, deceased, plaintiff in error, *v.* The Industrial Commission of Ohio. In error to the Supreme Court of the State of Ohio. *Per curiam*: The motion to dismiss is granted for want of a federal question. *Shulthis v. McDougal*, 225, U. S. 561, 569; *Hull v. Burr*, 234 U. S. 712, 720; *Norton v. Whiteside*, 239 U. S. 144, 147.

No. 296. The C. A. King & Company, plaintiff in error, *v.* D. O. Horton; and

No. 304. D. O. Horton, plaintiff in error, *v.* The C. A. King Company. In error to the Supreme Court of the State of Ohio. *Per curiam*: The writs of error are dismissed for want of jurisdiction for the reason that the only federal questions presented are frivolous, on the authority of *Farrell v. O'Brien*, 199 U. S. 89, 100; *Toup v. Ulyssess Land Co.*, 237 U. S. 580, 583; *Piedmont Power & Light Co. v. Town of Graham*, 253 U. S. 193, 195; *Seaboard Air Line v. Padgett*, 236, U. S. 668, 671; *Quong Ham Wah Co. v. Industrial Commission*, 255 U. S. 445, 448, 449.

No. 297. Beatrice Grayson Johnson, petitioner, *v.* Wright Thornburgh, as the Administrator of the Estate of Anna C. Thornburgh, deceased, Wright Thornburgh, by his guardian, etc., et al. On writ of certiorari to the Supreme Court of the State of Oklahoma. *Per curiam*: Dismissed for want of a federal question in that the decision of the court below could be sustained, and was sustained, on non-Federal grounds. *Eustis v. Bolles*, 150 U. S. 361, 366, 370; *New York ex rel. Doyle v. Atwell*, 261 U. S. 590, 592; *Richardson Machinery Co. v. Scott*, No. 198 October Term, 1927, opinion announced February 20, 1928.

No. 319. Standard Pipe Line Company, Inc., et al., plaintiffs in error, *v.* Commissioners of Index Sulphur Drainage District. In error to the Supreme Court of the State of Arkansas. *Per curiam*: The writ of error is dismissed on the authority of Section 237 of the Judicial Code, as amended by the Act of February 13, 1925 (43 Stat. 936, 937), for lack of jurisdiction. *Jett Bros. Distilling Co. v. City of Carrollton*, 252 U. S. 1, 5, 6. Upon the application of the plaintiffs in error the writ will be treated as a petition for a writ of certiorari and will be considered upon the filing of briefs on such petition on or before March 21, 1928.

No. 321. Mutual Life Insurance Company of New York, petitioner, *v.* Edgar M. Wright, as Guardian of Nettie T. Henderson, a minor. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. *Per curiam*: Affirmed for the reason that the amount involved is not sufficient to sustain Federal jurisdiction, on the authority of *Elgin v. Marshall*, 106 U. S. 578, 580; *Opelika City v. Daniel*, 109 U. S. 108, 109; *Vicksburg, Shreveport & Pacific R. R. Co. v. Smith*, 135 U. S. 195, 200; *The Sydney*, 139 U. S. 331, 334, 336; *New England Mortgage Co. v. Gay*, 145 U. S. 123, 127.

No. 364. The Mutual Life Insurance Company of New York, plaintiff in error, *v.* State of Wisconsin; and

No. 365. New York Life Insurance Company, plaintiff in error, *v.* State of Wisconsin. In error to the Supreme Court of the State of Wisconsin. *Per curiam*: Dismissed for want of a substantial Federal question, on the authority of *Shulthis v. McDougal*, 225 U. S. 561, 569; *Hull v. Burr*, 234 U. S. 712, 720; *Norton v. Whiteside*, 239 U. S. 144, 147.

No. 366. G. F. DeGraff, as Treasurer of Spokane County, Washington, plaintiff in error, *v.* The City of Spokane, Washington. In error to the Supreme Court of the State of Washington. *Per curiam*: Dismissed for want of a Federal question, on the authority of *Risty v. Chicago, Rock Island & Pacific Ry Co.*, 270 U. S. 378, 390; *City of Trenton v. New Jersey*, 262 U. S. 182, 192; *City of Pawhuska v. Pawhuska Oil Co.*, 250 U. S. 394, 399; *Maryland v. B. & O. R. R. Co.*, 3 Howard 534, 550, 551; *Edgewood v. Wilkinsburg & East Pittsburgh Street Ry Co.*, 258 U. S. 604; *Avon v. Detroit United Railways*, 257 U. S. 618; *Chicago v. Chicago Ry. Co.*, 257 U. S. 617; *Chicago v. Dempsey*, 250 U. S. 651.

No. 730. Benjamin Russell, J. M. Steverson, T. C. Russell, et al., petitioners, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit granted.

No. 744. James A. Reed, Charles L. McNary, William H. King, et al., etc., petitioners, *v.* The County Commissioners of Delaware County, Pennsylvania, et al. Petition for writ of certiorari to the United States Circuit of Appeals for the Third Circuit granted.

No. 746. George Tazewell, as Presiding Judge of the Circuit Court of the State of Oregon for Multnomah County, petitioner, *v.* The State of Oregon *ex rel.* Edward Sullivan. Petition for writ of certiorari to the Supreme Court of the State of Oregon granted.

No. 747. Atlantic Coast Line Railroad Company, petitioner, *v.* C. M. Tyner, as Administrator of George A. Marshall, deceased. Petition for writ of certiorari to the Supreme Court of the State of South Carolina granted.

No. 771. Hubert Work, Secretary of the Interior, petitioner, *v.* Standard Oil Company. Petition for writ of certiorari to the Court of Appeals of the District of Columbia granted.

No. 725. Wyandotte Terminal Railroad Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 733. The State of Washington *ex rel.* Mike Lukich, alias Yukij, Joe Bolèn, and Mark Duich, petitioners, *v.* Superior Court of the State of Washington for King County and Calvin S. Hall,

Judge thereof. Petition for writ of certiorari to the Supreme Court of the State of Washington denied.

No. 735. The United States of America *ex rel.* Isabel London, petitioner, *v.* Clifford D. Phelps, United States Immigration Inspector. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 742. Synthetic Patents Company, Inc., petitioner, *v.* Howard Sutherland, as Alien Property Custodian, and Frank White, as Treasurer of the United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 743. Synthetic Patents Company, Inc., petitioner, *v.* Howard Sutherland, as Alien Property Custodian, and Frank White, as Treasurer of the United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 749. The Barker Painting Company, petitioner, *v.* Brotherhood of Painters, Decorators, and Paperhangers of America, et al. Petition for writ of certiorari to the Court of Appeals for the District of Columbia denied.

No. 750. W. A. Ledbetter, G. V. Pardue, W. A. Watson, et al., petitioners, *v.* Elias Wesley, Austin McGee, Jesse McGee, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 752. Samuel Thomas Walkup, petitioner, *v.* Interborough Rapid Transit Co. Petition for writ of certiorari to the United Circuit Court of Appeals for the Second Circuit denied.

No. 755. Elmer B. Jeffries, petitioner, *v.* Sam L. Gross, United States Marshal for the Northern District of Texas. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 756. Charles E. Forbes, petitioner, *v.* Sam L. Gross, United States Marshal for the Northern District of Texas. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 760. D. H. Keene, petitioner, *v.* F. T. Gauen. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 762. Edward G. Budd Manufacturing Company, petitioner, *v.* C. R. Wilson Body Company and Paul E. Breneman. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

ORDER

The Court will adjourn at the conclusion of the argument of the cases on the call for to-day, until Monday next, March 19, and will take a recess from that day until Monday, April 9, next.

No. 788. Journeymen Stone Cutters Association of North America, Michael W. Mitchell and Joseph Wall, appellants, *v.* The United States of America. Motion to advance submitted by Mr. Solicitor General Mitchell for the appellee.

No. 615. The Staten Island Rapid Transit Railway Company, plaintiff in error, *v.* The Transit Commission of the State of New York; and

No. 616. The Staten Island Rapid Transit Railway Company and The Staten Island Railway Company, plaintiffs in error, *v.* The Transit Commission of the State of New York. Motion to amend writs of error submitted by Mr. G. Howland Chase for the plaintiffs in error.

No. 634. Must Hatch Incubator Co., Inc., appellant, *v.* I. L. Patterson, Governor of the State of Oregon, et al. Motion to reassign case submitted by Mr. Elwood H. Seal in that behalf.

No. 117. Daniel V. Harkin and Union Bank of Chicago, Receivers, etc., petitioners, *v.* Edward J. Brundage, Receiver, etc., et al. Motion to amend opinion submitted by Mr. Henry Jackson Darby for the respondents.

No. 229. Lucy B. Brooke, petitioner, *v.* City of Norfolk, R. W. Peatross, A. Plummer Pannill, et al. Joint motion to restore to call submitted by Mr. E. Warren Wall in that behalf.

No. 538. A. B. Caplinger, as County Judge of Poinsett County, Arkansas, petitioner, *v.* United States on relation of Harriman National Bank. Motion to dismiss submitted by Mr. Robert F. Cogswell for the respondents.

No. 190. William H. Blodgett, Tax Commissioner of the State of Connecticut, petitioner, *v.* Arthur Silberman, Charles Moebius, et al.; and

No. 191. Arthur Silberman, Charles Moebius, et al., plaintiffs in error, *v.* William H. Blodgett, Tax Commissioner of the State of Connecticut. Leave granted to file brief on behalf of the Tax Commission of the State of New York and The Commissioner of Corporations and Taxation of the Commonwealth of Massachusetts as *amici curiae*, and motion for oral argument submitted by Mr. Seth T. Cole in that behalf.

No. 754. Rickmers Rhederei Actien Gesellschaft, petitioner, *v.* Howard Sutherland, as Alien Property Custodian, Frank White, as Treasurer of the United States, et al. Petition for writ of certiorari to the Court of Appeals of the District of Columbia submitted by Mr. Reeves T. Strickland for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Farnum, and Mr. Dean Hill Stanley for the respondents.

No. 761. Babcock Printing Press Manufacturing Company, petitioner, *v.* Robert L. Murphy, Trustee, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. A. P. Bachman for the petitioner.

No. 772. W. D. Dilbeck et al., petitioners, *v.* The State of Texas. Petition for writ of certiorari to the Court of Civil Appeals of the State of Texas Third Supreme Judicial District, submitted by Mr. W. J. Rutledge, jr., and Mr. R. L. Batts for the petitioners.

No. 775. Manufacturers' Finance Company, petitioner, *v.* Frederick S. Foster, trustee. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit submitted by Mr. Harrison J. Barrett, Mr. Lee M. Friedman, Mr. Percy A. Atherton, and Mr. George W. Reed, for the petitioner, and by Mr. Robert A. B. Cook for the respondent.

No. 777. Seth B. Orndorff, Lee H. Orndorff, et al., petitioners, *v.* El Paso County, Texas, et al. Petition for writ of certiorari to the Court of Civil Appeals of the State of Texas, Eighth Supreme Judicial District, submitted by Mr. William C. Dennis for the petitioners.

No. 778. Lorenzo Venei, petitioner, *v.* Charles H. Draper, Receiver of and for the First National Bank of Matoaka. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. Russell S. Ritz for the petitioner, and by Mr. M. M. Neely for the respondent.

No. 779. Ermin Mariotti, petitioner, *v.* Charles H. Draper, Receiver of and for the First National Bank of Matoaka. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. Russell S. Ritz for the petitioner, and by Mr. M. M. Neely for the respondent.

No. 780. Home Insurance Company of New York, petitioner, *v.* Lakin C. Hightower and Winston S. Garth, partners under the Firm and Style of Hightower & Garth. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Alex W. Spence and Mr. C. M. Smithdeal for the petitioner, and by Mr. A. J. Harris for the respondent.

No. 830. Edith E. Kelley, appellant, *v.* James Compton et al. Motion for leave to proceed *in forma pauperis* and motion for an

order directing that the record be printed at public expense submitted by Edith E. Kelley, *pro se*.

No. 407. H. F. Ferry, plaintiff in error, *v.* Alice M. Ramsey et al.;

No. 408. C. L. Harris, as executor, etc., plaintiff in error, *v.* Alice M. Ramsey et al.;

No. 409. H. F. Ferry, plaintiff in error, *v.* W. O. James et al.;

No. 410. C. L. Harris, as executor, etc., plaintiff in error, *v.* W. O. James et al.;

No. 411. H. F. Ferry, plaintiff in error, *v.* Ramsey Petroleum Company et al.;

No. 412. C. L. Harris, as executor, etc., plaintiff in error, *v.* Ramsey Petroleum Company et al.;

No. 413. H. F. Ferry, plaintiff in error, *v.* G. L. Ramsey et al.;

No. 414. C. L. Harris, as executor, etc., plaintiff in error, *v.* G. L. Ramsey et al.;

No. 415. H. F. Ferry, plaintiff in error, *v.* M. R. Chastain et al.;

No. 416. C. L. Harris, as executor, etc., plaintiff in error, *v.* M. R. Chastain et al.;

No. 417. H. F. Ferry, plaintiff in error, *v.* A. L. Lloyd et al.; and

No. 418. C. L. Harris, as executor, etc., plaintiff in error, *v.* A. L. Lloyd et al. Motion to dismiss or affirm submitted by Mr. John J. Jones for the defendants in error, in support of the motion, and by Mr. L. J. Bond, Mr. S. M. Brewster, Mr. John L. Hunt, and Mr. Bruce A. Campbell, for the plaintiffs in error, in opposition thereto.

No. 387. Bank of Indianola, D. L. Bingham, et al., plaintiffs in error, *v.* W. J. Miller, Revenue Agent, etc. Argued by Mr. J. H. Sumrall for the defendant in error, and submitted by Mr. Cary C. Moody for the plaintiffs in error.

No. 388. Max M. Tannenbaum and Hannah N. Tannenbaum, both individually, etc., plaintiffs in error, *v.* John J. O'Niell, Inheritance Tax Collector, etc. Argued by Mr. Benjamin Y. Wolf for the plaintiffs in error, and submitted by Mr. Harry Gamble for the defendant in error.

No. 391. A. R. Young Construction Company et al., plaintiffs in error, *v.* D. E. Dunne et al. Argument commenced by Mr. Willard Brooks for the plaintiffs in error. The Court declined to hear further argument.

No. 392. The John P. King Manufacturing Company, plaintiff in error, *v.* The City Council of Augusta and William B. Bell, Mayor, etc. Argued by Mr. Bryan Cumming for the plaintiff in error, and by Mr. E. H. Callaway for the defendants in error.

No. 399. George A. Wilcox, plaintiff in error, *v.* George B. Munger, Tax Collector, etc., et al.; and

No. 400. George A. Wilcox, plaintiff in error, *v.* Town of Madison et al. Submitted by Mr. George E. Beers for the plaintiff in error, and by Mr. Ernest L. Averill and Mr. Thomas R. Fitz-Simmons for the defendants in error.

No. 190. William H. Blodgett, Tax Commissioner, etc., petitioner, *v.* Arthur Silberman et al., executors; and

No. 191. Arthur Silberman et al., executors, et al., etc., plaintiffs in error, *v.* William H. Blodgett, Tax Commissioner, etc. Argument commenced by Mr. Abraham L. Gutman for Silberman et al.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, March 13, will be as follows: Nos. 190 (and 191), 456, 610, 663, 98, and 285.

SUPREME COURT OF THE UNITED STATES

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

Thomas F. Dolan, jr., of Clarendon, Va.; R. Morton Adams, of New York City; Merton W. Sage, of New York City; Wm. E. Hann, of Chicago, Ill.; Felix Forte, of Somerville, Mass.; N. T. Guernsey, jr., of New York City; Gertrude Farber Newman, of Buffalo, N. Y.; Adolph M. Newman, of Buffalo, N. Y.; W. Lon Johnson, of Colville, Wash.; and Cecil H. Riley, of North Fork, W. Va., were admitted to practice.

No. 190. William H. Blodgett, Tax Commissioner, etc., petitioner, *v.* Arthur Silberman, et al., executors; and

No. 191. Arthur Silberman et al., executors, et al., etc., plaintiffs in error, *v.* William H. Blodgett, Tax Commissioner, etc. Argument continued by Mr. Charles E. Hughes for Blodgett, by Mr. Seth T. Cole for the Tax Commission of the State of New York and the Commissioner of Corporations and Taxation of the State of Massachusetts as *amici curiae*, by special leave of Court; and concluded by Mr. Kenneth Dayton for Silberman et al.

No. 456. Federal Intermediate Credit Bank of Columbia, South Carolina, petitioner, *v.* Chas. S. Mitchell et al. Argued by Mr. D. W. Robinson for the petitioner, and by Mr. George L. Buist for the respondents.

No. 610. United States of America *v.* John Barth Co. & U. S. Fidelity & Guaranty Co. Argued by Assistant Attorney General Willebrandt for the United States, and by Mr. M. K. Whyte and Mr. Louis Quarles for the John Barth Co. et al.

No. 663. F. M. Ring, plaintiff in error, *v.* The State of Oregon. Argument commenced by Mr. Thomas Mannix for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, March 14, will be as follows: Nos. 663, 98, and 285.

SUPREME COURT OF THE UNITED STATES

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

D. E. French, of Bluefield, W. Va.; Olen E. Bee, of Akron, Ohio; Jay C. Halls, of Chicago, Ill.; Edward H. McDermott, of Washington, D. C.; and S. S. Orwig, of Menoka, Okla., were admitted to practice.

No. 663. F. M. Ring, plaintiff in error, *v.* The State of Oregon. Argument continued by Mr. Thomas Mannix and Mr. E. W. Wickey for the plaintiff in error. The Court declined to hear further argument.

No. 98. Chesapeake & Ohio Railway Company, petitioner, *v.* K. S. Leitch. Reargued by Mr. Douglas W. Brown for the petitioner, and by Mr. John H. Holt for the respondent.

No. 285. Holland Furniture Company, petitioner, *v.* Perkins Glue Company. Argument commenced by Mr. Charles E. Hughes for the petitioner.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, March 15, will be as follows: No. 285.

66421—28—79

SUPREME COURT OF THE UNITED STATES

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

William H. Boyd, of Cleveland, O.; Leslie Nichols, of Cleveland, O.; Harvey Carroll Ray, of Fort Worth, Tex.; Frederick H. Knight, of New York City; and John R. Dowlan, of St. Paul, Minn., were admitted to practice.

No. 285. Holland Furniture Company, petitioner, *v.* Perkins Glue Company. Argument continued by Mr. Charles E. Hughes for the petitioner and Mr. Gorham Crosby for the respondent, and concluded by Mr. Charles E. Hughes for the petitioner. Respondent granted until Tuesday next to file a supplemental brief and petitioner allowed to file a reply thereto within three days thereafter.

Adjourned until Monday next at 12 o'clock.

66421—28—80

SUPREME COURT OF THE UNITED STATES

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

William W. Hill, of Montgomery, Ala.; Herman Vanderwart, of Hackensack, N. J.; Victor A. Hart, of Hackensack, N. J.; John H. Morris, of Cleveland, Ohio; Charles F. Fitzgerald, of Chicago, Ill.; James F. X. O'Brien, of Newark, N. J.; James M. Chaney, of St. Louis, Mo.; Clair M. Senior, of Salt Lake City, Utah; and Lawrence D. Blair, of Pittsburgh, Pa., were admitted to practice.

No. 181. Swift & Company et al. and Armour & Company et al. *v.* The United States of America. On certificate from the Court of Appeals of the District of Columbia. Decree affirmed, and the cause remanded to the Supreme Court of the District of Columbia. Opinion by Mr. Justice Brandeis. Mr. Justice Sutherland and Mr. Justice Stone took no part in the consideration or decision of this case.

No. 262. Fairbanks, Morse & Co. and Sheffield Car Company, petitioners, *v.* American Valve & Meter Company and Edward E. Johnson. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Decree reversed, each party to pay its own costs, and the cause remanded to the District Court of the United States for the Northern District of Illinois for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Van Devanter.

No. 269. Aileen E. Mitchell (Successor of C. Minkwitz, former treasurer of Fort Bend County, Texas), as Treasurer of Fort Bend County, Texas et al., petitioners, *v.* J. W. Hampel et al., Trustees in Bankruptcy, etc., et al. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Decree reversed with costs, and the cause remanded to the District Court of the United States for the Southern District of Texas for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Holmes.

No. 349. The Kansas City Southern Railway Company, petitioner, *v.* Franklin Jones, Administrator of the Estate of D. R. Ferguson, deceased. On writ of certiorari to the Supreme Court of the State of Texas. Judgment reversed with costs, and the cause remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Holmes.

No. —. In Re Abraham S. Gilbert. Ordered that Abraham S. Gilbert be suspended from his rights and privileges as a member of the bar of this Court for six months from this day and that he pay the costs of this proceeding. Opinion by Mr. Chief Justice Taft.

The Chief Justice announced the following orders of the Court:

No. 788. Journeymen Stone Cutters Association of North America, Michael W. Mitchell and Joseph Wall, appellants, *v.* The United States of America. The motion to advance this case is granted and the case is assigned for Monday, October 1 next, after the cases heretofore assigned for that day.

No. 615. The Staten Island Rapid Transit Railway Company, plaintiff in error, *v.* The Transit Commission of the State of New York; and

No. 616. The Staten Island Rapid Transit Railway Company and The Staten Island Railway Company, plaintiffs in error, *v.* The Transit Commission of the State of New York. In error to the Transit Commission of the State of New York. *Per curiam:* The writs of error are dismissed for lack of jurisdiction in that the writs herein are not directed to a court, but to an administrative commission. Mr. Justice McReynolds, Mr. Justice Sanford, and Mr. Justice Stone entertain a different view.

The motions to amend the writs of error, or for other appropriate relief in the premises, or that the writs of error be treated as petitions for certiorari to the Court of Appeals of the State of New York, are denied.

No. 634. Must Hatch Incubator Co., Inc., appellant, *v.* I. L. Patterson, Governor of the State of Oregon, I. H. Van Winkle, Attorney General of the State of Oregon, W. H. Lytle, etc. The motion to continue this case is granted and the case is reassigned for argument on Monday, October 1 next, after the cases heretofore assigned for that day.

No. 229. Lucy B. Brooke, petitioner, *v.* City of Norfolk, R. W. Peatross, A. Plummer Pannill, et al. The joint motion to restore this case to the call is granted and the case is assigned for Monday, April 9 next, after the cases heretofore assigned for that day.

No. 538. A. B. Caplinger, as County Judge of Poinsett County, Arkansas, petitioner, *v.* United States on relation of Harriman National Bank. On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. *Per curiam*: The motion of the respondent to dismiss is granted in view of the recent decision of the Supreme Court of the State of Arkansas in the case of Jackson *v.* Madison County, decided December 19, 1927, 300 SW. 924.

No. 830. Edith E. Kelley, appellant, *v.* James Compton et al. Appeal from the Supreme Court of the State of Washington. *Per curiam*: The motion for leave to proceed further herein *in forma pauperis* is denied for the reason that the Court, upon examination of the unprinted record herein submitted, finds that no Federal question is presented, and that there are no grounds upon which the jurisdiction of this Court can be sustained. The appeal is therefore dismissed. Such costs as have already been incurred herein shall, by direction of the Court, be paid by the clerk from the special fund in his custody as provided in the order of October 29, 1926.

No. 117. Daniel V. Harkin and Union Bank of Chicago, Receivers, etc., petitioners, *v.* Edward J. Brundage, Receiver, etc., et al. The motion to amend the opinion already filed in this case is granted as to one addition on page eleven, and denied in other respects.

No. 387. Bank of Indianola, D. L. Bingham, E. A. Tanner, et al., plaintiffs in error, *v.* W. J. Miller, Revenue Agent of the State of Mississippi, suing for the use and benefit of Sunflower County, etc. In error to the Supreme Court of the State of Mississippi. *Per curiam*: Dismissed for want of a substantial federal question on the authority of Farrell *v.* O'Brien, 199 U. S. 89, 100; Toup *v.* Ulysses Land Co., 237 U. S. 580, 585; Piedmont Power & Light Co. *v.* Town of Graham, 253 U. S. 193, 195; Seaboard Air Line *v.* Padgett, 236 U. S. 668, 671; Quong Ham Wah Co. *v.* Industrial Commission, 255 U. S. 445, 448, 449.

No. 388. Max M. Tannenbaum and Hannah N. Tannenbaum, both individually and as Executors, etc., plaintiff in error, *v.* John J. O'Niell, Inheritance Tax Collector, Parish of Orleans, State of Louisiana. In error to the Supreme Court of the State of Louisiana. *Per curiam*: The writ of error is dismissed for want of a final judgment in the highest court of the state as required by section 237 (a) of the Judicial Code, as amended by the Act of February 13, 1925 (43 Stat. 936, 937), on the authority of Haseltine *v.* Central Bank of Springfield (No. 1), 183 U. S. 130, 131; Schlosser *v.* Hemphill, 198 U. S. 173, 175; Arnold *v.* United States, for the use of Guimarin & Co., 263 U. S. 427, 434.

No. 391. A. R. Young Construction Company and Cecil L. Newbold, Receiver, plaintiffs in error, *v.* D. E. Dunne, G. C. Dunne, and

G. M. Dunne, partners, etc. In error to the Supreme Court of the State of Kansas. *Per curiam*: Dismissed for want of a substantial federal question on the authority of *Shulthis v. McDougal*, 225 U. S. 561, 569; *Hull v. Burr*, 234 U. S. 712, 720; *Norton v. Whiteside*, 239 U. S. 144, 147.

