

SUPREME COURT OF THE UNITED STATES

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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.

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Pat Haralson, of Blairsville, Ga.; John T. Graham, of Huntington, W. Va.; D. B. Puryear, of Memphis, Tenn.; Percy T. Ogden, of New Orleans, La.; Theodore D. Peyser, of Washington, D. C.; George E. Edelin, of Washington, D. C.; J. William Tomlinson, of Washington, D. C.; William W. Dimmick, of New York City; Charles Wellborn, of Los Angeles, Calif.; Hyman E. Konnoson, of New York City; John L. Sweeney, of Winslow, Ariz.; Sumner Ford, of New York City; Frank P. Hamilton, of Jacksonville, Fla.; Emmet L. Holbrook, of New York City; Carl A. Hiaasen, of Fort Lauderdale, Fla.; Benj. H. Hill, III, of Atlanta, Ga.; Joseph Cotter, of Washington, D. C.; Frank Harrison, of Cleveland, Ohio; Harold Ammon Carmichael, of Duluth, Minn.; Paul W. Scott, of Huntington, W. Va.; Norman J. Morrisson, of El Paso, Texas; W. A. McClellan, of Macon, Ga.; Carl B. Berter, of Quincy, Ill.; H. R. Gamble, of El Paso, Tex.; Mark M. Litchman, of Seattle, Wash.; John David Watkins, of Washington, D. C.; W. O. Cooper, jr., of Macon, Ga.; Montgomery S. Winning, of Springfield, Ill.; and H. Dorsey Spencer, of New York City, were admitted to practice.

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No. —, original. State of Florida, complainant, *v.* Andrew W. Mellon, Secretary of the Treasury of the United States, and David H. Blair, Commissioner of Internal Revenue of the United States. Return to rule to show cause filed on motion of Mr. Solicitor General Mitchell for the defendants.

No. —, original. State of Florida, complainant, *v.* Andrew W. Mellon, Secretary of the Treasury of the United States, and David H. Blair, Commissioner of Internal Revenue of the United States. Leave granted to file briefs of Mr. Edward A. Harriman and Mr. Thomas B. Adams as *amici curiae* on motion of Mr. Edward A. Harriman in that behalf.

No. 10, original. The United States of America, complainant, *v.* The State of Wisconsin. Bill of complaint dismissed on motion of Mr. Solicitor General Mitchell for the complainant.

No. 10. The United States, appellant, *v.* Lucia E. Blount, in her own right and as administratrix, c. t. a., of the Estate of Henry F. Blount, deceased. Appeal from the Court of Claims. Dismissed on motion of Mr. Solicitor General Mitchell for the appellant.

No. 668. W. Henry Mattox, plaintiff in error, *v.* The United States of America. In error to the District Court of the United States for the Northern District of Georgia. Docketed and dismissed on motion of Mr. Solicitor General Mitchell for the defendant in error.

No. 86. Frank Rossi et al., plaintiffs in error, *v.* The United States of America. Motion to transfer to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Solicitor General Michell for the defendant in error.

No. 99. J. McGuire, appellant, *v.* Railroad Labor Board. Appeal from the District Court of the United States for the Northern District of Illinois. Appeal dismissed and case remanded to the United States District Court for the Northern District of Illinois with directions to dismiss the petition without costs to either party, per stipulation of counsel, on motion of Mr. Solicitor General Mitchell in that behalf.

No. 194. Dan Bartoncini, plaintiff in error, *v.* The United States of America. Motion to dismiss or to advance submitted by Mr. Solicitor General Mitchell for the defendant in error in support of the motion, and by Mr. Ernest B. D. Spagnoli, in opposition thereto.

No. 366. Frank K. Bowers, individually and as Collector of Internal Revenue for the Second District of New York, petitioner, *v.* New York and Albany Lighterage Company;

No. 367. Frank K. Bowers, individually and as Collector of Internal Revenue for the Second District of New York, petitioner, *v.* Lloyd W. Seaman; and

No. 368. Frank K. Bowers, individually and as Collector of Internal Revenue for the Second District of New York, petitioner, *v.* Thomas Staples Fuller. Motion to advance submitted by Mr. Solicitor General Mitchell for the petitioner.

No. 395. The United States of American, plaintiff in error, *v.* Solomon Noveck. Motion to advance submitted by Mr. Solicitor General Mitchell for the plaintiff in error.

No. 559. L. J. Riggs, petitioner, *v.* Siegel Workman, United States Marshal for the Southern District of West Virginia; and

No. 560. L. J. (Bear Cat) Riggs, petitioner, *v.* The United States of America. Leave granted to withdraw brief of the respondents

and file substituted brief on or before Friday next, on motion of Mr. Solicitor General Mitchell in that behalf.

No. 196. Hector N. Zahn and A. W. Ross, plaintiffs in error, *v.* Board of Public Works of the City of Los Angeles. Motion to advance and assign for argument with case No. 31 submitted by Mrs. Mabel Walker Willebrandt in behalf of Mr. A. J. Hill for the plaintiffs in error in support of the motion and Mr. William W. Bride in behalf of Mr. Jess E. Stephens and Mr. Lucius P. Green for the defendants in error in opposition thereto.

No. 31. The Village of Euclid, Ohio, et al., appellants, *v.* Ambler Realty Company. Leave granted to file brief of George T. Simpson as *amicus curiae* on motion of Mr. Newton D. Baker in that behalf.

No. 232. Charles B. Beery, plaintiff in error, *v.* James G. Houghton, as Inspector of Buildings for the City of Minneapolis. Motion to advance submitted by Mr. Charles S. Lobingier for the defendant in error.

No. 69. State of Missouri at the relation and to the use of Wabash Railway Company et al., plaintiffs in error, *v.* Public Service Commission of the State of Missouri et al., etc., et al. Motion for leave to file brief of The Brotherhood of Railroad Trainmen as *amicus curiae* submitted by Mr. David W. Peters in support of the motion, and by Mr. Julius T. Muench, Mr. Oliver Senti, and Mr. Marion C. Early for the defendants in error in opposition thereto.

No. 393. Rush Meadows, petitioner, *v.* United States of America. Leave granted to file additional brief on behalf of the petitioner on or before Friday next on motion of Mr. Jesse P. Crawford in behalf of Mr. Hugh L. Dickson for the petitioner.

No. 564. New York, Ontario and Western Railway Company, appellant, *v.* The United States of America et al. Motion to advance submitted by Mr. C. L. Andrus for the appellant.

No. 158. Seward K. Lowe et al., petitioners, *v.* Alexander J. Dickson. Suggestion of the death of Seward K. Lowe and motion to substitute Susan Lowe as the party petitioner granted on motion of Mr. Raymond M. Hudson in behalf of counsel for the petitioners.

No. 508. The State Bank, petitioner, *v.* Philip Applebaum. Leave granted to file brief for the respondent on motion of Mr. David Wiener in that behalf.

No. 357. Albert Ottinger, as Attorney General of the State of New York, appellant, *v.* Consolidated Gas Company of New York;

No. 358. Albert Ottinger, as Attorney General of the State of New York, appellant, *v.* The Brooklyn Union Gas Company; and

No. 365. Albert Ottinger, as Attorney General of the State of New York, Appellant, *v.* Kings County Lighting Company. Motion to reassign these cases submitted by Mr. John Holley Clark, jr., for the appellant in support of the motion, and by Mr. William L. Ransom for the appellee in No. 357, and by Mr. William N. Dykman for the appellee in No. 358 in opposition thereto, and motion denied.

No. 648. T. L. Smith, sr., et al., appellants, *v.* Louis J. Wilson et al. Joint motion to advance submitted by Mr. Louis R. Bryan for the appellees, and by Mr. Frederick S. Tyler and Mr. A. D. Lipscomb for the appellants.

No. 592. H. L. Eveland et al., etc., petitioners, *v.* Chicago and Northwestern Railway Company. Leave granted to file brief for the respondent on motion of Mr. Thomas P. Littlepage in behalf of Mr. A. K. Gardner for the respondent.

No. 332. The People of the State of New York ex rel. George C. Bryant, plaintiff in error, *v.* Charles F. Zimmermann, Chief of Police of Buffalo, et al. Passed per stipulation of counsel, on motion of Mr. W. F. Zumbrunn in that behalf.

No. 577. St. Louis and San Francisco Railway Company et al., petitioners, *v.* E. B. Spiller et al. Leave granted to file brief of Edward J. White and Thomas T. Railey for the Missouri Pacific Railroad Company as *amicus curiae* on motion of Mr. Richard H. Wilmer in that behalf.

No. 439. The United Fuel Gas Company, appellant, *v.* The Public Service Commission of West Virginia et al. Motion to advance submitted by Mr. M. B. Angell in behalf of Mr. John W. Davis and Mr. Harold A. Ritz for the appellant.

No. 505. Atlantic Coast Line Railroad Company, petitioner, *v.* The Standard Oil Company of New Jersey; and

No. 506. Seaboard Air Line Railroad Company, petitioner, *v.* The Standard Oil Company of New Jersey. Motion to defer consideration of the petitions for writs of certiorari in these cases until the petitions in Nos. 653 and 654 have been submitted, submitted by Mr. Frank W. Gwathmey, and motion denied.

No. 65. Clarence H. Myers *v.* Hurley Motor Company, Inc. Motion to bring up entire record and cause submitted by Mr. Henry C. Clark, Mr. Roger J. Whiteford, and Mr. Walter B. Guy for the Hurley Motor Company, Incorporated.

No. 13, original. The State of Michigan, complainant, *v.* The State of Illinois and Sanitary District of Chicago. Motion of the States of Michigan and New York for leave to amend the bill of complaint submitted by Mr. Charles S. Ferris in behalf of Mr. Andrew B. Dougherty and Mr. Albert Ottinger in support of the motion, and by Mr. James M. Beck for the Sanitary District of Chicago in

opposition thereto, with leave to counsel to file printed briefs on or before Friday next.

No. 515. The City of Philadelphia *ex relatione* Daniel J. Furey, Taxpayer, et al., appellants, *v.* The Philadelphia Rapid Transit Company et al. Motion to advance submitted by Mr. James J. Regan, jr., for the appellants.

No. 639. M. Hartley Dodge, petitioner, *v.* Minnie E. Allison et al., Executors, etc. Motion to defer consideration of the petition for a writ of certiorari and for leave to file brief for the respondents within two weeks granted on motion of Mr. Hugh H. Obear in behalf of counsel for the respondents.

No. 522. Kate Tendler, petitioner, *v.* Morris Tendler. Motion for leave to proceed *in forma pauperis* submitted by Mr. Edwin A. Mooers for the petitioner.

No. 543. Scott M. Atkin, petitioner, *v.* Nathan H. Baier et al. Leave granted to file additional brief for the petitioner on or before Friday next, on motion of Mr. G. Bowdoin Craighill in behalf of Mr. William M. Toomer and Mr. George P. Garrett for the petitioner.

No. —. In re Disbarment of John H. Adriaans. Motion to vacate order submitted by Mr. John H. Adriaans *pro se*.

No. 533. Josephine Stipcich *v.* Metropolitan Life Insurance Company. Motion to bring up entire record and cause submitted by Mr. Chester I. Long in behalf of Mr. G. C. Fulton for Stipcich.

No. 550. The Philippine Sugar Estates Development Company, Ltd., Inc., petitioner, *v.* Gabriela Andrea de Coster. Leave granted to file brief for the respondent on motion of Mr. Chester I. Long in that behalf.

No. 437. Daniel J. Hart, petitioner, *v.* H. B. North et al. Motion for leave to proceed *in forma pauperis* submitted by Mr. Leon Robbin for the petitioner.

No. 248. Jacob Goldman, plaintiff in error, *v.* The People of the State of Illinois. Motion to dismiss submitted by Mr. Montgomery S. Winning in behalf of Mr. Oscar E. Carlstrom and Mr. Edward C. Fitch for the defendant in error.

No. 391. The United States of America *ex rel.* Julio E. Roman (Checa), petitioner, *v.* George E. Williams, Criminal Sheriff of the Parish of Orleans, La. Motion to defer submission of the petition for a writ of certiorari until Monday, October 25, granted per stipulation of counsel, on motion of Mr. Robert F. Cogswell.

No. 467. Baltimore and Ohio Southwestern Railroad Company, petitioner, *v.* Sherman D. Hill, Administrator, etc. Suggestion of diminution of the record and motion for writ of certiorari to correct

the record submitted by Mr. Henry R. Gower in behalf of Mr. William A. Eggers and Mr. C. W. McMullan and Mr. Morison R. Waite for the petitioner.

No. 1, original. The State of Georgia, complainant, *v.* The Tennessee Copper Company et al. Rule to show cause discharged on motion of Mr. George M. Napier for the complainant.

No. 7. Public Utilities Commission of the State of Kansas, C. M. Read, J. W. Greenleaf et al., appellants, *v.* The Arkansas Valley Interurban Railway Company. Appeal from the District Court of the United States for the District of Kansas. Dismissed with costs on motion of Mr. Fred S. Jackson for the appellants.

No. 321. Chicago Great Western Railroad Company, petitioner, *v.* Marian S. Jackson. On writ of certiorari to the Supreme Court of the State of Minnesota. Dismissed without costs or disbursements to either party per stipulation of counsel.

No. 581. Dad's Auto Accessories, Inc., plaintiff in error, *v.* City of Nashville, George J. Tompkins, J. W. Bauman, and Hiliary E. House, etc. In error to the Supreme Court of the State of Tennessee. Dismissed with costs per stipulation of counsel.

No. 103. W. A. Thomson, plaintiff in error, *v.* Alexander W. Thomson, Roderick W. McKinnon et al., copartners doing business under the firm name and style of Thomson and McKinnon. Motion to dismiss submitted by Mr. Henry S. Robbins, Mr. Silas H. Strawn, and Mr. Walter H. Jacobs for the defendants in error in support of the motion, and by Mr. William Marshall Bullitt and Mr. Samuel B. King for the plaintiff in error in opposition thereto.

No. 524. Canal-Commercial Trust and Savings Bank and Union Indemnity Company, plaintiffs in error, *v.* Earl Brewer. Motion to dismiss submitted by Mr. John W. Cutrer for the defendant in error in support of the motion, and by Mr. Marcellus Green, Mr. Garner Wynne Green, and Mr. Chalmers Potter for the plaintiffs in error in opposition thereto.

No. 622. Alexander Ackerson, petitioner, *v.* The United States of America. Motion for leave to proceed *in forma pauperis* submitted by Mr. Alexander Ackerson *pro se*.

No. 630. Ethel Jones, plaintiff in error, *v.* The State of Mississippi. Motion for leave to proceed *in forma pauperis* submitted by Mr. William H. Watkins for the plaintiff in error.

No. 657. David F. Mitchell, petitioner, *v.* The United States of America. Motion for leave to proceed *in forma pauperis* submitted by Mr. David F. Mitchel *pro se*.

No. 290. James Stewart and Company, plaintiff in error, *v.* Dominick Rivara. Motion to dismiss submitted by Mr. Pierre M. Brown

for the defendant in error in support of the motion, and by Mr. Harrington Putnam and Mr. John M. Woolsey for the plaintiff in error in opposition thereto.

No. 652. Thomas H. Larkin, plaintiff in error, *v.* The People of the State of New York. Motion for leave to proceed *in forma pauperis* submitted by Mr. Thomas H. Larkin *pro se*.

No. 362. Liggett and Myers Tobacco Company, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the Court of Claims submitted by Mr. Chester A. Gwinn and Mr. Adrian C. Humphreys for the petitioner, and by Mr. Solicitor General Mitchell for the respondent.

No. 371. Rothschild Francis, petitioner, *v.* George Washington Williams, Judge of the District Court of the Virgin Islands of the United States. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. David Wallerstein for the petitioner, and by Mr. Charles H. Gibson for the respondent.

No. 374. Pulitzer Publishing Company, petitioner, *v.* Houston Printing Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. John F. Green for the petitioner.

No. 376. Missouri Pacific Railroad Company, petitioner, *v.* H. K. Wellborn and J. A. Walls, under the firm name of Wellborn and Walls. Petition for a writ of certiorari to the Supreme Court of the State of Arkansas submitted by Mr. Robert E. Wiley and Mr. Edgar B. Kinsworthy for the petitioner, and by Mr. Tillman B. Parks for the respondents.

No. 377. Ray C. Simmons, petitioner, *v.* Edward P. Swan. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit submitted by Mr. Percy S. Bryant for the petitioner.

No. 379. International-Great Northern Railroad Company et al., petitioners, *v.* T. A. Binford, Sheriff of Harris County, Texas, et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Sam Streetman and Mr. Samuel B. Dabney for the petitioners, and by Mr. Jewel P. Lightfoot, Mr. John W. Brady, and Mr. George L. Edwards for the respondents.

No. 380. International-Great Northern Railroad Company et al., petitioners, *v.* George Edgeley et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Sam Streetman and Mr. Samuel B. Dabney for the petitioners.

No. 381. International-Great Northern Railroad Company et al., petitioners, *v.* The Texas Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Sam Streetman and Mr. Samuel B. Dabney for the petitioners, and by Mr. Herbert S. Garrett for the respondent.

No. 382. Frank C. Hart, 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. Martin L. Pipes for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Luhring, and Mr. Harry S. Ridgely for the respondent.

No. 383. Town of Flagstaff, petitioner, *v.* William D. Walsh, as the surviving partner of the copartnership of McLean & Walsh, etc., et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Walter Bennett and Mr. John L. Gust for the petitioner, and by Mr. Henry G. Bodkin for the respondent.

No. 384. American Smelting and Refining Company, petitioner, *v.* George Campbell Carson. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Charles Earl, Mr. Frederick P. Fish, Mr. George Donworth, and Mr. John C. Higgins for the petitioner, and by Mr. John H. Miller and Mr. A. W. Boyken for the respondent.

No. 385. City of Hammond, petitioner, *v.* Schappi Bus Line, Inc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. L. T. Michener and Mr. John A. Gavit for the petitioner, and by Mr. William J. Whinery for the respondent.

No. 386. City of Hammond, petitioner, *v.* Farina Bus Line and Transportation Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. L. T. Michener and Mr. John A. Gavit for the petitioner, and by Mr. Jesse J. Ricks and Mr. Edmond W. Hebel for the respondent.

No. 387. Mercantile Trust Company of St. Louis, Missouri, petitioner, *v.* Wilmot Road District. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. George B. Rose, Mr. S. A. Mitchell, Mr. S. H. Cantrell, Mr. J. F. Loughborough, and Mr. A. W. Dobyms for the petitioner, and by Mr. Robert E. Wiley for the respondent.

No. 389. Sylvia Lake Company, Inc., et al., petitioners, *v.* Northern Ore Company et al. Petition for a writ of certiorari to the Supreme Court of the State of New York submitted by Mr. Edwin



L. Garvin and Mr. Alfred G. Reeves for the petitioners, and by Mr. Henry Purcell for the respondents.

No. 390. St. Louis-San Francisco Railway Company, petitioner, *v.* Warren Landers. Petition for a writ of certiorari to the Supreme Court of the State of Oklahoma submitted by Mr. C. B. Stuart, Mr. J. F. Sharpe, Mr. M. K. Cruce, Mr. Ben Franklin, Mr. E. T. Miller, and Mr. Thomas P. Littlepage for the petitioner.

No. 392. American Railway Express Company, petitioner, *v.* Clinton Harris. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia submitted by Mr. Benjamin S. Minor, Mr. H. Prescott Gatley, Mr. Hugh B. Rowland, and Mr. Arthur P. Drury for the petitioner.

No. 393. Rush Meadows, 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. Hugh L. Dickson for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Luhring, and Mr. Harry S. Ridgely for the respondent.

No. 394. C. G. Lewellyn, Collector of Internal Revenue, etc., petitioner, *v.* Electric Reduction Company. 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.

No. 396. The United States of America, substituted for R. Bergman, Master of the Steamship *Henry County*, petitioner, *v.* A cargo of about 3,253 tons of coal laden on board the Steamship *Henry County*, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Chauncey G. Parker, Mr. Arthur M. Boal, and Mr. Harold F. Birnbaum for the petitioner, and by Mr. T. Catesby Jones and Mr. James W. Ryan for the respondent.

No. 397. The United States of America, substituted for Martin Miller, Master of the Steamship *Franklin County*, petitioner, *v.* A cargo of about 3,248 tons of coal laden on board the Steamship *Franklin County*, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Chauncey G. Parker, Mr. Arthur M. Boal, and Mr. Harold F. Birnbaum for the petitioner, and by Mr. T. Catesby Jones and Mr. James W. Ryan for the respondent.

No. 399. N. B. Josey Guano Company and N. B. Josey Company et al, petitioners, *v.* E. I. du Pont de Nemours and Company. Petition for a writ of certiorari to the United States Circuit Court of

Appeals for the Fourth Circuit submitted by Mr. J. S. Manning, Mr. John H. Manning, and Mr. P. W. McMullan for the petitioner.

No. 400. The United States of America ex rel. L. Margulies & Sons., Inc., petitioner, *v.* J. Raymond McCarl, Comptroller General of the United States. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia submitted by Mr. Raymond M. Hudson and Mr. Lewis K. Torbet for the petitioner, and by Mr. Solicitor General Mitchell for the respondent.

No. 401. Gulf Refining Company of Louisiana, petitioner, *v.* A. H. Phillips, Tax Collector for Webster Parish, Louisiana. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. S. L. Herold for the petitioner, and by Mr. Robert A. Hunter for the respondent.

No. 402. Gulf Refining Company of Louisiana, petitioner, *v.* A. H. Phillips, Tax Collector for Webster Parish, Louisiana. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. S. L. Herold for the petitioner, and by Mr. Robert A. Hunter for the respondent.

No. 403. Gulf Refining Company of Louisiana, petitioner, *v.* M. H. Sandlin, Tax Assessor. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. S. L. Herold for the petitioner, and by Mr. Robert A. Hunter for the respondent.

No. 404. J. W. McIntosh, Comptroller of the Currency, et al., petitioners, *v.* Miss Ruth M. Jackson and Mrs. Anna M. Scott. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. M. C. Elliott and Mr. Thos. F. Green for the petitioner.

No. 405. Louis Horwitz and S. Abramson, 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. Henry A. Behrendt for the petitioner, and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, and Mr. Mahlon D. Kiefer for the respondent.

No. 407. Maurice R. Shaw, Owner of the Derrick Barge *Holly*, petitioner, *v.* Western Assurance Company of Toronto, Canada. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Curtis Tilton and Mr. Willard M. Harris for the petitioner, and by Mr. Henry J. Bigham for the respondent.

No. 408. The United States of America, petitioner, *v.* John B. Semple and Company, a former Pennsylvania Corporation, etc., et al. Petition for a writ of certiorari to the United States Circuit

Court of Appeals for the Third Circuit submitted by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, Mr. Sewall Key, Mr. A. W. Gregg, and Mr. John R. Wheeler for the petitioner, and by Mr. Charles H. Woods for the respondents.

No. 409. Andrew W. Mellon, Director General of Railroads and Agent of the President, petitioner, *v.* Arkansas Land & Lumber Company. Petition for a writ of certiorari to the Supreme Court of the State of Arkansas submitted by Mr. J. Q. Mahaffey for the petitioner, and by Mr. E. F. McFaddin for the respondent.

No. 410. Chicago Steamship Lines, Inc., et al., petitioners, *v.* United States Lloyds, Incorporated, et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Charles E. Kremer for the petitioners, and by Mr. D. Roger Englar and Mr. Henry N. Longley for the respondents.

No. 411. Grace Henry and Mae Henry, petitioners, *v.* Olive Henry et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. M. G. Adams and Mr. C. W. Howth for the petitioners.

No. 412. Bedford Cut Stone Company et al., petitioners, *v.* Journeymen Stone Cutters' Association of North America et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Daniel Davenport, Mr. Charles Martindale, and Mr. Walter Gordon Merritt for the petitioners.

No. 413. Harry Barusch, petitioner, *v.* G. W. Brainard, as Trustee of Charles H. Durel et al., etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Edgar C. Chapman for the petitioner.

No. 415. United Cigar Stores Company of America, petitioner, *v.* Edward R. Rayher, Trustee in Bankruptcy of Bertrand Barnett, trading as Culver & Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Sol. M. Stroock for the petitioner, and by Mr. Samuel Leavitt for the respondent.

No. 419. B. F. Trappey et al., trading as B. F. Trappey and Sons, petitioner, *v.* McIlhenny Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. William L. Symons for the petitioner, and by Mr. Joseph S. Clark and Mr. Edward S. Rogers for the respondent.

No. 420. George Weinstein, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Cir-

cuit Court of Appeals for the First Circuit submitted by Mr. William H. Lewis for the petitioner, and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, and Mr. Byron M. Coon for the respondent.

No. 423. American Chain Company, Inc., petitioner, *v.* Chester N. Weaver, Inc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Frederick S. Duncan and Mr. Gilbert H. Montague for the petitioner, and by Mr. William K. White for the respondent.

No. 425. Franklin D'Olier et al., etc., petitioners, *v.* The United States. Petition for a writ of certiorari to the Court of Claims submitted by Mr. J. Marvin Haynes, Mr. Thomas G. Haight, and Mr. Robert H. Montgomery for the petitioners, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Galloway, Mr. Fred K. Dyar, and Mr. John R. Wheeler for the respondent.

No. 426. Eugene Bergron et al., petitioners, *v.* Ernest G. Hellsten, as bailee of the owner, Pere Marquette Lines steamer, claimant of the American vessel *Nevada*, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. H. W. Hutton for the petitioners, and by Mr. Ambrose Gherini, Mr. Irving H. Frank, and Mr. Nathan H. Frank for the respondent.

No. 427. Julius Kessler and Company, Inc., petitioner, *v.* The United States. Petition for a writ of certiorari to the Court of Claims submitted by Mr. William C. Breed and Mr. Edward A. Craighill, jr., for the petitioner, and by Mr. Solicitor General Mitchell and Mr. Assistant Attorney General Galloway for the respondent.

No. 428. James Dickinson Farm Mortgage Company et al., petitioner, *v.* Cora Seimer. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. George F. Rearick for the petitioner.

No. 430. Carl B. Anderson, 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. Rufus S. Day for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Luhning, and Mr. Harry S. Ridgely for the respondent.

No. 431. Harry J. Bovard, 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. Luther Day for the petitioner, and by Mr. Solicitor General Mitchell,

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

No. 432. William M. Jones, 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. Edward E. Gates for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Luhring, and Mr. Harry S. Ridgely for the respondent.

No. 433. Mord Carter, 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. Rufus S. Day for the petitioner and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Luhring, and Mr. Harry S. Ridgely for the respondent.

No. 434. Anthony A. Scheib, 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. A. M. Frumberg for the petitioner and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Luhring, and Mr. Harry S. Ridgely for the respondent.

No. 435. Margaret Collins, Administratrix *ad prosequendum* of the estate of Martin Collins, deceased, petitioner, *v.* Erie Railroad Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Susan Brandeis and Mr. Nathan Probst, jr., for the petitioner and by Mr. Clement K. Corbin for the respondent.

No. 436. A. B. Leach & Company, Inc., petitioner, *v.* Walter Peirson. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Francis Rawle, Mr. Henry M. Earle, and Mr. Joseph W. Henderson for the petitioner.

No. 437. Daniel J. Hart, petitioner, *v.* H. B. North, A. E. Fisher, and A. V. Essington. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Leon Robbin for the petitioner.

No. 438. Mrs. Gertrude S. Ponder, petitioner, *v.* Lamar Life Insurance Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. H. B. Warren, Mr. Joseph D. Barksdale, and Mr. Albert H. Van Hook for the petitioner.

No. 440. Lehigh Valley Railroad Company, petitioner, *v.* Steam tug *Cutchogue*, her engines, etc., et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second

Circuit submitted by Mr. T. Catesby Jones for the petitioner and by Mr. Chauncey I. Clark and Mr. William J. Dean for the respondents.

No. 441. Irvin McD. Garfield, as Receiver of B. B. & R. Knight, Inc., petitioner, *v.* The Mallory Steamship Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. John Hunter for the petitioner, and by Mr. Ray Rood Allen for the respondent.

No. 442. J. A. Kemp 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. Harry C. Weeks for the petitioners, and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, Mr. Sewall Key, and Mr. A. W. Gregg for the respondent.

No. 445. Max Hart, petitioner, *v.* B. F. Keith Vaudeville Exchange et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Martin W. Littleton, Mr. Louis B. Eppstein, Mr. Ira W. Hirshfield, and Mr. Lawrence H. Axman for the petitioner, and by Mr. Charles E. Hughes and Mr. Maurice Goodman for the respondents.

No. 446. Max Hart, petitioner, *v.* B. F. Keith Vaudeville Exchange et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Martin W. Littleton, Mr. Louis B. Eppstein, Mr. Ira W. Hirshfield, and Mr. Lawrence H. Axman for the petitioner, and by Mr. Charles E. Hughes and Mr. Maurice Goodman for the respondents.

No. 449. S. D. Guggenheim et al., etc., petitioners, *v.* The United States. Petition for a writ of certiorari to the Court of Claims submitted by Mr. Frank Davis, jr., for the petitioners, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Galloway, and Mr. George H. Foster for the respondent.

No. 450. William Lee Popham, 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. Robert H. McNeill, Mr. Julius C. Martin, and 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. 451. The Procter & Gamble Company et al., petitioners, *v.* Federal Trade Commission. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Frank F. Dinsmore for the petitioners; and

No. 494. Federal Trade Commission, petitioner, *v.* The Procter and Gamble Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Solicitor General Mitchell and Mr. Bayard T. Hainer for the petitioner.

No. 455. Alexander Menaregidis, in behalf of Andreas Menaregidis, petitioner, *v.* Henry H. Curran, 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. Harold Van Riper for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Luh-ring, and Mr. Harry S. Ridgely for the respondent.

No. 456. Sotiouros Christoulas, also known as Christ Lawyer, petitioner, *v.* Henry H. Curran, Commissioner of Immigration of 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. Harold Van Riper for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Luh-ring, and Mr. Harry S. Ridgely for the respondent.

No. 457. George F. Pawling & Company, 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. P. M. Cox for the respondent.

No. 458. Roy Gay, 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. Bart. A. Riley for the petitioner, and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, and Mr. Byron M. Coon for the respondent.

No. 459. Russell Gay, 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. Bart. A. Riley for the petitioner, and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, and Mr. Byron M. Coon for the respondent.

No. 460. Harry Washer, alias Harry The Jew, 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. Bart. A. Riley for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Luh-ring, and Mr. Harry S. Ridgely for the respondent.

No. 461. H. M. Albury, 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. Bart. A. Riley for the petitioner, and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, and Mr. K. L. Campbell for the respondent.

No. 462. James Thompson and The J. L. Hudson Company, doing business, etc., et al., petitioners, *v.* The Vogue Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Samuel W. Banning and Mr. Thomas A. Banning for the petitioners, and by Mr. Harry D. Nims and Mr. Minturn DeS. Verdi for the respondent.

No. 463. George Belvin and John McGowan, 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. Henry Bowden for the petitioners, and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, and Mr. Mahlon D. Kiefer for the respondent.

No. 464. The United States of America ex rel. Cripple Creek & Colorado Springs Railroad Company, petitioner, *v.* Interstate Commerce Commission. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia submitted by Mr. M. C. Elliott and Mr. C. C. Hamlin for the petitioner, and by Mr. R. Granville Curry and Mr. P. J. Farrell for the respondent.

No. 465. Wallace R. Farrington, Governor of the Territory of Hawaii, et al., petitioners, *v.* T. Tokushige et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. William B. Lymer for the petitioners, and Mr. Joseph Lightfoot and Mr. Joseph B. Poindexter for the respondents.

No. 466. Jacob P. Teter, 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. L. Ert. Slack for the petitioner, and by Mr. Solicitor General Mitchell and Mr. Alfred A. Wheat for the respondent.

No. 467. Baltimore and Ohio Southwestern R. R. Company, petitioner, *v.* Sherman D. Hill, Administrator of the Estate of Thomas J. Hill, deceased. Petition for a writ of certiorari to the Appellate Court of the State of Indiana submitted by Mr. William A. Eggers, Mr. C. W. McMullen, and Mr. Morison R. Waite for the petitioner, and by Mr. Thomas M. Honan for the respondent.

No. 468. Oregon and California Railroad Company, petitioner, *v.* Andrew B. Hammond and Charles J. Winton. Petition for a writ



of certiorari to the Supreme Court of the State of Oregon submitted by Mr. Ben C. Dey and Mr. Alfred A. Hampson for the petitioner, and by Mr. Charles H. Carey and Mr. James B. Kerr for the respondent.

No. 469. Oregon and California Railroad Company, petitioner, *v.* Booth-Kelly Lumber Company. Petition for a writ of certiorari to the Supreme Court of the State of Oregon submitted by Mr. Ben C. Dey and Mr. Alfred A. Hampson for the petitioner, and by Mr. Mark Norris and Mr. Glenn E. Husted for the respondent.

No. 470. The United States, petitioner, *v.* Curtis & Company Manufacturing Company. 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.

No. 471. W. J. McInnes, Receiver of the Citizens National Bank of Roswell, N. M., petitioner, *v.* The American Surety Company of New York. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Renzo D. Bowers for the petitioner.

No. 473. Andrew W. Mellon, Director General of Railroads, as Federal Agent, petitioner, *v.* W. M. Grantham. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Alexander H. McKnight, Mr. A. A. McLaughlin, Mr. Joseph M. Bryson, and Mr. Charles C. Huff for the petitioner.

No. 474. Howard P. Converse and Edwin P. Bliss, trading as Converse and Company, petitioners, *v.* The United States. Petition for a writ of certiorari to the Court of Claims submitted by Mr. George R. Shields for the petitioners, and by Mr. Solicitor General Mitchell and Mr. Assistant Attorney General Galloway for the respondent.

No. 475. Eric Lange and A. H. Bergstrom, Copartners, etc., petitioners, *v.* The United States. Petition for a writ of certiorari to the Court of Claims submitted by Mr. Bynum E. Hinton for the petitioners, and by Mr. Solicitor General Mitchell and Mr. Assistant Attorney General Galloway for the respondent.

No. 476. Mary D. A. Sayles et al., etc., petitioners, *v.* The Chase National Bank of the City of New York et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit submitted by Mr. Samuel Williston, Mr. Robert B. Dresser, and Mr. Claude R. Branch for the petitioners, and by Mr. Eldon Bisbee, Mr. Charles F. Choate, jr., and Mr. Arthur M. Allen for the respondents.

No. 477. Joshua Russell, 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. Joseph C. Breitenstein, Mr. William L. Day, and Mr. Luther Day for the petitioner, and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, and Mr. Mahlon D. Kiefer for the respondent.

No. 478. Merle B. Copeland, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. William L. Day, Mr. Luther Day, and Mr. Joseph C. Breitenstein for the petitioner, and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, and Mr. Mahlon D. Kiefer for the respondent.

No. 479. Warren E. Barnett, 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. Joseph C. Breitenstein, Mr. William L. Day, and Mr. Luther Day for the petitioner, and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, and Mr. Mahlon D. Kiefer for the respondent.

No. 480. Oregon Short Line Railroad Company, petitioner, *v.* Ernest R. Gubler. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Robert B. Porter, Mr. George H. Smith, Mr. William R. Harr, and Mr. Charles H. Bates for the petitioner, and by Mr. E. R. Callister for the respondent.

No. 481. Earl B. Barnes, as Trustee in Bankruptcy of Thomas H. Cowley, Paul E. Brady et al., etc., petitioner, *v.* William Schatzkin, et al., etc. Petition for a writ of certiorari to the Supreme Court of the State of New York submitted by Mr. Saul S. Myers, Mr. William J. Hughes, and Mr. Edwin L. Garvin for the petitioner, and by Mr. Harold Nathan for the respondent.

No. 482. Henry W. McMaster and Francis H. Skelding, as Receivers of the Wabash Pittsburgh Terminal Railway Company, petitioners, *v.* George J. Gould et al., etc. Petition for a writ of certiorari to the Supreme Court of the State of New York submitted by Mr. Louis Marshall and Mr. James Marshall for the petitioners, and by Mr. William Wallace, jr., for the respondents.

No. 483. International-Great Northern Railroad Company et al., petitioners, *v.* The Texas Company. Petition for a writ of certiorari to the Court of Civil Appeals, Third Supreme Judicial District of the State of Texas, submitted by Mr. Samuel B. Dabney and Mr. Sam Streetman for the petitioners, and by Mr. Harry T. Klein, Mr. H. S. Garrett, and Mr. Charles A. Wilcox for the respondent.

No. 484. Milton F. Webster, petitioner, *v.* Joseph T. Terry. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia submitted by Mr. Archibald Cox for the petitioner, and by Mr. Melville Church for the respondent.

No. 485. Illinois Central Railroad Company, petitioner, *v.* The United States. Petition for a writ of certiorari to the Court of Claims submitted by Mr. Lawrence H. Cake and Mr. F. W. Clements for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Galloway, and Mr. Louis R. Mehlinger for the respondent.

No. 486. Jacinto Moss et al., etc., petitioners, *v.* John H. Sherburne and Howard Stockton, Trustees, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit submitted by Mr. Robert H. Holt for the petitioners, and by Mr. John H. Sherburne and Mr. Howard Stockton, jr., *pro se*.

No. 487. The Village of Terrace Park, petitioner, *v.* Russell Errett. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. John Weld Peck for the petitioner, and by Mr. Russell Errett *pro se* and Mr. James J. Muir for the respondent.