No. 399. George A. Wilcox, plaintiff in error, *v.* George B. Munger, Tax Collector of the Town of Madison, et al.; and

No. 400. George A. Wilcox, plaintiff in error, *v.* Town of Madison et al. In error to the Supreme Court of Errors of the State of Connecticut. *Per curiam*: The writs of error are dismissed for want of a substantial federal question on the authority of *Shulthis v. McDougal*, 225 U. S. 561, 569; *Hull v. Burr*, 234 U. S. 712, 720; *Norton v. Whiteside*, 239 U. S. 144, 147.

No. 610. The United States of America *v.* The John Barth Company and United States Fidelity & Guaranty Company. On certificate from the United States Circuit Court of Appeals for the Seventh Circuit. *Per curiam*: The questions certified in this case require in their answer a consideration of eight sections in the Revenue Acts of 1918 and 1921, 1924, and of 1926, and are not properly confined to any distinct question or proposition of law and need not be answered. The lower court is not authorized to make, or require this Court to accept, a transfer of the case. The certificate of the two questions is dismissed on the authority of *News Syndicate Co. v. New York Central R. R. Co. et al.*, No. 235, October Term, 1927, opinion announced November 21, 1927; *The Folmina*, 212 U. S. 354, 363; *The United States v. Bailey*, 9 Peters 267, 273, 274; *The United States v. Mayer*, 235 U. S. 55, 66; *Chicago, Burlington & Quincy Ry. Co. v. Williams*, 205 U. S. 444, 451, 454.

No. 663. F. M. Ring, plaintiff in error, *v.* The State of Oregon. In error to the Supreme Court of the State of Oregon. *Per curiam*: Affirmed on the authority of *Olsen v. Smith*, 195 U. S. 332, 342, 343, 345.

No. 841. Wallace C. Gaines, plaintiff in error, *v.* The State of Washington. In error to the Supreme Court of the State of Washington. *Per curiam*: Upon examination of the record herein submitted, the Court finds that this is not a case in which there is drawn in question the validity of a treaty or statute of the United States and the decision is against its validity; or where is drawn in question the validity of a statute of the State of Washington, on the ground of its being repugnant to the Constitution, treaties, or laws of the United States, and the decision is in favor of its validity. It is, therefore, not a case which, under section 237(a) of the Judicial Code as amended by the act of February 13, 1925 (43 Stat. 936, 937), may be reviewed by this Court on writ of error, and this Court has no

jurisdiction thereof under said section. Treating the writ of error as a petition for writ of certiorari under section 237(c) of the Judicial Code, as amended by the act of February 13, 1925 (43 Stat. 936, 938) the clerk is directed to issue an order returnable April 23 next against Wallace C. Gaines to show cause, if any there be, by printed return and printed brief, why the petition for certiorari should not be denied for lack of a substantial federal question shown in the record giving this Court jurisdiction.

No. 736. A. Leo Weil and Charles M. Thorp, doing business, etc., petitioners, *v.* Edward M. Neary. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 754. Rickmers Rhederei Actien Gesellschaft *v.* Howard Sutherland, as Alien Property Custodian, et al. Petition for writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 761. Babcock Printing Press Manufacturing Company, petitioner, *v.* Robert L. Murphy, Trustee in Bankruptcy, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 772. W. D. Dilbeck et al., petitioners, *v.* The State of Texas. Petition for a writ of certiorari to the Court of Civil Appeals, 3rd Supreme Judicial District, State of Texas, denied.

No. 775. Manufacturers' Finance Company, petitioner, *v.* Frederick S. Foster, Trustee. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 777. Seth B. Orndorff, Lee H. Orndorff, et al., petitioners, *v.* El Paso County, Texas, et al. Petition for writ of certiorari to the Court of Civil Appeals, 8th Supreme Judicial District, State of Texas denied.

No. 778. Lorenzo Veneri, petitioner, *v.* Charles H. Draper, Receiver of and for the First National Bank of Matoaka; and

No. 779. Ermin Mariotti, petitioner, *v.* Charles H. Draper, Receiver of and for the First National Bank of Matoaka. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 780. Home Insurance Company of New York, petitioner, *v.* Lakin C. Hightower and Winston S. Garth, partners, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 697. George W. P. Hunt, as Governor of the State of Arizona; D. E. Pettis, as Game Warden, etc., et al., appellants, *v.* The United States of America. Leave granted to file statement of points

to be relied upon and designation of parts of the record to be printed out of time, on motion of Mr. Solicitor General Mitchell in behalf of counsel for the appellants.

No. 172. Lloyd Littrell, Receiver of the First National Bank of Carnegie, plaintiff in error, *v.* Peter G. Cameron, Secretary of Banking, etc. Leave granted to file petition for rehearing out of time under Rule 30, on motion of Mr. Lawrence D. Blair for the plaintiff in error.

No. 2, original. The State of New Mexico, complainant, *v.* The State of Texas. Leave granted to file reply brief of the State of New Mexico on motion of Mr. J. Harry Covington in that behalf.

No. 584. L. F. Vance, petitioner, *v.* Chicago Portrait Company, Edwin L. Belshe, Robert B. Stout, et al. Motion to set case for hearing on the merits submitted by Mr. L. F. Vance, *pro se*, and the motion denied.

No. 584. L. F. Vance, petitioner, *v.* Chicago Portrait Company, Edwin L. Belshe, Robert B. Stout, et al. Motion for leave to file petition for diminution of the record offered by appellant in No. 631 submitted by Mr. L. F. Vance, *pro se*, and the motion denied.

No. 585. L. F. Vance, petitioner, *v.* Chicago Portrait Company. Motion to set case for hearing on the merits submitted by Mr. L. F. Vance, *pro se*, and the motion denied.

No. 585. L. F. Vance, petitioner, *v.* Chicago Portrait Company. Motion to correct marking of the printed record in this Court submitted by Mr. L. F. Vance, *pro se*, and the motion denied.

No. 585. L. F. Vance, petitioner, *v.* Chicago Portrait Company. Motion for leave to file petition and brief offered by petitioner February 20, 1928, submitted by Mr. L. F. Vance, *pro se*, and the motion denied.

No. 700. The United States, petitioner, *v.* The Cambridge Loan and Building Company. Petition for writ of certiorari to the Court of Claims submitted by Mr. Solicitor General Mitchell and Mr. Assistant Attorney General Galloway for the petitioner, and by Mr. L. L. Hamby for the respondent.

No. 739. Anna Louise Nolde, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims submitted by Mr. Walter E. Barton and Mr. Harry F. Kantner for the petitioner, and by Mr. Solicitor General Mitchell and Mr. Assistant Attorney General Galloway for the respondent.

No. 770. Atlantic Coast Line Railroad Company, petitioner, *v.* Morgan L. Davis, as Administrator of the Estate of W. Baylor Richards, deceased. Petition for writ of certiorari to the Supreme

Court of the State of South Carolina submitted by Mr. Thomas W. Davis and Mr. Henry E. Davis for the petitioner, and by Mr. Thos. H. Peebles for the respondent.

No. 773. Stuyvesant Insurance Company, petitioner, *v.* Jacksonville Oil Mill; and

No. 774. The Globe and Rutgers Fire Insurance Company, petitioner, *v.* Jacksonville Oil Mill. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Bruce Barnett for the petitioners, and by Mr. William P. Metcalf for the respondent.

No. 776. John Thomas Gillespie and Samuel Hassard Gillespie, carrying on business under the firm name and style of L. C. Gillespie & Sons, petitioners, *v.* Hong Kong & Shanghai Banking Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Frank J. Hogan and Mr. Elkan Turk for the petitioners, and by Mr. Garret W. McEnerney and Mr. Andrew F. Burke for the respondent.

No. 783. Union Pacific Railroad Company, petitioner, *v.* Louis Hfeld Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. John W. Lacey, Mr. N. H. Loomis, and Mr. Herbert V. Lacey for the petitioner and by Mr. Carle Whitehead and Mr. Albert L. Vogl, for the respondent.

No. 784. Oliver Chapman, as License Collector of the City of St. Louis, petitioner, *v.* International Shoe Company. Petition for writ of certiorari to the Supreme Court of the State of Missouri submitted by Mr. Oliver Senti, Mr. Julius Muench, and Mr. George F. Haid for the petitioner, and by Mr. Frank Y. Gladney for the respondent.

No. 785. Armour and Company, petitioner, *v.* Bassell Brothers, a copartnership composed of Neal Bassel, A. J. Bassel, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Wm. Marshall Bullitt, Mr. Chas. J. Faulkner, jr., and Mr. Alfred S. Austrian for the petitioner, and by Mr. A. L. Curtis for the respondents.

No. 786. Armour and Company, petitioner, *v.* The Belton National Bank. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Wm. Marshall Bullitt, Mr. Chas. J. Faulkner, jr., and Mr. Alfred S. Austrian for the petitioner, and by Mr. A. L. Curtis for the respondent.

No. 787. William H. Hardie, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Joseph

E. Pottle for the petitioner, and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, and Mr. John J. Byrne for the respondent.

No. 790. Jesse McGee, Sallie McGee, Elias Wesley, et al., petitioners, *v.* W. A. Ledbetter, G. V. Pardue, W. A. Watson, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. J. D. Lydick for the petitioners, and by Mr. W. A. Ledbetter, Mr. E. P. Ledbetter, Mr. H. L. Stuart, Mr. R. R. Bell, Mr. L. A. Ledbetter, and Mr. H. A. Ledbetter for the respondents.

No. 792. Guiseppe Yaconi, petitioner, *v.* Brady & Gioe, Inc. Petition for writ of certiorari to the Supreme Court of the State of New York submitted by Mr. Silas B. Axtell and Mr. William F. Purdy for the petitioner.

No. 793. Katie Roubedeaux and Lizzie Gibbs, *nee* Brink, heirs at law, et al., petitioners, *v.* Quaker Oil & Gas Company of Oklahoma, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. John T. Smith, Mr. Thos. D. McKeown, and Mr. Jno. S. Barbour for the petitioners, and by Mr. George S. Ramsey, Mr. Alvin Richards, Mr. L. O. Lytle, Mr. T. J. Flannelly, and Mr. Lewis C. Lawson for the respondents.

No. 799. C. G. Schull, Bank Commissioner of the State of Oklahoma, petitioner, *v.* New Amsterdam Casualty Company;

No. 800. C. G. Schull, Bank Commissioner of the State of Oklahoma, petitioner, *v.* Fidelity Casualty Company;

No. 801. C. G. Schull, Bank Commissioner of the State of Oklahoma, petitioner, *v.* Fidelity and Deposit Company of Maryland;

No. 802. C. G. Schull, Bank Commissioner of the State of Oklahoma, petitioner, *v.* American Surety Company of New York; and

No. 803. C. G. Schull, Bank Commissioner of the State of Oklahoma, petitioner, *v.* United States Fidelity & Guaranty Company. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Kirby Fitzpatrick for the petitioner, and by Mr. Claude Nowlin, Mr. J. R. Spielman, Mr. James S. Ross, Mr. Stephen Chandler, Mr. Jos. A. McCullough, and Mr. C. B. Ames for the respondents.

No. 804. George Lee Johnston, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. W. G. McLaren for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Luhring, and Mr. Harry S. Ridgely for the respondent.

No. 805. Southern Pacific Company, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. E. R. Wright for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Farnum, and Mr. John T. Fowler, jr., for the respondent.

No. 808. Thomas W. Miller, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Robert S. Johnstone and Mr. Samuel Seabury for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant to the Attorney General Donovan, and Mr. Charles H. Tuttle for the respondent.

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

The day call for Monday, April 9, will be as follows: Nos. 564 (and 573), 723, 748, 766, 229, 401, 403, 404, 424, and 425.

66421-28—82

SUPREME COURT OF THE UNITED STATES

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

Edward Gluck, of New York City; Edward H. Green, of New York City; Sigmund Metz, of New York City; Sigurd Ueland, of Minneapolis, Minn.; Joseph L. Stern, of Cleveland, Ohio; Louis Kawin, of St. Louis, Mo.; Leo Weil, of Cleveland, Ohio; John J. O'Toole, of San Francisco, Calif.; Robert J. Woodruff, of New Haven, Conn.; Arthur E. Moreton, of Salt Lake City, Utah; Matthew H. Kenealy, of Stamford, Conn.; Jackson Palmer, of Stamford, Conn.; J. Marion Wright, of Los Angeles, Calif.; and Frederic P. Lee, of Washington, D. C., were admitted to practice.

No. 344. Hubert Work, as Secretary of the Interior, petitioner, *v.* Robert L. Braffet, Administrator of the Estate of Mark P. Braffet, deceased. On writ of certiorari to the Court of Appeals of the District of Columbia. Decree reversed with costs, and the cause remanded for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Stone.

No. 501. H. E. Byram, Mark W. Potter, and Edward J. Brundage, as Receivers, etc., appellants, *v.* A. G. Risty, Chris Olson, L. E. Larson, et al., etc., et al. Appeal from the District Court of the United States for the District of South Dakota. Decree affirmed with costs. Opinion by Mr. Justice Stone.

No. 234. A. S. J. Shaw, State Auditor, Substituted for C. C. Childers, State Auditor of the State of Oklahoma, *v.* Gibson-Zahniser Oil Corporation, et al. On certificate from the United States Circuit Court of Appeals for the Eighth Circuit. The two questions certified answered in the negative. Opinion by Mr. Justice Stone.

No. 341. D. B. Heiner, Collector of United States Internal Revenue for the Twenty-third District of Pennsylvania, petitioner, *v.* James R. Rindle and the Union Trust Company of Pittsburgh, Co-Executors, etc. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Judgment reversed with

costs, and the cause remanded to the District Court of the United States for the Western District of Pennsylvania for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Stone.

No. 224. M. O. Danciger and Emerich Oil Company, petitioners, *v.* N. K. Smith. On writ of certiorari to the Court of Civil Appeals, Fifth Supreme Judicial District, State of Texas. Judgment affirmed with costs. Opinion by Mr. Justice Sanford.

No. 260. City of New Brunswick, William G. Howell, Treasurer of the City of New Brunswick, and William G. Howell, Tax Collector, etc., petitioners, *v.* The United States of America and United States Housing Corporation. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Decree reversed, and the 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 Sanford. Mr. Justice McReynolds is of opinion that the District Court reached the proper conclusion, and that its decree should be affirmed.

No. 2, original. The State of New Mexico, complainant, *v.* The State of Texas. Petition for rehearing denied. Opinion modified. Decree announced by Mr. Justice Sanford.

No. 2, original. The State of New Mexico, complainant, *v.* The State of Texas. This cause having been heard and submitted upon the pleadings, the report of the special master and the exceptions thereto, and the Court having considered the same and announced its conclusions in an opinion of December 5, 1927, this day modified in certain respects, it is ordered, adjudged, and decreed as follows:

1. The exceptions of the State of New Mexico to the master's report are overruled, and the exceptions of the State of Texas are sustained.

2. The bill of the State of New Mexico is dismissed, and the cross-bill of the State of Texas sustained.

3. The true boundary between the State of New Mexico and the State of Texas in the valley of the Rio Grande River, extending southwardly from the parallel of 32 degrees north latitude to the parallel of 31 degrees 47 minutes on the international boundary between the United States of America and the United States of Mexico, is the middle of the channel of the Rio Grande River as it existed on the 9th day of September, 1850, as outlined by the special master in Section V (1) of his report; the intersection of the east bank of the river with the line of the 32d parallel to be taken at a point 600 feet west from the Clark Monument No. 1 as reestablished by the Scott-Cockrell Commission, and the middle line of the channel

to be taken 150 feet from the east and west banks of the river, respectively, as found by the special master.

4. Samuel S. Gannett, geodetic and astronomic engineer, is designated as commissioner to run, locate, and mark the boundary between the two States as determined by this decree. In ascertaining and locating the line of said boundary, the commissioner shall use the most accurate method now known to science and applicable in that locality; and he shall mark the boundary, as thus ascertained, by establishing permanent monuments thereon, suitably marked and at appropriate distances.

5. The commissioner shall include in his report a description of the monuments so established and of their locations. And he shall file with his report the field notes of his survey, showing the method used by him in ascertaining and locating the line of the boundary, and a map showing the boundary line as run and marked by him; also 10 copies of his report and map.

6. Before entering upon his work the commissioner shall take and subscribe his oath to perform his duties faithfully and impartially. He shall prosecute the work with diligence and dispatch, and shall have authority to employ such assistants as may be needed therein; and he shall include in his report a statement of the work done, the time employed, and the expenses incurred.

7. The work of the commissioner shall be subject in all its parts to the approval of the Court. One copy each of the commissioner's report and map shall be promptly transmitted by the clerk to the Governors of the two States; and exceptions or objections to the commissioner's report, if there be such, shall be presented to the Court, or, if it be not in session, filed with the clerk, within forty days after the report is filed.

8. If, for any reason, there occurs a vacancy in the commission when the Court is not in session, the same may be filled by the designation of a new commissioner by the Chief Justice.

9. All the costs of the cause not heretofore adjudged, including the compensation and expenses of the commissioner, shall be borne in equal parts by the two States.

No. 110. John P. Donnelley *v.* The United States of America. On certificate from the United States Circuit Court of Appeals for the Ninth Circuit. Judgment affirmed, and the cause remanded to the District Court of the United States for the District of Nevada. Opinion by Mr. Justice Butler. Dissenting: Mr. Justice Sutherland and Mr. Justice Sanford.

No. 174. Black and White Taxicab and Transfer Company, petitioner *v.* Brown and Yellow Taxicab and Transfer Company. On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. Decree affirmed with costs, and the cause remanded

to the District Court of the United States for the Western District of Kentucky. Opinion by Mr. Justice Butler. Dissenting opinion by Mr. Justice Holmes, in which Mr. Justice Brandeis and Mr. Justice Stone concur.

No. 384. Howard Moore, petitioner, *v.* The City of Nampa. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgment affirmed with costs, and the cause remanded to the District Court of the United States for the District of Idaho. Opinion by Mr. Justice Butler.

No. 62. John A. Grosfield and Richard Caplis *v.* The United States of America. On certificate from the United States Circuit Court of Appeals for the Sixth Circuit. Decree affirmed, and the cause remanded to the District Court of the United States for the Eastern District of Michigan. Opinion by Mr. Justice Sutherland.

No. 207. The Montana National Bank of Billings, plaintiff in error, *v.* Yellowstone County of the State of Montana and Henry S. Nutt, as County Treasurer, etc. In error to the Supreme Court of the State of Montana. 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 Sutherland.

No. 163. Arthur H. Lamborn, Gerald P. Taming, Charles C. Riggs, et al., etc., petitioners, *v.* The National Bank of Commerce of Norfolk, Virginia. On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit. Judgment reversed with costs, and the cause remanded to the District Court of the United States for the Eastern District of Virginia for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Brandeis. Dissenting opinion by Mr. Justice Stone, in which Mr. Justice McReynolds, Mr. Justice Sutherland, and Mr. Justice Sanford concur.

No. 231. Texas and New Orleans Railroad Company, petitioner, *v.* Northside Belt Railway Company. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Decree affirmed with costs, and the cause remanded to the District Court of the United States for the Southern District of Texas. Opinion by Mr. Justice Brandeis.

No. 375. Midland Valley Railroad Company, petitioner, *v.* Thomas Barkley et al. On writ of certiorari to the Supreme Court of the State of Arkansas. Judgment reversed with costs, and the cause remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Brandeis.

No. 376. Augustine L. Humes and Illinois Merchants Trust Company, as Executors, etc., petitioners, *v.* The United States. On writ of certiorari to the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Brandeis.

No. 221. Fannie E. Untermyer, as Executrix, and Edward D. Untermyer, as Executor, of the last will and testament of Isaac Untermyer, deceased, petitioners, *v.* Charles W. Anderson, as Collector of Internal Revenue of the United States of America for the Third District of New York. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment reversed with costs, and the cause remanded to the District Court of the United States for the Southern District of New York for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice McReynolds. Concurring: Mr. Justice Sanford. Dissenting: Mr. Justice Holmes, Mr. Justice Brandeis, and Mr. Justice Stone.

No. 146. Henry Wilson, F. A. Wilson, W. T. Wilson, et al., petitioners, *v.* Pacific Mail Steamship Company, Steamship "Newport" her engines, etc., J. McKinnon, Master, etc. On writ of certiorari to United States Circuit Court of Appeals for the Ninth Circuit. Decree of the Circuit Court of Appeals reversed with costs and that of the District Court affirmed, and the 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 McReynolds.

No. 173. Pacific Mail Steamship Company, Claimant of the Steamship "Newport," her engines, etc., and J. McKinnon, Master of said Vessel, petitioners, *v.* Henry Wilson, F. A. Wilson, W. T. Wilson, et al. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Decree, so far as it is against the petitioners, affirmed with costs, and the cause remanded to the District Court of the United States for the Southern District of California. Opinion by Mr. Justice McReynolds.

No. 204. The United States of America, petitioner, *v.* Amalia Manzi. On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit. Decree reversed, and the cause remanded to the District Court of the United States for the District of Rhode Island for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice McReynolds. Mr. Justice Sutherland and Mr. Justice Sanford dissent.

No. 266. Alaska Packers Association, petitioner, *v.* Industrial Accident Commission of the State of California and John Peterson. On writ of certiorari to the Supreme Court of the State of Cali-

fornia. Judgment affirmed with costs. Opinion by Mr. Justice McReynolds.

No. 137. Jay A. Larkin, plaintiff in error, *v.* E. H. Paugh and Lincoln Safe Deposit Company. In error to the Supreme Court of the State of Nebraska. Judgment affirmed with costs. Opinion by Mr. Justice Van Devanter.

No. 500. Thomas J. Casey, petitioner, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgment upon the first count affirmed, and the cause remanded to the District Court of the United States for the Western District of Washington. Opinion by Mr. Justice Holmes. Dissenting opinions by Mr. Justice Butler, Mr. Justice McReynolds, Mr. Justice Sanford, and Mr. Justice Brandeis.

No. 98. Chesapeake & Ohio Railway Company, petitioner, *v.* K. S. Leitch. On writ of certiorari to the Supreme Court of Appeals of the State of West Virginia. Judgment reversed with costs, and the cause remanded to the said Supreme Court of Appeals for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Holmes.

No. 600. Frank Nigro *v.* The United States of America. On certificate from the United States Circuit Court of Appeals for the Eighth Circuit. Question No. 1 is answered in the negative. Question No. 2 is answered in the affirmative. Questions Nos. 3 and 4 are not answered. Opinion by Mr. Chief Justice Taft. Separate opinion by Mr. Justice McReynolds, concurred in by Mr. Justice Sutherland. Dissenting opinion by Mr. Justice Butler, concurred in by Mr. Justice Sutherland.

No. 182. Corona Cord Tire Company, petitioner, *v.* Dovon Chemical Corporation. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Judgment reversed with costs, and the cause remanded to the District Court of the United States for the Western District of Pennsylvania for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Chief Justice Taft.

No. 342. Krauss Brothers Lumber Company, petitioner, *v.* Andrew W. Mellon, Director General of Railroads, as Agent, etc.; Mobile & Ohio Railroad Company and Alabama Great Southern Railroad Company. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Judgment reversed with costs, and the cause remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Chief Justice Taft.

No. 242. J. W. Hampton, Jr., & Co., petitioner, *v.* The United States. On writ of certiorari to the United States Court of Customs Appeals. Judgment affirmed. Opinion by Mr. Chief Justice Taft.

The Chief Justice announced the following orders of the Court:

No. 607. The United States of America, Interstate Commerce Commission and Fort Smith, Subiaco & Rock Island Railroad Company, appellants, *v.* Missouri Pacific Railroad Company. It is ordered that this case be restored to the docket for reargument and assigned for Monday, April 23 next, after the case heretofore assigned for that day.

No. 337. The Williamsport Wire Rope Company, petitioner, *v.* The United States. Consideration of the motion of the petitioner to reverse and remand is postponed to the hearing of the case on the merits. The case is assigned for argument on Monday, April 23 next, after the cases heretofore assigned for that day.

No. 407. H. F. Ferry, plaintiff in error, *v.* Alice M. Ramsey, C. L. King, et al.;

No. 408. C. L. Harris, as Executor of the last will and testament of T. A. Kramer, deceased, plaintiff in error, *v.* Alice M. Ramsey, C. L. King, et al.;

No. 409. H. F. Ferry, plaintiff in error, *v.* W. O. James, C. L. King, et al.;

No. 410. C. L. Harris, as executor, etc., plaintiff in error, *v.* W. O. James, C. L. King, et al.;

No. 411. H. F. Ferry, plaintiff in error, *v.* Ramsey Petroleum Company, C. L. King, et al.

No. 412. C. L. Harris, as executor, etc., plaintiff in error, *v.* Ramsey Petroleum Company, et al.;

No. 413. H. F. Ferry, plaintiff in error, *v.* G. L. Ramsey, C. L. King, et al.;

No. 414. C. L. Harris, as executor, etc., plaintiff in error, *v.* G. L. Ramsey, C. L. King, et al.;

No. 415. H. F. Ferry, plaintiff in error, *v.* M. R. Chastain, C. L. King, et al.;

No. 416. C. L. Harris, as executor, etc., plaintiff in error, *v.* M. R. Chastain, C. L. King, et al.;

No. 417. H. F. Ferry, plaintiff in error, *v.* A. L. Lloyd, C. L. King, et al.; and

No. 418. C. L. Harris, as executor etc., *v.* A. L. Lloyd, C. L. King, et al. Consideration of the motion to dismiss or affirm submitted in these cases is postponed to the hearing of the cases on

the merits. The cases are assigned for argument on Monday, April 23 next, after the cases heretofore assigned for that day.

No. 1. Rhederei M. Jebsen Company, appellant, *v.* The United States;

No. 2. The Firm of M. Jebsen, etc., appellant, *v.* The United States;

No. 3. Hamburg-American Line Terminal and Navigation Company, appellant, *v.* The United States;

No. 4. Hamburg-American Line Terminal and Navigation Company, appellant, *v.* The United States;

No. 5. Atlas Line Steamship Company, appellant, *v.* The United States;

No. 6. Atlas Line Steamship Company, appellant, *v.* The United States;

No. 7. North German Lloyd, appellant, *v.* The United States;

No. 8. North German Lloyd, appellant, *v.* The United States;

No. 9. North German Lloyd, appellant, *v.* The United States;

No. 10. Hamburg-Amerikanische Paketfahrt Aktien-Gesellschaft, appellant, *v.* The United States;

No. 11. Hamburg-Amerikanische Paketfahrt Aktien-Gesellschaft, appellant, *v.* The United States; and

No. 12. Deutsch-Australische Dampfschiffs-Gesellschaft, appellant, *v.* The United States. It is ordered that these cases be and they are hereby reassigned for argument on Monday, April 23 next, after the cases heretofore assigned for that day.

No. 877. Joe Wysong, plaintiff in error, *v.* The People of the State of California. In error to the District Court of Appeals, Second Appellate District, State of California. *Per curiam*: Upon consideration of the record herein submitted, the Court finds that this is not a case in which there is drawn in question the validity of a treaty or statute of the United States and the decision is against its validity; or where is properly drawn in question the validity of a statute of the State of California, on the ground of its being repugnant to the Constitution, treaties, or laws of the United States, and the decision is in favor of its validity. It is, therefore, not a case which, under Sec. 237(a) of the Judicial Code, as amended by the Act of February 13, 1925 (43 Stat. 936, 937), may be reviewed by this Court on writ of error, and this Court has no jurisdiction thereof under said section. *Jett Bros. Distilling Co. v. City of Carrollton*, 252 U. S. 1, 5, 6.

Treating the writ of error as a petition for writ of certiorari under sec. 237 (c) of the Judicial Code, as amended by the Act of February 13, 1925 (43 Stat. 936, 937), the Clerk is directed to issue an order returnable April 30th next against Joe Wysong to show cause, if

any there be, by printed return and printed brief, why the petition for certiorari should not be denied for lack of a substantial Federal question shown in the record giving this Court jurisdiction.

No. 700. The United States, petitioner, *v.* The Cambridge Loan and Building Company. Petition for writ of certiorari to the Court of Claims granted.

No. 770. Atlantic Coast Line Railroad Company, petitioner, *v.* Morgan L. Davis, as Administrator of the Estate of W. Baylor Richards, deceased. Petition for writ of certiorari to the Supreme Court of the State of South Carolina granted.

No. 319. Standard Pipe Line Company, Inc., et al., plaintiffs in error, *v.* Commissioners of Index Sulphur Drainage District. Petition for writ of certiorari to the Supreme Court of the State of Arkansas granted.

No. 682. Rocco DeBellis, 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. 739. Anna Louise Nolde, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 773. Stuyvesant Insurance Company, petitioner, *v.* Jacksonville Oil Mill. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 774. The Globe and Rutgers Fire Insurance Company, petitioner, *v.* Jacksonville Oil Mill. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 776. John Thomas Gillespie and Samuel Hassard Gillespie, carrying on business under the firm name and style of L. C. Gillespie & Sons, Petitioners, *v.* Hong Kong & Shanghai Banking Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 783. Union Pacific Railroad Company, petitioner, *v.* Louis Ilfeld Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 784. Oliver Chapman, as License Collector of the City of St. Louis, petitioner, *v.* International Shoe Company. Petition for writ of certiorari to the Supreme Court of the State of Missouri denied.

No. 785. Armour and Company, petitioner, *v.* Bassel Brothers, a copartnership composed of Neal Bassel, A. J. Bassel, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 786. Armour and Company, petitioner, *v.* The Belton National Bank. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 787. William H. Hardie, 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. 790. Jesse McGee, Sallie McGee, Elias Wesley, et al., petitioners, *v.* W. A. Ledbetter, G. V. Pardue, W. A. Watson, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 792. Guiseppe Yaconi, petitioner, *v.* Brady & Gioe, Inc. Petition for writ of certiorari to the Supreme Court of the State of New York denied.

No. 793. Katie Roubedeaux and Lizzie Gibbs, *nee* Brink, heirs at law, W. W. Brown, et al., petitioners, *v.* Quaker Oil & Gas Company, of Oklahoma, Southwestern Petroleum Company, The Pure Oil Company, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 799. C. G. Schull, Bank Commissioner of the State of Oklahoma, petitioner, *v.* New Amsterdam Casualty Company;

No. 800. C. G. Schull, Bank Commissioner of the State of Oklahoma, petitioner, *v.* Fidelity Casualty Company;

No. 801. C. G. Schull, Bank Commissioner of the State of Oklahoma, petitioner, *v.* Fidelity and Deposit Company of Maryland;

No. 802. C. G. Schull, Bank Commissioner of the State of Oklahoma, petitioner, *v.* American Surety Company of New York; and

No. 803. C. G. Schull, Bank Commissioner of the State of Oklahoma, petitioner, *v.* Fidelity & Guaranty Company. The petition for writs of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit is denied.

No. 804. George Lee Johnston, 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. 805. Southern Pacific Company, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 808. Thomas W. Miller, 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. 17, original. The United States of America, complainant, *v.* The State of Utah. Leave granted to file bill of complaint, and

process ordered to issue returnable on Monday, May 7 next, on motion of Mr. Solicitor General Mitchell for the complainant.

No. 744. James A. Reed et al., petitioners, *v.* The County Commissioners of Delaware County, Pennsylvania, et al. Motion to advance submitted by Mr. William H. King for the petitioners.

No. 843. Fajardo Sugar Company of Porto Rico, petitioner, *v.* Juan G. Gallardo, Treasurer; and

No. 844. Fajardo Sugar Company of Porto Rico, petitioner, *v.* Juan G. Gallardo, Treasurer. Leave granted to postpone the submission of the petitions for writs of certiorari herein until Monday, May 7 next, and leave granted respondent to file brief on or before that day, on motion of Mr. William C. Rigby in that behalf.

No. —, original. The State of Connecticut, plaintiff, *v.* State of North Carolina. Motion for leave to file declaration submitted by Mr. Howard Thayer Kingsbury for the plaintiff.

No. 16, original. *Ex Parte*: In the Matter of Thomas E. William, Tax Commissioner, petitioner. Return of the Honorable Joseph W. Woodrough, United States District Judge for the District of Nebraska, to the rule to show cause, presented.

No. 866. Ray R. Hawthorne, plaintiff in error, *v.* Texas and New Orleans Railroad Company. Motion for leave to proceed *in forma pauperis* submitted by Mr. Charles A. Murphy for the plaintiff in error.

No. 753. The United States, petitioner, *v.* George Nichols and Mary B. Nichols, as Executors of the Estate of John W. T. Nichols, deceased. Petition for writ of certiorari to the Court of Claims submitted by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Galloway, and Mr. T. H. Lewis for the petitioner, and by Mr. Henry A. Stickney for the respondents.

No. 757. Francis L. Kohlman, Trustee of the Estate of The Fleischmann Construction Company, a Bankrupt Corporation, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims submitted by Mr. Levi H. David, Mr. Harold J. Pack, Mr. Wm. F. Kimber, and David W. Kahn for the petitioner, and by Mr. Solicitor General Mitchell and Mr. Assistant Attorney General Galloway for the respondent.

No. 758. Luckenbach Steamship Company, Inc., Luckenbach Company, Inc., and Edgar F. Luckenbach, petitioners, *v.* The United States. Petition for writ of certiorari to the Court of Claims submitted by Mr. George A. King, Mr. William B. King, and Mr. George R. Shields for the petitioners, and by Mr. Solicitor General Mitchell and Mr. Assistant Attorney General Galloway for the respondent.

No. 759. Ocean Steamship Company of Savannah, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims submitted by Mr. T. M. Cunningham, jr., Mr. William B. King, and Mr. George A. King for the petitioner, and by Mr. Solicitor General Mitchell and Mr. Assistant Attorney General Galloway for the respondent.

No. 781. Chevrolet Motor Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims submitted by Mr. Melville Church, Mr. John Thomas Smith, and Mr. Frank A. Gaynor for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Galloway, and Mr. Fred K. Dyar for the respondent.

No. 789. Unadilla Valley Railway Company, petitioner, *v.* Ernest Caldine, as Administrator of the Goods, Chattels, and Credits of Harold E. Caldine, deceased. Petition for writ of certiorari to the Court of Appeals of the State of New York submitted by Mr. Benjamin S. Minor, Mr. H. Prescott Gatley, Mr. Arthur P. Drury, and Mr. Wirt Howe for the petitioner, and by Mr. Thomas B. Kattell for the respondent.

No. 791. Oxford Oil Company and J. G. Bass, petitioners, *v.* Atlantic Oil Producing Company, C. E. Gilmore, etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. C. L. Bass and Mr. R. H. Ward for the petitioners, and by Mr. John L. Young for the respondent.

No. 794. Bertha Canavan, petitioner, *v.* Peter Kitchen and E. W. Dobson. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Sam G. Bratton for the petitioner, and by Mr. E. W. Dobson for the respondent.

No. 798. Compagnie Générale Transatlantique, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims submitted by Mr. Charles S. Haight, Mr. Harold S. Deming, and Mr. George A. King for the petitioner, and by Mr. Solicitor General Mitchell and Mr. Assistant Attorney General Galloway for the respondent.

No. 811. Amalgamated Clothing Workers of America, Local Union No. —, Wm. Fuhrwerk, et al., petitioners, *v.* Curlee Clothing Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Luther Ely Smith and Mr. Elmer E. Pearey for the petitioners, and by Mr. George M. Hagee for the respondent.

No. 812. William Driscoll and Thomas Driscoll, petitioners, *v.* The State Board of Land Commissioners of the State of Colorado

and the Texas Production Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Edwin H. Park for the petitioners, and by Mr. Wm. L. Boatright, Mr. Charles Roach, Mr. Edw. M. Freeman, and Mr. Paul P. Prosser for the respondent.

No. 814. Cudahy Packing Company, petitioner, *v.* Munson Steamship Line. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Gilbert H. Montague for the petitioner, and by Mr. Cletus Keating for the respondent.

No. 816. Mrs. Alma Alman, as Executrix of the Estate of Sam Alman, deceased, petitioner, *v.* New York Life Insurance Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Harry H. Smith for the petitioner, and by Mr. T. M. Stevens for the respondent.

No. 817. Calvin R. Morgan, petitioner, *v.* Riverside Mills Company, C. A. Folk, T. I. Ward, et al. Petition for writ of certiorari to the Supreme Court of the State of Tennessee submitted by Mr. James S. Pilcher for the petitioner, and by Mr. K. T. McConnico for the respondents.

No. 818. Erie Railroad Company and Missouri Pacific Railroad Company, petitioners, *v.* Hoyland Flour Mills Company. Petition for writ of certiorari to the Court of Appeals of Kansas City, State of Kansas, submitted by Mr. Mitchell D. Follansbee, Mr. Leslie A. Welch, Mr. Thomas Hackney, Mr. Cyrus Crane, and Mr. Clyde E. Shorey for the petitioners, and by Mr. E. R. Morrison for the respondent.

No. 819. New York Life Insurance Company, petitioner, *v.* Mrs. Susie G. Marshall, Widow of Frank A. Marshall. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. R. B. Montgomery, and Mr. Louis H. Cooke for the petitioner, and by Mr. Harry P. Sneed for the respondent.

No. 820. J. A. Dillard and W. P. Fullingim, individually, etc., petitioners, *v.* Hal Brown & Company, Incorporated. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Sam G. Bratton for the petitioners.

No. 821. St. Louis-San Francisco Railway Company, petitioner, *v.* Lillian Oglesby, Administratrix of the Estate of Ernest E. Oglesby, deceased. Petition for writ of certiorari to the Supreme Court of the State of Missouri submitted by Mr. Edward T. Miller and Mr. Henry S. Conrad for the petitioner, and by Mr. Mont T. Prewitt for the respondent.

No. 829. Edward Roos, petitioner, *v.* The Texas Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. D. Basil O'Connor for the petitioner, and by Mr. Harry T. Klein for the respondent.

No. 832. Walter L. Price, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims submitted by Mr. John F. McCarron for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Galloway, Mr. Gardner P. Lloyd, and Mr. Percy M. Cox for the respondent.

No. 833. J. Robert Cogen, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Sanford H. Cohen for the petitioner, and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, and Mr. John J. Byrne for the respondent.

No. 834. General Investment Company, petitioner, *v.* The New York Railroad Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Frederick A. Henry for the petitioner, and by Mr. S. H. West for the respondent.

No. 835. W. A. Roth, petitioner, *v.* David H. Blair, as Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Edwin A. Meserve for the petitioner, and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, Mr. J. Louis Monarch, Mr. C. M. Charest, and Mr. Brice Toole, for the respondent.

No. 836. Mabel G. Reinecke, Collector of Internal Revenue for the First District of Illinois, petitioner, *v.* The Northern Trust Company, as Executor under the last will and Testament of A. C. Bartlett, deceased. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Solicitor General Mitchell, Mr. C. M. Charest, and Mr. T. H. Lewis for the respondent.

No. 837. Samuel Prela, trading as Selwell Blouse Company, petitioner, *v.* Louis Hubshman, Trustee in Bankruptcy of Samuel Prela, trading as Selwell Blouse Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Archibald Palmer and Mr. Max L. Rosenstein for the petitioner, and by Mr. George Lion Cohen for the respondent.

No. 838. Harry Oriel and Joseph Confino, individually and as members of the firm of Oriel, Confino & Co. petitioners, *v.* William E. Russell, Trustee in Bankruptcy of Oriel, Confino & Co. Petition

for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Hugo Levy for the petitioners, and by Mr. William E. Russell for the respondent.

No. 839. Walter Wyatt, William A. Horn, Joseph Mochnaly, et al., petitioners, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. B. B. McGinnis for the petitioners, and by Mr. Solicitor General Mitchell, Assistant Attorney General Galloway, and Louise Foster for the respondent.

No. 840. Jack Hood, John Hood, Ben Bowdry, et al., petitioners, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Warren K. Snyder for the petitioners, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Luhning, and Mr. Harry S. Ridgely for the respondent.

No. 842. Seaboard Air Line Railway Company, petitioner, *v.* J. E. Johnson. Petition for writ of certiorari to the Supreme Court of the State of Alabama submitted by Mr. Robert E. Steiner, Mr. Benjamin P. Crum, and Mr. Leon Weil for the petitioner, and by Mr. William W. Hill and Mr. Richard T. Rives for the respondent.

No. 845. J. G. (Guy) Hooker, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. W. B. Sorrells for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Luhning, and Mr. Harry S. Ridgely for the respondent.

No. 847. M. H. Gordon, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. M. H. Gordon, *pro se*, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Luhning, and Mr. Harry S. Ridgely for the respondent.

No. 848. The Insurance Company of North America, petitioner, *v.* Steamtug "Bathgate" her engines, etc., Southern Transportation Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Francis S. Laws, Mr. John M. Woolsey, and Mr. Robert S. Erskine, for the petitioner, and by Mr. J. Thruston Manning, jr., and Mr. Everett H. Brown, jr., for the respondent.

No. 851. The New York, Chicago and St. Louis Railroad Company, petitioner *v.* Edgar M. Granfell. Petition for writ of certiorari to the Court of Appeals for the Eighth Judicial District, State of Ohio, submitted by Mr. W. T. Kinder, for the petitioner, and by Mr. R. B. Newcomb, for the respondent.

No. 852. The State Highway Commission of Wyoming, consisting of Hiram Lingle, T. D. O'Neil, et al., petitioners *v.* Utah Construction Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. William O. Wilson, for the petitioners, and by Mr. John W. Lacey and Mr. Herbert Lacey, for the respondent.

No. 403. Jerry R. McCoy, petitioner, *v.* A. S. J. Shaw, as State Auditor of the State of Oklahoma and the Pure Oil Company. Submitted by Mr. Robert M. Rainey and Mr. Streeter B. Flynn, for the petitioner, and by Mr. Edwin Dabney and Mr. V. P. Crowe, for the respondents.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, April 10, will be as follows: Nos. 564 (and 573), 723, 748, 766, 229, 401, 404, 424, 425, and 433.

SUPREME COURT OF THE UNITED STATES

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

Henri L. Warren, of Kansas City, Mo.; Augustine L. Beason, of Dallas, Tex.; Hollis M. Kinard, of Orange, Tex.; Eugene Mills Meachem, of Washington, D. C.; Ewing Dean Colvin, of Seattle, Wash.; Joseph A. Finney, of Xenia, Ohio; Frank L. Johnson, of Xenia, Ohio; David A. Buckley, jr., of New York City; Joseph F. O'Brien, of Washington, D. C.; Attilio di Girolamo, of Washington, D. C.; W. Cameron Burton, of Washington, D. C.; Howard L. Townsend, of Fort Wayne, Ind.; George M. Elliott, of Washington, D. C.; Gregory Hankin, of Washington, D. C.; Robert Augustus M. McIntyre, of Warrenton, Va., were admitted to practice.

No. 564. Milton E. Springer et al., petitioners, *v.* Government of the Philippine Islands; and

No. 573. Gregoria Agoncillo et al., petitioners, *v.* Government of the Philippine Islands. Argued by Mr. John W. Davis for the petitioners, and by Mr. Solicitor General Mitchell for the respondents.

No. 723. The United States of America, plaintiff in error, *v.* Jacob A. Goldman, Louis J. Desmare, Clem Miner, et al. Argued by Assistant to the Attorney General Donovan for the plaintiff in error, and by Mr. Robert R. Nevin for the defendants in error.

No. 748. Gertrude Davis, plaintiff in error, *v.* The State of Ohio. Argument commenced by Mr. Joseph L. Stern for the plaintiff in error. The Court declined to hear further argument.

No. 766. M. J. Dugan, plaintiff in error, *v.* The State of Ohio. Argument commenced by Mr. F. L. Johnson for the plaintiff in error and continued by Mr. Joseph A. Finney for the defendant in error. The Court declined to hear further argument.

No. 229. Lucy B. Brooke, petitioner, *v.* City of Norfolk et al. Argument commenced by Mr. Robert B. Tunstall for the petitioner, and continued by Mr. E. Warren Wall for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, April 11, will be as follows: Nos. 229, 401, 404, 424, 425, 433, 449, 455, 459, and 463 (and 464).

SUPREME COURT OF THE UNITED STATES

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

Will G. Fields, of San Dimas, Calif.; Alex. F. Weisberg, of Dallas, Tex.; David A. Orebaugh, of Chicago, Ill.; John F. D. Meighen, of Albert Lea, Minn.; and Maurice Bloch, of New York City, were admitted to practice.

No. 687. Daniel Kelleher, appellant, *v.* G. T. French. Continued per stipulation of counsel.

No. 229. Lucy B. Brooke, petitioner, *v.* City of Norfolk et al. Argument continued by Mr. E. Warren Wall for the respondents, and concluded by Mr. Robert B. Tunstall, for the petitioner.

No. 401. International Shoe Company, plaintiff in error, *v.* L. Pinkus et al. Argued by Mr. J. D. Williamson for the plaintiff in error, and submitted by Mr. Lamar Williamson for the defendants in error.

No. 404. Baltimore & Ohio R R. Company et al., appellants, *v.* The United States of America, Interstate Commerce Commission et al. Argument commenced by Mr. Morison R. Waite for the appellants, continued by Mr. Blackburn Esterline for the United States, and Mr. J. Stanley Payne for the Interstate Commerce Commission, and concluded by Mr. M. G. Roberts for the West Side Lines.

No. 424. Edward E. Jenkins, as Receiver, etc., et al., petitioners, *v.* National Surety Company. Argument commenced by Mr. Paul H. Ray for the petitioners.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, April 12, will be as follows: Nos. 424, 228, 425, 433, 449, 455, 459, 463 (and 464), 465, and 471.

SUPREME COURT OF THE UNITED STATES

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

Helen I. Williams, of New York City; Otto C. Hauschild, of Washington, D. C.; A. Clifford Dunn, of New York City; Harry A. Campbell, of Tulsa, Okla.; Leroy A. Lincoln, of New York City; Charles J. Staples, of New York City; J. Z. Foster, of Marietta, Ga.; and William E. Price, of Galveston, Tex., were admitted to practice.

No. **260**. City of New Brunswick et al., petitioners, *v.* United States of America and U. S. Housing Corporation. Mandate granted on motion of Mr. Alfred A. Wheat in that behalf.

No. **228**. National Life Insurance Company, petitioner, *v.* The United States of America. Leave granted to file brief of The Metropolitan Life Insurance Company, The Mutual Benefit Life Insurance Company, and The Prudential Insurance Company, as *amici curiae*, on motion of Mr. Charles E. Hughes in that behalf.

No. **424**. Edward E. Jenkins, as Receiver, etc., et al., petitioners, *v.* National Surety Company. Argument continued by Mr. John Jensen for the petitioners, by Mr. Bynum E. Hinton for the respondent, and concluded by Mr. John Jensen for the petitioners.

No. **228**. National Life Insurance Company, petitioner, *v.* The United States of America. Argued by Mr. William Marshall Bullitt and Mr. J. Harry Covington for the petitioner, and by Mr. Alfred A. Wheat for the respondent.

No. **425**. Midland National Bank of Minneapolis, petitioner, *v.* Dakota Life Insurance Company. Argument commenced by Mr. Sigurd Ueland for the petitioner.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, April 13, will be as follows: Nos. **425**, **433**, **449**, **455**, **459**, **463**, **464**, **465**, **471**, and **472** (and **473**).

SUPREME COURT OF THE UNITED STATES

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

Paul C. Williams, of Muskogee, Okla.; L. G. Owens, of Tulsa, Okla.; Harry Martin Zuckert, of New York City; J. Edward Nally, of Cambridge, Mass.; Samuel W. McIntosh, of Washington, D. C.; Maurice E. Rosen, of Portland, Me.; and Peter J. Nelligan, of Cambridge, Mass., were admitted to practice.

No. 472. Southern Pacific Company, a corporation, petitioner, *v.* Hildur Haglund, as Administratrix; and

No. 473. Southern Pacific Company, a corporation, petitioner, *v.* Moore Shipbuilding Company, etc., et al. Submitted by Mr. William Denman for the petitioners, and by Mr. Ira S. Lillick and Mr. J. F. Sullivan for the respondents, with leave to counsel to file briefs within two weeks, on motion of Mr. Charles H. Bates in that behalf.

No. 425. Midland National Bank of Minneapolis, petitioner, *v.* Dakota Life Insurance Company. Argument continued by Mr. Sigurd Ueland for the petitioner, and concluded by Mr. John B. Hanten for the respondent.

No. 433. City of Gainesville, petitioner, *v.* Brown-Crummer Investment Company, et al. Argued by Mr. W. O. Davis for the petitioner, by Mr. H. O. Head for H. O. Head, executor, and by Mr. Alex. F. Weisberg for Brown-Crummer Investment Company.

No. 449. Frank C. Jordan, Secretary of State, et al., plaintiffs in error, *v.* K. Tashiro, M. D., Isami Sekiyama, M. D., et al. Argument commenced by Mr. U. S. Webb for the plaintiffs in error. The Court declined to hear further argument. Leave granted counsel to file briefs within two weeks on the question whether a writ of certiorari shall be granted, the case to be thereafter set down for hearing on that question alone.

No. 455. White River Gardens, Inc., S. Katsuno, et al., plaintiffs in error, *v.* State of Washington, Taka Hirabayashi, et al. Argu-

ment commenced by Mr. Frederic E. Fuller for the plaintiffs in error.

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

The day call for Monday, April 16, will be as follows: Nos. 455, 459, 463, 464, 465, 471, 768 (and 769), 496, 509, and 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, and 520.

SUPREME COURT OF THE UNITED STATES

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

John G. McKay, of Miami, Fla.; W. L. Guice, of Boston, Mass.; Peyton R. Sandoz, of New Orleans, La.; Edward H. Palmer, of Boston, Mass.; Robert Whipple Wilson, of Washington, D. C.; Asa Matlack Stackhouse, of Moorestown, N. J.; James Saulsbury, of Wilmington, Del.; Francis L. Driscoll, of New York City; Lionel Isaacs, of Union City, N. J.; Walter W. McCaslin, of Washington, D. C.; Harry R. Stocker, of St. Louis, Mo.; and Graciano T. Natividad, of Manila, P. I., were admitted to practice.

No. 252. Mrs. L. E. Williams, Individually and Natural Tutrix of of Her Minor Son, John Earl Williams, petitioner, *v.* Great Southern Lumber Company. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Judgment affirmed with costs, and the cause remanded to the District Court of the United States for the Eastern District of Louisiana. Opinion by Mr. Justice Sanford.