No. 489. Albert Carelli, petitioner, *v.* The State of Ohio. Petition for a writ of certiorari to the Supreme Court of the State of Ohio submitted by Mr. M. A. Musmanno for the petitioner.

No. 490. Lena B. McKee and Fred McKee, Trustees, etc., et al., petitioners, *v.* Cuno H. Rudolph, James F. Oyster, and J. Franklin Bell, etc. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia submitted by Mr. Edward F. Colladay for the petitioners, and by Mr. F. H. Stephens and Mr. Robert L. Williams for the respondents.

No. 491. Universal Rim Company, petitioner, *v.* Firestone Tire and Rubber Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Rudolph William Lotz and Mr. Arthur William Nelson for the petitioner, and by Mr. A. L. Ely and Mr. F. O. Richey for the respondent.

No. 493. The Standard Electric Stove Company, petitioner, *v.* The Toledo, St. Louis and Western Railroad. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Oliver B. Snider for the petitioner, and by Mr. E. E. McInnis for the respondent.

No. 496. St. Louis-San Francisco Railway Company, petitioner, *v.* Eunice Pearson, Administratrix of the Estate of J. L. Pearson,

deceased. Petition for a writ of certiorari to the Supreme Court of the State of Arkansas submitted by Mr. Edward T. Miller and Mr. Edward L. Westbrooke for the petitioner.

No. 497. E. Paul Yaselli, petitioner, *v.* Guy D. Goff. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. E. Paul Yaselli *pro se* and by Mr. Nathan A. Smyth for the respondent.

No. 498. The United States of America *ex rel.*, Helen L. Givens, petitioner, *v.* Hubert Work, Secretary of the Interior of the United States. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia submitted by Mr. J. Harry Covington, Mr. Spencer Gordon, and Mr. Newell W. Ellison for the petitioner, and by Mr. Solicitor General Mitchell and Mr. George R. Barse for the respondent.

No. 501. New York Life Insurance 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. James H. McIntosh for the petitioner, and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, Mr. Howard T. Jones, Mr. A. W. Gregg, and Mr. Edward H. Horton for the respondent.

No. 502. New York Life Insurance 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. James H. McIntosh for the petitioner, and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, Mr. Howard T. Jones, Mr. A. W. Gregg, and Mr. Edward H. Horton for the respondent.

No. 503. E. W. Bliss Company, petitioner, *v.* The United States. Petition for a writ of certiorari to the Court of Claims submitted by Mr. Bynum E. Hinton and Mr. George A. King for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Galloway, Mr. Perry W. Howard, and Mr. Louis R. Mehlinger for the respondent.

No. 505. Atlantic Coast Line Railroad Company, petitioner, *v.* Standard Oil Company of New Jersey. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. Thomas W. Davis, Mr. F. W. Gwathmey, Mr. James F. Wright, and Mr. Murray Allen for the petitioner, and by Mr. Charles McH. Howard and Mr. George H. Tower for the respondent.

No. 506. Seaboard Air Line Railway Company, petitioner, *v.* Standard Oil Company of New Jersey. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. Murray Allen, Mr. F. W. Gwathmey, Mr. Thomas W. Davis, and Mr. James F. Wright for the petitioner, and by Mr. Charles McH. Howard and Mr. George H. Tower for the respondent.

No. 507. Arnold J. Hellmich, United States Collector of Internal Revenue, petitioner, *v.* Missouri Pacific Railroad Company. Petition for a writ 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, and by Mr. Edward J. White, Mr. Merritt U. Hayden, and Mr. James F. Green for the respondent.

No. 508. The State Bank, petitioner, *v.* Philip Applebaum. Petition for a 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.

No. 510. Submarine Signal Company, petitioner, *v.* The United States. Petition for a writ of certiorari to the Court of Claims submitted by Mr. Philip B. Buzzell, Mr. Andrew B. Duvall, and Mr. Elmer T. Bell for the petitioner, and by Mr. Solicitor General Mitchell and Mr. Assistant Attorney General Galloway for the respondent.

No. 511. The Pueblo of Santa Rosa, petitioner, *v.* Albert B. Fall, Secretary of the Interior, et al. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia submitted by Mr. Louis Kleindienst, Mr. W. C. Reid, and Mr. Levi H. David for the petitioner, and by Mr. Solicitor General Mitchell and Mr. Assistant Attorney General Parmenter for the respondents.

No. 513. Security Trust Company, Bankruptcy Receiver, petitioner, *v.* Charles J. De Land, receiver of the Detroit Mortgage Corporation. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Thomas G. Long for the petitioner, and by Mr. Carl W. Mosier for the respondent.

No. 514. The Detroit United Railway, petitioner, *v.* Alfred Leroy Craven. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Frederic T. Harward for the petitioner.

No. 516. Ralph A. Horton, petitioner, *v.* Cary A. Hardee, Governor, et al., etc. Petition for a writ of certiorari to the Supreme Court of the State of Florida, submitted by Mr. Scott M. Loftin, Mr.

James E. Calkins, and Mr. Jno. P. Stokes for the petitioner, and by Mr. Francis P. Fleming and Mr. Marvin C. McIntosh for the respondents.

No. 517. Joseph Laveirge and John B. Arnold and N. B. Arnold, petitioners, *v.* James C. Davis, as Agent of the President under the Transportation Act. Petition for a writ of certiorari to the Supreme Court of the State of Minnesota submitted by Mr. Webster Ballinger and Mr. John B. Arnold for the petitioners, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Parmenter, and Mr. Pedro Capo-Rodriguez for the respondent.

No. 518. J. W. Craig, petitioner, *v.* St. Louis-San Francisco Railway Company. Petition for a writ of certiorari to the Supreme Court of the State of Kansas submitted by Mr. T. A. Noftzger for the petitioner.

No. 519. The Steel & Tube Company of America, petitioner, *v.* Dingess Run Coal Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. Arthur W. Fairchild, Mr. J. Gilbert Hardgrove, and Mr. Harold A. Ritz for the petitioner, and by Mr. Douglas W. Brown for the respondent.

No. 520. Auburn and Alton Coal Company, petitioner, *v.* The United States. Petition for a writ of certiorari to the Court of Claims submitted by Mr. Robert N. Miller and Mr. Haines H. Hargrett for the petitioner, and by Mr. Solicitor General Mitchell and Mr. Assistant Attorney General Galloway for the respondent.

No. 522. Kate Tendler, petitioner, *v.* Morris Tendler. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia submitted by Mr. Harry A. Hegarty and Mr. Edwin A. Mooers for the petitioner, and by Mr. E. Hilton Jackson and Mr. Morgan H. Beach for the respondent.

No. 523. Hilda Roberts et al., petitioners, *v.* Chris Yegen et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. H. Lowndes Maury for the petitioners, and by Mr. George Hurd for the respondents.

No. 530. Ross Banta, 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. Thomas A. Flynn and Mr. Joseph E. Morrison for the petitioner, and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, and Mr. Mahlon D. Kiefer for the respondent.

No. 531. Charles H. Phelps, as surviving partner of Howard Phelps and Charles H. Phelps, copartners, trading under the firm

name, etc., petitioner, *v.* The United States. Petition for a writ of certiorari to the Court of Claims submitted by Mr. L. Russell Alden and Mr. Charles S. Haight for the petitioner, and by Mr. Solicitor General Mitchell for the respondent.

No. 532. Mechanics & Metals National Bank for the City of New York, petitioner, *v.* J. C. Buchanan. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Frank M. Patterson and Mr. D. H. Linebaugh for the petitioner, and by Mr. M. W. McKenzie for the respondent.

No. 534. Ethel Croker White et al., petitioners, *v.* Bula Croker, 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. George C. Bedell and Mr. J. T. G. Crawford for the petitioners, and by Mr. Francis P. Fleming and Mr. Samuel T. Ansell for the respondents.

No. 535. W. R. Grace & Company, petitioner, *v.* The Panama Railroad Company. 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. Ezra G. Benedict Fox for the petitioner, and by Mr. Richard Reid Rogers for the respondent.

No. 536. Charles Waxman, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Charles Waxman *pro se*, and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, and Mr. Mahlon D. Kiefer for the respondent.

No. 538. Aetna Life Insurance Company, petitioner, *v.* Hermina Bundscho. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Charles Y. Freeman for the petitioner, and by Mr. George I. Haight, Mr. Edmund D. Adcock, and Mr. T. W. Bramhall for the respondent.

No. 539. Chesapeake and Ohio Railway Company, petitioner, *v.* K. S. Leitch. Petition for a writ of certiorari to the Supreme Court of Appeals of the State of West Virginia submitted by Mr. Douglas W. Brown for the petitioner, and by Mr. George B. Martin, Mr. John H. Holt, and Mr. Rufus S. Dinkle for the respondent.

No. 540. Richmond Screw Anchor Company, Inc., petitioner, *v.* The United States. Petition for a writ of certiorari to the Court of Claims submitted by Mr. Joseph W. Cox, Mr. Archibald Cox, Mr. O. Ellery Edwards, and Mr. William H. Kenyon for the petitioner, and by Mr. Solicitor General Mitchell and Mr. Assistant Attorney General Galloway for the respondent.

No. 541. Frank McGarry and James McGarry, petitioners, *v.* John J. Lentz et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Smith W. Bennett and Mr. Arthur I. Vorys for the petitioners.

No. 542. Missouri Pacific Railroad Company, petitioner, *v.* Mary I. Aeby. Petition for a writ of certiorari to the Supreme Court of the State of Missouri submitted by Mr. Merritt U. Hayden, Mr. Edward J. White, and Mr. James F. Green for the petitioner, and by Mr. Patrick H. Cullen and Mr. Thos. T. Fauntleroy for the respondent.

No. 543. Scott M. Atkin, petitioner, *v.* Nathan H. Baier et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. William M. Toomer and Mr. George P. Garrett for the petitioner, and by Mr. Halsted L. Ritter for the respondents.

No. 544. The United States, petitioner, *v.* May McKinney and William Ayer McKinney, Executors, 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. Harry H. Simmes and Mr. W. Clyde Jones for the respondents.

No. 546. Robins Dry Dock & Repair Company, petitioner, *v.* George Flint et al., etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. James K. Symmers for the petitioner, and by Mr. H. Allen Dawson, Mr. Roscoe H. Hupper, and Mr. William J. Dean for the respondents.

No. 547. John James Jackson et al., petitioners, *v.* Steamship *Archimedes*, Lamport & Holt Line, Ltd., Claimant. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. John W. Davis and Mr. Silas Blake Axtell for the petitioners, and by Mr. Van Vechten Veeder and Mr. William J. Dean for the respondent.

No. 550. The Philippine Sugar Estates Development Company, Ltd., Inc., petitioner, *v.* Gabriela Andrea de Coster. Petition for a writ of certiorari to the Supreme Court of the Philippine Islands submitted by Mr. F. C. Fisher and Mr. C. A. DeWitt for the petitioner.

No. 551. James E. Arnold, petitioner, *v.* Ross A. Collins. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia submitted by Mr. William E. Richardson for the petitioner, and by Mr. John S. Barbour for the respondent.



No. 552. Missouri-Kansas-Texas Railroad Company of Texas, petitioner, *v. J. H. King*. Petition for a writ of certiorari to the Court of Civil Appeals, Fourth Supreme Judicial District of the State of Texas, submitted by Mr. Alexander H. McKnight, Mr. Joseph M. Bryson, and Mr. Charles C. Huff for the petitioner.

No. 554. The City of Toledo et al., petitioners, *v. The Maumee Valley Electric Company*. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Charles A. Seiders for the petitioners, and by Mr. U. G. Denman and Mr. Karl E. Burr for the respondent.

No. 555. W. R. Grace & Company, petitioner, *v. Toyo Kisen Kabushiki Kaisha*. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. William H. Orrick for the petitioner, and by Mr. Thomas B. Dozier for the respondent.

No. 557. A. W. Duckett & Company, Inc., petitioner, *v. The United States*. Petition for a writ of certiorari to the Court of Claims submitted by Mr. Ernie Adamson and Mr. Don R. Almy for the petitioner.

No. 558. The Virginian Railway Company, petitioner, *v. The United States of America*, owner of Steam Tug *Barrenfork*. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. W. H. T. Loyall, Mr. George M. Lanning, Mr. E. W. Knight, and Mr. Edward R. Baird, jr., for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Letts, and Mr. J. Frank Staley for the respondent.

No. 559. L. J. Riggs, petitioner, *v. Siegel Workman*, United States Marshal for the Southern District of West Virginia. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. A. M. Belcher for the petitioner, and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, and Mr. Mahlon D. Kiefer for the respondent.

No. 560. L. J. (Bear Cat) Riggs, 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. A. M. Belcher for the petitioner, and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, and Mr. Mahlon D. Kiefer for the respondent.

No. 562. New York and Cuba Mail Steamship Company, petitioner *v. The United States of America et al.* Petition for a writ of certiorari to the United States Circuit Court of Appeals for the

Second Circuit submitted by Mr. Chauncey I. Clark and Mr. Eugene Underwood for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Letts, and Mr. J. Frank Staley for the respondents.

No. 563. New York and Cuba Mail Steamship Company, petitioner, *v.* The United States of America et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Chauncey I. Clark and Mr. Eugene Underwood for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Letts, and Mr. J. Frank Staley for the respondents.

No. 565. M. Samuel & Sons, Inc., petitioner, *v.* The Second National Bank of Toledo. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Morris D. Kopple for the petitioner, and by Mr. Robert C. Morris for the respondent.

No. 566. New State Land Company et al., petitioners, *v.* Robert Kelley and Sukey Kelley. Petition for a writ of certiorari to the Supreme Court of the State of Oklahoma submitted by Mr. John W. Davis for the petitioners, and by Mr. William Neff, Mr. R. C. Allen, and Mr. I. J. Underwood for the respondents.

No. 568. United States Steel Products Company, claimant and owner of *S. S. Steel Trader* et al., petitioners, *v.* Donald J. Adams. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. George Denegre, Mr. Victor Leovy, Mr. Henry H. Chaffe, Mr. Harry McCall, Mr. James Henry Bruns, and Mr. John M. Woolsey for the petitioners.

No. 569. Louis Rauch, petitioner, *v.* A. F. Duff. Petition for a writ of certiorari to the Supreme Court of the State of Mississippi submitted by Mr. Gordon Garland Lyell for the petitioner.

No. 571. Texas & New Orleans Railroad Company et al., petitioners, *v.* J. J. Cammack. Petition for a writ of certiorari to the Court of Civil Appeals for the Sixth Supreme Judicial District of the State of Texas submitted by Mr. J. H. Tallichet and Mr. H. M. Garwood for the petitioners, and by Mr. Alexander White Spence for the respondent.

No. 572. Calcasieu National Bank of Southwest Louisiana, petitioner, *v.* Alfred Campbell. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Charles A. McCoy for the petitioner.

No. 573. William G. Benham and Dwight Harrison, 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. Robert R. Nevin and Mr. Smith W. Bennett for the petitioners, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Luhring, and Mr. Harry S. Ridgely for the respondent.

No. 576. William F. Williams and Frank E. Lyman, Commissioners of Public Works, etc., petitioners, *v.* General Outdoor Advertising Company, Inc., et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit submitted by Mr. Jay R. Benton for the petitioners, and by Mr. Lowell A. Mayberry and Mr. Robert Gallagher for the respondents.

No. 577. St. Louis and San Francisco Railroad Company et al., petitioners, *v.* E. B. Spiller et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Edward T. Miller for the petitioners, and by Mr. S. H. Cowan, Mr. John S. Leahy, and Mr. Walter H. Saunders for the respondents.

No. 578. Henderson County, Tennessee, petitioner, *v.* Sovereign Camp, Woodmen of the World. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. J. A. Fowler for the petitioner, and by Mr. Charles Claffin Allen, jr., for the respondent.

No. 584. George Langstaff, petitioner, *v.* Robert H. Lucas, Collector of Internal Revenue of the United States, Kentucky District. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Charles K. Wheeler for the petitioner, and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, Mr. Sewall Key, and Mr. A. W. Gregg for the respondent.

No. 585. A. I. Winsett et al., petitioners, *v.* H. J. Spurway, Receiver of the Tucson National Bank. Petition for a writ of certiorari to the Supreme Court of the State of Arizona submitted by Mr. Frank E. Curley for the petitioners, and by Mr. Francis M. Hartman for the respondent.

No. 586. M. Wehby et al., petitioners, *v.* H. J. Spurway, Receiver of The Tucson National Bank. Petition for a writ of certiorari to the Supreme Court of the State of Arizona submitted by Mr. Frank E. Curley for the petitioners, and by Mr. Francis M. Hartman for the respondent.

No. 587. The State of Montana, petitioner, *v.* Sunburst Refining Company. Petition for a writ of certiorari to the Supreme Court of the State of Montana submitted by Mr. L. A. Foot for the petitioner, and by Mr. George E. Hurd for the respondent.

No. 588. Federal Life Insurance Company, petitioner, *v.* Mrs. Jennie M. Rascoe. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Thomas J. Tyne and Mr. James C. Jones for the petitioner, and by Mr. W. H. Washington and Mr. Edwin A. Price for the respondent.

No. 590. Gordon Campbell, 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. Eugene C. Campbell and Mr. James E. Fenton for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Luhring, and Mr. John S. Pratt for the respondent.

No. 591. Mayor and Board of Aldermen of the City of Natchez, petitioners *v.* S. B. McNeeley. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. John B. Brunini for the petitioners, and by Mr. Hugh Tullis and Mr. L. T. Kennedy for the respondent.

No. 592. H. L. Eveland et al., etc., petitioners, *v.* Chicago and Northwestern Railway Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Byron S. Payne and Mr. Samuel Herrick for the petitioners, and by Mr. A. K. Gardner for the respondent.

No. 593. Ford Hydro-Electric Company, petitioner, *v.* Janet Neeley et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. William Ryan for the petitioners, and by Mr. William P. Belden for the respondents.

No. 594. George S. Kunihiro, petitioner, *v.* M. O. Coggins Company et al. Petition for a writ of certiorari to the United States Court of Appeals for the Ninth Circuit submitted by Mr. George E. Waldo for the petitioner.

No. 595. George S. Kunihiro, petitioner, *v.* The Lyon Brothers Company, Arthur Miller, et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. George E. Waldo for the petitioner.

No. 597. Sioux City Bridge Company, petitioner, *v.* Walter E. Miller, as County Treasurer of Dakota County, Nebraska, et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Wymer Dressler and Mr. Richard L. Kennedy for the petitioner, and by Mr. John J. McCarthy for the respondents.

No. 598. The Celluloid Company, petitioner, *v.* Commonwealth of Massachusetts. Petition for a writ of certiorari to the Supreme Ju-

dicial Court of the Commonwealth of Massachusetts submitted by Mr. Joseph Larocque for the petitioner, and by Mr. Jay R. Benton and Mr. Alexander Lincoln for the respondent.

No. 599. Aaron T. Bliss, Clerk of Midland County, et al., petitioners, *v.* James C. Graves et al. Petition for a writ of certiorari to the Supreme Court of the State of Michigan submitted by Mr. Gilbert A. Curry for the petitioner, and by Mr. Frank A. Rockwith for the respondents.

No. 600. Central National Bank of Marietta, Ohio, as Administrator, etc., petitioner, *v.* Commodore D. Dodson. Petition for a writ of certiorari to the Supreme Court of the State of Ohio submitted by Mr. Lowrie C. Barton and Mr. Edward B. Follett for the petitioner.

No. 601. Aetna Insurance Company et al., petitioners, *v.* Ben C. Hyde, Superintendent, etc. Petition for a writ of certiorari to the Supreme Court of the State of Missouri submitted by Mr. Charles E. Hughes, Mr. Robert J. Folonie, Mr. William S. Hogsett, Mr. Ashley Cockrill, and Mr. John S. Leahy for the petitioners, and by Mr. North Todd Gentry and Mr. John T. Barker for the respondent.

No. 602. Warren O. Watson, Trustee in Bankruptcy, et al., petitioner, *v.* J. Hall LeBlanc, Bankrupt. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Joseph A. Loret for the petitioner.

No. 603. Sinclair Refining Company et al., petitioners, *v.* Alonzo Smith et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Walter H. Walne, Mr. Maco Stewart, and Mr. Albert J. De Lange for the petitioners, and by Mr. George A. Hill, jr., for the respondents.

No. 604. United States Shipping Board Emergency Fleet Corporation, petitioner, *v.* Western Union Telegraph Company. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia submitted by Mr. Solicitor General Mitchell, Mr. Chauncey G. Parker, and Mr. Ralph H. Hallett for the petitioner, and by Mr. Francis R. Stark and Mr. Paul E. Lesh for the respondent.

No. 605. N. & G. Taylor Company, Inc., petitioner, *v.* John A. Anderson et al., etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Henry S. Drinker, jr., and Mr. Robert W. Childs for the petitioner, and by Mr. Hobart P. Young for the respondents.

No. 607. John D. Nagle, as Commissioner of Immigration at the Port of San Francisco, petitioner, *v.* Loi Hoa. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the

Ninth Circuit submitted by Mr. Solicitor General Mitchell and Mr. Assistant Attorney General Luhring for the petitioner.

No. 608. John D. Nagle, as Commissioner of Immigration at the Port of San Francisco, petitioner, *v.* Lam Young, for and on behalf of Phuong Con. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Solicitor General Mitchell and Mr. Assistant Attorney General Luhring for the petitioner.

No. 609. Daniel V. Harkin et al., etc., petitioners, *v.* Edward J. Brundage, Receiver, etc., et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Lloyd C. Whitman and Mr. Bernhardt Frank for the petitioners, and by Mr. Ralph F. Potter, Mr. Edward R. Johnston, and Mr. Henry Jackson Darby for the respondents.

No. 610. Galveston Dry Dock & Construction Company, petitioner, *v.* United States Shipping Board Emergency Fleet Corporation. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Maco Stewart, jr., for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Letts, and Mr. J. Frank Staley for the respondent.

No. 611. John E. Wagner, petitioner, *v.* Netherlands American Steam Navigation Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. George S. Graham for the petitioner, and by Mr. Roscoe H. Hupper and Mr. Everett Masten for the respondent.

No. 612. United States Fidelity and Guaranty 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. Stanleigh P. Friedman for the petitioner, and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, and Mr. Mahlon D. Kiefer for the respondent.

No. 613. Luther Walker, 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. W. T. Kennerly for the petitioner, and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, and Mr. Mahlon D. Kiefer for the respondent.

No. 614. Piedmont Coal Company et al., petitioners, *v.* James Edgar Hustead et al. Petition for a writ of certiorari to the Circuit Court of Ohio County of the State of West Virginia submitted by Mr. David A. Reed, Mr. Samuel McClay, Mr. George Poffenbarger, and Mr. Frank W. Nesbitt for the petitioners, and by

Mr. Charles McCamic and Mr. James Morgan Clarke for the respondents.

No. 615. Frank K. Bowers, as United States Collector of Internal Revenue for the Second District of New York, petitioner, *v.* Walter E. Frew et al., etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Solicitor General Mitchell for the petitioner, and by Mr. Abram J. Rose, Mr. Alfred C. Petti, and Mr. Philip M. Brett for the respondents.

No. 621. Andrew W. Mellon, Director General of Railroads and Agent of the President operating the Lehigh Valley Railroad, petitioner, *v.* New York & New Jersey Transportation Company and John Mosk. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. James W. Ryan, Mr. Evan Shelby, and Mr. T. Catesby Jones for the petitioner, and by Mr. Pierre M. Brown and Mr. Horace L. Cheyney for the respondents.

No. 623. Charles H. Graves, petitioner, *v.* Frank W. Brunskill, Chief of Police of the City of Minneapolis, etc. Petition for a writ of certiorari to the Supreme Court of the State of Minnesota submitted by Mr. John E. Palmer for the petitioner, and by Mr. Clifford L. Hilton and Mr. James E. Markham for the respondents.

No. 624. The Kansas Flour Mills Company, petitioner, *v.* The Farmers National Bank of Burlington, Kansas, et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. T. A. Noftzger for the petitioner.

No. 625. The Larabee Flour Mills Corporation, petitioner, *v.* The First National Bank of Henryetta, Oklahoma, et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. T. A. Noftzger for the petitioner.

No. 628. Colonial Transportation Company, Ltd., 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. Howard H. Long for the petitioner.

No. 629. John Moore, Administrator of the Estate of Earl H. Moore, deceased, petitioner, *v.* The Baltimore and Ohio Railroad Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Daniel O. Hastings for the petitioner.

No. 637. Mrs. Louisa B. McNeely, Administratrix of the Estate of S. B. McNeely, deceased, petitioner, *v.* The Mayor and Board of Aldermen of the City of Natchez. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Hugh Tullis and Mr. L. T. Kennedy for the petitioner.

No. 276. E. A. Edenfield, petitioner, *v.* The United States of America. Passed on motion of Mr. Solicitor General Mitchell for the respondent.

No. 156. Wade Johnson, plaintiff in error, *v.* The State of Georgia; and

No. 157. Garrett Benford, plaintiff in error, *v.* The State of Georgia. Argument commenced by Mr. William O. Cooper for the plaintiffs in error. The court declined to hear further argument.

No. 156. Wade Johnson, plaintiff in error, *v.* The State of Georgia; and

No. 157. Jarrett Benford, plaintiff in error, *v.* The State of Georgia. In error to the Supreme Court of the State of Georgia. Dismissed for want of jurisdiction.

No. 247. Ned Harvey, plaintiff in error, *v.* The State of Louisiana. Argument commenced by Mr. Paul A. Sompayrac for the plaintiff in error. The Court declined to hear further argument.

No. 247. Ned Harvey, plaintiff in error, *v.* The State of Louisiana. In error to the Supreme Court of the State of Louisiana. Dismissed for the want of jurisdiction.

No. 305. Pan American Petroleum and Transport Company and Pan American Petroleum Company, petitioners, *v.* The United States of America. Four hours allowed for argument on motion of Mr. Frank J. Hogan in that behalf. Argument commenced by Mr. Frank J. Hogan for the petitioners, and continued by Mr. Frederic R. Kellogg for the petitioners.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, October 5, will be as follows: Nos. 305, 236, 230, 239, 170, 261, 250, 119, 46, and 212.



## SUPREME COURT OF THE UNITED STATES

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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.

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Roscoe H. Brunstetter, of Pittsburgh, Pa.; Urban E. Wild, of Honolulu, Hawaii; William Z. Luther, of Pittsburgh, Pa.; and James R. Deering, of New York City, were admitted to practice.

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**No. 450.** William Lee Popham, petitioner, *v.* The United States of America. Motion to defer consideration of the petition for a writ of certiorari until October 25, and for leave to file supplementary petition and brief in order to bring in to the record proceedings in the United States Circuit Court of Appeals subsequent to rendition of the judgment sought to be reviewed by original petition filed herein, submitted by Mr. Julius C. Martin for the petitioner.

**No. 236.** International Stevedoring Company, petitioner, *v.* R. Haverty. Leave granted to file brief of Arthur E. Griffin, George F. Vanderveer, and Samuel B. Bassett as amici curiae on motion of Mr. Samuel B. Bassett in that behalf.

**No. 305.** Pan American Petroleum & Transport Company et al., petitioners, *v.* The United States of America. Argument continued by Mr. Frederic R. Kellogg for the petitioners, by Mr. Owen J. Roberts for the respondent, by Mr. Atlee Pomerene for the respondent, and concluded by Mr. Frank J. Hogan for the petitioners. Leave granted to file additional brief for petitioners, on motion of Mr. Frank J. Hogan in that behalf.

**No. 236.** International Stevedoring Company, petitioner, *v.* R. Haverty. Argument commenced by Mr. Stephen V. Carey for the petitioner.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, October 6, will be as follows: Nos. 236, 230, 239, 170, 261, 250, 119, 46, and 212.

## SUPREME COURT OF THE UNITED STATES

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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.

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Eugene M. O'Neill, of St. Paul, Minn.; John M. Kinkel, of Topeka, Kans.; and Foster H. Brown, of St. Louis, Mo., were admitted to practice.

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No. 236. International Stevedoring Company, petitioner, *v.* R. Haverty. Argument continued by Mr. Stephen V. Carey for the petitioner, by Mr. Mark M. Litchman for the respondent, and concluded by Mr. Stephen V. Carey for the petitioner.

No. 230. The State Industrial Board of the State of New York, petitioner, *v.* Terry and Tench Company, Inc., et al. Argued by Mr. E. C. Aiken for the petitioner, and by Mr. William W. Dimmick for the respondents.

No. 239. Southern Pacific Company, appellant, *v.* The United States. Argued by Mr. William R. Harr for the appellant, and by Mr. Assistant Attorney General Galloway for the respondent.

No. 170. Hughes Bros. Timber Company, petitioner, *v.* State of Minnesota. Argument commenced by Mr. H. A. Carmichael for the petitioner. Case passed temporarily.

No. 261. Tyson and Brother, United Theatre Ticket Offices, Inc., appellant, *v.* Joab H. Banton, as District Attorney of the County of New York, State of New York, et al. Argument commenced by Mr. Louis Marshall for the appellant, continued by Mr. Robert P. Beyer for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, October 7, will be as follows: Nos. 261, 170, 250, 119, 46, and 212.

## SUPREME COURT OF THE UNITED STATES

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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.

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Grace E. Smith, of Salem, Oreg.; Fred W. Morrison, of Los Angeles, Calif.; and E. J. Walsh, of Washington, D. C., were admitted to practice.

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No. 393. Rush Meadows, petitioner, *v.* The United States of America. Consideration of the petition for certiorari deferred until October 15, with leave to counsel for petitioner to file brief on or before that day, on motion of Mr. George Roscoe Davis in that behalf.

No. 261. Tyson and Brother—United Theatre Ticket Offices, Inc., appellant, *v.* Joab H. Banton, District Attorney, etc., et al. Argument continued by Mr. F. C. Benvenga for the appellees and concluded by Mr. Louis Marshall for the appellant.

No. 170. Hughes Bros. Timber Company, petitioner, *v.* State of Minnesota. Argument continued by Mr. H. A. Carmichael for the petitioner, and concluded by Mr. James E. Markham for the respondent.

No. 250. The Yankton Sioux Tribe of Indians, petitioner, *v.* The United States. Argued by Mr. Jennings C. Wise for the petitioner, and by Mr. Solicitor General Mitchell for the respondent.

No. 119. August Dorchy, plaintiff in error, *v.* The State of Kansas. Argument commenced by Mr. John F. McCarron for the plaintiff in error, continued by Mr. John G. Egan and Mr. Chester I. Long for the defendant in error, and concluded by Mr. John F. McCarron for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, October 8, will be as follows: Nos. 46 and 212.

## SUPREME COURT OF THE UNITED STATES

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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.

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Neil M. Cronin, of Minneapolis, Minn.; John S. Coke, of Portland, Oreg.; and William F. Hannan, of Milwaukee, Wis., were admitted to practice.

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No. 550. The Philippine Sugar Estates Development Company, Limited, Inc., petitioner, *v.* Gabriela Andrea de Coster. Leave granted to file additional brief for the respondent on motion of Mr. Chester I. Long in that behalf.

No. 46. Fidelity National Bank & Trust Company of Kansas City et al., appellants, *v.* Felix H. Swopé and Gertrude M. Brown. Reargued by Mr. Justin D. Bowersock for the appellants, and by Mr. Elliott H. Jones for the appellees.

No. 212. The United States of America, petitioner, *v.* William F. Brims, Stanley Muszalski, B. J. G. Wittman et al. Argued by Mr. Assistant to the Attorney General Donovan for the petitioner, and by Mr. Charles Maitland Beattie for the respondent, and submitted by Mr. Robert W. Childs and Mr. Albert Fink for Von Platen and Dick Company, Chicago Sash, Door and Blind Manufacturing Company, Melrose Mill Company, William Morris and Sons Company, Union Interior Finish Company, Philip Rinn Company, James A. Dick, Ewald Dierssen, Louis Haring, and H. D. Traeger, millmen, defendants.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, October 11, will be as follows: Nos. 255 (and 287, 286, 273, 274), 217, 31, 224, 185, 24, 26, 296, 113, 243, 251, 253, and 177.

## 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 O'Gara, of San Francisco, Calif.; Raymond Fellows, of Bangor, Me.; Charles S. Younger, of Celina, Ohio; John B. Dillon, of Bridgeport, Conn.; Charles Jonas Eisler, of Minneapolis, Minn.; Charles W. Appleton, of New York City; Orvel J. Johnson, of Oklahoma City, Okla.; William John Waguespack, jr., of New Orleans, La.; Herbert W. Kaiser, of New Orleans, La.; R. A. Nestos, of Minot, N. Dak.; and Howard A. Couse, of Cleveland, Ohio, were admitted to practice.

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No. 6, original. The State of Oklahoma, complainant, *v.* The State of Texas et al. On counterclaim filed by the State of Texas with reference to the location of that portion of the boundary line extending northwardly along the one hundredth meridian from the Red River to the parallel of 36 degrees 30 minutes north latitude, which constitutes the eastern boundary of the Panhandle of Texas and the main western boundary of Oklahoma. Conclusions: Neither the Jones, Brown, and Clark line, nor the line running north from the Kidder monument, has been established as the boundary line; the boundary is the line of the true one hundredth meridian extending north from its intersection with the south bank of the South Fork of Red River to its intersection with the parallel of 36 degrees 30 minutes; and this line should now be accurately located and marked by a commissioner or commissioners appointed by the court, whose report shall be subject to its approval. The parties may submit within 30 days the form of a decree to carry these conclusions into effect. Opinion by Mr. Justice Sanford.

No. 127. The United States of America, appellant, *v.* The Chemical Foundation, Incorporated. Appeal from the United States Circuit Court of Appeals for the Third Circuit. Decree modified and affirmed. Petition for writ of certiorari denied. Opinion by Mr.

Justice Butler. Mr. Justice Sutherland and Mr. Justice Stone took no part in the consideration or decision of this case.

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The Chief Justice announced the following orders of the court:

No. 1224. John Lapique, Assignee of the Estate of Miguel Leonis, et al., petitioner, *v.* The District Court of the United States for the Southern District of California et al. The petition for a rehearing of (1) the petition for a writ of mandamus; (2) the petition for a writ of certiorari; and (3) the petition for a writ of error is denied.

No. 327. Charles H. Spear et al., etc., plaintiff in error, *v.* The United States of America. In error to the District Court of the United States for the Northern District of California. Per curiam: This cause is dismissed for lack of jurisdiction in this court under section 238 of the Judicial Code as amended by the act of February 13, 1925, c. 229, 43 Stat. 938.

No. 86. Frank Rossi et al., plaintiff in error, *v.* The United States of America. In error to the District Court of the United States for the Western District of Washington. Per curiam: This case, the judgments of the District Court in which were entered December 15 and 26, 1924, is transferred to the Circuit Court of Appeals for the Ninth Circuit in accordance with the acts of September 14, 1922, c. 305, 42 Stat. 837, construed as effective as to these judgments by section 14 of the act of February 13, 1925, c. 229, 43 Stat. 942. *Heitler v. the United States*, 260 U. S. 438, 439, 440; *Pothier v. Rodman et al.*, 261 U. S. 307, 312; *Hoffman et al. v. McClelland et al.*, 264 U. S. 552, 555.

No. 194. Dan Bartoncini, plaintiff in error, *v.* The United States of America. In error to the District Court of the United States for the Northern District of California. Per curiam: Dismissed for want of jurisdiction upon the authority of *Farrell v. O'Brien*, 199 U. S. 89, 100; *Toop v. Ulysses Land Co.* 237 U. S. 580, 583; *Piedmont Power & Light Co. v. Town of Graham*, 253 U. S. 193, 195.

No. 69. State of Missouri, at the relation to and use of Wabash Railway Company et al., plaintiffs in error, *v.* Public Service Commission of Missouri et al. In error to the Supreme Court of the State of Mississippi. The motion for leave to file brief of the Brotherhood of Railroad Trainmen in this cause is denied.

No. 65. Clarence H. Myers *v.* Hurley Motor Company (Inc.). The motion to bring up the entire record and cause is denied.

No. 13, original. The State of Michigan, complainant, *v.* The State of Illinois and Sanitary District of Chicago. The motion of the State of Michigan for leave to file an amended bill of complaint

making the State of New York a joint complainant therein is denied; but the State of New York is granted leave to file a separate bill of complaint on its own behalf conforming in other respects to the amended bill of complaint tendered with said motion; such separate bill to be filed next Monday.

No. 522. Kate Tendler, petitioner, *v.* Morris Tendler. On petition for writ of certiorari to the Court of Appeals of the District of Columbia. Per curiam: The motion for leave to proceed in forma pauperis is denied for the reason that upon examination of the unprinted record the court finds no ground for certiorari, application for which is also denied.

In re Disbarment of John H. Adriaans. The motion to vacate the order herein is denied.

No. 533. Josephine Stipcich *v.* Metropolitan Life Insurance Company. The motion to bring up the entire record and cause is denied.

No. 437. Daniel J. Hart, petitioner, *v.* H. B. North et al. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Per curiam: The motion for leave to proceed further in forma pauperis is denied for the reason that upon examination of the unprinted record the court finds no ground for certiorari, the application for which is also denied.

No. 248. Jacob Goldman, plaintiff in error, *v.* The People of the State of Illinois. In error to the Supreme Court of the State of Illinois. Per curiam: Writ of error dismissed for want of jurisdiction on the authority of *Farrell v. O'Brien*, 199 U. S. 89, 100; *Toop v. Ulysses Land Company*, 237 U. S. 580, 583; *Piedmont Power & Light Co. v. Town of Graham*, 253 U. S. 193, 195. Application for certiorari is also denied.