No. 190. William H. Blodgett, Tax Commissioner of the State of Connecticut, petitioner, *v.* Arthur Silberman, Charles Moebius, Joseph Plaut, et al., executors. On writ of certiorari to the Superior Court of Fairfield County, State of Connecticut. Judgment affirmed in part and reversed in part, with costs to the petitioner, and the cause remanded to the said Superior Court for further proceedings not inconsistent with the opinion of this Court; and

No. 191. Arthur Silberman, Charles Moebius, Joseph Plaut, et al., executors, etc., plaintiffs in error, *v.* William H. Blodgett, Tax Commissioner of the State of Connecticut. In error to the Superior Court of the State of Connecticut. Judgment affirmed in part and reversed in part, and the cause remanded to the said Superior Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Chief Justice Taft.

The Chief Justice announced the following orders of the Court:

No. 744. James A. Reed, Charles L. McNary, William H. King, et al., etc., petitioners *v.* The County Commissioners of Delaware County, etc., et al. The motion to advance this case is granted and the case assigned for argument on Monday, April 23 next, after the cases heretofore assigned for that day.

No. 912. Joseph Saltis, appellant, *v.* The People of the State of Illinois. It is ordered that this criminal case upon the docket be advanced and assigned for argument on Monday, April 23 next, after the cases heretofore assigned for that day.

No. 910. Talbert W. Hughes, plaintiff in error, *v.* The State Board of Medical Examiners; and

No. 911. Nathan A. Hughes, plaintiff in error, *v.* The State Board of Medical Examiners. It is ordered that these cases be and they are hereby advanced and assigned for argument on Monday, October 1st next, after the cases heretofore assigned for that day.

No. 866. Ray R. Hawthorne, plaintiff in error, *v.* Texas and New Orleans Railroad Company. In error to the Court of Civil Appeals, First Supreme Judicial District, State of Texas. *Per curiam:* The motion for leave to proceed further herein *in forma pauperis* is denied for the reason that the Court, upon examination of the unprinted record, finds that this is not a case in which is drawn in question the validity of a treaty or statute of the United States and the decision is against its validity; or where is drawn in question the validity of a statute of the State of Texas, on the ground of its being repugnant to the Constitution, treaties, or laws of the United States, and the decision is in favor of its validity. The writ of error is therefore dismissed on the authority of section 237 (a) of the Judicial Code, as amended by the act of February 13, 1925 (43 Stat. 936, 937), for lack of jurisdiction. *Jett Bros. Distilling Co. v. City of Carrollton*, 252 U. S. 1, 5, 6. Treating the writ of error as an application for certiorari, the certiorari is denied.

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

No. 748. Gertrude Davis, plaintiff in error, *v.* The State of Ohio. In error to the Supreme Court of the State of Ohio. *Per curiam:* Dismissed for want of jurisdiction, for the reason that the federal question is frivolous, on the authority of *Farrell v. O'Brien*, 199 U. S. 89, 100; *Toop v. Ulysses Land Co.*, 237 U. S. 580, 583; *Piedmont Power & Light Co. v. Town of Graham*, 253 U. S. 193, 195; *Seaboard Air Line v. Padgett*, 236 U. S. 668, 671; *Quong Ham Wah Co. v. Industrial Commission*, 255 U. S. 445, 448, 449.

No. 789. Unadilla Valley Railway Company, petitioner, *v.* Ernest Caldine, as Administrator, etc. Petition for writ of certiorari to the Court of Appeals of the State of New York granted.

No. 753. The United States, petitioner, *v.* George Nichols and Mary B. Nichols, as Executors of the Estate of John W. T. Nichols, deceased. Petition for writ of certiorari to the Court of Claims denied.

No. 757. Francis L. Kohlman, Trustee of the Estate of The Fleischmann Construction Company, a Bankrupt Corporation, petitioner *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 758. Luckenbach Steamship Company, Inc., Luckenbach Company, Inc., and Edgar F. Luckenbach, petitioners *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 759. Ocean Steamship Company of Savannah, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 781. Chevrolet Motor Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 791. Oxford Oil Company and J. G. Bass, petitioners, *v.* Atlantic Oil Producing Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 794. Bertha Canavan, petitioner, *v.* Peter Kitchen and E. W. Dobson. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 798. Compagnie Generale Transatlantique, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 811. Amalgamated Clothing Workers of America Local Union No. —, Wm. Fuhrwerk, et al., petitioners, *v.* Curlee Clothing Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 812. William Driscoll and Thomas Driscoll, petitioners, *v.* The State Board of Land Commissioners of the State of Colorado and the Texas Production Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 814. Cudahy Packing Company, petitioner, *v.* Munson Steamship Line. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 816. Mrs. Alma Alman, as Executrix of the Estate of Sam Alman, deceased, petitioner, *v.* New York Life Insurance Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 817. Calvin R. Morgan, petitioner, *v.* Riverside Mills Company, C. A. Folk, T. I. Ward, et al. Petition for writ of certiorari to the Supreme Court of the State of Tennessee denied.

No. 818. Erie Railroad Company and Missouri Pacific Railroad Company, petitioners, *v.* Hoyland Flour Mills Company. Petition for writ of certiorari to the Court of Appeals of Kansas City, State of Missouri, denied.

No. 819. New York Life Insurance Company, petitioner, *v.* Mrs. Susie G. Marshall, Widow of Frank A. Marshall. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 820. J. A. Dillard and W. P. Fullingim, individually, etc., petitioners, *v.* Hal Brown & Company, Incorporated. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 821. St. Louis-San Francisco Railway Company, petitioner, *v.* Lillian Oglesby, Administratrix of the Estate of Ernest E. Oglesby, deceased. Petition for writ of certiorari to the Supreme Court of the State of Missouri denied.

No. 829. Edward Roos, petitioner, *v.* The Texas Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 832. Walter L. Price, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

The Chief Justice also announced the entry of an order fixing the salaries of the Marshal of this Court and the assistants in his office.

No. —, original. The State of Connecticut, plaintiff, *v.* The State of North Carolina. Motion for leave to file opposition to motion for leave to file declaration submitted by Mr. Dennis C. Brummitt for the defendant.

No. —, original. The State of Connecticut, plaintiff, *v.* The State of North Carolina. Leave granted to amend motion for leave to file and to amend the declaration, on motion of Mr. Jackson Palmer for the plaintiff.

No. 828. City of Cape May, petitioner, *v.* The United States. Motion to remand to the Court of Claims with directions to make additional findings of fact submitted by Mr. Edmond C. Fletcher for the petitioner.

No. 603. L. P. Larson, Jr., Company, petitioner, *v.* Wm. Wrigley, Jr. Company. Motion for leave to file printed suggestions and motion to amend order of December 5, 1927, to extend scope of argument submitted by Mr. Edmund D. Adcock in behalf of Mr. Charles H. Aldrich, Mr. George I. Haight, Mr. Charles R. Aldrich, motion, with motion to strike petitioner's suggestions and motion and by Mr. Robert F. Cogswell in behalf of Mr. Isaac H. Mayer, and Mr. Wallace R. Lane for the respondent, in opposition to this motion with motion to strike petitioner's suggestions and motion from the files.

No. 696. Samuel B. Ricketts, plaintiff in error, *v.* Victoria Shields Allen. Leave granted to file brief on behalf of the plaintiff in error in opposition to motion to dismiss on or before Friday next, on motion of Mr. Leonidas B. McIlhenny for the plaintiff in error.

No. 841. Wallace C. Gaines, petitioner, *v.* The State of Washington. Leave granted to file brief in opposition to application for writ of certiorari, on motion of Mr. Ewing D. Colvin for the respondent.

No. 161. E. M. Jones Burget, plaintiff in error, *v.* The Borough of Dormont, Pittsburgh, Pennsylvania. Motion to reinstate case to the docket submitted by Mrs. E. M. Jones Burget *pro se*.

No. 807. The United States, petitioner, *v.* Amos D. Carver, S. E. Turner, Clifford N. Carver, et al. Petition for writ of certiorari to the Court of Claims submitted by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Galloway, and Mr. J. Frank Staley for the petitioner, and by Mr. Frank E. Scott for the respondents.

No. 828. City of Cape May, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims submitted by Mr. Edmond C. Fletcher for the petitioner, and by Mr. Solicitor General Mitchell and Mr. Assistant Attorney General Galloway for the respondent.

No. 849. Herman Fox, doing business under the firm name and style of H. Fox & Company, petitioner, *v.* Chester P. Mills, Federal Prohibition Administrator etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Lewis Landes for the petitioner, and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, and Mr. Mahlon D. Kiefer for the respondent.

No. 850. Nonda Caranica, petitioner, *v.* John D. Nagle, as Commissioner of Immigration for the Port of San Francisco. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. B. B. Pettus and Mr. James

D. Meredith for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Luhring, and Mr. Harry S. Ridgely for the respondent.

No. 856. Cuetara Hermanos, Eudocio Miguel, et al., petitioners, *v.* Royal Exchange Assurance Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit submitted by Mr. O. Walker Taylor for the petitioners, and by Mr. Carroll G. Walter for the respondent.

No. 857. James A. Murphy, petitioner, *v.* American Railway Express Company, R. E. M. Cowie, and F. J. Hickey. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Arthur E. Paige for the petitioner, and by Mr. T. Hart Anderson, Mr. W. H. Marx, and Mr. A. M. Hartung for the respondents.

No. 6. Atlas Line Steamship Company, appellant, *v.* The United States. Appeal from the Court of Claims. Dismissed, on motion of counsel for the appellant.

No. 7. North German Lloyd, appellant, *v.* The United States. Appeal from the Court of Claims. Dismissed, on motion of counsel for the appellant.

No. 8. North German Lloyd, appellant, *v.* The United States. Dismissed, on motion of counsel for the appellant.

No. 9. North German Lloyd, appellant, *v.* The United States. Dismissed, on motion of counsel for the appellant.

No. 10. Hamburg-Amerikanische Paketfahrt Aktien-Gesellschaft (also known as Hamburg-American Line), appellant, *v.* The United States. Appeal from the Court of Claims. Dismissed, on motion of counsel for the appellant.

No. 11. Hamburg-Amerikanische Paketfahrt Aktien-Gesellschaft (also known as Hamburg-American Line), appellant *v.* The United States. Appeal from the Court of Claims. Dismissed, on motion of counsel for the appellant.

No. 12. Deutsch-Australische Dampfschiffs-Gesellschaft, appellant, *v.* The United States. Appeal from the Court of Claims. Dismissed, on motion of counsel for the appellant.

No. 696. Samuel B. Ricketts, plaintiff in error, *v.* Victoria Shields Allen. Motion to dismiss submitted by Mr. A. McL. Marshall and Mr. Byron B. Harlan for the defendant in error, in support of the motion, and by Mr. Leonidas B. McIlhenny for the plaintiff in error, in opposition thereto.

No. **455**. White River Gardens, Inc., S. Katsuno and Wayo Katsuno, etc., et al., plaintiffs in error, *v.* The State of Washington, Taka Hirabayashi, and Jane Doe Hirabayashi, etc. Argument continued by Mr. Frederic E. Fuller for the plaintiffs in error. The Court declined to hear further argument.

No. **459**. Republic of France, Compagnie Franco-Indo-Chinoise and Engineering Timber Company, Ltd., petitioner, *v.* French Overseas Corporation, as owner of the schooner Malcolm Baxter, Jr. Argued by Mr. John M. Woolsey and Mr. Mark W. Maclay for the petitioners, and by Mr. T. Catesby Jones for the respondent.

No. **463**. Montgomery Ward and Company, a corporation, appellant, *v.* Louis L. Emmerson, as Secretary of State of the State of Illinois, et al. Argument commenced by Mr. Paul O'Donnell for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, April 17, will be as follows: Nos. **463, 464, 465, 471, 768 (and 769), 496, 509, 510 (and 511, 512, 513, 514, 515, 516, 517, 518, 519, and 520), 534, and 552.**

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SUPREME COURT OF THE UNITED STATES

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

W. B. McCord, of Seattle, Wash.; Frederick W. Sparks, of New York City; Judson Hannigan, of Boston, Mass.; Thomas F. Veach, of Cleveland, Ohio; Samuel W. Mendum, of Woburn, Mass., and Carl D. Shoemaker, of Portland, Oreg., were admitted to practice.

No. —. Burton Coal Company et al., appellants, *v.* Anchor Coal Company, et. al. Argued on motion for stay of injunction pending appeal by Mr. Ernest S. Ballard for the appellants; by Mr. Frederic D. McKenney for New York Central Railroad Company, Baltimore and Ohio Railroad Company, et al.; and by Mr. J. V. Norman for the appellees.

No. —. Burton Coal Company et al., appellants, *v.* Anchor Coal Company, et al. Motion for stay of injunction pending appeal denied.

No. 463. Montgomery Ward and Company, a corporation, appellant *v.* Louis L. Emmerson, as Secretary of State, etc. Argument continued by Mr. Paul O'Donnell for the appellant, and concluded by Mr. B. L. Catron for the appellees.

No. 464. Victor Chemical Works, a corporation, appellant, *v.* Louis L. Emmerson, as Secretary of State, etc., et al. Argument commenced by Mr. Fletcher Lewis for the appellant. The Court declined to hear further argument.

No. 465. Coffin Bros. & Company et al., plaintiffs in error, *v.* T. R. Bennett, Superintendent of Banks, etc. Argued by Mr. Orville A. Park for the defendant in error, and submitted by Mr. G. G. Harrell and Mr. R. S. Wimberly for the plaintiffs in error.

No. 471. Mabel G. Reinecke, collector of Internal Revenue, etc., *v.* Frank G. Gardner, Trustee in Bankruptcy, etc. Argument commenced by Assistant Attorney General Willebrandt for Reinecke, Collector, and continued by Mr. Albert L. Hopkins for Gardner, Trustee.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, April 18, will be as follows: Nos. 471, 768 (and 769), 496, 509, 510 (and 511, 512, 513, 514, 515, 516, 517, 518, 519, and 520), 534, 552, 561, 577, and 579.

SUPREME COURT OF THE UNITED STATES

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

Leander H. Perez of New Orleans, La.; John M. McFaddin, of Rockville, Ind.; Richard J. Finn, of Chicago, Ill.; William W. Case, of Chicago, Ill.; William C. Boyden, of Chicago, Ill.; and Edward Gorbield Burke, of Deep River, Conn., were admitted to practice.

No. 471. Mabel G. Reinecke, Collector of Internal Revenue, etc., *v.* Frank G. Gardner, Trustee in Bankruptcy, etc. Argument concluded by Mr. Albert L. Hopkins for Gardner, Trustee.

No. 768. Foster-Fountain Packing Company, Inc., and Sea Food Company, appellants, *v.* E. J. Haydel, Fred Schouest, L. R. Cabriac, et al.; and

No. 769. L. O. Johnson, jr., and Sea Food Company, et al., appellants, *v.* E. J. Haydel, Fred Schouest, L. R. Cabriac, et al. Argued by Mr. William H. Watkins and Mr. W. Lee Guice for the appellants, and by Mr. M. M. Irwin and Mr. John Dymond, jr., for the appellees.

No. 496. Carter Oil Company et al., petitioners, *v.* Taylor Eli, James Eli, et al. Argument commenced by Mr. George S. Ramsey and Mr. Chester I. Long for the petitioners, and continued by Mr. D. H. Linebaugh for the respondents.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, April 19, will be as follows: Nos. 496, 509, 510 (and 511, 512, 513, 514, 515, 516, 517, 518, 519, and 520), 534, 552, 561, 577, 579, and 589.

SUPREME COURT OF THE UNITED STATES

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

Vivian L. Page, of Norfolk, Va.; Charles M. Grosman, of Newark, N. J.; Irvin H. Fathchild, of Chicago, Ill.; W. E. Evans, of Glendale, Calif.; Ivor A. Page, of Norfolk, Va.; Ernest L. Beale, of Franklin, Va.; Isaac Homer Van Winkle, of Salem, Oreg.; G. W. Nix, of Los Angeles, Calif.; and Watson Washburn, of New York City, were admitted to practice.

No. 496. Carter Oil Company et al., petitioners, *v.* Taylor Eli, James Eli, et al. Argument concluded by Mr. D. H. Linebaugh for the respondents.

No. 509. Saul M. Nectow, plaintiff in error, *v.* City of Cambridge and Inspector of Buildings, etc. Argued by Mr. Judson Hannigan and Mr. John E. Hannigan for the plaintiff in error, and by Mr. Peter J. Nelligan for the defendants in error.

No. 510. Compania de Navegacion, Interior, S. A., petitioner, *v.* Fireman's Fund Insurance Co.;

No. 511. Compania de Navegacion, Interior, S. A., petitioner, *v.* Globe & Rutgers Fire Insurance Co.;

No. 512. Compania de Navegacion, Interior, S. A., petitioner, *v.* Northwestern Fire & Marine Insurance Co.;

No. 513. Compania de Navegacion, Interior, S. A., petitioner, *v.* Hartford Fire Insurance Co.;

No. 514. Compania de Navegacion, Interior, S. A., petitioner, *v.* National Liberty Insurance Co.;

No. 515. Compania de Navegacion, Interior, S. A., petitioner, *v.* Aetna Insurance Co.;

No. 516. Compania de Navegacion, Interior, S. A., petitioner, *v.* Western Assurance Co.;

No. 517. Compania de Navegacion, Interior, S. A., petitioner, *v.* Liverpool & London & Globe Insurance Co., Ltd.;

No. 518. Compania de Navegacion, Interior, S. A., petitioner, *v.* Springfield Fire & Marine Insurance Co.;

No. 519. Compania de Navegacion, Interior, S. A., petitioner, *v.* Franklin Fire Insurance Co.; and

No. 520. Compania de Navegacion, Interior, S. A., petitioner, *v.* Phoenix Insurance Co. Argued by Mr. John D. Brace for the petitioner and by Mr. T. Catesby Jones for the respondents.

No. 534. Karl Buzynski, petitioner, *v.* Luckenbach Steamship Co., Inc., et al. Argued by Mr. W. E. Price for the petitioner, and by Mr. J. N. Rayzor for the respondents.

No. 552. The City of New York, plaintiff in error, *v.* Frank Campbell. Argument commenced by Mr. Elliot S. Benedict for the plaintiff in error. The Court declined to hear further argument.

No. 561. Mark Skinner Willing and The Northern Trust Co., as Trustee, etc., et al., petitioners, *v.* Chicago Auditorium Association. Argument commenced by Mr. Charles E. Hughes for the petitioners.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, April 20, will be as follows: Nos. 561, 577, 579, and 589.

SUPREME COURT OF THE UNITED STATES

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

Earl E. Moss, of Los Angeles, Calif.; Edward C. Rowe, of New York City; John A. Kelly, of New York City; Charles E. Feirich, of Carbondale, Ill.; Heriberto Torres Sola, of Rio Piedras, P. I.; and Harry E. Burroughs, of Boston, Mass., were admitted to practice.

No. 561. Mark Skinner Willing and The Northern Trust Co., as Trustee, etc., et al., petitioners, *v.* Chicago Auditorium Association. Argument continued by Mr. Charles E. Hughes for the petitioners, by Mr. Walter L. Fisher for the respondent, and concluded by Mr. Charles E. Hughes for the petitioners.

No. 577. Standard Pipe Line Company, Inc., petitioner, *v.* Miller County Highway and Bridge District. Argued by Mr. William H. Arnold for the petitioner, and by Mr. Henry Moore, jr., for the respondent.

No. 579. Cliffs Chemical Company, plaintiff in error, *v.* Wisconsin Tax Commission. Argued by Mr. William P. Belden for the plaintiff in error, and submitted by Mr. John W. Reynolds and Mr. Franklin E. Bump for the defendant in error.

No. 589. P. J. McGowan & Sons, Inc., appellant, *v.* I. H. Van Winkle, as Attorney General, etc., et al. Argument commenced by Mr. E. S. McCord for the appellant. The Court declined to hear further argument.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, April 23, will be as follows: Nos. 7 (and 11 and 12, original), 607, 337, 407 (and 418), 1 (and 2, 3, 4, and 5), 744, 912, 554 (and 575), and 603).

SUPREME COURT OF THE UNITED STATES

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

Minnie Lackenbach, of San Francisco, Calif.; Arnold C. Lackenbach, of San Francisco, Calif.; L. C. Crofton, of Titusville, Fla.; John E. Patterson, of Missoula, Mont.; John E. Jackson, of New Orleans, La.; and George H. Merritt, of New York City, were admitted to practice.

No. 229. Lucy B. Brooke, petitioner, *v.* City of Norfolk, R. W. Peatross, A. Plummer Pannill, et al. On writ of certiorari to the Supreme Court of Appeals of the State of Virginia. Judgment reversed with costs, and the cause remanded to said Supreme Court of Appeals for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Holmes.

The Chief Justice announced the following orders of the Court:

No. 603. L. P. Larson, jr., Company, petitioner, *v.* Wm. Wrigley, jr., Company. The motion to amend the order granting the petition for a writ of certiorari in this case is denied.

No. 696. Samuel B. Ricketts, plaintiff in error, *v.* Victoria Shields Allen. In error to the Supreme Court of the State of Ohio. *Per curiam*: The motion to dismiss is granted for the reason that no Federal question is presented, on the authority of *Cuyahoga Power Co. v. Northern Realty Co.*, 244 U. S. 300, 303; *California Powder Works v. Davis*, 151 U. S. 389, 393; *Yazoo & Mississippi Valley R. R. Co. v. Brewer*, 231 U. S. 245, 249; *Municipal Securities Corporation v. Kansas City*, 246 U. S. 63, 69.

No. 161. E. M. Jones Burget, plaintiff in error, *v.* The Borough of Dormont, Pittsburgh, Pennsylvania. The motion to reinstate this case on the docket is denied.

No. 401. International Shoe Company, plaintiff in error, *v.* I. Pinkus, George Franklin, et al. It is ordered that this case be restored to the docket for a reargument and assigned for Monday, October 1 next, after the cases heretofore assigned for that day.

No. 455. White River Gardens, Inc., S. Katsuno, and Wayo Katsuno, etc., et al., plaintiffs in error, *v.* The State of Washington, Taka Hirabayashi and Jane Doe Hirabayashi, etc. In error to the Supreme Court of the State of Washington. *Per curiam*: Affirmed, on the authority of *Terrace v. Thompson*, 263 U. S. 197, 217, 223; *Frick v. Webb*, 263 U. S. 326, 332, 334; *Webb v. O'Brien*, 263 U. S. 313, 322.

No. 463. Montgomery Ward and Company, a corporation, appellant, *v.* Louis L. Emmerson, as Secretary of State of the State of Illinois, et al.; and

No. 464. Victor Chemical Works, a corporation, appellant, *v.* Louis L. Emmerson, as Secretary of State of the State of Illinois, et al. Appeals from the District Court of the United States for the Southern District of Illinois. *Per curiam*: Affirmed, on the authority of *Cream of Wheat Co. v. Grand Forks*, 253 U. S. 325, 328, 330; *Roberts & Schaefer Co. v. Emmerson*, 271 U. S. 50, 53, 54.

No. 496. The Carter Oil Company, J. Wood Glass, T. A. Calvert, et al., petitioners, *v.* Taylor Eli, James Eli, Charlotte Chuculate, etc., et al. On writ of certiorari to the Supreme Court of the State of Oklahoma. *Per curiam*: Dismissed for want of a Federal question, in that the decision of the State Supreme Court could be sustained and was sustained, on non-Federal grounds. *Hammond v. Johnston*, 142 U. S. 73, 78; *Eustis v. Bolles*, 150 U. S. 361, 366, 370; *Bilby v. Stewart*, 246 U. S. 255, 257; *New York ex rel. Doyle v. Atwell*, 261 U. S. 590, 592; *Richardson Machinery Co. v. Scott*, No. 198, October term, 1927, opinion announced February 20, 1928.

No. 552. The City of New York, plaintiff in error, *v.* Frank Campbell. In error to the Supreme Court of the State of New York. *Per curiam*: Dismissed, on the authority of *Pawhuska v. Pawhuska Oil Co.*, 250 U. S. 394, 397, 399; *Trenton v. State of New Jersey*, 262 U. S. 182, 188, 192; *Risty v. Chicago, Rock Island & Pacific R. R. Co.*, 270 U. S. 378, 390.

No. 579. Cliffs Chemical Company, plaintiff in error, *v.* Wisconsin Tax Commission. In error to the Supreme Court of the State of Wisconsin. *Per curiam*: Dismissed for want of a substantial Federal question, on the authority of *Shulthis v. McDougal*, 225 U. S. 561, 569; *Hull v. Burr*, 234 U. S. 712, 720; *Norton v. Whiteside*, 239 U. S. 144, 147.

No. 589. P. J. McGowan & Sons, Inc., appellant, *v.* I. H. Van Winkle, as Attorney General of the State of Oregon, John C. Veatch, Fred P. Kendall, et al., etc., et al. Appeal from the District Court of the United States for the District of Oregon. *Per curiam*: Affirmed, on the authority of *Olin v. Kitzmiller*, 259 U. S. 260, 263.

No. 746. George Tazewell, as Presiding Judge of the Circuit Court of the State of Oregon for Multnomah County, petitioner, *v.* The State of Oregon *ex rel.* Edward Sullivan. It is ordered by this Court that the clerk be directed to issue a rule to the petitioner and respondent in this cause requiring them to show cause, if any cause there be, in printed form, on or before Monday, May 7, 1928, why this case should not be dismissed as moot.

No. 807. The United States, petitioner, *v.* Amos D. Carver, S. E. Turner, Clifford N. Carver, et al. Petition for writ of certiorari to the Court of Claims granted.

No. 833. J. Robert Cogen, 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. 836. Mabel G. Reinecke, Collector of Internal Revenue, etc., petitioner, *v.* The Northern Trust Company, as Executor under the will and testament of A. C. Bartlett, deceased. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted.

No. 837. Samuel Prael, trading as Selwell Blouse Company, petitioner, *v.* Louis Hubshman, Trustee, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 838. Harry Oriel and Joseph Confino, individually, etc., petitioners, *v.* William E. Russell, Trustee, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 842. Seaboard Air Line Railway Company, petitioner, *v.* J. E. Johnson. Petition for writ of certiorari to the Supreme Court of the State of Alabama granted.

No. 851. The New York, Chicago and St. Louis Railroad Company, petitioner, *v.* Edgar M. Granfell. Petition for writ of certiorari to the Court of Appeals for the Eighth Judicial District, State of Ohio, granted.

No. 852. The State Highway Commission of Wyoming, etc., petitioners, *v.* Utah Construction Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit granted.

No. 828. City of Cape May, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 834. General Investment Company, petitioner, *v.* The New York Central Railroad Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 835. W. A. Roth, petitioner, *v.* David H. Blair, as Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 839. Walter Wyatt, William A. Horn, Joseph Mochnaly, et al., petitioners, *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. 840. Jack Hood, John Hood, Ben Bowdry, et al., petitioners, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 845. J. G. (Guy) Hooker, 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. 847. M. H. Gordon, 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. 848. The Insurance Company of North America, petitioner, *v.* Steam tug "Bathgate," her engines, etc., et al. Petition for writ of certiorari to the United States Circuit of Appeals for the Third Circuit denied.

No. 849. Herman Fox, doing business under the firm name and style of H. Fox & Company, petitioner, *v.* Chester P. Mills, Federal Prohibition Administrator, etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 850. Nonda Caranica, petitioner, *v.* John D. Nagle, as Commissioner of Immigration for the Port of San Francisco. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 856. Cuetara Hermanos, Eudocio Miguel, and Manuel de la Cuetara, petitioners, *v.* Royal Exchange Assurance Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 857. James A. Murphey, petitioner, *v.* American Railway Express Company, R. E. M. Cowie, and F. J. Hickey. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

The Chief Justice also announced the following order:

ORDER

It is now here ordered by this Court that the call of the docket be suspended for the term on Friday, April 27, next, and that the Court will take a recess from Monday, April 30, until Monday, May 14 next.

It is further ordered by this Court that no petitions for writs of certiorari or other motions, except motions for admission to practice, will be received after Monday, May 28 next.

No. 659. Botany Worsted Mills, petitioner, *v.* The United States. Leave granted to file brief of A. G. Lacy, as *amicus curiae*, on motion of Mr. Solicitor General Mitchell in that behalf.

No. 912. Joseph Saltis, appellant, *v.* The People of the State of Illinois. Submitted, with leave to counsel for the appellant to file brief within 10 days, and to counsel for appellee to file brief within 4 days thereafter, on motion of Mr. Louis J. Greenberg for the appellant.

No. 342. Krauss Brothers Lumber Company, petitioner, *v.* Andrew W. Mellon, Director General of Railroads, as Agent, etc., et al. Motion by respondents to amend judgment as to costs and retax costs submitted by Mr. Alex. M. Bull for the respondents.

No. 7, original. State of Wisconsin, State of Minnesota, State of Ohio, and State of Pennsylvania, complainants, *v.* State of Illinois and Sanitary District of Chicago, defendants, and State of Missouri, State of Kentucky, State of Tennessee, State of Louisiana, State of Mississippi, and State of Arkansas, intervening defendants;

No. 11, original. State of Michigan, complainant, *v.* State of Illinois and Sanitary District of Chicago; and

No. 12, original. State of New York, complainant, *v.* State of Illinois, and Sanitary District of Chicago. Leave granted to file appendix to defendants' brief on motion of Mr. James M. Beck for the defendants.

No. 1. Rhederei M. Jebsen Company, appellant, *v.* The United States. Appeal from the Court of Claims. Dismissed, on motion of counsel for the appellant.

No. 2. The Firm of M. Jebsen, Corresponding Owner of the Steamship Company, Carl Diederichsen for the use of Rhederei M. Jebsen Company, appellants, *v.* The United States. Appeal from the Court of Claims. Dismissed, on motion of counsel for the appellant.

No. 922. Catalino Figueroa, petitioner, *v.* Sixto M. Saldana, Warden. Motion for leave to proceed *in forma pauperis* submitted by Mr. Catalino Figueroa, *pro se*.

No. 659. Botany Worsted Mills, petitioner, *v.* The United States. Submitted pursuant to the twenty-third rule, per stipulation of counsel.

No. 855. The New York Central Railroad Company, petitioner, *v.* Peter W. Bielmeier and State Industrial Board of the State of New York. Petition for writ of certiorari to the Supreme Court of the State of New York submitted by Mr. Robert E. Whalen for the petitioner.

No. 859. Benjamin F. Falter, Herman H. Canter, et al., petitioners, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Martin A. Schenck, Mr. Frederic C. Scofield, Mr. Nash Rockwood, and Mr. Harry S. Bandler for the petitioners, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Galloway, and Mr. Edwin G. Davis for the respondent.

No. 860. The State of Montana, *ex rel.* Janet T. Ingersoll, petitioner, *v.* Charles H. Clapp, as president, etc., et al. Petition for writ of certiorari to the Supreme Court of the State of Montana submitted by Mr. C. E. Pew for the petitioner, and by Mr. L. A. Foot and Mr. A. H. Angstman for the respondents.

No. 863. Chicago, Great Western Railroad Company, petitioner, *v.* Emma J. Crouch, as Special Administratrix, etc. Petition for writ of certiorari to the Supreme Court of the State of Minnesota submitted by Mr. Montreville J. Brown for the petitioner, and by Mr. Frederick M. Miner for the respondent.

No. 864. Belle Ayre Conservation Company, petitioner, *v.* The State of New York. Petition for writ of certiorari to the Court of Claims of the State of New York submitted by Mr. J. Sheldon Frost for the petitioner, and by Mr. Albert Ottinger for the respondent.

No. 865. David A. Wright, Administrator of the Estate of Douglas B. Ellis, deceased, petitioner, *v.* Grand Trunk Railroad Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Thomas A. E. Weadock for the petitioner.

No. 868. Juan Chavez, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Riley R. Cloud for the petitioner, and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, and Mr. John J. Byrne for the respondent.

No. 869. Midland Valley Railroad Company, petitioner, *v.* Robert L. Imler and Ruth E. Imler. Petition for writ of certiorari to the Supreme Court of the State of Oklahoma submitted by Mr. O. E. Swan for the petitioner, and by Mr. Sumners Hardy for the respondents.

No. 872. G. L. Webster Canning Company, Inc., petitioner, *v.* The Hogue-Kellogg Company, Incorporated. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. James E. Heath for the petitioner, and by Mr. Ivor A. Page and Vivian L. Page for the respondent.

No. 7, original. The State of Wisconsin et al., complainant, *v.* State of Illinois and Sanitary District of Chicago, et al.;

No. 11, original. State of Michigan, complainant, *v.* The State of Illinois and Sanitary District of Chicago; and

No. 12, original. State of New York, complainant, *v.* State of Illinois and Sanitary District of Chicago. Argument commenced by Mr. Nathan L. Miller for the State of New York; and continued by Mr. William W. Potter for the State of Michigan; by Mr. Wilbur M. Brucker for the State of Michigan; by Mr. Raymond T. Jackson for the State of Wisconsin; and by Mr. Cyrus E. Dietz for the State of Illinois.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, April 24, will be as follows: Nos. 7, original (and 11, original, and 12, original), 607, 337, 407 (and 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, and 418), 3 (and 4 and 5), 744, 554 (and 575), and 603.

SUPREME COURT OF THE UNITED STATES

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

Hugh M. McCaffrey, of Clarendon, Va.; Leo C. Weiler, of New York City; Montague Young, of Orlando, Fla.; Alexander W. Swords, of New Orleans, La.; and J. Paul Stewart, of Haworth, Okla., were admitted to practice.

No. 337. Williamsport Wire Rope Company, petitioner, *v.* The United States. Leave granted to file brief of Adrian C. Humphreys and Newton K. Fox, as *amici curiae*, on motion of Mr. Newton K. Fox in that behalf.

No. 7, original. The State of Wisconsin et al., complainant, *v.* State of Illinois and Sanitary District of Chicago;

No. 11, original. State of Michigan, complainant, *v.* The State of Illinois and Sanitary District of Chicago; and

No. 12, original. State of New York, complainant, *v.* State of Illinois and Sanitary District of Chicago. Argument continued by Mr. Cyrus E. Dietz for the State of Illinois; Mr. Daniel N. Kirby for the Mississippi River States; Mr. James Hamilton Lewis for the Sanitary District of Chicago; Mr. James M. Beck for the Sanitary District of Chicago; and concluded by Mr. Newton D. Baker for the complainant in No. 7, original.

No. 607. United States of America, Interstate Commerce Commission et al., appellants, *v.* Missouri Pacific Railroad Co. Argument commenced by Mr. Blackburn Esterline for the United States and continued by Mr. H. H. Larrimore for the appellee. Argument postponed, and case assigned for reargument on Monday, October 1 next, after the cases heretofore assigned for that day.

No. 337. Williamsport Wire Rope Company, petitioner, *v.* The United States. Argument commenced by Mr. James Walton for the petitioner.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, April 25, will be as follows: Nos. 337, 407 (and 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, and 418), 3 (and 4 and 5), 744, 554 (and 575), and 603.

SUPREME COURT OF THE UNITED STATES

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

William F. Waugh, of Chicago, Ill.; W. M. Simmons, of San Francisco, Calif.; Milton Eisen, of New York City; Clarence Castimore, of New York City; L. E. Dunham, of Kansas City, Mo.; and Grover Cleveland Ladner, of Philadelphia, Pa., were admitted to practice.

No. 17, original. The United States of America, complainant, *v.* the State of Utah. Time within which to file answer of State of Utah to bill of complaint extended to August 7, 1928, on motion of Mr. Solicitor General in behalf of Mr. Harvey H. Cluff.

No. 337. The Williamsport Wire Rope Company, petitioner, *v.* The United States. Argument continued by Mr. James Walton for the petitioner, and concluded by Mr. Solicitor General Mitchell for the respondent.

No. 407. H. F. Ferry, plaintiff in error, *v.* Alice M. Ramsey et al.;

No. 408. C. L. Harris, as executor, etc., plaintiff in error, *v.* Alice M. Ramsey et al.;

No. 409. H. F. Ferry, plaintiff in error, *v.* W. O. James et al.;

No. 410. C. L. Harris, as executor, etc., plaintiff in error, *v.* W. O. James et al.;

No. 411. H. F. Ferry, plaintiff in error, *v.* Ramsey Petroleum Company et al.;

No. 412. C. L. Harris, as executor, etc., plaintiff in error, *v.* Ramsey Petroleum Co. et al.;

No. 413. H. F. Ferry, plaintiff in error, *v.* G. L. Ramsey et al.;

No. 414. C. L. Harris, as executor, etc., plaintiff in error, *v.* G. L. Ramsey et al.;

No. 415. H. F. Ferry, plaintiff in error, *v.* M. R. Chastain et al.;

No. 416. C. L. Harris, as executor, etc., plaintiff in error, *v.* M. R. Chastain et al.;

No. 417. H. F. Ferry, plaintiff in error, *v.* A. L. Lloyd et al.; and

No. 418. C. L. Harris, as executor, etc., plaintiff in error, *v.* A. L. Lloyd et al. Argued by Mr. S. M. Brewster for the plaintiffs in error, and by Mr. K. M. Geddes for the defendants in error.

No. 3. Hamburg-American Line Terminal and Navigation Co., appellant, *v.* The United States;

No. 4. Hamburg-American Line Terminal and Navigation Co., appellant, *v.* The United States; and

No. 5. Atlas Line Steamship Company, appellant, *v.* The United States. Argued by Mr. Solicitor General Mitchell for the appellee, and submitted by Mr. Charles H. LeFevre for the appellants.

No. 744. James A. Reed, Charles I. McNary, et al., petitioners, *v.* The County Commissioners of Delaware County et al. Leave granted Mr. Albert J. Williams to appear *pro hac vice* on motion of Mr. Levi Cooke in that behalf. Leave granted respondents to file brief within 10 days on motion of Mr. Albert J. Williams in that behalf. Argument commenced by Mr. Levi Cooke for the petitioners, and continued by Mr. Albert J. Williams for the respondents.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, April 26, will be as follows: Nos. 744, 554 (and 575), 603, 569, 596, and 684.

SUPREME COURT OF THE UNITED STATES

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

Herbert G. Mayer, of Chicago, Ill.; Charles C. Spencer, of Chicago, Ill.; Hal Lindsay, of Atlanta, Ga.; Sterling M. Wood, of Billings, Mont.; Ralph R. Lounsbury, of New York City; and John W. Simpson, 2d, of New York City, were admitted to practice.

No. 744. James A. Reed, Charles L. McNary, et al., petitioners, *v.* The County Commissioners of Delaware County, etc., et al. Argument continued by Mr. A. J. Williams for the respondents. The case was postponed until Monday next to enable counsel to confer and furnish the Court with certain information necessary to the determination of the question as to whether the cause has not become moot.

No. 554. Elizabeth C. Taft, petitioner, *v.* Frank K. Bowers, Collector etc.; and

No. 575. Gilbert C. Greenway, jr., petitioner, *v.* Frank K. Bowers, Collector, etc. Argument commenced by Mr. Henry W. Taft for the petitioner in No. 554, continued by Assistant Attorney General Willebrandt for Bowers, Collector, by Mr. Henry W. Taft for the petitioner in No. 554 and concluded by Mr. Hiram C. Todd for the petitioner in No. 575.

No. 603. L. P. Larson, jr., Company, petitioner, *v.* Wm. Wrigley Company. Argued by Mr. Charles H. Aldrich and Mr. George I. Haight for the petitioner, and by Mr. Isaac H. Mayer for the respondent.

No. 569. Rupert Ribnik, plaintiff in error, *v.* Andrew F. McBride, Commissioner of Labor, etc. Argument commenced by Mr. John W. Simpson, 2d for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, April 27, will be as follows: Nos. 569, 612, 596, 684, and 705.

SUPREME COURT OF THE UNITED STATES

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

Jesse A. Miller, of Des Moines, Iowa; James W. Finley, of Chautauque, Kans.; Lawrence Wiseman, of New York City; John M. Lee, of Chicago, Ill.; Harrie B. Chase, of Brattleboro, Vt.; Mayme Hamrick, of Huntington, W. Va.; Leon J. Obermeyer, of Philadelphia, Pa.; and George B. Smart, of New Orleans, La., were admitted to practice.

No. —, original, State of Connecticut, plaintiff, *v.* State of North Carolina. Amended petition for leave to file declaration submitted by Mr. H. F. Kingsbury for the plaintiff.

No. 472. Southern Pacific Company, a corporation, petitioner, *v.* Hildur Haglund, administratrix; and

No. 473. Southern Pacific Company, a corporation, petitioner, *v.* Moore Shipbuilding Company, etc., et al. Leave granted to file reply brief of petitioners on or before Monday next, on motion of Mr. Charles H. Bates in behalf of counsel, for the petitioner.

No. 569. Rupert Ribnik, plaintiff in error, *v.* Andrew F. McBride, Commissioner of Labor, etc. Argument continued by Mr. Harry R. Coulomb for the defendant in error, and concluded by Mr. Walter Gordon Merritt for the plaintiff in error.

No. 612. Great Northern Railway Company, appellant, *v.* The United States of America and Interstate Commerce Commissioner. Argued by Mr. F. G. Dorety for the appellant, by Mr. Blackburn Easterline for the United States, and by Mr. D. W. Knowlton for the Interstate Commerce Commission.

No. 596. The Sisseton and Wahpeton Bands of Sioux Indians, appellants, *v.* The United States. Argued by Mr. Thomas Sterling for the appellants, and by Mr. Assistant Attorney General Galloway for the United States.

Adjourned until Monday next at 12 o'clock.

SUPREME COURT OF THE UNITED STATES

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

Harry M. Tonkin, of Philadelphia, Pa.; John Kocinski, of Toledo, Ohio; M. Vashti Burr, of Ebensburg, Pa.; C. Virginia Diedel, of Washington, D. C.; Harold R. Martin, of Detroit, Mich.; Herbert R. Grossman, of Washington, D. C.; Moultrie Hitt, of Washington, D. C.; Walter F. Marcus, of New Orleans, La.; Furman E. West, of St. Louis, Mo.; and Albert J. Williams, of Media, Pa., were admitted to practice.

No. 70. Louisville Gas & Electric Company, plaintiff in error, *v.* Clell Coleman, as Auditor of the State of Kentucky. In error to the Court of Appeals of the State of Kentucky. Judgment reversed with costs, and the cause remanded to said Court of Appeals for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Sutherland. Dissenting opinion by Mr. Justice Holmes, in which Mr. Justice Brandeis, Mr. Justice Sanford, and Mr. Justice Stone concur. Dissenting opinion by Mr. Justice Brandeis, in which Mr. Justice Holmes and Mr. Justice Stone concur.

No. 465. Coffin Bros. & Co., R. J. Dixon, R. L. Gillen, et al., plaintiffs in error, *v.* T. R. Bennett, Superintendent of Banks for the State of Georgia. In error to the Supreme Court of the State of Georgia. Judgment affirmed with costs. Opinion by Mr. Justice Holmes.

The Chief Justice announced the following orders of the Court:

No. 833. J. Robert Cogen, petitioner, *v.* The United States of America. It is ordered that this case be advanced and assigned for argument on Monday, October 1 next, after the cases heretofore assigned for that day.

ORDER

The Court will take a recess from to-day until Monday, May 14; from that day until Monday, May 21; from that day until Monday,

May 28; and from that day until Monday, June 4, upon which day it will adjourn for the term.

No. —, original. *Ex parte*: In the Matter of J. D. Collins, petitioner. Motion for leave to file petition for writ of mandamus submitted by Mr. Rice Hooe in behalf of John W. Ray and Joseph C. Niles for the petitioner.

No. 585. L. F. Vance, petitioner, *v.* Chicago Portrait Company. Motion to reconsider motion to transfer fund held in trust by the clerk of the United States District Court for the Northern District of Illinois submitted by Mrs. L. F. Vance, in behalf of L. F. Vance, *pro se*, and the motion denied.

No. 161. E. M. Jones Burget, plaintiff in error, *v.* The Borough of Dormont, Pittsburgh, Pennsylvania. Motion to reconsider motion to reinstate this case to the docket submitted by Mrs. E. M. Jones Burget, *pro se*, and the motion denied.

No. 952. A. Ruric Todd, plaintiff in error, *v.* The State of Washington. In error to the Supreme Court of the State of Washington. Docketed and dismissed with costs, on motion of Mr. Blaine Mallan, for the defendant in error.

No. 843. Fajardo Sugar Company of Porto Rico, petitioner, *v.* Juan G. Gallardo, Treasurer of Porto Rico. 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. 844. Fajardo Sugar Company of Porto Rico, petitioner, *v.* Juan G. Gallardo, Treasurer of Porto Rico. 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. 853. Rodman Chemical Company and Hugh Rodman, petitioners, *v.* The United States. Petition for a writ of certiorari to the Court of Claims submitted by Mr. Robert A. Littleton, and Mr. W. W. Spalding for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Galloway, and Mr. Charles F. Kincheloe for the respondent.

No. 862. Wong Wey *ex rel.* Wong Cheu Dong, petitioner, *v.* John P. Johnson, U. S. Commissioner of Immigration. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit submitted by Mr. Joseph F. O'Connell for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Luhring, and Mr. Harry S. Ridgely for the respondent.

No. 870. Harry W. Houghton, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. Joseph W. Hazel for the petitioner, and by Mr. Solicitor General Mitchell and Mr. Assistant Attorney General Galloway for the respondent.

No. 873. Lewis-Hall Iron Works, petitioner, *v.* David H. Blair, Commissioner of Internal Revenue. Petition for writ of certiorari to the Court of Appeals of the District of Columbia submitted by Mr. Charles D. Hamel and Mr. Richard S. Doyle for the petitioner, and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, Mr. J. Louis Monarch, and Mr. C. M. Charest for the respondent.

No. 874. Western Grain Company, petitioner, *v.* Ralston Purina Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Brenton K. Fisk and Mr. J. P. Mudd for the petitioner, and by Mr. Edwin E. Huffman for the respondent.

No. 879. Dwight James Baum, petitioner, *v.* The First National Company of Sarasota. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Thomas McCall for the petitioner, and by Mr. Daniel C. Donoghue for the respondent.

No. 880. Frederick G. Dussoulas, Trustee of the Bankrupt Estate of Howard A. Lang, petitioner, *v.* Howard A. Lang. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Hiram B. Calkins for the petitioner.

No. 881. Rudolph Schreiber, petitioner, *v.* The Public National Bank & Trust Company of New York. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Moses Cohen for the petitioner, and by Mr. Henry B. Singer for the respondent.

No. 882. Margaret N. O'Leary and Penelope O'Leary, petitioners, *v.* N. & M. Realty Corporation, Nathan Shapanka, and Minnie Stern. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. John deR. Storey for the petitioners, and by Mr. Emory R. Buckner for the respondents.

No. 883. Galveston, Harrisburg & San Antonio Railway Company, petitioner, *v.* A. M. Wilson. Petition for writ of certiorari to the Court of Civil Appeals, Eighth Supreme Judicial District, State of Texas, submitted by Mr. Maury Kemp and Mr. J. H. Tallichet for the petitioner.

No. 886. Kemsley, Millbourn & Co., Ltd., petitioner, *v.* Frank K. Bowers, Collector of Internal Revenue for the Second District of New York. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Franklin Grady for the petitioner, and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, and Mr. J. Louis Monarch for the respondent.

No. 888. W. D. Mitchell, S. E. Whiting, and J. M. Bruere, petitioners, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. T. C. West for the petitioners, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Luhring, and Mr. Harry S. Ridgely for the respondent.

No. 890. The Decorative Stone Company, petitioner, *v.* Building Trade Council of Westchester County, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Walter Gordon Merritt and Mr. Daniel Davenport for the petitioner.

No. 891. Nils Olsen, Einer Eide, et al., petitioners, *v.* The Steamer "Thomas Tracy," M. & J. Tracy, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Eugene E. Kelly for the petitioners, and by Mr. C. C. Calhoun and Mr. William J. Martin for the respondents.

No. 892. Union Ferry Company of New York and Brooklyn, petitioner, *v.* Sarah Moore, Administratrix, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Horace L. Cheyney and Mr. Pierre M. Brown for the petitioner, and by Mr. William F. Purdy for the respondent.

No. 894. The United States of America, petitioner, *v.* Florence E. Williams. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Solicitor General Mitchell and Mr. Assistant Attorney General Galloway for the petitioner, and by Mr. William Kaufman for the respondent.

No. 896. Herbert Magen, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Robert H. Elder for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Luhring, and Mr. Harry S. Ridgely for the respondent.

No. 744. James A. Reed, Charles L. McNary, et al., petitioners, *v.* The County Commissioners of Delaware County, Pennsylvania, et al. Statements of counsel presented by Mr. Levi Cooke for the petitioners, and by Mr. Albert J. Williams for the respondents, and case submitted on its merits and upon the question as to whether or not the case has become moot. Time within which to file brief of respondents extended five days to and including May 10, and leave granted petitioners to file reply thereto within three days thereafter.

Adjourned until Monday, May 14, at 12 o'clock.

SUPREME COURT OF THE UNITED STATES

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

Nelson Phillips, jr., of Dallas, Tex.; J. Carroll Edwards, of New York City; Victor S. Mersch, of Washington, D. C.; Joseph Koletsky, of New Haven, Conn.; George A. Gibbs, of Pasadena, Calif.; Harry J. Robinson, of New York City; Wilbur S. Pierce, of Oakland, Calif.; Cedric F. Johnson, of Washington, D. C.; Edmund S. Whitson, of Washington, D. C.; Thomas Hamilton, of Clearwater, Fla.; Alan Egleston Gray, of Grafton, N. Dak.; Stanley P. Smith, of Washington, D. C.; Heber H. Rice, of Huntington, W. Va.; Wade T. Brown, of Washington, D. C.; Josiah T. Newcomb, of Poughkeepsie, N. Y.; Ralph Cerreta, of Stapleton, N. Y.; Charles L. Abernethy, of New Bern, N. C.; James J. Meade, of Washington, D. C.; Paul V. Tuttle, of Takoma Park, Md.; Gustave A. Iverson, of Washington, D. C.; Nate S. Williamson, of Meridian, Miss.; Harvey R. Hawgood, of Cleveland, Ohio; Wm. Meyerhoff, of Washington, D. C.; and Jed Johnson, of Anadarko, Okla., were admitted to practice.

No. 471. Mabel G. Reinecke, Collector of Internal Revenue for the First District of Illinois, *v.* Frank G. Gardner, Trustee in Bankruptcy of the O'Gara Coal Company. On certificate from the United States Circuit Court of Appeals for the Seventh Circuit. Question No. 1 answered "No", Question No. 2 not answered. Opinion by Mr. Justice Stone.

No. 285. Holland Furniture Company, petitioner, *v.* Perkins Glue Company. On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. Decree reversed with costs, and the cause remanded to the District Court of the United States for the Western District of Michigan for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Stone.