No. 467. The Baltimore and Ohio Southwestern Railroad Company, petitioner, *v.* Sherman D. Hill, Administrator. Upon suggestion of diminution of the record the motion for writ of certiorari to correct the record is granted.

No. 103. W. A. Thomson, plaintiff in error, *v.* Alexander W. Thomson et al., etc. In error to the Supreme Court of the State of Illinois. Per curiam: Dismissed for want of jurisdiction upon the authority of *Farrell v. O'Brien*, 199 U. S. 89, 100; *Toop v. Ulysses Land Co.* 237 U. S. 580, 583; *Piedmont Power & Light Co. v. Town of Graham*, 253 U. S. 193, 195.

No. 524. Canal-Commercial Trust & Savings Bank and Union Indemnity Company, plaintiffs in error, *v.* Earl Brewer. In error to the Supreme Court of the State of Mississippi. Per curiam: Writ of error dismissed on the authority of *Consolidated Turnpike Company v. Norfolk and Ocean View Railway Co.*, 228 U. S. 326, 334. Application for certiorari also denied.

No. 630. Ethel Jones, plaintiff in error, *v.* The State of Mississippi. In error to the Supreme Court of the State of Mississippi. Per curiam: Motion for leave to proceed further in forma pauperis denied for the reason that the court finds upon examination of the unprinted record that there is no jurisdiction of the cause on the writ of error for want of a substantial Federal question. *Trono v. United States*, 199 U. S. 521.

No. 657. David F. Mitchell, petitioner, *v.* The United States of America. On petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Per curiam: Motion to proceed further in forma pauperis is denied for the reason that upon examination of the unprinted record the court finds no ground for certiorari, the application for which is also denied.

No. 290. James Stewart & Company, plaintiff in error, *v.* Dominick Rivara. Further consideration of the motion to dismiss is postponed to the hearing of the case on its merits.

No. 652. Thomas H. Larkin, plaintiff in error, *v.* The People of the State of New York. Per curiam: Motion for leave to proceed further in forma pauperis denied for the reason that the court finds upon examination of the unprinted record that it presents no Federal question and therefore dismisses the writ of error upon the authority of *Farrel v. O'Brien*, 199 U. S. 89, 100; *Toop v. Ulysses Land Co.* 237 U. S. 580, 583; *Piedmont Power and Light Co. v. Town of Graham*, 253 U. S. 193, 195.

No. 450. William Lee Popham, petitioner, *v.* The United States of America. The motion to defer consideration of original petition for certiorari and for leave to file supplementary petition for certiorari is granted.

No. 230. The State Industrial Board of the State of New York, petitioner, *v.* Terry & Tench Company, Inc., and United States Fidelity and Guaranty Company. On writ of certiorari to the Supreme Court of the State of New York. Per curiam: Reversed upon the authority of *Millers' Indemnity Underwriters v. Braud et al.*, 270 U. S. 59.

No. 366. Frank K. Bowers, Individually and as Collector of Internal Revenue for the Second District of New York, petitioner, *v.* New York and Albany Lighterage Company;

No. 367. Frank K. Bowers, Individually and as Collector of Internal Revenue for the Second District of New York, petitioner, *v.* Lloyd W. Season; and

No. 368. Frank K. Bowers, Individually and as Collector of Internal Revenue for the Second District of New York, petitioner, *v.* Thomas Staples Fuller. The motion to advance these cases is granted



and cases assigned for argument on Monday, January 3 next, after the cases heretofore assigned for that day.

No. 395. The United States of America, plaintiff in error, *v.* Solomon Noveck. The motion to advance this case is granted and case assigned for argument on Monday, January 3 next, after the cases heretofore assigned for that day.

No. 564. New York, Ontario, and Western Railway Company, appellant, *v.* The United States of America and the Interstate Commerce Commission. The motion to advance this case is granted and case assigned for argument on Monday, January 3 next, after the cases heretofore assigned for that day.

No. 648. T. L. Smith, sr., et al., appellant, *v.* Louis J. Wilson et al. The motion to advance this case is granted and case assigned for argument on Monday, January 3 next, after the cases heretofore assigned for that day.

No. 196. Hector N. Zahn and A. W. Ross, plaintiffs in error, *v.* Board of Public Works of the City of Los Angeles, et al. The motion to advance this cause is denied.

No. 232. Charles B. Beery, plaintiff in error, *v.* James G. Houghton, as Inspector of Buildings for the City of Minneapolis. The motion to advance this cause is denied.

No. 439. United Fuel Gas Company, appellant, *v.* The Public Service Commission of West Virginia. The motion to advance this cause is denied.

No. 515. City of Philadelphia, ex relatione, Daniel J. Furey, taxpayer, et al., appellants, *v.* Philadelphia Rapid Transit Company et al. The motion to advance this cause is denied.

No. 362. Liggett and Myers Tobacco Company, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Court of Claims granted.

No. 377. Ray C. Simmons, petitioner, *v.* Edward P. Swan. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit granted.

No. 385. City of Hammond, petitioner, *v.* Schappi Bus Line (Inc.). Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted.

No. 386. City of Hammond, petitioner, *v.* Farina Bus Line and Transportation Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted.

No. 387. Mercantile Trust Company of St. Louis, Missouri, petitioner, *v.* Wilmot Road District. Petition for writ of certiorari to

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

No. 394. C. G. Lewellyn, Collector of Internal Revenue for the Twenty-Third District of the United States, etc., petitioner, *v.* Electric Reduction Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit granted.

No. 409. Andrew W. Mellon, Director General of Railroads and Agent of the President, petitioner, *v.* Arkansas Land & Lumber Company. Petition for writ of certiorari to the Supreme Court of the State of Arkansas granted.

No. 436. A. B. Leach and Company, Inc., petitioner, *v.* Walter Peirson. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit granted.

No. 371. Rothschild Francis, petitioner, *v.* George Washington Williams, Judge of the District Court of the Virgin Islands of the United States. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 374. Pulitzer Publishing Company, petitioner, *v.* Houston Printing Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 376. Missouri Pacific Railroad Company, petitioner, *v.* H. K. Wellborn and J. A. Walls, under the firm name of Wellborn and Walls. Petition for writ of certiorari to the Supreme Court of the State of Arkansas denied.

No. 379. International-Great Northern Railroad Company et al., petitioners, *v.* T. A. Binford, Sheriff of Harris County, Texas, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 380. International-Great Northern Railroad Company et al., petitioners, *v.* George Edgeley et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 382. Frank C. Hart, 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. 383. Town of Flagstaff, petitioner, *v.* William D. Walsh, as the surviving partner of the copartnership of McLean and Walsh, etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 384. American Smelting & Refining Company, petitioner, *v.* George Campbell Carson. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 389. Sylvia Lake Company Inc., Dominion Company of New York, et al., petitioners, *v.* Northern Ore Company, New York Zinc Company, Inc., Henry W. Borst, et al. Petition for writ of certiorari to the Supreme Court of the State of New York denied.

No. 390. St. Louis-San Francisco Railway Company, petitioner, *v.* Warren Landers. Petition for writ of certiorari to the Supreme Court of the State of Oklahoma denied.

No. 392. American Railway Express Company, petitioner, *v.* Clinton Harris. Petition for writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 396. The United States of America, substituted for R. Bergman, Master of the Steamship *Henry County*, petitioner, *v.* A cargo of about 3,253 tons of coal laden on board the Steamship *Henry County*, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 397. The United States of America, substituted for Martin Miller, Master of the Steamship *Franklin County*, petitioner, *v.* A cargo of about 3,248 tons of coal laden on board the Steamship *Franklin County*, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 399. N. B. Josey Guano Company and N. B. Josey Company et al., petitioners, *v.* E. I. du Pont de Nemours and Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 400. The United States of America ex rel. L. Margulies and Sons, Inc., petitioner, *v.* J. Raymond McCarl, Comptroller General of the United States. Petition for writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 401. Gulf Refining Company of Louisiana, petitioner, *v.* A. H. Phillips, Tax Collector for Webster Parish, Louisiana. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 402. Gulf Refining Company of Louisiana, petitioner, *v.* A. H. Phillips, Tax Collector for Webster Parish, Louisiana. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 403. Gulf Refining Company of Louisiana, petitioner, *v.* M. H. Sandlin, Tax Assessor. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 404. J. W. McIntosh, Comptroller of the Currency, E. F. Anderson, Receiver, Georgia National Bank et al., petitioners, *v.* Miss Ruth M. Jackson and Mrs. Anna M. Scott. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 405. Louis Horowitz and S. Abramson, 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. 407. Maurice R. Shaw, Owner of the Derrick Barge *Holly*, petitioner, *v.* Western Assurance Company of Toronto, Canada. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 408. The United States of America, petitioner, *v.* John B. Semple and Company, a former Pennsylvania Corporation, by its Directors, John B. Semple et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 410. Chicago Steamship Lines Inc. and Northern Trust Company, petitioners, *v.* United States Lloyds, Incorporated, Globe and Rutgers Fire Insurance Company, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 411. Grace Henry and Mae Henry, petitioners, *v.* Olive Henry et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 413. Harry Barusch, petitioner, *v.* G. W. Brainard, as Trustee of Charles H. Durel et al., etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 415. United Cigar Stores Company of America, petitioner, *v.* Edward R. Rayher, Trustee in bankruptcy of Bertrand Barnett, trading as Culver and Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 419. B. F. Trappey et al., trading as B. F. Trappey and Sons, petitioner, *v.* McIlhenny Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 420. George Weinstein, 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. 423. American Chain Company Inc., petitioner. *v.* Chester N. Weaver, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 425. Franklin D'Olier, Burton Etherington, James D'Olier, et al., etc., petitioners, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 426. Eugene Bergron, Myer Byne, et al., petitioners, *v.* Ernest G. Hellsten, as bailee of the owner, Pere Marquette Lines Steamer,

claimant, of the American Vessel *Nevada*, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 427. Julius Kessler and Company Inc., petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 428. James Dickinson Farm Mortgage Company and A. D. Dickinson, petitioner, *v.* Cora Seimer. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 430. Carl B. Anderson, 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. 431. Harry J. Bovard, 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. 432. William M. Jones, 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. 433. Mord Carter, 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. 434. Anthony A. Scheib, 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. 435. Margaret Collins, Administratrix ad prosequendum of the Estate of Martin Collins, deceased, petitioner, *v.* Erie Railroad Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

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No. 25. Delia Salzer, plaintiff in error, *v.* The United States of America, Treasury Department, Bureau of War Risk Insurance. In error to and on petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Writ of error and petition for writ of certiorari dismissed per stipulation of counsel on motion of Mr. Solicitor General Mitchell in that behalf.

No. 642. Ingram-Day Lumber Company, petitioner, *v.* Sydney C. McLouth, Revived against The American Loan and Trust Company, Administrator, etc. Leave granted to file brief on behalf of the United States in opposition to the petition for writ of certiorari on or before Friday next on motion of Mr. Solicitor General Mitchell in that behalf.

No. 381. International-Great Northern Railroad Company et al., petitioners, *v.* The Texas Company. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Petition for writ of certiorari dismissed on motion of Mr. Richard W. Wilmer in behalf of Mr. Sam Streetman and Mr. Samuel B. Dabney for the petitioner.

No. 483. International-Great Northern Railroad Company et al., petitioners, *v.* The Texas Company. On petition for writ of certiorari to the Court of Civil Appeals for the Third Supreme Judicial District of the State of Texas. Petition for writ of certiorari dismissed on motion of Mr. Richard W. Wilmer in behalf of Mr. Sam Streetman and Mr. Samuel B. Dabney for the petitioners.

No. 217. Public Utilities Commission of Rhode Island et al., petitioners, *v.* Attleboro Steam and Electric Company. Leave granted to file brief of the Southern Sierras Power Company as amicus curiae on motion of Mr. Charles F. Consaul in that behalf.

No. 643. William C. Amos, petitioner, *v.* The United States of America. Motion for leave to print certain portions of the record, or in the alternative, for leave to proceed in forma pauperis, submitted by Mr. Albert Rae Williams, in behalf of Mr. Walter S. Hilborn, for the petitioner.

No. 31. The Village of Euclid, Ohio, et al., appellant, *v.* Ambler Realty Company. Leave granted to file brief of the National Conference of City Planning et al., as amici curiae on motion of Mr. Alfred Bettman in that behalf.

No. 26. Reba Fenwick, plaintiff in error, *v.* Orel J. Myers, Prosecuting Attorney, Darke County, Ohio. Passed on motion of Mr. Charles S. Moore in behalf of counsel.

No. 589. Missouri-Kansas-Texas Railroad Company of Texas, 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, Mr. Gardiner P. Lloyd, and Mr. Louis R. Mehlinger for the respondent.

No. 617. United States Shipping Board Emergency Fleet Corporation, petitioner, *v.* Rosenberg Brothers and Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Solicitor General Mitchell, Mr. J. Frank Staley, Mr. Arthur M. Boal, Mr. Frederick R. Conway, and Mr. Ira S. Lillick for the petitioner, and by Mr. J. M. Mannon, jr., and Mr. Farnum P. Griffith for the respondent.

No. 618. United States Shipping Board Emergency Fleet Corporation, petitioner, *v.* California Wine Association. Petition for a writ of certiorari to the United States Circuit Court of Appeals

for the Ninth Circuit submitted by Mr. Solicitor General Mitchell, Mr. J. Frank Staley, Mr. Arthur M. Boal, Mr. Frederick R. Conway, and Mr. Ira S. Lillick for the petitioner, and by Mr. J. M. Mannon, jr., and Mr. Farnum P. Griffith for the respondent.

No. 619. United States Shipping Board Emergency Fleet Corporation, petitioner, *v.* S. L. Jones and Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Solicitor General Mitchell, Mr. J. Frank Staley, Mr. Arthur M. Boal, Mr. Frederick R. Conway, and Mr. Ira S. Lillick for the petitioner, and by Mr. J. M. Mannon, jr., and Mr. Farnum P. Griffith for the respondent.

No. 622. Alexander Ackerson, 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. Alexander Ackerson pro se.

No. 632. Paul M. Ashbaugh, 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. J. W. Barry and Mr. Paul M. Ashbaugh for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Luhring, and Mr. Harry S. Ridgely for the respondent.

No. 636. Paradon Engineering Company Inc., petitioner, *v.* Electro Bleaching Gas Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. F. P. Warfield and Mr. C. A. L. Massie for the petitioner, and by Mr. Drury W. Cooper and Mr. Loren N. Wood for the respondents.

No. 640. Addison Miller, Security Storage Company, et al., petitioners, *v.* City of St. Paul. Petition for a writ of certiorari to the Supreme Court of the State of Minnesota submitted by Mr. W. B. Douglas for the petitioners and by Mr. Morton Barrows, Mr. Arthur A. Stewart, and Mr. Eugene M. O'Neill for the respondent.

No. 642. Ingram-Day Lumber Company, petitioner, *v.* Sydney C. McLouth, Revived against The American Loan and Trust Company, Administrator of the Estate of Sydney C. McLouth, deceased. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. George L. Canfield, Mr. W. A. White, and Mr. Sidney T. Miller for the petitioner.

No. 643. William C. Amos, 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. Walter S. Hilborn for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Luhring, and Mr. Harry S. Ridgely for the respondent.

No. 286. Clark Motor Company, appellant, *v.* W. Stanley Smith, Commissioner of Insurance of the State of Wisconsin. Resignation of W. Stanley Smith suggested and motion to substitute Olaf Johnson, present Commissioner of Insurance of the State of Wisconsin, as the party appellee herein, granted, on motion of Mr. Hartwell Cabell in behalf of Mr. Duane R. Dills for the appellant.

No. 287. Chrysler Sales Corporation, appellant, *v.* W. Stanley Smith, Commissioner of Insurance of the State of Wisconsin. Resignation of W. Stanley Smith suggested and motion to substitute Olaf Johnson, present Commissioner of Insurance of the State of Wisconsin, as the party appellee herein, granted, on motion of Mr. Hartwell Cabell in behalf of Mr. Duane R. Dills for the appellant.

No. 255. Palmetto Fire Insurance Company, appellant, *v.* Harry L. Conn, as Superintendent of Insurance of the State of Ohio;

No. 287. Chrysler Sales Corporation, appellant, *v.* Olaf Johnson, as Commissioner of Insurance of the State of Wisconsin;

No. 286. Clark Motor Company, appellant, *v.* Olaf Johnson, as Commissioner of Insurance of the State of Wisconsin;

No. 273. Chrysler Sales Corporation, appellant, *v.* Wilbur D. Spencer, Insurance Commissioner of the State of Maine; and

No. 274. Utterbach-Gleason Company, appellant, *v.* Wilbur D. Spencer, Insurance Commissioner of the State of Maine. Three hours allowed for the argument of these cases on motion of Mr. Hartwell Cabell in that behalf. Argument commenced by Mr. Hartwell Cabell for the appellant in No. 255, continued by Mr. C. S. Younger for the appellee in No. 255; by Mr. T. L. McIntosh for the appellee in Nos. 286 and 287; by Mr. Raymond Fellows for the appellee in Nos. 273 and 274, and concluded by Mr. Duane R. Dills for the appellants in Nos. 273, 274, 286, and 287.

No. 217. Public Utilities Commission of Rhode Island et al., petitioners, *v.* Attleboro Steam and Electric Company. Argument commenced by Mr. R. W. Boyden for the petitioners.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, October 12, will be as follows: Nos. 217, 31, 224, 185, 24, 296, 113, 243, 251, 253, and 177.



## SUPREME COURT OF THE UNITED STATES

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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.

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Lewis Golberg, of Boston, Mass.; John Daly Cofer, of Austin, Tex.; Thomas W. Payne, of Detroit, Mich.; Joseph Silverstein, of Asbury Park, N. J.; Samuel Edwin Murrell, of Sarasota, Fla.; Edward R. Schowalter, of New Orleans, La.; Henry E. Schmidt, of Bakersfield, Calif.; and Joseph W. Wiley, of Bakersfield, Calif., were admitted to practice.

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No. **470**. The United States, petitioner, *v.* Curtis and Company Manufacturing Company. On petition for a writ of certiorari to the Court of Claims. Dismissed on motion of Mr. Dean Hill Stanley for the petitioner.

No. **217**. Public Utilities Commission of Rhode Island et al., petitioners, *v.* Attleboro Steam and Electric Company. Argument continued by Mr. Robert G. Dodge for the respondent, and concluded by Mr. Arthur M. Allen for the petitioners.

No. **31**. The Village of Euclid, Ohio, and Harry W. Stein, Inspector of Buildings for the Village of Euclid, appellants, *v.* Ambler Realty Company. Reargued by Mr. James Metzenbaum for the appellants and by Mr. Newton D. Baker for the appellee.

No. **224**. Die Deutsche Bank Filiale Nurnberg et al., petitioner, *v.* Charles Franklin Humphrey. Submitted by Mr. Amos J. Peaslee for the petitioner and by Mr. William Grant and Mr. William P. Hubbard for the respondent.

No. **185**. Will Moore, Insurance Commissioner of the State of Oregon, appellant, *v.* Fidelity and Deposit Company of Maryland et al. Argued by Miss Grace E. Smith for the appellant and by Mr. John S. Coke for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, October 13, will be as follows: Nos. **24, 296, 113, 243, 251, 253, and 177.**

## SUPREME COURT OF THE UNITED STATES

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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.

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C. B. Cochran, of Oklahoma City, Okla.; William H. Labofish, of Washington, D. C.; and Gregory Cipriani, of Washington, D. C., were admitted to practice.

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No. 24. Doras Hebert, Alcee Benoit, John Miller, and Clobule Arabie, plaintiffs in error, *v.* State of Louisiana. Submitted by Mr. A. R. Mitchell for the plaintiffs in error, and by Mr. Percy Saint, Mr. E. R. Schowalter, and Mr. John J. Robira for the defendant in error.

No. 296. The Massachusetts State Grange et al., appellants, *v.* Jay R. Benton, as Attorney General of the Commonwealth of Massachusetts et al. Argument commenced by Mr. Frank W. Morrison for the appellants. The court declined to hear further argument.

No. 113. The United States of America, appellant, *v.* General Electric Company, Westinghouse Electric and Manufacturing Company and Westinghouse Lamp Company. Argument commenced by Mr. James A. Fowler for the appellant; continued by Mr. Charles Neave for the General Electric Company, and concluded by Mr. Fred H. Wood for the Westinghouse Electric and Manufacturing Company and Westinghouse Lamp Company.

No. 243. D. H. Brasfield, Mark Williver, and William Barion, petitioners, *v.* The United States of America. Argued by Mr. Assistant to the Attorney General Donovan and case submitted by Mr. John W. Preston for the petitioner.

No. 251. Cologero Fasulo, petitioner, *v.* The United States of America. Argument commenced by Mr. John O'Gara for the petitioner.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, October 14, will be as follows: Nos. 251, 253, and 177.

## SUPREME COURT OF THE UNITED STATES

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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.

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No. 251. Cologero Fasulo, petitioner, *v.* The United States of America. Argument continued by Mr. John O'Hara for the petitioner, and concluded by Mr. Assistant to the Attorney General Donovan for the respondent.

No. 253. Arnold H. Brein, plaintiff in error, *v.* State Department of Health et al. Argument commenced by Mr. John B. Dillon for the plaintiff in error; continued by Mr. William E. Egan for the defendant in error, by Mr. Frank E. Healy for the defendant in error, and concluded by Mr. John B. Dillon for the plaintiff in error.

No. 177. General Petroleum Corporation, plaintiff in error, *v.* County of Kern. Argument commenced by Mr. A. L. Weil for the plaintiff in error. The court declined to hear further argument.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, October 18, will be as follows: Nos. 179, 357 (358 and 365), 115 (and 173), 303, 87 (310 and 311), 238, 320, 266, 307, 77, 143, and 108.

## SUPREME COURT OF THE UNITED STATES

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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.

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Otis L. Mohundro, of Calvert City, Ky.; Charles Edward Wainwright, of Washington, D. C.; Hugh R. Francis, of San Juan, Porto Rico; Nelson Littell, of New York City; Eugene Arthur Perkins, of Manila, P. I.; Herbert J. S. Devries, of Washington, D. C.; Ray H. Calihan, of Garden City, Kans.; John D. Monroe, of New York City; Philip S. Moyer, of Harrisburg, Pa.; William De Forest Manice, of New York City; E. LeRoy Keen, of Harrisburg, Pa.; Gilbert E. Harris, of St. Paul, Minn.; Russell C. Rosenquest, of Minneapolis, Minn.; Samuel Rosenberg, of New York City; Joseph B. McDonough, of New York City; Louis H. Grieb, of Wichita, Kans.; Pauline G. Wallace, of Washington, D. C.; Walter F. Miller, of Harrisburg, Pa.; Harry H. Peterson, of St. Paul, Minn.; Emmitt J. McDaniel, of Uniontown, Pa.; Henry W. Morgan, of Oklahoma City, Okla.; Harold M. Wilson, of Miami, Fla.; and Fred L. Warner, of Lansing, Mich., were admitted to practice.

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No. 236. International Stevedoring Company, petitioner, *v.* R. Haverty. On writ of certiorari to the Supreme Court of the State of Washington. Judgment affirmed with costs. Opinion by Mr. Justice Holmes.

No. 622. Alexander Ackerson, 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. Application to proceed further in forma pauperis is denied for the reason that the court upon consideration of the unprinted record finds no ground for certiorari, the application for which is also denied.

No. 177. General Petroleum Corporation, plaintiff in error, *v.* County of Kern. In error to the District Court of the United States for the Southern District of California. Per curiam: Affirmed

on the authority of *Mid-Northern Oil Company v. Walker et al.*, 268 U. S. 45.

No. 253. Arnold H. Brein, plaintiff in error, *v. State Department of Health et al.* In error to the Superior Court of the State of Connecticut. Per curiam: Dismissed for want of jurisdiction upon authority of *Sayward v. Denny*, 158 U. S. 180; *Oxley Stave Co. v. Butler County*, 166 U. S. 648, 655.

No. 412. Bedford Cut Stone Company et al., petitioners, *v. Journeymen Stone Cutters' Association of North America et al.*, etc., et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted.

No. 465. Wallace R. Farrington, Governor of the Territory of Hawaii et al., petitioners, *v. T. Tokushige et al.* Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted.

No. 482. Henry W. McMaster and Francis H. Skelding, as Receivers of the Wabash Pittsburgh Terminal Railway Company, petitioners, *v. George J. Gould et al.*, etc. Petition for a writ of certiorari to the Supreme Court of the State of New York granted.

No. 497. E. Paul Yaselli, petitioner, *v. Guy D. Goff.* Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 503. E. W. Bliss Company, petitioner, *v. The United States.* Petition for a writ of certiorari to the Court of Claims granted.

No. 507. Arnold J. Hellmich, United States Collector of Internal Revenue, petitioner, *v. Missouri Pacific Railroad Company.* Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit granted.

No. 393. Rush Meadows, 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. 438. Mrs. Gertrude S. Ponder, petitioner, *v. Lamar Life Insurance Company.* Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 440. Lehigh Valley Railroad Company, petitioner, *v. Steam tug Cutchoque*, her engines, etc., Long Island Railroad Company, claimant. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 441. Irvin McD. Garfield, as Receiver of B. B. & R. Knight Inc., petitioner, *v. The Mallory Steamship Company.* Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 442. J. A. Kemp, T. B. Noble, I. H. Roberts, et al., petitioners, *v. The United States of America*. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 445. Max Hart, petitioner, *v. B. F. Keith Vaudeville Exchange, Orpheum Circuit, Inc., Excelsior Collection Agency et al.* Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 446. Max Hart, petitioner, *v. B. F. Keith Vaudeville Exchange, Orpheum Circuit, Inc., Excelsior Collection Agency et al.* Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 449. S. D. Guggenheim, M. Guggenheim, L. Guggenheim, et al., etc., petitioners, *v. The United States*. Petition for a writ of certiorari to the Court of Claims denied.

No. 455. Alexander Menaregidis, in behalf of Andreas Menaregidis, petitioner, *v. Henry H. Curran, 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 denied.

No. 456. Sotiouros Christoulas, also known as Christ Lawyer, petitioner, *v. Henry H. Curran, 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 denied.

No. 457. George F. Pawling and Company, petitioner, *v. The United States*. Petition for a writ of certiorari to the Court of Claims denied.

No. 458. Roy Gay, 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. 459. Russell Gay, 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. 460. Harry Washer, alias Harry The Jew, 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. 461. H. M. Albury, 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. 462. James Thompson and The J. L. Hudson Company, doing business, etc., et al., petitioners, *v. The Vogue Company*. Petition for

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

No. 463. George Belvin and John McGowan, 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. 464. The United States of America, *ex rel.* Cripple Creek & Colorado Springs Railroad Company, petitioner, *v.* Interstate Commerce Commission. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 466. Jacob P. Teter, 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. 468. Oregon and California Railroad Company, petitioner, *v.* Andrew B. Hammond and Charles J. Winton. Petition for a writ of certiorari to the Supreme Court of the State of Oregon denied.

No. 469. Oregon and California Railroad Company, petitioner, *v.* Booth-Kelly Lumber Company. Petition for a writ of certiorari to the Supreme Court of the State of Oregon denied.

No. 471. W. J. McInnes, Receiver of the Citizens National Bank, of Roswell, N. M., petitioner; *v.* The American Surety Company, of New York. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 473. Andrew W. Mellon, Director General of Railroads, as Federal Agent, petitioner, *v.* W. M. Grantham. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 474. Howard P. Converse and Edwin P. Bliss, trading as Converse and Company, petitioners, *v.* The United States. Petition for a writ of certiorari to the Court of Claims denied.

No. 475. Eric Lange and A. H. Bergstrom, Copartners, trading as Lange and Bergstrom, petitioners, *v.* The United States. Petition for a writ of certiorari to the Court of Claims denied.

No. 476. Mary D. A. Sayles, Charles O. Read, and James R. MacCall, individually, etc., petitioners, *v.* The Chase National Bank of the City of New York and Frederick K. Rupprecht. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 477. Joshua Russell, 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. 478. Merle B. Copeland, 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. 479. Warren E. Barnett, 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. 480. Oregon Short Line Railroad Company, petitioner, *v.* Ernest R. Gubler. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 481. Earl B. Barnes, as Trustee in Bankruptcy of Thomas H. Cowley, Paul E. Brady et al., etc., petitioner, *v.* William Schatzkin et al., etc., and Lawrence J. Hirsch et al., etc. Petition for a writ of certiorari to the Supreme Court of the State of New York denied.

No. 484. Milton F. Webster, petitioner, *v.* Joseph T. Terry. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 485. Illinois Central Railroad Company, petitioner, *v.* The United States. Petition for a writ of certiorari to the Court of Claims denied.

No. 486. Jacinto Moss, Pedro L. Moss, Pedro J. Moss, et al., etc., petitioners, *v.* John H. Sherburne and Howard Stockton, Trustees, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 487. The Village of Terrace Park, petitioner, *v.* Russell Errett. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 489. Albert Carelli, petitioner, *v.* The State of Ohio. Petition for a writ of certiorari to the Supreme Court of the State of Ohio denied.

No. 490. Lena B. McKee and Fred McKee, Trustees, etc., et al., petitioners, *v.* Cuno H. Rudolph, James F. Oyster, and J. Franklin Bell, etc. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 491. Universal Rim Company, petitioner, *v.* Firestone Tire and Rubber Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 493. The Standard Electric Stove Company, petitioner, *v.* The Toledo, St. Louis and Western Railroad. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.



No. 496. St. Louis-San Francisco Railway Company, petitioner, *v.* Eunice Pearson, Administratrix of the Estate of J. L. Pearson, deceased. Petition for a writ of certiorari to the Supreme Court of the State of Arkansas denied.

No. 498. The United States of America *ex rel.* Helen L. Givens, petitioner, *v.* Hubert Work, Secretary of the Interior of the United States. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 501. New York Life Insurance 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 denied.

No. 502. New York Life Insurance 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 denied.

No. 505. Atlantic Coast Line Railroad Company, petitioner, *v.* Standard Oil Company of New Jersey. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 506. Seaboard Air Line Railway Company, petitioner, *v.* Standard Oil Company of New Jersey. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 508. The State Bank, petitioner, *v.* Philip Applebaun. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 510. Submarine Signal Company, petitioner, *v.* The United States. Petition for a writ of certiorari to the Court of Claims denied.

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No. 537. The United States of America, plaintiff in error, *v.* Samuel Gettinger et al., etc. Motion to advance submitted by Mr. Solicitor General Mitchell for the plaintiff in error.

No. 95. The United States of America, plaintiff in error, *v.* George A. Storrs et al. Motion to dismiss submitted by Mr. Frank K. Nebeker in behalf of Mr. Dan B. Shields, Mr. Mahlon E. Wilson, and Mr. Albert R. Barnes for the defendants in error in support of the motion, and by Mr. Solicitor General Mitchell and Mr. Assistant to the Attorney General Donovan for the plaintiff in error in opposition thereto.

No. 87. George M. Napier, Attorney General of the State of Georgia, appellant, *v.* Atlantic Coast Line Railroad Company.

Leave granted to file brief of the State of Michigan as *amicus curiae* on motion of Mr. Fred L. Warner in that behalf.

No. 695. Albert Ottinger, as Attorney General of the State of New York, appellant, *v.* The Bronx Gas and Electric Company. Appeal from the District Court of the United States for the Southern District of New York. Docketed and dismissed with costs on motion of Mr. William L. Ransom for the appellee.

No. —, original. The State of New York, Complainant, *v.* The State of Illinois and Sanitary District of Chicago. Bill of complaint filed pursuant to order of October 11, 1926, on motion of Mr. John Holley Clark, jr., for the complainant, and process ordered to issue returnable on Monday, November 1, 1926.

No. 11. Rhederei M. Jebsen Company, appellant, *v.* The United States;

No. 12. The Firm of M. Jebsen, Corresponding Owner of the Steamship Company, Carl Diederichen, etc., appellant, *v.* The United States;

No. 13. Hamburg-American Line Terminal and Navigation Company, appellant, *v.* The United States;

No. 14. Hamburg-American Line Terminal and Navigation Company, appellant, *v.* The United States;

No. 15. Atlas Line Steamship Company, appellant, *v.* The United States;

No. 16. Atlas Line Steamship Company, appellant, *v.* The United States;

No. 17. North German Lloyd, appellant, *v.* The United States;

No. 18. North German Lloyd, appellant, *v.* The United States;

No. 19. North German Lloyd, appellant, *v.* The United States;

No. 20. Hamburg-Amerikanische Paketfahrt Aktien-Gesellschaft, etc., appellant, *v.* The United States;

No. 21. Hamburg-Amerikanische Paketfahrt Aktien-Gesellschaft, etc., appellant, *v.* The United States; and

No. 23. Deutsch-Australische Dampfschiffs-Gesellschaft, appellant, *v.* The United States. Passed pursuant to stipulation of counsel on motion of Mr. Charles H. LeFevre in that behalf.

No. 238. Benjamin I. Salinger, Jr., plaintiff in error, *v.* The United States of America. Leave granted to file supplemental brief for the plaintiff in error on or before Friday next on motion of Mr. Benjamin I. Salinger for the plaintiff in error.

No. 150. The United States, petitioner, *v.* Stone and Downer Company et al. Motion to dismiss or affirm submitted by Mr. Edward T. Sharretts for the respondents in support of the motion, and by Mr. Solicitor General Mitchell and Mr. Assistant Attorney General Hoppin for the petitioner in opposition thereto.

No. 649. Caron Corporation, petitioner, *v.* Henri Muraour et Cie. Leave granted to file brief of the V. Vivaudou, incorporated, as amicus curiae on motion of Mr. William L. Symons in that behalf.

No. 265. Joseph Buchholder et al., plaintiffs in error, *v.* Frank Solomon. Motion to dismiss submitted by Mr. J. J. Leberman for the defendant in error in support of the motion, and by Mr. John T. Bottom for the plaintiff in error in opposition thereto.

No. 639. M. Hartley Dodge, petitioner, *v.* Minnie E. Allison et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Robert H. McCarter and Mr. John A. Garver for the petitioner.

No. 641. George H. Jennings and Creekmore Wallace, petitioners, *v.* Lonsetta Canady and Mountain State Oil Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. B. B. Blakney and Mr. Creekmore Wallace for the petitioners.

No. 649. Caron Corporation, petitioner, *v.* Henri Muraour et Cie. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia submitted by Mr. Maurice Leon and Mr. Joseph H. Choate, jr., for the petitioner.

No. 650. Knickerbocker Merchandising Company (Inc.) et al., petitioners, *v.* 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. John Holley Clark, jr., for the petitioners.

No. 651. T. E. McLendon, 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 M. Bryan and Mr. J. M. Grimmet for the petitioner.

No. 655. Arthur Maul, 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. Howard M. Long for the petitioner.

No. 143. Sam Nelson, plaintiff in error, *v.* The People of the State of California. Submitted by Mr. Samuel Herrick for the plaintiff in error, and by Mr. U. S. Webb for the defendant in error.

No. 179. Hanover Fire Insurance Company, plaintiff in error, *v.* Patrick J. Carr, County Treasurer of the County of Cook, State of Illinois, etc. Argument commenced by Mr. Charles E. Hughes for the plaintiff in error, continued by Mr. Benson Landon and Mr. Leon Hornstein for the defendant in error, and concluded by Mr. Charles E. Hughes for the plaintiff in error.

No. 357. Albert Ottinger, as Attorney General of the State of New York, appellant, *v.* Consolidated Gas Company of New York;

No. 358. Albert Ottinger, as Attorney General of the State of New York, appellant, *v.* The Brooklyn Union Gas Company; and

No. 365. Albert Ottinger, as Attorney General of the State of New York, appellant, *v.* King County Lighting Company. Four hours allowed for the argument of these cases. Argument commenced by Mr. John Holley Clark, jr., for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, October 19, 1926, will be as follows: Nos. 357 (358 and 365), 115 (and 173), 303, 87 (310 and 311), 238, 320, 266, 307, 77 and 108.

## SUPREME COURT OF THE UNITED STATES

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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.

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Lester A. Jaffe, of Cincinnati, Ohio, and Samuel H. Cady, of Chicago, Ill., were admitted to practice.

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The Chief Justice announced the following orders of the court:

### ORDER

No. 9. Henry Albrecht et al., plaintiffs in error *v.* The United States of America.

No. 72. A. J. Byars, petitioner, *v.* The United States of America.

No. 79. Wong Tai, etc., plaintiffs in error, *v.* The United States of America.

No. 81. Enrique Collado, appellant, *v.* Manuel Nater Girona, Marshal, etc.

No. 85. John E. McGuire *v.* The United States of America.

No. 95. United States of America, plaintiff in error, *v.* George A. Storrs et al.

No. 102. John Carlton Dysart, petitioner, *v.* The United States of America.

No. 111. The United States of America ex rel. Emanuel Vajtauer, appellant, *v.* Commissioner of Immigration of the Port of New York.

No. 135. William Burns, plaintiff in error, *v.* The United States of America.

No. 145. Elmer C. Potter, Prohibition Director, etc., appellant, *v.* James Geraghty.

No. 443. Thomas Murphy et al., *v.* The United States of America.

No. 472. R. Burney Long, plaintiff in error, *v.* State of Louisiana.

No. 512. Frederick L. Miller, plaintiff in error, *v.* State of Oregon.

No. 527. Ed Tumey, plaintiff in error, *v.* State of Ohio.