No. 424. Edward E. Jenkins, as Receiver of the National City Bank of Salt Lake City, Utah; E. J. Groesbeck, Treasurer of Salt Lake County, Utah, et al., petitioners, *v.* National Surety Company.

On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Decree reversed with costs, and the cause remanded to the District Court of the United States for the District of Utah for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Stone.

No. 534. Karl Buzynski, petitioner, *v.* Luckenbach Steamship Company, Inc., and the Texas Contracting Company, Inc. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Judgment reversed with costs, and the cause remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Sanford.

No. 723. The United States of America, plaintiff in error, *v.* Jacob A. Goldman, Louis J. Desmare, Clem Miner, et al. In error to the District Court of the United States for the Southern District of Ohio. Judgment reversed, and the cause remanded to the said District Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Sanford. Mr. Justice Stone took no part in the consideration or decision of this case.

No. 456. Federal Intermediate Credit Bank of Columbia, South Carolina, petitioner, *v.* Chas. S. Mitchell, W. E. Richardson, Truckers Supply Company, and South Carolina Agricultural Credit Company. On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit. Judgment reversed with costs, and the cause remanded to the District Court of the United States for the Eastern District of South Carolina for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Butler.

No. 288. Panhandle Oil Company, plaintiff in error, *v.* The State of Mississippi on relation of R. H. Knox, Attorney General. In error to the Supreme Court of the State of Mississippi. Judgment reversed with costs, and the cause remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Butler. Dissenting opinion by Mr. Justice Holmes, concurred in by Mr. Justice Brandeis and Mr. Justice Stone. Dissenting opinion by Mr. Justice McReynolds, concurred in by Mr. Justice Stone.

No. 509. Saul M. Nectow, plaintiff in error, *v.* City of Cambridge and Inspector of Buildings of the City of Cambridge, Jeremiah F. Downey. In error to the Supreme Judicial Court of the State of Massachusetts. Judgment reversed with costs, and the cause remanded to the said Supreme Judicial Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Sutherland.

No. 564. Milton E. Springer, Dalmacio Costas, and Anselmo Hilario, petitioners, *v.* The Government of the Philippine Islands; and

No. 573. Gregorio Agoncillo, Baldomero Roxas, and Catalino Lavadia, petitioners, *v.* The Government of the Philippine Islands. On writs of certiorari to the Supreme Court of the Philippine Islands. Decrees affirmed with costs. Opinion by Mr. Justice Sutherland. Dissenting opinion by Mr. Justice Holmes, concurred in by Mr. Justice Sutherland. Separate opinion by Mr. Justice McReynolds.

No. 208. Otis Sprout, plaintiff in error, *v.* City of South Bend, Indiana. In error to the Supreme Court of the State of Indiana. Judgment reversed with costs, and the cause remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Brandeis.

No. 612. Great Northern Railway Company, appellant, *v.* The United States of America and Interstate Commerce Commission. Appeal from the District Court of the United States for the District of Minnesota. Judgment affirmed. Opinion by Mr. Justice Brandeis.

No. 3. Hamburg-American Line Terminal & Navigation Company, appellant, *v.* The United States;

No. 4. Hamburg-American Line Terminal & Navigation Company, appellant, *v.* The United States; and

No. 5. Atlas Line Steamship Company, appellant, *v.* The United States. Appeals from the Court of Claims. Judgments reversed, and the causes remanded to the said Court of Claims for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice McReynolds.

No. 201. Henry F. Long, Commissioner of Corporations and Taxation of the Commonwealth of Massachusetts, petitioner, *v.* George I. Rockwood; and

No. 202. Henry F. Long, Commissioner of Corporations and Taxation of the Commonwealth of Massachusetts, petitioner, *v.* George I. Rockwood. On writs of certiorari to the Superior Court for the County of Worcester, State of Massachusetts. Decrees affirmed with costs. Opinion by Mr. Justice McReynolds. Dissenting opinion by Mr. Justice Holmes, concurred in by Mr. Justice Brandeis, Mr. Justice Sutherland, and Mr. Justice Stone.

No. 225. H. Plamals, petitioner, *v.* The Steamship "Pinar del Rio," Her Engines, Boilers, etc. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment affirmed with costs and the cause remanded to the District Court of the United States for the Southern District of New York. Opinion by Mr. Justice McReynolds.

No. 263. St. Louis & Southwestern Railway Company, appellant, *v.* J. H. Nattin, Tax Collector, Consolidated Road District of the Parish of Bossier, Louisiana. Appeal from the District Court of the United States for the Western District of Louisiana. Decree affirmed with costs. Opinion by Mr. Justice McReynolds.

No. 577. Standard Pipe Line Company, Incorporated, petitioner, *v.* Miller County Highway Bridge District. On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Decree reversed with costs, and the 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. 392. The John P. King Manufacturing Company, plaintiff in error, *v.* The City Council of Augusta and Wm. B. Bell, Mayor, etc. In error to the Supreme Court of the State of Georgia. Judgment affirmed with costs. Opinion by Mr. Justice Van Devanter. Dissenting opinion by Mr. Justice Brandeis, concurred in by Mr. Justice Holmes.

No. 274. Sultan Railway & Timber Company, plaintiff in error, *v.* Department of Labor and Industries of the State of Washington and Claire Bowman, as Director of Labor and Industries; and

No. 275. Eclipse Mill Company, plaintiff in error, *v.* Department of Labor and Industries of the State of Washington and Claire Bowman, as Director of Labor and Industries. In error of the Supreme Court of the State of Washington. Judgments affirmed with costs. Opinion by Mr. Justice Van Devanter. Dissenting opinion by Mr. Justice Brandeis, concurred in by Mr. Justice Holmes.

No. 407. H. F. Ferry, plaintiff in error, *v.* Alice M. Ramsey, C. L. King, and L. D. Hadley;

No. 408. C. L. Harris, as Executor of the Last Will and Testament of T. A. Kramer, Deceased, plaintiff in error, *v.* Alice M. Ramsey, C. L. King, H. F. Ferry, et al.;

No. 409. H. F. Ferry, plaintiff in error, *v.* W. O. James, C. L. King, and L. D. Hadley;

No. 410. C. L. Harris, as Executor of the Last Will and Testament of T. A. Kramer, deceased, plaintiff in error, *v.* W. O. James, C. L. King, H. F. Ferry, et al.;

No. 411. H. F. Ferry, plaintiff in error, *v.* Ramsey Petroleum Company, C. L. King, L. D. Hadley, et al.;

No. 412. C. L. Harris, as Executor of the Last Will and Testament of T. A. Kramer, deceased, plaintiff in error, *v.* Ramsey Petroleum Company, C. L. King, L. D. Hadley, et al.;

No. 413. H. F. Ferry, plaintiff in error, *v.* G. L. Ramsey, C. L. King, et al.;

No. 414. C. L. Harris, as Executor of the Last Will and Testament of T. A. Kramer, deceased, plaintiff in error, *v. G. L. Ramsey, C. L. King, H. F. Ferry, et al.*;

No. 415. H. F. Ferry, plaintiff in error, *v. M. R. Chastain, C. L. King, L. D. Hadley, et al.*;

No. 416. C. L. Harris, as Executor of the Last Will and Testament of T. A. Kramer, deceased, plaintiff in error, *v. M. R. Chastain, C. L. King, H. F. Ferry, et al.*;

No. 417. H. F. Ferry, plaintiff in error, *v. A. L. Lloyd, C. L. King, and L. D. Hadley*; and

No. 418. C. L. Harris, as executor of the Last Will and Testament of T. A. Kramer, deceased, plaintiff in error, *v. A. L. Lloyd, C. L. King, H. F. Ferry, et al.* In error to the Supreme Court of the State of Kansas. Judgments affirmed with costs. Opinion by Mr. Justice Holmes. Dissenting opinion by Mr. Justice Sutherland, concurred in by Mr. Justice Butler and Mr. Justice Sanford.

No. 603. L. P. Larson, Jr., Company, Petitioner, *v. Wm. Wrigley, Jr., Company.* On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Decree as to the allowance of the federal taxes reversed with costs, and the cause remanded to the District Court of the United States for the Northern District of Illinois for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Holmes.

No. 433. City of Gainesville, petitioner, *v. Brown-Crummer Investment Company, Southern Surety Company, and H. O. Head, executor of H. W. Head.* On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Judgment reversed with costs, and the cause remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Chief Justice Taft.

No. 766. M. J. Dugan, plaintiff in error, *v. The State of Ohio.* In error to the Supreme Court of the State of Ohio. Judgment affirmed with costs. Opinion by Mr. Chief Justice Taft.

No. 510. The Compania de Navegacion, Interior, S. A., petitioner, *v. Fireman's Fund Insurance Company*;

No. 511. The Compania de Navegacion, Interior, S. A., petitioner, *v. Globe & Rutgers Fire Insurance Company*;

No. 512. The Compania de Navegacion, Interior, S. A., petitioner, *v. Northwestern Fire & Marine Insurance Company*;

No. 513. The Compania de Navegacion, Interior, S. A., petitioner, *v. Hartford Fire Insurance Company*;

No. 514. The Compania de Navegacion, Interior, S. A., petitioner, *v. National Liberty Insurance Company*;

No. 515. The Compania de Navegacion, Interior, S. A., petitioner, *v.* Aetna Insurance Company;

No. 516. The Compania de Navegacion, Interior, S. A., petitioner, *v.* Western Assurance Company;

No. 517. The Compania de Navegacion, Interior, S. A., petitioner, *v.* Liverpool & London & Globe Insurance Company, Ltd.;

No. 518. The Compania de Navegacion, Interior, S. A., petitioner, *v.* Springfield Fire & Marine Insurance Company;

No. 519. The Compania de Navegacion, Interior, S. A., petitioner, *v.* Franklin Fire Insurance Company; and

No. 520. The Compania de Navegacion, Interior, S. A., petitioner, *v.* Phoenix Insurance Company. On writs of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Judgments reversed with costs, and the causes remanded to the District Court of the United States for the Eastern District of Louisiana for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Chief Justice Taft.

No. 841. Wallace C. Gaines, plaintiff in error, *v.* The State of Washington. In error to the Supreme Court of the State of Washington. Writ of error dismissed. Petition for certiorari denied. Mandate ordered to issue forthwith. Opinion by Mr. Chief Justice Taft.

The Chief Justice announced the following orders of the Court.

No. 283. The United States, petitioner, *v.* Magnolia Petroleum Company et al. The motion to modify opinion herein is denied.

No. 342. Krauss Brothers Lumber Company, petitioner, *v.* Andrew W. Mellon, Director General of Railroads, as Agent, etc., et al. The motion of the respondent to amend the judgment as to costs is granted, and it is ordered that the costs in this Court be equally divided between the parties.

No. 922. Catalino Figueroa, petitioner, *v.* Sixto M. Saldana, Warden. On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit. *Per curiam:* The motion for leave to proceed further herein *in forma pauperis* is denied for the reason that the Court, upon examination of the record herein submitted, finds that there are no grounds upon which certiorari can be issued, application for which is therefore also denied. The costs already incurred herein shall, by direction of the Court, be paid by the Clerk from the Special Fund in his custody as provided by the order of October 29, 1926.

No. 746. George Tazewell, as Presiding Judge of the Circuit Court of the State of Oregon for Multnomah County, petitioner, *v.* The State of Oregon *ex rel.* Edward Sullivan. On writ of certiorari to the Supreme Court of the State of Oregon. *Per curiam:* The Court,

having considered the showing made upon the rule, and the concessions made by the respondent, finds that the case is moot, and accordingly vacates the judgment of the Supreme Court of the State of Oregon with directions to dismiss the case without prejudice and without costs, on the authority of *Brownlow v. Schwartz*, 261 U. S. 216, 218, 219; *Board of Public Utility Commissioners v. Compania General*, 249 U. S. 425, 426; *Berry v. Davis*, 242 U. S. 468, 470; *Commercial Cable Co. v. Burleson*, 250 U. S. 360, 363.

No. 659. *Botany Worsted Mills, petitioner, v. The United States.* It is ordered that this case be restored to the docket and assigned for oral argument on Monday, October 1st next after the cases heretofore assigned for that day.

No. 912. *Joseph Saltis, appellant, v. The People of the State of Illinois.* Appeal from the Supreme Court of the State of Illinois. *Per curiam:* The motion to dismiss the appeal is granted for want of jurisdiction in this Court for the reason that the federal questions sought to be presented are frivolous, on the authority of *Farrell v. O'Brien*, 199 U. S. 89, 100; *Toup v. Ulysses Land Co.*, 237 U. S. 580, 583; *Piedmont Power & Light Co. v. Town of Graham*, 253 U. S. 193, 195; *Seaboard Air Line v. Padgett*, 236 U. S. 668, 671; *Quong Ham Wah Co. v. Industrial Commissioner*, 255 U. S. 445, 448, 449. Proceeding under rule 31, as amended April 2, 1927 (274 U. S. 766), it is ordered that the mandate be issued forthwith to the Supreme Court of the State of Illinois for further proceedings.

No. 877. *Joe Wysong, plaintiff in error, v. The People of the State of California.* On petition for writ of certiorari to the District Court of Appeals, Second Appellate District, State of California. *Per curiam:* Upon the answer of the petitioner to the order to show cause why the application for certiorari should not be denied, the Court denies the certiorari because of the lack of a substantial federal question shown in the record giving this Court jurisdiction. *Shulthis v. McDougal*, 225 U. S. 561, 569; *Hull v. Burr*, 234 U. S. 712, 720; *Norton v. Whiteside*, 239 U. S. 144, 147. Under rule 31, as amended May 2, 1927 (274 U. S. 766), the Court directs that the mandate and notice of the ruling herein be issued forthwith to the District Court of Appeal of the State of California, Second Appellate District, Division Two, for further proceedings.

No. 894. *The United States of America, petitioner, v. Florence E. Williams.* Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted.

No. 449. *Frank C. Jordan, Secretary of State, et al., petitioners, v. K. Tashiro, M. D., Isami Sekiyama, M. D., et al.* Petition for writ of certiorari to the Supreme Court of the State of California granted.

No. 865. David A. Wright, Administrator, etc., petitioner, *v.* Grand Trunk Railroad Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit granted.

No. 855. The New York Central Railroad Company, petitioner, *v.* Peter W. Bielmeier and State Industrial Board of the State of New York. Petition for writ of certiorari to the Supreme Court of the State of New York denied.

No. 859. Benjamin F. Falter, Herman H. Canter, and Bertrand Weiss, 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. 860. The State of Montana, *ex rel.*, Janet T. Ingersoll, petitioner, *v.* Charles H. Clapp, as president of the State University at Missoula, Montana, et al., etc. Petition for writ of certiorari to the Supreme Court of the State of Montana denied.

No. 863. Chicago Great Western Railroad Company, petitioner, *v.* Emma J. Crouch, as Special Administratrix of the Estate of Harold Nathan Crouch, deceased. Petition for writ of certiorari to the Supreme Court of the State of Minnesota denied.

No. 864. Belle Ayre Conservation Company, petitioner, *v.* The State of New York. Petition for writ of certiorari to the Court of Claims of the State of New York denied.

No. 868. Juan Chavez, 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. 869. Midland Valley Railroad Company, petitioner, *v.* Robert L. Imler and Ruth E. Imler. Petition for writ of certiorari to the Supreme Court of the State of Oklahoma denied.

No. 872. G. L. Webster Canning Company, Incorporated, petitioner, *v.* The Hogue-Kellogg Company, Incorporated. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 853. Rodman Chemical Company and Hugh Rodman, petitioners, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 862. Wong Wey *ex rel.* Wong Cheu Dong, petitioner, *v.* John P. Johnson, U. S. Commissioner of Immigration. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 870. Harry W. Houghton, 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. 873. Lewis-Hall Iron Works, petitioner, *v.* David H. Blair, Commissioner of Internal Revenue. Petition for writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 874. Western Grain Company, petitioner, *v.* Ralston Purina Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 879. Dwight James Baum, petitioner, *v.* The First National Company of Sarasota. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 880. Frederick G. Dussoulas, Trustee of the Bankrupt Estate of Howard A. Lang, petitioner, *v.* Howard A. Lang. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 881. Rudolph Schreiber, petitioner, *v.* The Public National Bank & Trust Company of New York. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 882. Margaret N. O'Leary and Penelope O'Leary, petitioners, *v.* N. & M. Realty Corporation, Nathan Shapanka, and Minnie Stern. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 883. Galveston, Harrisburg & San Antonio Railway Company, petitioner, *v.* A. M. Wilson. Petition for writ of certiorari to the Court of Civil Appeals, Eighth Supreme Judicial District, State of Texas, denied.

No. 886. Kemsley, Millbourn & Co., Ltd., petitioner, *v.* Frank K. Bowers, Collector of Internal Revenue for the Second District of New York. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 888. W. D. Mitchell, S. E. Whiting, and J. M. Bruere, 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. 890. The Decorative Stone Company, petitioner, *v.* Building Trade Council of Westchester County, Journeymen Stone Cutters Association of North America, et al., etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 891. Mills Olsen, Einer Eide, Aksel Lundell, et al., petitioners, *v.* The Steamer "Thomas Tracy," M. & J. Tracy, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 892. Union Ferry Company of New York and Brooklyn, petitioner, *v.* Sarah Moore, Administratrix, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 896. Herbert Magen, 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. 813. The Government of the Philippine Islands, on relation of the Attorney General, petitioner, *v.* El Hogar Filipino. Petition for writ of certiorari to the Supreme Court of the Philippine Islands submitted by Mr. William Catron Rigby for the petitioner, and by Mr. Clyde A. DeWitt and Mr. E. Arthur Perkins for the respondent.

No. 876. Empire Gas & Fuel Company and Equitable Trust Company, petitioners, *v.* J. M. Saunders et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. David B. Trammell, Mr. J. W. Finley, and Mr. Warren T. Spies for the petitioners.

No. 878. C. Klengenberg, petitioner, *v.* H. Liebes & Co. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. S. Hasket Derby and Mr. Ernest Clewe for the petitioner, and by Mr. W. M. Simmons for the respondent.

No. 885. John D. Jewell, as Residuary Devisee, etc., petitioner, *v.* Edmund H. Graham, Administrator, etc. Petition for writ of certiorari to the Court of Appeals of the District of Columbia submitted by Mr. J. Wilmer Latimer, Mr. Walter C. Clephane, and Mr. George C. Gertman for the petitioner, and by Mr. George W. Offutt, Mr. Henry P. Blair, and Mr. Arthur Hellen for the respondent.

No. 887. George A. Spirou, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Wilton J. Lambert and Mr. R. H. Yeatman for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Luhring, and Mr. Harry S. Ridgely for the respondent.

No. 889. Elmer D. Means and Cephus W. Scott, petitioners, *v.* R. F. Terrell. Petition for writ of certiorari to the Supreme Court of the State of Oklahoma submitted by Mr. Elmer D. Means for the petitioners.

No. 893. New Orleans & Northeastern Railroad Company and United States Fidelity & Guaranty Company, petitioners, *v.* Mrs. Janie D. Snelgrove, Administratrix. Petition for writ of certiorari

to the Supreme Court of the State of Mississippi submitted by Mr. J. Blanc Monroe, Mr. Monte M. Lemann, Mr. Albert S. Bozeman, and Mr. Walter J. Suthon, jr., for the petitioners, and by Mr. Marion W. Reily for the respondent.

No. 895. Harry B. Rose, petitioner, *v.* Washington Times Company. Petition for writ of certiorari to the Court of Appeals of the District of Columbia submitted by Mr. George R. Sherriff and Mr. W. Cameron Burton for the petitioner.

No. 900. Humane Stanchion Works, petitioner, *v.* Mitchell Mfg. Co. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Frank E. Dennett for the petitioner, and by Mr. Arthur L. Morsell for the respondent.

No. 901. St. Paul Fire and Marine Insurance Company, petitioner, *v.* American Food Products Company. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit submitted by Mr. D. Roger Englar, Mr. Thos. T. Fauntleroy, Mr. Wade H. Ellis, and Mr. Wm. J. Hughes for the petitioner, and by Mr. T. H. Caraway and Mr. John M. Lee for the respondent.

No. 902. Franc-Strohmenger & Cowan, Inc., petitioner, *v.* Baro Forchheimer, doing business under the name and style of B. Forchheimer & Company, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Charles Neave, Mr. Frederick P. Fish, Mr. Clifford E. Dunn, and Mr. Charles J. Staples for the petitioner, and by Mr. O. Ellery Edwards for the respondent.

No. 903. Raymond D. Swan, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. James F. X. O'Brien for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Luhring, and Mr. Harry S. Ridgely for the respondent.

No. 904. Tucker Stevedoring Company, petitioner, *v.* Southwark Manufacturing Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Curtis Tilton for the petitioner, and by Mr. T. Thruston Manning, jr., for the respondent.

No. 905. The Bank of Ruleville, petitioner, *v.* Maryland Casualty Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. J. W. Cutrer, for the petitioner, and by Mr. Wm. H. Watkins, for the respondent.

No. 906. Paul Balme, trading under the name and style of B. Paul, petitioner, *v.* Federal Trade Commission. Petition for writ of

certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. T. Hart Anderson for the petitioner, and by Mr. Solicitor General Mitchell and Mr. Adrien F. Busick for the respondent.

No. 907. State Trust & Savings Bank, petitioner, *v.* C. A. Dunn, Trustee, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. W. J. Rutledge, jr., for the petitioner.

No. 909. St. Louis-San Francisco Railway Company et al., petitioners, *v.* Montrose Oil Refining Company, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. E. T. Miller, Mr. M. G. Roberts, Mr. W. E. Allen, and Mr. W. M. Odell for the petitioners, and by Mr. E. H. Ratcliff and Mr. Elias Goldstein for the respondent.

No. 913. Elio Betty, petitioner, *v.* Benjamin M. Day, Commissioner, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Alexander Holtzoff for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Luhring, Mr. George C. Butte, and Mr. Harry S. Ridgely for the respondent.

No. 914. The Consolidated Iron-Steel Manufacturing Company, petitioner, *v.* The Dunbar Brothers Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Jerome S. Hess for the petitioner, and by Mr. Lucius F. Robinson for the respondent.

No. 915. J. W. Goldsmith, as County Treasurer of Montrose County, etc., et al., petitioners, *v.* The Standard Chemical Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. John L. Stivers, Mr. Wm. L. Boatright, and Mr. Charles Roach for the petitioners.

No. 916. W. M. Leftwich, petitioner, *v.* The City of Albany. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. E. W. Godbey for the petitioner, and by Mr. A. J. Harris for the respondent.

No. 918. Frank L. Speakman, Trustee, etc., petitioner, *v.* E. R. Bernstein and E. M. Brown, Jr. Petition for writ of certiorari to the Supreme Court of the State of Louisiana submitted by Mr. Allen McReynolds for the petitioner, and by Mr. Robert A. Hunter for the respondents.

No. 919. Agnes M. Logan, as Administratrix, petitioner, *v.* Gravel Products Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Thomas C. Burke for the petitioner, and by Mr. Lawrence E. Caffey for the respondent.

No. 920. Mattie Willis, now Rogers, petitioner, *v.* Lodie Willis and Lonie Scott. Petition for writ of certiorari to the Supreme Court of the State of Oklahoma submitted by Mr. H. A. Ledbetter for the petitioner, and by Mr. W. F. Semple for the respondent.

No. 921. Chase Securities Corporation et al., petitioners, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit submitted by Mr. Robert G. Dodge and Mr. F. H. Nash for the petitioners, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Farnum, and Mr. Thomas E. Rhodes for the respondent.

No. 925. David B. Driskill, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Earl Anderson for the petitioner, and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, and Mr. John J. Byrne for the respondent.

No. 965. W. F. Sarber, petitioner, *v.* Aetna Life Insurance Company. Motion for leave to proceed *in forma pauperis* submitted by Mr. Morris Bien for the petitioner.

No. —, original. *Ex parte*: In the matter of John Stiedle, Administrator, etc. Motion for leave to file petition for writ of mandamus submitted by Mr. Robert F. Cogswell in behalf of Mr. Charles A. Ludlow for the petitioner.

No. —. Walter P. Raarup, petitioner, *v.* The United States of America. Motion for leave to proceed *in forma pauperis* and motion to require the clerk of the United States Circuit Court of Appeals for the Fifth Circuit to certify the record in case of Osa J. Smythe *v.* The United States of America, submitted by Mr. George B. Smart for the petitioner.

No. 902. Franc-Strohmenger & Cowan, Inc., petitioner, *v.* Baro Forchheimer, doing business under the name and style of B. Forchheimer & Company, etc. Motion for leave to file brief as *amicus curiae* submitted by Mr. Frederick Schwertner, and motion denied.

No. 110. John P. Donnelley *v.* The United States of America. Leave granted to file petition for rehearing out of time under rule 30, on motion of Mr. Charles J. Kappler in behalf of counsel for Donnelley.

No. 838. Harry Oriel and Joseph Confino, individually, etc., petitioners, *v.* William E. Russell, Trustee, etc. Motion to advance and to place upon the summary docket submitted by Mr. William E. Russell, *pro se*, in support of the motion, and by Mr. Hugo Levy for the petitioners, in opposition thereto.

No. 837. Samuel Prael, trading as Selwell Blouse Company, petitioner, *v.* Louis Hubshman, Trustee, etc. Motion to advance and to place upon the summary docket submitted by Mr. George Lion Cohen for the respondent, and by Mr. Archibald Palmer for the petitioner.