No. 537. United States of America, plaintiff in error, *v.* Samuel Gettinger, etc.

No. 553. C. Dewey Brian et al., plaintiffs in error, *v.* The United States of America.

No. 561. Mrs. Bill Breaux, plaintiff in error, *v.* State of Louisiana.

No. 647. Paul Schmolke, plaintiff in error, *v.* Daniel J. O'Brien, Chief of Police.

It is now here ordered by this court that these cases be, and the same are hereby, assigned for argument on Monday, November 22, 1926.

## ORDER

No. 644. Byron Dunn et al., plaintiffs in error, *v.* The State of Louisiana.

No. 656. George R. Dale, plaintiff in error, *v.* The State of Indiana.

No. 658. S. F. Larsen, plaintiff in error, *v.* The State of Texas.

It is now here ordered by this court that these cases be, and the same are hereby, assigned for argument on Monday, January 10, 1927.

No. 357. Albert Ottinger, as Attorney General of the State of New York, appellant, *v.* Consolidated Gas Company of New York;

No. 358. Albert Ottinger, as Attorney General of the State of New York, appellant, *v.* The Brooklyn Union Gas Company; and

No. 365. Albert Ottinger, as Attorney General of the State of New York, appellant, *v.* King County Lighting Company. Argument continued by Mr. John Holley Clark, jr., for the appellant; by Mr. John A. Garver and Mr. William L. Ransom for the Consolidated Gas Company of New York, appellee in No. 357; by Mr. William N. Dykman for the Brooklyn Union Gas Company, appellee in No. 358; by Mr. Samuel F. Moran for Kings County Lighting Company, appellee in No. 365, and concluded by Mr. John Holley Clark, jr., for the appellant.

No. 115. The United States of America, petitioner, *v.* One Ford Coupe Automobile, No. 4,776,501, etc.; and

No. 173. Port Gardner Investment Company *v.* The United States of America. Argument commenced by Mr. Duane R. Dills for the respondent in No. 115 and Garth Motor Company in No. 173.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, October 20, will be as follows: Nos. 115 (and 173), 303, 87 (310 and 311), 238, 320, 266, 307, 77, and 108.

## SUPREME COURT OF THE UNITED STATES

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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.

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Charles V. Falkenberg, of Chicago, Ill.; Thomas J. Duffy, of San Francisco, Calif.; and Chauncey W. Reed, of Naperville, Ill., were admitted to practice.

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No. 9, original. The State of Michigan, complainant, *v.* The State of Wisconsin. Proposed form of decree of defendant, State of Wisconsin, submitted by Mr. R. M. Rieser for the defendant.

No. 115. The United States of America, petitioner, *v.* One Ford Coupe Automobile No. 4,776,501, etc.; and

No. 173. Port Gardner Investment Company *v.* The United States of America. Reargument continued by Mr. Solicitor General Mitchell for the petitioner in No. 115 and for the United States in No. 173, and concluded by Mr. Duane R. Dills for the respondent in No. 115 and for the Port Gardner Investment Company in No. 173.

No. 303. Stella Van Oster, plaintiff in error, *v.* The State of Kansas. Argument commenced by Mr. Duane R. Dills for the plaintiff in error, continued by Mr. Roland Boynton for the defendant in error, and concluded by Mr. William H. Thompson for the plaintiff in error.

No. 87. George M. Napier, Attorney General of the State of Georgia, appellant, *v.* Atlantic Coast Line Railroad Company;

No. 310. Chicago and North Western Railway Company, plaintiff in error, *v.* Railroad Commission of Wisconsin; and

No. 311. Chicago, Milwaukee and St. Paul Railway Company, plaintiff in error, *v.* Railroad Commission of Wisconsin. Argument commenced by Mr. Thomas Stevenson for the appellant in No. 87; continued by Mr. R. C. Alston for the Atlantic Coast Line Railroad Company, appellee in No. 87; by Mr. Nye F. Morehouse for the plaintiff in error in No. 310; by Mr. R. M. Rieser for the defendant in error in Nos. 310 and 311; and by Mr. Thomas Stevenson for the appellant in No. 87.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, October 21, 1926, will be as follows: Nos. 87 (310 and 311), 238, 320, 266, 307, 77, and 108.

## SUPREME COURT OF THE UNITED STATES

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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.

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Chauncey T. Eldridge, of San Francisco, Calif., and Edward J. Cunningham, of Washington, D. C., were admitted to practice.

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No. 87. George M. Napier, Attorney General of the State of Georgia, appellant, *v.* Atlantic Coast Line Railroad Company;

No. 310. Chicago and North Western Railway Company, plaintiff in error, *v.* Railroad Commission of Wisconsin; and

No. 311. Chicago, Milwaukee and St. Paul Railway Company, plaintiff in error, *v.* Railroad Commission of Wisconsin. Argument continued by Mr. Thomas Stevenson for the appellant in No. 87; and concluded by Mr. Nye F. Morehouse for the plaintiff in error in No. 310 and submitted by Mr. H. H. Field and Mr. C. S. Jefferson for the plaintiff in error in No. 311.

No. 238. Benjamin I. Salinger, Jr., plaintiff in error, *v.* The United States of America. Argument commenced by Mr. Benjamin I. Salinger for the plaintiff in error, continued by Mr. Arthur F. Mullen for the plaintiff in error, by Mr. Alfred A. Wheat for the defendant in error, and concluded by Mr. Benjamin I. Salinger for the plaintiff in error.

No. 320. Charles H. Graves, plaintiff in error, *v.* The State of Minnesota. Argument commenced by Mr. Russell C. Rosenquest for the plaintiff in error. The court declined to hear further argument.

No. 266. The United States of America, plaintiff in error, *v.* James W. McElvain et al. Submitted by Assistant Attorney General Willebrandt, Mr. Solicitor General Mitchell, and Mr. Sewall Key for the plaintiff in error, and by Mr. John J. Healy for the defendant in error.

No. 307. C. A. Hudson and R. R. Brogan, petitioners, *v.* The United States of America. Argued by Mr. Charles Bunn for the respondent. Submitted by Mr. B. B. McGinnis for the petitioner.



No. 77. S. Nose, plaintiff in error, *v.* U. S. Webb, Attorney General of the State of California et al. Dismissed pursuant to nineteenth rule.

No. 108. Charles V. Duffy, Former Collector, etc., petitioner, *v.* The Mutual Benefit Life Insurance Company. Argument commenced by Mr. Alfred A. Wheat for the petitioner.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, October 22, will be as follows: No. 108.

## SUPREME COURT OF THE UNITED STATES

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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.

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Selim A. Gallier, of East Orange, N. J.; Thomas M. Phillips, of Lakeland, Fla.; and Sherman B. Randall, of Columbus, Ohio, were admitted to practice.

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No. 108. Charles V. Duffy, Former Collector, petitioner, *v.* The Mutual Benefit Life Insurance Company. Argument continued by Mr. Alfred A. Wheat for the petitioner, and concluded by Mr. Charles E. Hughes for the respondent.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, October 25, will be as follows: Nos. 96 (213 and 231), 254, 312, 288, 341, 175, 343, 316, 306, 130, 372, 284, 281 (and 282).

## SUPREME COURT OF THE UNITED STATES

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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.

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Edward I. Barry, of San Francisco, Calif.; Arthur D. Brigham, of New York City; M. F. Trimble, of Muskogee, Okla.; Frank L. Horton, of Chicago, Ill.; George Poffenbarger, of Charleston, W. Va.; Wellmore B. Turner, of Dayton, Ohio; Harold C. Faulkner, of San Francisco, Calif.; Charles A. Roberts, of New York City; George C. Thorpe, of Washington, D. C.; W. H. Lawrence, of San Francisco, Calif.; Elmer E. Pearcey, of St. Louis, Mo.; and Avery M. Blount, of Searcy, Ark., were admitted to practice.

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No. 119. August Dorchy, plaintiff in error, *v.* The State of Kansas. In error to the Supreme Court of the State of Kansas. Judgment affirmed with costs. Opinion by Mr. Justice Brandeis.

No. 255. Palmetto Fire Insurance Company, appellant, *v.* Harry L. Conn, as Superintendent of Insurance of the State of Ohio. Appeal from the District Court of the United States for the Southern District of Ohio. Decree affirmed with costs. Opinion by Mr. Justice Holmes.

No. 273. Chrysler Sales Corporation, appellant, *v.* Wilbur D. Spencer, Insurance Commissioner of the State of Maine. Appeal from the District Court of the United States for the District of Maine. Decree affirmed with costs. Opinion by Mr. Justice Holmes.

No. 274. Utterback-Gleason Company, appellant, *v.* Wilbur D. Spencer, Insurance Commissioner of the State of Maine. Appeal from the District Court of the United States for the District of Maine. Decree affirmed with costs. Opinion by Mr. Justice Holmes.

No. 286. Clark Motor Company, appellant, *v.* Olaf Johnson, Commissioner of Insurance of the State of Wisconsin. Appeal from the District Court of the United States for the Western District of Wisconsin. Decree affirmed with costs. Opinion by Mr. Justice Holmes.

No. 287. Chrysler Sales Corporation, appellant, *v.* Olaf Johnson, Commissioner of Insurance of the State of Wisconsin. Appeal from the District Court of the United States for the Western District of Wisconsin. Decree affirmed with costs. Opinion by Mr. Justice Holmes.

No. 2. Lois P. Myers, Administratrix of the Estate of Frank S. Myers, deceased, appellant, *v.* The United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Chief Justice Taft. Dissenting: Mr. Justice Holmes, Mr. Justice McReynolds, and Mr. Justice Brandeis.

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The Chief Justice announced the following orders of the court:

ORDER

The court will take a recess from Monday, November 1, until Monday, November 22, next.

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No. 643. William C. Amos, petitioner, *v.* The United States of America. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. The motion for leave to print only such portions of the record in this case as opposing counsel shall agree is relevant to petitioner's conviction below or in the alternative to proceed further in forma pauperis is denied for the reason that upon examination of the petition and accompanying papers, including brief of counsel for the petitioner, the record as printed in the Circuit Court of Appeals, and the opinion of the court below, the court finds that the case is not one in which a writ of certiorari should issue, the application for which is, therefore, also denied.

No. 95. The United States of America, plaintiff in error, *v.* George A. Storrs et al. Further consideration of the motion to dismiss this case is postponed to the hearing of the case upon the merits, heretofore assigned for Monday, November 22 next.

No. 150. The United States, petitioner, *v.* Stone and Downer Company et al. Further consideration of the motion to dismiss or affirm this case is postponed to the hearing of the case on the merits.

No. 265. Joseph Buchhalter et al., plaintiff in error, *v.* Frank Solomon. In error to the Supreme Court of the State of Colorado. Per curiam: Motion to dismiss granted on authority of *Hiriart v. Ballon*, 9 Pet. 156, 166; *Beall v. New Mexico*, 16 Wall. 535, 539; *Hopkins v. Orr*, 124 U. S. 511, 515; *Pease v. Rathbun-Jones Engineering Co.*, 243 U. S. 273, 278.

No. 537. The United States of America, plaintiff in error, *v.* Samuel Gettinger, etc. The motion to advance this case is granted and case assigned for argument on Monday, November 22 next.

No. 143. Sam Nelson, plaintiff in error, *v.* The People of the State of California. In error to the District Court of Appeal, Second Appellate District of the State of California. Per curiam: Dismissed for want of a Federal question. (1) *Shulthis v. MacDougal*, 225 U. S. 561, 569; *Hull v. Burr*, 234 U. S. 712, 720; *Norton v. Whiteside*, 239 U. S. 144, 147. (2) *Barron v. Baltimore*, 7 Pet. 243, 247; *Twining v. New Jersey*, 211 U. S. 78, 93.

No. 511. The Pueblo of Santa Rosa, petitioner, *v.* Albert B. Fall, Secretary, et al. The petition for a writ of certiorari in this case is granted and the case set for hearing on January 10 next, after the cases heretofore assigned for that day, on the issue as to the existence of authority of counsel who filed the bill to represent complainant.

No. 531. Charles H. Phelps, etc., et al., petitioner, *v.* The United States. Petition for a writ of certiorari to the Court of Claims granted.

No. 539. Chesapeake and Ohio Railway Company, petitioner, *v.* K. S. Leitch. Petition for a writ of certiorari to the Supreme Court of Appeals of the State of West Virginia granted.

No. 540. Richmond Screw Anchor Company, Inc., petitioner, *v.* The United States. Petition for a writ of certiorari to the Court of Claims granted.

No. 542. Missouri Pacific Railroad Company, petitioner, *v.* Mary I. Aeby. Petition for a writ of certiorari to the Supreme Court of the State of Missouri granted.

No. 546. Robins Dry Dock and Repair Company, petitioner, *v.* George Flint et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 547. John James Jackson et al., petitioners, *v.* Steamship *Archimedes* et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 552. Missouri-Kansas-Texas Railroad Company of Texas, petitioner, *v.* J. H. King. Petition for a writ of certiorari to the Court of Civil Appeals, Fourth Supreme Judicial District of the State of Texas, granted.

No. 557. A. W. Duckett and Company, Inc., petitioner, *v.* The United States. Petition for a writ of certiorari to the Court of Claims granted.

No. 513. Security Trust Company, Receiver, petitioner, *v.* Charles J. De Land, Receiver. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 514. The Detroit United Railway, petitioner, *v.* Alfred Leroy Craven. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 516. Ralph A. Horton, petitioner, *v.* Cary A. Hardee, Governor, et al. Petition for a writ of certiorari to the Supreme Court of the State of Florida denied.

No. 517. Joseph Laveirge et al., petitioners, *v.* James C. Davis, Agent. Petition for a writ of certiorari to the Supreme Court of the State of Minnesota denied.

No. 518. J. W. Craig, petitioner, *v.* St. Louis-San Francisco Railway Company. Petition for a writ of certiorari to the Supreme Court of the State of Kansas denied.

No. 519. The Steel and Tube Company of America, petitioner, *v.* Dingess Rum Coal Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 520. Auburn and Alton Coal Company, petitioner, *v.* The United States. Petition for a writ of certiorari to the Court of Claims denied.

No. 523. Hilda Roberts et al., petitioners, *v.* Chris Yegen et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 530. Ross Banta, 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. 532. Mechanics and Metals National Bank of the City of New York, petitioner, *v.* J. C. Buchanan. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 534. Ethel Croker White et al., petitioners, *v.* Bula Croker, etc., et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 535. W. R. Grace and Company, petitioner, *v.* The Panama Railroad Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 536. Charles Waxman, 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. 538. Aetna Life Insurance Company, petitioner, *v.* Hermina Bundscho. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 541. Frank McGarry et al., petitioners, *v.* John J. Lentz et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 543. Scott M. Atkin, petitioner, *v.* Nathan H. Baier et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 544. The United States, petitioner, *v.* May McKinney et al. Executors, etc. Petition for a writ of certiorari to the Court of Claims denied.

No. 550. The Philippine Sugar Estates Development Company, Limited, Inc., petitioner, *v.* Gabriela Andrea de Coster. Petition for a writ of certiorari to the Supreme Court of the Philippine Islands denied.

No. 551. James E. Arnold, petitioner, *v.* Ross A. Collins. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 554. The City of Toledo et al., petitioners, *v.* The Maumee Valley Electric Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 555. W. R. Grace and Company, petitioners, *v.* Toyo Kisen Kabushiki Kaisha. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 451. The Procter and Gamble Company et al., petitioners, *v.* Federal Trade Commission. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 494. Federal Trade Commission, petitioner, *v.* The Procter and Gamble Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

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No. 88. Malcolm E. Nichols, Collector of Internal Revenue, etc., plaintiff in error, *v.* Harold J. Coolidge and Augustus P. Loring, Executors, etc. Leave granted to file brief of Isaac B. Lipson as amicus curiae upon motion of Mr. John W. Townsend in that behalf.

No. 703. William M. Webb, petitioner, *v.* The United States of America. Motion for leave to proceed in forma pauperis and that deposit be refunded and petition for writ of certiorari and record be printed at public expense submitted to Mr. Robert F. Cogswell in behalf of Mr. Oscar O'Neill Touchston for the petitioner.

No. —, original. Los Angeles Brush Manufacturing Corporation, petitioner, *v.* William P. James, Judge of the United States District Court for the Southern District of California. Motion for leave to file petition for writ of mandamus submitted by Mr. William J. Hughes, jr., in behalf of Mr. Ford W. Harris for the petitioner.

No. 391. The United States of America ex. rel. Julio E. Roman Checa, petitioner, *v.* George E. Williams, Criminal Sheriff, Parish of Orleans, Louisiana. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. W. J. Waguespack for the petitioner.

No. 570. The United States, petitioner, *v.* United Cigar Stores Company of America. Petition for a writ of certiorari to the Court of Claims submitted by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Galloway, and Mr. A. W. Gregg for the petitioner.

No. 626. The United States, petitioner, *v.* David R. J. Arnold, as Administrator, 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. Fred K. Dyar for the petitioner, and by Mr. T. Ludlow Chrystie for the respondent.

No. 627. The United States, petitioner, *v.* George P. Miller 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. Fred K. Dyar for the petitioner, and by Mr. William M. Williams for the respondents.

No. 631. Saturnino Lopez, petitioner, *v.* Manuel Ernesto Gonzalez. Petition for a writ of certiorari to the Supreme Court of the Philippine Islands submitted by Mr. Samuel T. Ansell for the petitioner.

No. 645. The Atchison, Topeka and Santa Fe Railway Company, petitioner, *v.* Gertrude Mappin, Administratrix, etc. Petition for a writ of certiorari to the Supreme Court of the State of California submitted by Mr. Edgar W. Camp, Mr. Robert O. Brennan, and Mr. E. E. McInnes for the petitioner, and by Mr. Maxwell McNutt for the respondent.

No. 653. Seaboard Air Line Railway Company, petitioner, *v.* The State of Florida, ex rel. R. Hudson Burr, et al., etc. Petition for a writ of certiorari to the Supreme Court of the State of Florida submitted by Mr. James F. Wright, Mr. W. E. Kay, Mr. Thos. B. Adams, and Mr. Frank W. Gwathmey for the petitioner, and by Mr. Fred H. Davis and Mr. George C. Bedell for the respondent.

No. 654. Atlantic Coast Line Railroad Company, petitioner, *v.* The State of Florida, ex rel. R. Hudson Burr et al., etc. Petition for a writ of certiorari to the Supreme Court of the State of Florida submitted by Mr. James F. Wright, Mr. W. E. Kay, Mr. Thos. B. Adams, and Mr. Frank W. Gwathmey for the petitioner, and by Mr. Fred H. Davis and Mr. George C. Bedell for the respondents.

No. 659. The National Bank of Commerce in St. Louis, petitioner, *v.* Henry Clay Pierce. Petition for a writ of certiorari to the United



States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. George L. Edwards, Mr. Edward J. White, and Mr. W. T. Jones for the petitioner, and by Mr. H. S. Priest and Mr. John F. Green for the respondent.