No. —. City of New York and John F. Gilchrist, Leon G. Godley, et al., etc., appellants, *v.* Interborough Rapid Transit Company and Manhattan Railway Company. Argued on motion for stay by Mr. Samuel Untermeyer for the Transit Commission of the State of New York, by Mr. Charles L. Craig for the City of New York, and by Mr. William L. Ransom for the Interborough Rapid Transit Company and the Manhattan Railway Company.

Adjourned until Monday next at 12 o'clock.

SUPREME COURT OF THE UNITED STATES

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

Edward M. Reidy, of Washington, D. C.; Werner W. Schroeder, of Chicago, Ill.; John M. Maloney, of Ayer, Mass.; Volney S. Mooney, jr., of Los Angeles, Calif.; Edward Brannon Casler, jr., of Clearwater, Fla.; Edward Allan Setzler, of Kansas City, Mo.; John Patrick Doran, of San Francisco, Calif.; Robert Andrew Adams, of Indianapolis, Ind.; C. B. McCullar, of Milledgeville, Ga.; Joseph R. Little, of Washington, D. C.; Israel Bernstein, of Portland, Me.; Thomas A. Green, of Chicago, Ill.; Jackson R. Collins, of New York City; Shelton Pitney, of Morristown, N. J.; Jacob Aronson, of New York City; Joseph Hartman, of Jacksonville, Fla.; Homer W. Hall, of Bloomington, Ill.; and Harry L. Thompson, of Clearwater, Fla., were admitted to practice.

No. 97. *Josephine Stipcich v. Metropolitan Life Insurance Company*. On certificate from the United States Circuit Court of Appeals for the Ninth Circuit. Judgment of the District Court of the United States for the District of Oregon reversed with costs, and the cause remanded to said District Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Stone.

No. 459. *Republic of France, Compagnie Franco-Indo-Chinoise and Engineering Timber Company, Ltd., petitioners, v. French Overseas Corporation*, as owner of the Schooner Malcolm Baxter, Jr. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Decree affirmed with costs, and the cause remanded to the District Court of the United States for the Southern District of New York. Opinion by Mr. Justice Stone.

No. 403. *Jerry R. McCoy, petitioner, v. A. S. J. Shaw, as State Auditor of the State of Oklahoma, and The Pure Oil Company*. On writ of certiorari to the Supreme Court of the State of Oklahoma. Dismissed for want of jurisdiction. Opinion by Mr. Justice Sanford.

No. 472. Southern Pacific Company, a corporation, petitioner, *v.* Hildur Haglund, as Administratrix of the Estate of Ernest Haglund, deceased, et al.; and

No. 473. Southern Pacific Company, a corporation, petitioner, *v.* Moore Shipbuilding Company, a corporation, and Rolph Navigation & Coal Company, a corporation, as claimant of Tugs "Relief" and "Hercules." On writs of certiorari to the United Circuit Court of Appeals for the Ninth Circuit. Decrees affirmed with costs, and the causes remanded to the District Court of the United States for the Northern District of California. Opinion by Mr. Justice Sanford.

No. 404. The Baltimore & Ohio Railroad Company, William W. Wheelock, and William G. Bierd, Receivers, etc., et al., appellants, *v.* The United States of America, The Interstate Commerce Commission, The Chicago, Rock Island & Pacific Railway Company, et al. Appeal from the District Court of the United States for the Northern District of Illinois. Decree reversed, and the cause remanded to said District Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Butler.

No. 16, original. *Ex parte:* In the Matter of Thomas E. Williams, Tax Commissioner, etc., et al. On petition for writ of mandamus. Rule to show cause discharged and petition dismissed. Opinion by Mr. Justice Brandeis.

No. 561. Mark Skinner Willing and The Northern Trust Company, as Trustees, etc., et al., petitioners, *v.* Chicago Auditorium Association. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Decree reversed with costs, and the cause remanded to the District Court of the United States for the Northern District of Illinois for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Brandeis. Concurring opinion by Mr. Justice Stone.

The Chief Justice announced the following order of the Court.

No. —. Walter P. Raarup, petitioner, *v.* The United States of America. *Per curiam:* The motion for leave to proceed further herein *in forma pauperis* is denied for the reason that the Court, upon examination of the papers herein submitted, including a copy of the record, finds that there are no grounds upon which certiorari can be issued, application for which is therefore also denied. The costs already incurred herein shall, by direction of the Court, be paid by the Clerk from the Special Fund in his custody as provided by the order of October 29, 1926.

No. 965. W. F. Sarber, petitioner, *v.* Aetna Life Insurance Company. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. *Per curiam:* The motion

for leave to proceed further herein *in forma pauperis* is denied for the reason that the Court, upon examination of the unprinted record herein submitted, finds that there are no grounds upon which certiorari can be issued, application for which is therefore also denied. The costs already incurred herein shall, by direction of the Court, be paid by the Clerk from the Special Fund in his custody as provided by the order of October 29, 1926.

No. 837. Samuel Prela, trading as Selwell Blouse Company, petitioner, *v.* Louis Hubshman, Trustee, etc. The motion to advance this case is granted and the case assigned for argument on Monday, October 1, next, after the cases heretofore assigned for that day.

No. 838. Harry Oriel and Joseph Confino, individually, etc., petitioners, *v.* William E. Russell, Trustee, etc. The motion to advance this case is granted and the case assigned for argument on Monday, October 1, next, after the cases heretofore assigned for that day.

No. 994. William G. Marsh, appellant, *v.* The United States of America. It is ordered that the Clerk be directed to issue a rule to the appellant in this case requiring him to show cause, if any cause there be, in printed form on or before Monday, May 28, 1928, why this case should not be dismissed for lack of jurisdiction in this Court under section 238 of the Judicial Code, as amended by the act of February 13, 1925 (43 Stat. 936, 938).

No. —. The City of New York, John F. Gilchrist, et al., constituting the Transit Commission of the State of New York, appellants, *v.* Interborough Rapid Transit Company and Manhattan Railway Company. Upon consideration of the motions of the appellants for a stay of the order granting an interlocutory injunction, from which this appeal is taken, and for the advancement of this cause for an early hearing, it is ordered that the operation of the order of the District Court, made May 10, 1928, granting an interlocutory injunction in this cause be stayed and remain inoperative pending the hearing and determination by this Court of the present appeal and that this cause be advanced and set down for hearing in this Court on Tuesday, the second day of October, 1928.

No. 876. Empire Gas & Fuel Company and Equitable Trust Company, petitioners, *v.* J. M. Saunders, et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit granted.

No. 813. The Government of the Philippine Islands, on relation of the Attorney General, petitioner, *v.* El Hogar Filipino. Petition for writ of certiorari to the Supreme Court of the Philippine Islands denied.

No. 878. C. Klengenber, petitioner, *v.* H. Liebes & Co. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 885. John D. Jewell, as Residuary Devisee and as Executor of the will of Elizabeth C. Stockdale, deceased, petitioner, *v.* Edmund H. Graham, Administrator. Petition for writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 887. George A. Spirou, 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. 889. Elmer D. Means and Cephus W. Scott, petitioners, *v.* R. F. Terrell. Petition for writ of certiorari to the Supreme Court of the State of Oklahoma denied.

No. 893. New Orleans & Northeastern Railroad Company and United States Fidelity & Guaranty Company, petitioners, *v.* Mrs. Janie D. Snelgrove, Administratrix. Petition for writ of certiorari to the Supreme Court of the State of Mississippi denied.

No. 895. Harry B. Rose, petitioner, *v.* Washington Times Company. Petition for writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 900. Humane Stanchion Works, petitioner, *v.* Mitchell Mfg. Co. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 901. St. Paul Fire and Marine Insurance Company, petitioner, *v.* American Food Products Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 902. Franc-Strohmer & Cowan, Inc., petitioner, *v.* Baro Forchheimer, doing business under the name and style of B. Forchheimer & Company, and the Stern-Merritt Company, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 903. Raymond D. Swan, 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. 904. Tucker Stevedoring Company, petitioner, *v.* Southwark Manufacturing Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 905. The Bank of Ruleville, petitioner, *v.* Maryland Casualty Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 906. Paul Balme, trading under the name and style of B. Paul, petitioner, *v.* Federal Trade Commission. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 909. St. Louis-San Francisco Railway Company, St. Louis, San Francisco and Texas Railway, petitioners, *v.* Montrose Oil Refining Company, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 913. Elio Betty, petitioner, *v.* Benjamin M. Day, Commissioner of Immigration at the Port of New York. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 914. The Consolidated Iron-Steel Manufacturing Company, petitioner, *v.* The Dunbar Brothers Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 915. J. W. Goldsmith, as County Treasurer of Montrose County State of Colorado, et al., petitioners, *v.* The Standard Chemical Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 916. W. M. Leftwich, petitioner, *v.* The City of Albany. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 918. Frank L. Speakman, Trustee of the Bankrupt estate of the Tex-La-Homa Oil Corporation, petitioner, *v.* E. R. Bernstein and E. M. Brown, Jr. Petition for writ of certiorari to the Supreme Court of the State of Louisiana denied.

No. 919. Agnes M. Logan, as Administratrix, petitioner, *v.* Gravel Products Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 920. Mattie Willis, now Rogers, petitioner, *v.* Lodie Willis and Lonie Scott. Petition for writ of certiorari to the Supreme Court of the State of Oklahoma denied.

No. 921. Chase Securities Corporation, William G. Fitzpatrick, Joseph F. Guffey, 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. 925. David B. Driskill, 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. 980. The St. Louis and O'Fallon Railway Company and Manufacturers' Railway Company, appellants, *v.* The United States of America and the Interstate Commerce Commission; and

No. 981. The United States of America and the Interstate Commerce Commission, appellants, *v.* The St. Louis and O'Fallon Railway Company and Manufacturers' Railway Company. Motion to advance submitted by Mr. Solicitor General Mitchell for the appellees in No. 980, and for the appellants in No. 981.

No. 941. James Walter Grigg, petitioner, *v.* The United States of America. Leave granted to file brief for the respondent on or before Monday next, on motion of Mr. Solicitor General Mitchell for the respondent.

No. 953. Sidney B. Sligh, petitioner, *v.* The United States of America. Leave granted to file brief for the respondent on or before Monday next, on motion of Mr. Solicitor General Mitchell for the respondent.

No. 699. Fairbanks, Morse & Company, Inc., plaintiff in error, *v.* Baton Rouge Rice Mill, Inc., et al. Motion to dismiss submitted by Mr. C. V. Porter and Mr. Joseph A. Loret for the defendants in error, in support of the motion, and by Mr. J. Blanc Monroe, Mr. Monte M. Lemann, and Mr. Walter J. Suthon, jr., for the plaintiff in error, in opposition thereto.

No. 867. Cortez Oil Company, petitioner, *v.* The United States. Leave granted to file brief of Donald Horne, as *amicus curiae*, on motion of Mr. Robert Ash in that behalf.

No. 9, original. The State of Louisiana, complainant, *v.* The State of Mississippi. Motion to set cause for hearing submitted by Mr. Robert Ash for the complainant.

No. 500. Thomas J. Casey, petitioner, *v.* The United States of America. Leave granted to file brief of petitioner, in support of petition for rehearing, by Thursday next, on motion of Mr. Thomas J. Casey, *pro se*.

No. 585. L. F. Vance, petitioner, *v.* Chicago Portrait Company. Motion to transfer fund held in custody by the clerk of the District Court of the United States for the Northern District of Illinois submitted by Mr. L. F. Vance, *pro se*, and the motion denied.

No. 858. Lash's Products Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims submitted by Mr. A. R. Serven and Mr. Richard D. Daniels for the

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

No. 867. Cortex Oil Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims submitted by Mr. Wayne Johnson for the petitioner, and by Mr. Solicitor General Mitchell and Mr. Assistant Attorney General Galloway for the respondent.

No. 923. John G. Georgouses and Pete C. Georgouses, petitioners, *v.* D. M. Gillen, as Trustee, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Samuel White for the petitioners, and by Mr. Thomas A. Flynn for the respondents.

No. 926. Chin Wah Kee, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Richard B. Montgomery for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Luhring, and Mr. Harry S. Ridgely for respondent.

No. 927. Chin Toy, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Richard B. Montgomery for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Luhring, and Mr. Harry S. Ridgely for the respondent.

No. 928. Maryland Casualty Company, petitioner, *v.* Corena Razook, joined by her husband, S. A. Razook. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. John G. McKay for the petitioner, and by Mr. Robert L. Shipp for the respondent.

No. 931. Clay Autin, petitioner, *v.* Richard Piske, Trustee of the Estate of P. W. and E. Autin, Bankrupts. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Alex W. Swords and Mr. Loys Charbonnet for the petitioner.

No. 932. Tom Luey, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. John E. Jackson for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Luhring, and Mr. Harry S. Ridgely for the respondent.

No. 933. Chicago and Eastern Illinois Railway Company, petitioner, *v.* Louis L. Emmerson, as Secretary of State, etc. Petition for writ of certiorari to the Supreme Court of the State of Illinois submitted by Mr. H. T. Dick and Mr. Geo. B. Gillespie for the petitioner,

and by Mr. Oscar E. Carlstrom and Mr. Bayard Lacey Catron for the respondents.

No. 934. New York, Susquehanna & Western Railroad Company, petitioner, *v.* James Hendershot. Petition for writ of certiorari to the Court of Errors and Appeals of the State of New Jersey submitted by Mr. George S. Hobart for the petitioner, and by Mr. Wm. C. Gebhardt for the respondent.

No. 936. Thomas J. Norris and D. Clarence Gibboney, Jr., Administrators, etc., petitioners, *v.* Howard Sutherland, as Alien Property Custodian, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. G. C. Ladner and Mr. Albert H. Ladner, jr., for the petitioners.

No. 937. Willis L. Watkins, Administrator, etc., petitioner, *v.* Madison County Trust and Deposit Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Amariah F. Freeman for the petitioner, and by Mr. William F. Santry for the respondent.

No. 938. Leon Ingrassia, petitioner, *v.* A. C. W. Manufacturing Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. George M. Dowe, Mr. Emerson R. Newell, and Mr. H. Dorsey Spencer for the petitioner, and by Mr. Irving M. Obriecht for the respondent.

No. 941. James Walter Grigg, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Loy J. Molumby for the petitioner.

No. 945. Daniel Michael McDonald, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit submitted by Mr. Wm. K. Jackson and Mr. J. Harry Covington for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Luhring, and Mr. Harry S. Ridgely for the respondent.

No. 946. Michigan Central Railroad Company, petitioner, *v.* George E. Mix and A. B. Frey, Judges, etc., et al. Petition for writ of certiorari to the Supreme Court of the State of Missouri submitted by Mr. Charles A. Houts and Mr. J. W. Dohany for the petitioner.

No. 947. Eva Nieman, petitioner, *v.* Plough Chemical Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. James N. Ramsey for the petitioner.

No. 948. John W. Hill, Trustee, etc., petitioner, *v.* Abraham Gerber, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit submitted by Mr. Maurice N. Rosen for the petitioner, and by Mr. Israel Bernstein for the respondents.

No. 949. John Y. Fauntleroy, Former Collector, etc., petitioner, *v.* Elmer Candy Company, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, Mr. J. Louis Monarch, Mr. C. M. Charest, and Mr. Frank J. Ready, jr. for the petitioner.

No. 950. General Finance Corporation, petitioner, *v.* Penn-National Hardware Mutual and American Surety Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. A. H. Culwell and Mr. Wm. H. Burges for the petitioner, and by Mr. Thornton Hardie for the respondent.

No. 953. Sidney B. Sligh, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Loy J. Molumby for the petitioner.

No. —. The Ann Arbor Railroad Company et al., appellants, *v.* The United States of America and the Interstate Commerce Commission. Argued on motion for stay by Mr. Herman Phleger for the appellant, and by Mr. Blackburn Esterline for the United States of America.

Adjourned until Monday next at 12 o'clock.

SUPREME COURT OF THE UNITED STATES

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

Russell P. Harker, of Frankfort, Ind.; Edward A. Cronin, of Boston, Mass.; Rae C. Heiple, of Washington, Ill.; William Cody Fletcher, of Princeton, W. Va.; William Franklin Slaton, jr., of Atlanta, Ga.; Granville S. Borden, of Washington, D. C.; Abraham E. Hurshman, of Philadelphia, Pa.; John F. Burton, of Los Angeles, Calif.; Penrose Hertzler, of Port Royal, Pa.; Miles E. Evans, of Cleveland, Ohio; John R. Pendleton, of Princeton, W. Va.; Joseph Frederick Bratt, of Westwood, N. J.; Ralph S. Fowler, of Washington, D. C.; Charles Angulo, of New York City; George E. Nicholas, of Dayton, Ohio; John B. Eichenauer, of Pittsburgh, Pa.; Frank W. Melvin, of Philadelphia, Pa.; and Louis Halle, of New York City, were admitted to practice.

No. 596. The Sisseton and Wahpeton Bands of Sioux Indians, appellants, *v.* The United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Stone.

No. 205. National Leather Company, plaintiff in error, *v.* Commonwealth of Massachusetts. In error to the Supreme Judicial Court of the State of Massachusetts. Decree affirmed with costs. Opinion by Mr. Justice Sanford. Dissenting: Mr. Justice McReynolds.

No. 744. James A. Reed, Charles L. McNary, William H. King, et al., etc., petitioners, *v.* The County Commissioners of Delaware County, Pennsylvania; The Prothonotary of Delaware County, and John J. Sailing, etc., et al.: On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Decree affirmed with costs, and the cause remanded to the District Court of the United States for the Eastern District of Pennsylvania. Opinion by Mr. Justice Butler.

No. 139. Quaker City Cab Company, plaintiff in error, *v.* Commonwealth of Pennsylvania. In error to the Supreme Court of the State of Pennsylvania. Judgment reversed with costs, and the cause remanded to the said Supreme Court for further proceedings not

inconsistent with the opinion of this Court. Opinion by Mr. Justice Butler. Dissenting opinion by Mr. Justice Holmes. Dissenting opinion by Mr. Justice Brandeis, in which Mr. Justice Holmes concurs. Dissenting opinion by Mr. Justice Stone.

No. 569. Rupert Ribnik, plaintiff in error, *v.* Andrew F. McBride, Commissioner of Labor of the State of New Jersey. In error to the Court of Errors and Appeals of the State of New Jersey. Judgment reversed with costs, and the cause remanded to the said Court of Errors and Appeals for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Sutherland, announced by Mr. Chief Justice Taft. Concurring opinion by Mr. Justice Sanford. Dissenting opinion by Mr. Justice Stone in which Mr. Justice Holmes and Mr. Justice Brandeis concur.

No. 425. Midland National Bank of Minneapolis, petitioner, *v.* Dakota Life Insurance Company. On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Judgment reversed with costs, and the cause remanded to the said Circuit Court of Appeals with direction that the judgment of the District Court of the United States for the District of Minnesota in this cause be affirmed. Opinion by Mr. Justice Brandeis.

No. 131. Andrew W. Mellon, Director General of Railroads and Agent of the President under Transportation Act, 1920, petitioner, *v.* Edward Goodyear, as Administrator of the Estate of Lewis Goodyear, deceased. On writ of certiorari to the Supreme Court of the State of Kansas. 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 McReynolds.

No. —, original. *Ex parte*: In the Matter of John Steidle, Administrator. The motion of John Steidle for leave to file a petition for a writ of mandamus directed to the Hon. William Clark, Judge of the District Court of the United States for the District of New Jersey, and to the District Court of the United States for the District of New Jersey; and the further motion that a rule be entered and issued directed to Hon. William Clark, Judge of the District Court, and to the District Court, to show cause why a writ of mandamus should not issue against them, are denied.

No. 980. The St. Louis and O'Fallon Railway Company et al., appellants, *v.* The United States of America and the Interstate Commerce Commission; and

No. 981. The United States of America and the Interstate Commerce Commission, appellants, *v.* The St. Louis and O'Fallon Rail-

way Company et al. The motion to advance these cases is granted, and the cases are assigned for argument on Monday, October 1 next, after the cases heretofore assigned for that day.

No. 699. Fairbanks, Morse & Company, Inc., plaintiff in error, *v.* Baton Rouge Rice Mill, Inc., et al. Consideration of the motion to dismiss is postponed to the hearing of the case on the merits.

No. 9, original. The State of Louisiana, complainant, *v.* The State of Mississippi. The motion to set this case for hearing is granted and the case assigned for argument on Monday, October 1 next, after the cases heretofore assigned for that day.

No. 551. Boston Sand & Gravel Company, petitioner, *v.* The United States of America. It is ordered that this case be restored to the docket and set for reargument on Monday, October 1 next, after the cases heretofore assigned for that day.

No. —. Ann Arbor R. R. Company et al., appellants, *v.* The United States et al. The motion for a stay or suspension of the operation of the order of the Interstate Commerce Commission pending appeal is denied.

No. 858. Lash's Products Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims granted.

No. 907. State Trust & Savings Bank, petitioner, *v.* C. A. Dunn, Trustee of the Investment Bond & Mortgage Company, a bankrupt. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit granted.

No. 945. Daniel Michael McDonald, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit granted.

No. 946. Michigan Central Railroad Company, petitioner, *v.* George E. Mix et al. Petition for writ of certiorari to the Supreme Court of the State of Missouri granted.

No. 949. John Y. Fauntleroy, Former Collector, etc., petitioner, *v.* Elmer Candy Company, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit granted.

No. 867. Cortez Oil Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 923. John G. Georgouses and Pete C. Georgouses, petitioners, *v.* D. M. Gillen, as Trustee in Bankruptcy of the Estate of John G. Georgouses et al., etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 926. Chin Wah Kee, 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. 927. Chin Toy, 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. 928. Maryland Casualty Company, petitioner, *v.* Corena Razook, joined by her husband, S. A. Razook. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 931. Clay Autin, petitioner, *v.* Richard Piske, Trustee of the Estate of P. W. and E. Autin, Bankrupts. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 932. Tom Luey, 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. 933. Chicago and Eastern Illinois Railway Company, petitioner, *v.* Louis L. Emmerson, as Secretary of State for the State of Illinois et al. Petition for writ of certiorari to the Supreme Court of the State of Illinois denied.

No. 934. New York, Susquehanna & Western Railroad Company, petitioner, *v.* James Hendershot. Petition for writ of certiorari to the Court of Errors and Appeals of the State of New Jersey denied.

No. 936. Thomas J. Norris and D. Clarence Gibboney, Jr., Administrators, etc., petitioners *v.* Howard Sutherland, as Alien Property Custodian, and Frank White, as Treasurer, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 937. Willis L. Watkins, Administrator, with the will annexed of the last will and testament of Elizabeth S. Eaton, deceased, etc., petitioner, *v.* Madison County Trust and Deposit Company. Petition for certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 938. Leon Ingrassia, petitioner, *v.* A. C. W. Manufacturing Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 947. Eva Nieman, petitioner, *v.* Plough Chemical Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 948. John W. Hill, Trustee in Bankruptcy of Deering Ice Company, petitioner, *v.* Abraham Berber et al. Petition for writ of

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

No. 950. General Finance Corporation, petitioner, *v.* Penn-National Hardware Mutual and American Surety Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 884. The Portsmouth Harbor Land & Hotel Company et al., petitioners, *v.* The United States;

No. 940. William Leather et al., petitioners, *v.* United States;

No. 961. The Ellay Company, petitioner, *v.* Frank K. Bowers, Collector, etc.;

No. 970. The Yankton Sioux Tribe of Indians, petitioner, *v.* The United States;

No. 971. Albert Belland, et al., petitioners, *v.* The United States;

No. 982. David A. Smiler, petitioner, *v.* The United States;

No. 985. John M. Ralston, petitioner, *v.* D. B. Heiner, Collector, etc.;

No. 988. Edward E. Rieck, petitioner, *v.* D. B. Heiner, Collector, etc.;

No. 990. Gee Wah Lee, petitioner, *v.* The United States;

No. 1001. Charles W. Bowring, petitioner, *v.* Frank K. Bowers, Collector, etc.;

No. 1007. John Winthrop Loveland, executor, etc., petitioner, *v.* The United States; and

No. 1011. Jerry L. Echols, petitioner, *v.* The United States. Motion to direct the Clerk to submit the petitions for writs of certiorari in these cases before the expiration of the time provided by the rules granted, on motion of Mr. Solicitor General Mitchell in that behalf.

No. 961. The Ellay Company, petitioner, *v.* Frank K. Bowers, Collector, etc. Motion to postpone submission of the petition for writ of certiorari denied, with leave to counsel for the petitioner to file reply brief on or before Thursday next on motion of Mr. Joseph R. Little for the petitioner.

No. 884. The Portsmouth Harbor Land & Hotel Company, et al., petitioners, *v.* The United States. Leave granted to file brief for the petitioners on or before Thursday next, on motion of Mr. Chauncey Hackett for the petitioners.

No. 404. The Baltimore and Ohio Railroad Company, et al., appellants, *v.* The United States of America et al. Motion for

mandate submitted by Mr. Charles Clark in behalf of counsel for the appellants.

No. —, original. State of Connecticut, plaintiff, *v.* The State of North Carolina. Leave granted the plaintiff to withdraw its motion for leave to file declaration and amended declaration, on motion of Mr. A. L. Averill in behalf of Mr. Benjamin W. Alling for the plaintiff.

No. —, original. State of Connecticut, plaintiff, *v.* State of North Carolina. Leave granted the defendant to withdraw the motion for leave to file plea and brief in opposition to the motion of the plaintiff for leave to file declaration and amended declaration, on motion of Mr. Dennis G. Brummitt for the defendant.

No. 861. J. F. Lawrence, C. C. Taylor, et al., appellants, *v.* St. Louis-San Francisco Railway Company. Motion to advance submitted by Mr. William Joseph Neale in behalf of counsel for the appellants.

No. 1016. John F. Gilchrist, Leon G. Godley, et al., appellants, *v.* Interborough Rapid Transit Company et al. Suggestion of a diminution of the record and motion for a writ of certiorari submitted by Mr. C. F. R. Ogilby in behalf of Mr. Clarence M. Lewis, Mr. George P. Nicholson, Mr. Samuel Untermeyer, and Mr. Charles L. Craig for the appellants, in support of the motion, and by Mr. James L. Quackenbush, Mr. William L. Ransom, and Mr. Jacob H. Goetz for the appellees, in opposition thereto.

No. 841. Wallace C. Gaines, plaintiff in error, *v.* The State of Washington. Leave granted to withdraw the certified transcript of the record and motion to direct the Clerk to forward the same to the clerk of the Supreme Court of the State of Washington granted, on motion of Mr. Eugene Meachan in behalf of Mr. Ewing D. Colvin for the defendant in error.

No. —. Edwin A. Krauthoff, petitioner, *v.* Kansas City Joint Stock Land Bank of Kansas City, Mo., et al. Motion for leave to submit petition for writ of certiorari in advance of time specified by the rules and to require respondents to file brief in opposition on or before Thursday next submitted by Mr. Edwin A. Krauthoff for the petitioner and the motion denied.

No. 994. William G. Marsh, appellant, *v.* The United States of America. Appeal from the District Court of the United States for the Western District of New York. Dismissed, on motion of Mr. Irving K. Baxter for the appellants.

No. 782. Chippiannock Cemetery Association, petitioner, *v.* City of Rock Island. Petition for writ of certiorari to the Supreme Court

of the State of Illinois submitted by Mr. Merritt Starr, Mr. Albert L. Hopkins, and Mr. Richard S. Doyle for the petitioner, and by Mr. Ben. T. Reidy for the respondent.

No. 884. The Portsmouth Harbor Land & Hotel Company et al., petitioners, *v.* The United States. Petition for writ of certiorari to the Court of Claims submitted by Mr. Chauncey Hackett and Mr. James H. Lowell for the petitioners, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Galloway, and Mr. William W. Scott for the respondent.

No. 930. Jens C. Nielsen, Administrator, petitioner, *v.* R. E. Johnson, Treasurer of State. Petition for writ of certiorari to the Supreme Court of the State of Iowa submitted by Mr. Nelson Miller for the petitioner, and by Mr. John Fletcher for the respondent.

No. 935. Andrew L. Johnston, petitioner, *v.* Sam S. Hiller, Sam S. Hiller, and S. S. Ball. Petition for writ of certiorari to the Supreme Court of the State of Missouri submitted by Mr. Otto C. Hauschild for the petitioner, and by Mr. T. L. Montgomery for the respondents.

No. 939. Phil Kastel, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. W. J. Hughes, jr., and Mr. Wm. E. Leahy for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Luhring, and Mr. Harry S. Ridgely for the respondent.

No. 940. William Leather and Leon K. Leigh, petitioners, *v.* The United States. Petition for writ of certiorari to the Court of Claims submitted by Mr. Oliver J. Cook for the petitioners, and by Mr. Solicitor General Mitchell and Mr. Assistant Attorney General Galloway for the respondent.

No. 943. North River Insurance Company, petitioner, *v.* F. A. Wright. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. John W. Cutrer and Mr. R. L. McLaurin for the petitioner, and by Mr. Cary C. Moody for the respondent.

No. 944. The United States of America *ex rel.* Salvadore Rios, petitioner, *v.* Benjamin M. Day, Commissioner of Immigration at the Port of New York. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Harold Van Riper for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Luhring, and Mr. Harry S. Ridgely for the respondent.

No. 951. Cynthia R. Talcott, executrix, etc., petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Guy Mason and Mr. John C. Altman for the peti-

tioner, and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, and Mr. J. Louis Monarch for the respondent.

No. 955. Robert W. Brown, petitioner, *v.* Cuno H. Rudolph and J. Frances Bell. Petition for writ of certiorari to the Court of Appeals of the District of Columbia submitted by Mr. George F. Curtis for the petitioner, and Mr. William W. Bride for the respondents.

No. 956. Erastus W. Cadwell, Jesse Henry, et al., petitioners, *v.* Louis Teaney, John Fleming, et al. Petition for writ of certiorari to the Supreme Court of the State of Indiana submitted by Mr. Sol. H. Esarey for the petitioners, and by Mr. Cassius W. McMullen for the respondents.

No. 957. The New York, Chicago & St. Louis Railroad Company, petitioner, *v.* Alone Slater, Administratrix, etc. Petition for writ of certiorari to the United States Circuit of Appeals for the Seventh Circuit submitted by Mr. Howard L. Townsend for the petitioner, and by Mr. Harry F. Payer for the respondent.

No. 958. Illinois Northern Railway, petitioner, *v.* Regina Mikulecky, Administratrix, etc. Petition for writ of certiorari to the Appellate Court for the First District, State of Illinois, submitted by Mr. David A. Orebaugh and Mr. Wm. S. Elliott for the petitioner, and by Mr. Charles C. Spencer for the respondent.

No. 959. Jonathan Andress and John R. Freeman, petitioners, *v.* Stephen Stone and William G. Heiner, as receivers, etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Frank Davis, jr., and Mr. Frank H. Swan for the petitioners, and by Mr. H. Fred Mercer, Mr. George E. Alter, and Mr. Alex J. Barron for the respondents.

No. 961. The Ellay Company, petitioner, *v.* Frank K. Bowers, Collector, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Frank L. Weil for the petitioner, and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, and Mr. J. Louis Monarch for the respondent.

No. 962. H. L. Fagin, D. A. Duncan, et al., petitioners, *v.* B. E. Quinn, M. F. Yount, and J. F. Guilmartin, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Nelson Phillips and Mr. W. D. Gordon for the petitioners, and by Mr. R. L. Batts, Mr. Beeman Strong and Mr. Will E. Orgain for the respondents.

No. 963. City of Chelsea, petitioner, *v.* Thomas F. Dolan, Trustee. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit submitted by Mr. Samuel R. Cutler for the petitioner, and by Mr. John M. Maloney for the respondent.

No. 964. Robert L. Young, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Thomas Mannix for the petitioner, and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, and Mr. Mahlon D. Kiefer for the respondent.

No. 967. Nashville Builders Supply Company and Aetna Life Insurance Company of Hartford, Connecticut, petitioners, *v.* Mrs. Arzie Bell. Petition for writ of certiorari to the Supreme Court of the State of Tennessee submitted by Mr. John B. Keeble for the petitioners, and by Mr. Thos. J. Tyne and Mr. J. M. Peebles for the respondent.

No. 968. G. W. Farris and Amos Farris, petitioners, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit, submitted by Mr. Solon B. Clark for the petitioners and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, and Mr. John J. Byrne for the respondent.

No. 970. The Yankton Sioux Tribe of Indians, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims, submitted by Mr. Jennings C. Wise for the petitioner and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Galloway, and Mr. George T. Stormont for the respondent.

No. 971. Albert Belland, Harold Normandale, et al., petitioners, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit, submitted by Mr. Richard B. Montgomery for the petitioners and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Luhring, and Mr. Harry S. Ridgely for the respondent.

No. 975. Missouri-Kansas-Texas Railroad Company of Texas, petitioner, *v.* J. A. O'Connor. Petition for writ of certiorari to the Court of Civil Appeals, Eighth Supreme Judicial District, State of Texas, submitted by Mr. Charles C. Huff, Mr. Joseph M. Bryson, and Mr. A. H. McKnight for the petitioner and by Mr. S. P. Jones for the respondent.

No. 982. David A. Smiler, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit, submitted by Mr. J. T. G. Crawford for the petitioner and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Luhring, and Mr. Harry S. Ridgely for the respondent.

No. 985. John M. Ralston, petitioner, *v.* D. B. Heiner, Collector, etc. Petition for writ of certiorari to the United States Circuit

Court of Appeals for the Third Circuit, submitted by Mr. S. Leo Rushlander and Mr. George R. Beneman for the petitioner and by Mr. Solicitor General Mitchell and Assistant Attorney General Willebrandt for the respondent.

No. 988. Edward E. Rieck, petitioner, *v.* D. B. Heiner, Collector. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. James Walton and Mr. Clarence A. Miller for the petitioner, and by Mr. Solicitor General Mitchell and Assistant Attorney General Willebrandt for the respondent.

No. 990. Gee Wah Lee, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. W. J. Waguespack for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Luhring, and Mr. Harry S. Ridgely for the respondent.

No. 1001. Charles W. Bowring, petitioner, *v.* Frank K. Bowers, Collector, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Julius Henry Cohen and Mr. Kenneth Dayton for the petitioner, and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, Mr. J. Louis Monarch, Mr. C. M. Charest, and Mr. John R. Wheeler for the respondent.

No. 1007. John Winthrop Loveland, as Executor, etc., et al., petitioners, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Shelton Pitney and Mr. John R. Hardin, jr., for the petitioners, and by Mr. Solicitor General Mitchell and Mr. Assistant Attorney General Farnum for the respondent.

No. 1011. Jerry L. Echols, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Bart A. Riley for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Luhring, and Mr. Harry S. Ridgely for the respondents.

Adjourned until Monday next at 12 o'clock.

SUPREME COURT OF THE UNITED STATES

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

Millar E. McGilchrist, of Portland, Oreg.; Joseph Wallace Little, of Asheville, N. C.; Edward F. Higgins, of Milwaukee, Wis.; Thomas M. Gavin, of Dayton, Ohio; Arthur A. Olson, of Chicago, Ill.; Edward Chambers Betts, of Huntsville, Ala.; Oscar McPeak, of Washington, D. C.; George S. Herr, of Washington, D. C.; Thomas J. Farrar, of Okmulgee, Okla.; Josiah L. Carr, of Washington, D. C.; F. Wright Moxley, of New York City; Solomon O. Heilbronner, of Henderson, Ky.; Samuel E. Kratzok, of Philadelphia, Pa.; Nathan Gannon, of Washington, D. C.; Stephen H. Abbey, of Phoenix, Ariz.; Benjamin Siegel, of New York City; Royal B. Binzer, of Toledo, Ohio; Eugene B. Sullivan, of Washington, D. C.; Eloise B. Cushing, of Oakland, Calif.; Harriet P. Tyler, of San Francisco, Calif.; Charles Forrest Curry, jr., of Sacramento, Calif.; Arthur Manley Widdows, of Tulsa, Okla.; Theodore L. Bartlett, of Washington, D. C.; and E. P. Blakemore, of Denver, Colo., were admitted to practice.

No. 337. The Williamsport Wire Rope Company, petitioner, *v.* The United States. On writ of certiorari to the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Brandeis.

No. —, original. *Ex parte*: In the matter of J. D. Collins, petitioner. Motion for leave to file petition for writ of *mandamus* denied. Opinion by Mr. Justice Brandeis.

No. 228. National Life Insurance Company, petitioner, *v.* The United States. On writ of certiorari to the Court of Claims. Judgment reversed. If within 10 days counsel can agree upon a decree for entry here, it may be presented. Otherwise the cause will be remanded to the Court of Claims for further proceedings in conformity with this opinion. Opinion by Mr. Justice McReynolds. Dissenting opinion by Mr. Justice Brandeis, in which Mr. Justice Holmes and Mr. Justice Stone concur. Dissenting opinion by Mr. Justice Stone.

No. 343. Claude L. Hemphill, plaintiff in error, *v.* Julia Scott Orloff. In error to the Supreme Court of the State of Michigan. Judgment affirmed with costs. Opinion by Mr. Justice McReynolds.

No. 64. Kinney-Coastal Oil Company and Texas Production Company, petitioners, *v.* Michael F. Kieffer, Orpha M. Kieffer, Herbert L. Leaming et al., etc., et al. On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Decree of the Circuit Court of Appeals reversed with costs, and the cause remanded to the District Court of the United States for the District of Wyoming with directions to modify its decree in conformity with the opinion of this Court. Opinion by Mr. Justice Van Devanter.

No. 493. Roy Olmstead, Jerry L. Finch, Clarence G. Healy, et al., petitioners, *v.* The United States of America;

No. 532. Charles S. Green, Emory A. Kern, Z. J. Hendrick, et al., petitioners, *v.* The United States of America; and

No. 533. Edward H. McInnis, petitioner, *v.* The United States of America. On writs of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgments affirmed, and the cases remanded to the District Court of the United States for the Western District of Washington. Mandates ordered to issue forthwith. Opinion by Mr. Chief Justice Taft. Dissenting opinion by Mr. Justice Holmes, in which Mr. Justice Stone concurs. Dissenting opinion by Mr. Justice Brandeis, in which Mr. Justice Holmes and Mr. Justice Stone concur. Dissenting opinion by Mr. Justice Butler, in which Mr. Justice Stone concurs. Dissenting opinion by Mr. Justice Stone.

The Chief Justice announced the following orders of the Court:

No. 404. The Baltimore and Ohio Railroad Company, William W. Wheelock and William G. Bierd, Receivers, etc., et al., appellants, *v.* The United States of America, The Interstate Commerce Commission, et al. The petition for rehearing and for modification of the opinion announced in this case is denied, and the motion of the appellants that the mandate issue forthwith is granted.

No. 861. J. F. Lawrence, C. C. Taylor, et al., appellants, *v.* St. Louis-San Francisco Railway Company. The motion to advance this case is granted and the case assigned for argument on Monday, December 3, next.

No. 1016. John F. Gilchrist, Leon G. Godley, et al., constituting the Transit Commission, etc., et al., appellants, *v.* Interborough Rapid Transit Company and Manhattan Railway Company. On the suggestion by the appellants of a diminution of the record and motion for a writ of certiorari to bring up other papers in this case, the certiorari is allowed and the papers to be brought up shall be separately printed and bound, and the cost of the printing of this addition to the record thus made shall be paid for by the appellants and shall be subject to future order as to costs.

No. 941. James Walter Grigg, petitioner, *v.* The United States of America; and

No. 953. Sidney B. Sligh, petitioner, *v.* The United States of America. On petitions for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. These are applications for certiorari in actions instituted in the United States District Court for the District of Arizona to recover on policies of war-risk insurance. There being then no applicable Federal statute of limitations, the United States, among other defenses, pleaded the statute of limitations of the State of Arizona. Judgments were entered in the District Court for the plaintiffs. The United States sued out writs of error to the Circuit Court of Appeals. That court held the State statute of limitations was applicable and barred the actions and reversed the judgments of the District Court.

On May 29, 1928, there was passed and approved an act of Congress entitled "An act to amend the world war veterans' act, 1924" (H. R. 13039, 70th Cong., 1st sess.). That act amends section 19 of the world war veterans' act and allows suit to be brought on policies of war-risk insurance within six years after the right accrues or within one year from the date of the approval of the amendatory act. It provides also:

"Judgments heretofore rendered against the person or persons claiming under the contract of war-risk insurance on the grounds that the claim was barred by the statute of limitations shall not be a bar to the institution of another suit on the same claim. No State or other statute of limitations shall be applicable to suits filed under this section. This section shall apply to all suits now pending against the United States under the provisions of this section."

As a result of this legislation, the defense of the statute of limitations of Arizona is no longer available to the United States in these two cases. In each case the assignments of error in the Circuit Court of Appeals passed only on the defense of the statute of limitations and did not find it necessary to consider the other questions.

The United States now consents that writs of certiorari may be issued forthwith in these cases, that the judgments entered in the United States Circuit Court of Appeals for the Ninth Circuit be vacated and set aside, and that the cases be remanded to the United States Circuit Court of Appeals for the Ninth Circuit for further proceedings and that the mandates issue forthwith.

The Court enters the order accordingly.

No. 782. Chippiannock Cemetery Association, plaintiff in error, *v.* City of Rock Island. In error to the Supreme Court of the State of Illinois. *Per curiam*: The petition for certiorari ancillary to the

writ of error in this case is denied, for the reason that the writ of error must be, and is hereby, dismissed for want of a substantial Federal question on the authority of *Shulthis v. McDougal*, 225 U. S. 561, 569; *Hull v. Burr*, 234 U. S. 712, 720; *Noeton v. Whiteside*, 239 U. S. 144, 147.

No. 930. Jens C. Nielsen, Administrator, petitioner, *v.* R. E. Johnson, Treasurer of State. Petition for writ of certiorari to the Supreme Court of the State of Arkansas granted.

No. 1007. John Winthrop Loveland, as Executor of the Estate of Florence Lee Loveland, deceased, et al., petitioners, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit granted.

No. 884. The Portsmouth Harbor Land & Hotel Company, Carolina E. Peabody, Amory Eliot, Administrator, etc., et al., petitioners, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 935. Andrew L. Johnston, petitioner, *v.* Sam S. Hiller, Sam S. Hiller, and S. S. Ball. Petition for writ of certiorari to the Supreme Court of the State of Missouri denied.

No. 939. Phil Kastel, 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. 940. William Leather and Leon K. Leigh, petitioners, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 943. North River Insurance Company, petitioner, *v.* F. A. Wright. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 944. The United States of America *ex rel.* Salvadore Rios, petitioner, *v.* Benjamin M. Day, Commissioner of Immigration at the Port of New York. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 951. Cynthia R. Talcott, executrix of the last will and testament of Jonathan R. Talcott, deceased, 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. 955. Robert W. Brown, petitioner, *v.* Cuno H. Rudolph and J. Frances Bell. Petition for writ of certiorari to the Court of Appeals for the District of Columbia denied.

No. 956. Erastus W. Cadwell, Jesse Henry, Carey White, et al., petitioners, *v.* Louis Teaney, John Fleming, Harley H. Hill, et al.

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

No. 957. The New York, Chicago & St. Louis Railroad Company, petitioner, *v.* Alone Slater, Administratrix of the Estate of Milton R. Slater. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 958. Illinois Northern Railway, petitioner, *v.* Regina Mikulecky, Administratrix of the Estate of Joseph F. Cihak, deceased. Petition for writ of certiorari to the Appellate Court for the First District, State of Illinois, denied.

No. 959. Jonathan Andres and John R. Freeman, petitioners, *v.* Stephen Stone and William G. Heiner, as receivers, etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 961. The Ellay Company, petitioner, *v.* Frank K. Bowers, Collector of Internal Revenue for the Second District of New York. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 962. H. L. Fagin, D. A. Duncan, et al., petitioners, *v.* B. E. Quinn, M. F. Yount, and J. F. Guilmartin, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 963. City of Chelsea, petitioner, *v.* Thomas F. Dolan, Trustee. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 964. Robert L. Young, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 967. Nashville Builders Supply Company and Aetna Life Insurance Company of Hartford, Connecticut, petitioners, *v.* Mrs. Arzie Bell. Petition for writ of certiorari to the Supreme Court of the State of Tennessee denied.

No. 968. G. W. Farris and Amos Farris, 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. 970. The Yankton Sioux Tribe of Indians, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 971. Albert Belland, Harold Normandale, Robert Cook, et al., petitioners, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 975. Missouri-Kansas-Texas Railroad Company of Texas, petitioner, *v. J. A. O'Connor*. Petition for writ of certiorari to the Court of Civil Appeals, Eighth Supreme Judicial District, State of Texas, denied.

No. 982. David A. Smiler, 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. 985. John M. Ralston, petitioner, *v. D. B. Heiner*, Collector of Internal Revenue, Twenty-third District of Pennsylvania. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 988. Edward E. Rieck, petitioner, *v. D. B. Heiner*, Collector of United States Internal Revenue for the Twenty-third District of Pennsylvania. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 990. Gee Wah Lee, 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. 1001. Charles W. Bowring, petitioner, *v. Frank K. Bowers*, Collector of Internal Revenue for the Second District of New York. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 1011. Jerry L. Echols, 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.

ORDER

The Court has ordered to be advanced for hearing at the October Term, 1928, 18 cases and has tentatively set them for October 1st next. In order to advise counsel when the cases will probably be reached, they will be reset as follows:

Monday, October 1

No. 1016. John F. Gilchrist, Leon G. Godley, and Charles C. Lockwood, constituting the Transit Commission, etc., et al., appellants, *v. Interborough Rapid Transit Company et al.*

After the conclusion of the hearing of this case the time of the Court during the remainder of the week will be occupied in the disposition of the applications for writs of certiorari filed during the summer vacation and to be submitted on October 1.

Monday, October 8

No. 9, original. The State of Louisiana, complainant, *v. The State of Mississippi*.

No. 673. Louis K. Liggett Company, appellant, *v.* The Honorable Thomas J. Baldrige, Attorney General, etc.

After the close of the hearing in these cases the regular call and hearing of cases on the calendar will be begun.

Monday, October 15

No. 79. United Fuel Gas Company, appellant, *v.* The Public Service Commission of West Virginia et al.; and

No. 19. The United Fuel Gas Company et al., appellants, *v.* The Railroad Commission of Kentucky et al.

No. 551. Boston Sand & Gravel Company, petitioner, *v.* The United States of America.

Monday, October 22

No. 788. Journeymen Stone Cutters Association of North America et al., appellants, *v.* The United States of America.

No. 634. Must Hatch Incubator Co., Inc., appellant, *v.* I. L. Patterson, Governor, etc.

No. 910. Talbert W. Hughes, plaintiff in error, *v.* The State Board of Medical Examiners; and

No. 911. Nathan A. Hughes, plaintiff in error, *v.* The State Board of Medical Examiners.

No. 401. International Shoe Company, plaintiff in error, *v.* I. Pinkus, George Franklin, et al.

Monday, November 19

No. 607. The United States of America et al., appellants, *v.* Missouri Pacific Railroad Company.

No. 833. J. Robert Cogen, petitioner, *v.* The United States of America.

No. 659. Botany Worsted Mills, petitioner, *v.* The United States.

No. 837. Samuel Prela, trading as Selwell Blouse Company, petitioner, *v.* Louis Hubshman, Trustee; and

No. 838. Harry Oriel and Joseph Confino, individually, etc., petitioners, *v.* William E. Russell, Trustee, etc.

Monday, November 26

No. 15, original. The State of Colorado, complainant, *v.* The State of Kansas, et al.

No. 740. W. A. Frost, doing business, etc., appellant, *v.* Corporation Commission of the State of Oklahoma et al.

Monday, December 3

No. 861. J. F. Lawrence, C. C. Taylor, et al., appellants, *v.* St. Louis-San Francisco Railway Company.

Wednesday, January 2, 1929

No. 980. The St. Louis and O'Fallon Railway Company et al., appellants, *v.* The United States et al.; and

No. 981. The United States of America et al., appellants, *v.* The St. Louis and O'Fallon Railway Company et al.

It is the order of the Court that the hearing of the cases above reset shall not be delayed except that the case in hearing on the Friday preceding the Monday of the setting shall be concluded, but shall not be delayed to permit the hearing of the cases set for the preceding Friday, the hearing of which has not begun.

No. 1006. Nicholas Lee Eagles, Samuel Moreno, and John Proctor, petitioners, *v.* The United States of America. Motion to direct the Clerk to submit the petition for a writ of certiorari in this case granted, on motion of Mr. Solicitor General Mitchell for the respondent.

No. 1006. Nicholas Lee Eagles, Samuel Moreno, and John Proctor, petitioners, *v.* The United States of America. Petition for writ of certiorari to the Court of Appeals of the District of Columbia submitted by Mr. William J. Hughes, jr., Mr. Wilton J. Lambert, Mr. R. H. Yeatman, May T. Bigelow, Mr. Hyman M. Goldstein, and Mr. Martin F. O'Donoghue for the petitioners. The filing of a brief in opposition waived by Mr. Solicitor General Mitchell for the respondent.

No. 500. Thomas J. Casey, petitioner, *v.* The United States of America. Motion for leave to file a second petition for rehearing submitted by Mr. Thomas J. Casey *pro se.*

The Chief Justice announced:

Certain amendments to the rules of this Court having been proposed by a committee of the Court and presented for consideration, the adoption of such amendments will be announced hereafter.

Adjourned until to-morrow at 12 o'clock.

SUPREME COURT OF THE UNITED STATES

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

The Chief Justice announced the following orders of the court:

ORDER

The revision of the rules of this court has been this day lodged with the clerk, and it is here ordered that the said rules shall become effective July 1, 1928, and be printed as an appendix to 275 U. S. The rules promulgated June 8, 1925, appearing in 266 U. S. Appendix, and all amendments thereof are rescinded, but this shall not affect any proper action taken under them before the rules hereby adopted become effective.

No. 500. Thomas J. Casey, petitioner, *v.* The United States. The motion for leave to file a second petition for rehearing is denied.

No. 1006. Nicholas Lee Eagles, Samuel Moreno, and John Proctor, petitioners, *v.* The United States of America. Petition for writ of certiorari to the Court of Appeals of the District of Columbia denied.

Mr. Justice Van Devanter announced the following order of the Court:

No. 554. Elizabeth C. Taft, petitioner, *v.* Frank K. Bowers, Collector of Internal Revenue, etc.; and

No. 575. Gilbert C. Greenway, jr., petitioner, *v.* Frank K. Bowers, Collector, etc. It is ordered that these cases be restored to the docket for a reargument.

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

ORDER

It is now here ordered by this court that all cases on the docket not decided, and all other business of the term not disposed of, be, and the same are hereby, continued to the next term.

Adjourned to the time and place appointed by law.