No. 662. Andrew W. Mellon, Director General of Railroads, etc., petitioner, *v.* Edward Goodyear, as Administrator of the Estate of Lewis Goodyear, deceased. Petition for a writ of certiorari to the Supreme Court of the State of Kansas submitted by Mr. M. L. Bell, Mr. W. F. Dickinson, Mr. T. P. Littlepage, Mr. Luther Burns, Mr. J. E. Du Mars, and Mr. W. D. Vance for the petitioner.

No. 669. The United States of America, petitioner, *v.* Leib Ritterman. 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. J. Kennedy White, and Mr. Harry B. Amey for the petitioner, and by Mr. Albert MacC. Barnes, jr., for the respondent.

No. 96. Federal Trade Commission, petitioner, *v.* Western Meat Company;

No. 213. Thatcher Manufacturing Company, petitioner, *v.* Federal Trade Commission; and

No. 231. Swift and Company, petitioner, *v.* Federal Trade Commission. Three hours allowed for the argument of these cases. Argument commenced by Mr. Adrian F. Busick for the petitioner in No. 96, and for the respondent in No. 231; continued by Mr. Edward I. Barry for the respondent in No. 96; by Mr. James M. Sheean for the petitioner in No. 231; by Mr. Adrian F. Busick for the petitioner in Nos. 96 and 231; and by Mr. H. K. Smith for the petitioner in No. 213.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, October 26, will be as follows: Nos. 96 (213 and 231), 254, 312, 288, 341, 175, 343, 316, 306, 130, 372, 284, 281 (and 282).

## SUPREME COURT OF THE UNITED STATES

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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.

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Chester B. Kidd, of Oklahoma City, Okla., was admitted to practice.

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No. 96. Federal Trade Commission, petitioner, *v.* Western Meat Company;

No. 213. Thatcher Manufacturing Company, petitioner, *v.* Federal Trade Commission; and

No. 231. Swift and Company, petitioner, *v.* Federal Trade Commission. Argument continued by Mr. Adrian F. Busick for the respondent in No. 213, and concluded by Mr. Herbert Knox Smith for the petitioner in No. 213.

No. 254. The United States of America, appellant, *v.* International Harvester Company et al. Argued by Mr. Assistant to the Attorney General Donovan for the appellant, and by Mr. William S. Elliott for the appellees.

No. 312. George Ford, George Harris, J. Evelyn, et al., petitioners, *v.* The United States of America. Argument commenced by Mr. J. Harry Covington for the petitioners, and continued by Mr. Harold C. Faulkner for the petitioners.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, October 27, will be as follows: Nos. 312, 288, 341, 175, 343, 316, 306, 130, 372, 284, 281 (and 282).

## SUPREME COURT OF THE UNITED STATES

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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.

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Ruth Audas Chisholm, of Onedia, New York; Galen F. Basinger, of Fort Lauderdale, Fla.; and Ira J. Pettiford, of Detroit, Mich., were admitted to practice.

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No. 312. George Ford, George Harris, J. Evelyn et al., petitioners, *v.* The United States of America. Argument continued by Mr. Solicitor General Mitchell for the respondent, and concluded by Mr. Marion De Vries for the petitioners. Leave granted to file additional brief for the petitioners on or before Friday next, on motion of Mr. Marion De Vries for the petitioner.

No. 288. Giovanni Di Santo, plaintiff in error, *v.* The Commonwealth of Pennsylvania. Argued by Mr. William H. Neely and Mr. J. H. Neely for the plaintiff in error, and by Mr. E. LeRoy Keen and Mr. Philip S. Moyer for the defendant in error.

No. 341. William Earl Dodge and Joshua T. Dodge, petitioners, *v.* The United States of America. Argued by Mr. Daniel T. Hagan for the petitioner, and by Assistant Attorney General Willebrandt for the respondent.

No. 175. Herman A. Uihlein et al., plaintiffs in error, *v.* The State of Wisconsin et al., etc., et al. Submitted by Mr. Edwin S. Mack for the plaintiffs in error, and by Mr. Herman L. Ekern and Mr. F. E. Bump for the defendants in error.

No. 343. Interstate Busses Corporation, appellant, *v.* Holyoke Street Railway Company et al. Argument commenced by Mr. Edward H. Kelly for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, October 28, will be as follows: Nos. 343, 316, 306, 130, 372, 284, and 281 (and 282).

## SUPREME COURT OF THE UNITED STATES

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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.

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Barton Baker, of Rochester, N. Y., was admitted to practice.

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No. 343. Interstate Busses Corporation, appellant, *v.* The Holyoke Street Railway Company et al. Argument continued by Mr. Edward H. Kelly for the appellant, by Mr. David H. Keedy for the appellees, and concluded by Mr. Edward H. Kelly for the appellant.

No. 316. Ben F. Wright, Auditor for the Philippine Islands, petitioner, *v.* Ynchausti and Company. Leave granted to Mr. A. R. McGuire to appear and present oral argument for the petitioner pro hac vice on motion of Mr. L. H. Hedrick in that behalf. Argument commenced by Mr. L. H. Hedrick for the petitioner, continued by Mr. William H. Lawrence for the respondent. The court declined to hear further argument.

No. 306. Cornelius Anderson, suing on behalf of himself and all other Seamen, etc., petitioner, *v.* Shipowners Association of the Pacific Coast et al. Argument commenced by Mr. H. W. Hutton for the petitioner, and continued by Mr. C. T. Eldridge for the respondent.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, October 29, will be as follows: Nos. 306, 130, 372, 284, and 281 (and 282).

## SUPREME COURT OF THE UNITED STATES

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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.

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Harold M. Sawyer, of San Francisco, Calif.; Raymond S. Taylor, of Los Angeles, Calif.; Thomas M. Wilkins, of Washington, D. C.; Theodore S. Turner, of Seattle, Wash.; and G. Wayne Gray, of Orlando, Fla., were admitted to practice.

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No. 306. Cornelius Anderson, suing on behalf of himself and all other Seamen, etc., petitioner, *v.* Shipowners Association of the Pacific Coast et al. Argument continued by Mr. C. T. Eldridge for the respondents, and concluded by Mr. H. W. Hutton for the petitioner.

No. 130. Leslie A. Gilmore, plaintiff in error, *v.* The People of the State of Illinois. In error to the Supreme Court of the State of Illinois. Dismissed with costs on authority of counsel for the plaintiff in error.

No. 372. R. B. Morris, doing business as Morris and Lowther et al., appellants, *v.* Wm. Duby, H. B. Van Duzer, and W. H. Malone, etc. Argument commenced by Mr. J. M. Devers for the appellees. The court declined to hear further argument.

No. 372. R. B. Morris, doing business as Morris and Lowther, H. M. Hewitt and Lew Nunamaker, etc., et al., appellants, *v.* William Duby, H. B. Van Duzer, and W. H. Malone, etc. Appeal from the District Court of the United States for the District of Oregon. It is now here ordered, adjudged, and decreed by this court that the decree of the District Court of the United States for the District of Oregon, in this cause, be, and the same is hereby, vacated without costs to either party, and that this cause be, and the same is hereby, remanded to the said District Court with directions to dismiss the bill of complaint on the ground that this case has become moot through the rescission of the assailed order of the Oregon State Highway Commission, subject, however, to leave to the appellants to move

for the vacation of this decree within thirty days herefrom if they question the rescission of such order.

No. 284. The United States of America and The Interstate Commerce Commission, appellants, *v.* The New York Central Railroad Company. Argument commenced by Mr. Blackburn Esterline for the United States of America, continued by Mr. Robert E. Whalen for the appellee, and concluded by Mr. P. J. Farrell for the Interstate Commerce Commission.

No. 281. The Virginian Railway Company, appellant, *v.* The United States of America, The Interstate Commerce Commission, and The Chesapeake and Ohio Railroad Company; and

No. 282. The United States of America and the Interstate Commerce Commission, appellants, *v.* The Virginian Railway Company. Argument commenced by Mr. James W. Carmalt for the Virginian Railway Company, continued by Mr. Blackburn Esterline for the United States, and concluded by Mr. P. J. Farrell for the Interstate Commerce Commission.

Adjourned until Monday next at 12 o'clock.

## SUPREME COURT OF THE UNITED STATES

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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.

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James H. Littlehales, of Washington, D. C.; Harry B. Parris, of Eufaula, Okla.; Shelby M. Jett, of Akron, Ohio; Henry George Gress, of Somerset, Pa.; Charles P. O'Neil, of Detroit, Mich.; Clarence E. Page, of Detroit, Mich.; John R. Watkins, of Detroit, Mich.; Frank M. Parrish, of Washington, D. C.; Randall J. LeBoeuf, jr., of Albany, N. Y.; Albert J. Danaher, of Albany, N. Y.; Alexis J. Rogoski, of Muskegon, Mich.; Harry L. Jacobs, of Kansas City, Mo.; Julius C. Shapiro, of Kansas City, Mo.; and Henry C. Hunter, of New York City, were admitted to practice.

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No. 185. Will Moore, Insurance Commissioner of the State of Oregon, appellant, *v.* Fidelity and Deposit Company of Maryland, Hartford Accident and Indemnity Company, and National Surety Company. Appeal from the District Court of the United States for the District of Oregon. Decree affirmed with costs. Opinion by Mr. Justice Brandeis.

No. 24. Doras Hebert, Alcee Benoit, John Miller, and Clobule Arabie, plaintiffs in error, *v.* State of Louisiana. In error to the Supreme Court of the State of Louisiana. Judgment affirmed with costs. Opinion by Mr. Justice Van Devanter.

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The Chief Justice announced the following orders of the Court:

No. 703. William M. Webb, petitioner, *v.* The United States of America. On petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. The motion for leave to proceed further in this cause *in forma pauperis* is denied for the reason that the court upon inspection of the record of proceedings below as submitted in *Anderson v. The United States*, No. 430; *Bovard v. The United States*, No. 431; *Jones v. The United States*, No. 432; and *Carter v. The United States*, No. 433, finds that there is no ground for certiorari, application for which is 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 order of October 29, 1926.

No. 175. Herman A. Uihlein, August E. Uihlein, George Uihlein et al., plaintiffs in error, *v.* The State of Wisconsin, Neele B. Neelen, Public Administrator of Milwaukee County, et al. On writ of error to the Supreme Court of the State of Wisconsin. *Per curiam*: Reversed on the authority of *Schlesinger v. Wisconsin*, 270 U. S. 230.

No. 568. United States Steel Products Company, claimant, etc., petitioners, *v.* Donald J. Adams. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit granted.

No. 577. St. Louis and San Francisco Railroad Company et al., petitioners, *v.* E. B. Spiller et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit granted.

No. 592. H. L. Eveland, Hugh Smith, and B. W. Baer, Constituting The Tax Commission of the State of South Dakota, petitioners, *v.* Chicago and Northwestern Railway Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit granted.

No. 601. Aetna Insurance Company et al., petitioners, *v.* Ben C. Hyde, Superintendent, etc. Petition for a writ of certiorari to the Supreme Court of the State of Missouri granted.

No. 450. William Lee Popham, 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. 558. The Virginian Railway Company, petitioner, *v.* The United States of America, owner of Steam Tug *Barrenfork*. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 559. L. J. Riggs, petitioner, *v.* Siegel Workman, United States Marshal for the Southern District of West Virginia. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 560. L. J. (Bear Cat) Riggs, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 562. New York and Cuba Mail Steamship Company, petitioner, *v.* The United States of America and Flannery, Guinan and Moran, Inc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 563. New York and Cuba Mail Steamship Company, petitioner, *v.* The United States of America and Flannery, Guinan and Moran, Inc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.



No. 565. M. Samuel and Sons, Inc., petitioner, *v.* The Second National Bank of Toledo. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 566. New State Land Company, H. F. Wilcox Oil and Gas Company, Albert Kelly, et al., petitioners, *v.* Robert Kelley and Sukey Kelley. Petition for a writ of certiorari to the Supreme Court of the State of Oklahoma denied.

No. 569. Louis Rauch, petitioner, *v.* A. F. Duff. Petition for a writ of certiorari to the Supreme Court of the State of Mississippi denied.

No. 571. Texas and New Orleans Railroad Company and United States Fidelity and Guaranty Company, petitioners, *v.* J. J. Cammack. Petition for a writ of certiorari to the Court of Civil Appeals, Sixth Supreme Judicial District of the State of Texas, denied.

No. 572. Calcasieu National Bank of Southwest Louisiana, petitioner, *v.* Alfred Campbell. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 573. William G. Benham and Dwight Harrison, 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. 576. William F. Williams and Frank E. Lyman, Commissioners of Public Works, etc., petitioners, *v.* General Outdoor Advertising Company, Inc., O. J. Gude Company, Thomas Cusack Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 578. Henderson County, Tennessee, petitioner, *v.* Sovereign Camp, Woodmen of the World. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 584. George Langstaff, petitioner, *v.* Robert H. Lucas, Collector of Internal Revenue of the United States, Kentucky District. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 585. A. I. Winsett, Nathan Kendall, Charles E. Walker et al., petitioners, *v.* H. J. Spurway, Receiver of The Tucson National Bank. Petition for a writ of certiorari to the Supreme Court of the State of Arizona denied.

No. 586. M. Wehby, John Joseph, Raf R. Flores et al., petitioners, *v.* H. J. Spurway, Receiver of The Tucson National Bank. Petition for a writ of certiorari to the Supreme Court of the State of Arizona denied.

No. 587. The State of Montana, petitioner, *v.* Sunburst Refining Company. Petition for a writ of certiorari to the Supreme Court of the State of Montana denied.

No. 588. Federal Life Insurance Company, petitioner, *v.* Mrs. Jennie M. Rascoe. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 590. Gordon Campbell, 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. 593. Ford Hydro-Electric Company, petitioner, *v.* Janet Neeley et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 594. George S. Kunihiro, petitioner, *v.* M. O. Coggins Company, Clifford A. Coggins, C. Swift Bollens, et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 595. George S. Kunihiro, petitioner, *v.* The Lyon Brothers Company, Arthur Miller, M. O. Coggins Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 597. Sioux City Bridge Company, petitioner, *v.* Walter E. Miller, as County Treasurer of Dakota County, Nebraska, et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 598. The Celluloid Company, petitioner, *v.* Commonwealth of Massachusetts. Petition for a writ of certiorari to the Supreme Judicial Court of the State of Massachusetts denied.

No. 599. Aaron T. Bliss, Clerk of Midland County, et al., petitioners, *v.* James C. Graves and Clifford G. Olmstead. Petition for a writ of certiorari to the Supreme Court of the State of Michigan denied.

No. 600. Central National Bank of Marietta, Ohio, as Administrator de bonis non of the Estate of Harry B. Hulings, deceased, petitioner, *v.* Commodore D. Dodson. Petition for a writ of certiorari to the Supreme Court of the State of Ohio denied.

No. 602. Warren O. Watson, Trustee in Bankruptcy, et al., petitioner, *v.* J. Hall LeBlanc, Bankrupt. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

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No. 58. Everett Flint Damon, *ex rel.* Chin Hen Youe, appellant, *v.* John P. Johnson, Commissioner of Immigration. Appeal from the District Court of the United States for the District of Massa-

chusetts transferred from the United States Circuit Court of Appeals for the First Circuit. Cause remanded to the District Court of the United States for the District of Massachusetts with directions to dismiss the petition for a writ of *habeas corpus* without prejudice and without costs to either party, per stipulation of counsel, on motion of Mr. Solicitor General Mitchell in that behalf.

No. 146. Southern Surety Company of Des Moines, Iowa, plaintiff in error, *v.* The United States of America. Motion to transfer case to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Solicitor General Mitchell for the defendant in error.

No. 507. Arnold J. Hellmich, United States Collector of Internal Revenue, petitioner, *v.* Missouri Pacific Railroad Company. Motion to advance submitted by Mr. Solicitor General Mitchell for the petitioner.

No. 553. C. Dewey Brian et al., plaintiffs in error, *v.* The United States of America. Motion to dismiss submitted by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Luhring, and Mr. Harry S. Ridgely for the defendant in error in support of the motion.

No. 6, original. The State of Oklahoma, complainant, *v.* The State of Texas, defendant, The United States of America, Intervener. Form of decree proposed by Texas and The United States submitted by Mr. R. H. Ward for the State of Texas with leave to counsel to submit suggestion as to Commissioners to be appointed herein.

No. 524. Canal-Commercial Trust and Savings Bank et al., plaintiffs in error, *v.* Earl Brewer. Motion to amend judgment by taxing penalty and costs submitted by Mr. William Warfield Ross in behalf of Mr. John W. Cutrer for the defendant in error in support of the motion, and by Mr. Marcellus Green, Mr. Garner W. Green, and Mr. Chalmers Potter for the plaintiffs in error in opposition thereto.

No. 334. R. C. Breen et al., plaintiffs in error, *v.* Morton Denison Hull et al. Motion to dismiss submitted by Mr. Stiles W. Burr in behalf of Mr. Frank D. Adams, Mr. Elmer F. Blu, Mr. George W. Morgan, Mr. Nathan L. Miller, and Mr. Kenneth B. Halstead for the defendants in error in support of the motion, and by Mr. H. V. Mercer for the plaintiffs in error in opposition thereto.

No. 412. Bedford Cut Stone Company et al., petitioners, *v.* Journeymen Stone Cutters' Association of North America et al. Motion to advance submitted by Mr. Daniel Davenport, Mr. Charles Martindale, and Mr. Walter Gordon Merritt for the petitioners.

No. 635. H. A. Pharr, Trustee in Bankruptcy of Mobile Shipbuilding Company, petitioner, *v.* The United States. Leave granted

to file brief of the Council of American Shipbuilders, Inc., as *amicus curiae* on motion of Mr. Henry C. Hunter in that behalf.

No. 512. Frederick L. Miller, plaintiff in error, *v.* The State of Oregon. Reassigned for argument on Monday, January 10 next, after the cases heretofore assigned for that day, on motion of Mr. J. C. Trimble for the plaintiff in error.

No. 14, original. The State of New York, complainant, *v.* The State of Illinois and Sanitary District of Chicago. Motion for order or direction that parties may participate in trial of related suit of State of Wisconsin *v.* State of Illinois and Sanitary District of Chicago before the Special Master, submitted by Mr. C. S. Ferris and Mr. Albert Ottinger for the complainant in support of the motion and by Mr. Oscar E. Carlstrom, Mr. Cyrus E. Dietz, and Mr. Hugh S. Johnson for defendant, the State of Illinois, and by Mr. James M. Beck, Mr. Hector A. Brouillet, and Mr. Morton S. Cressy for defendant, the Sanitary District of Chicago, in opposition thereto.

No. 7, original. State of Wisconsin, complainant, *v.* State of Illinois and Sanitary District of Chicago. Motion of the State of Arkansas for leave to intervene and become a party defendant and adopt the answer heretofore filed by intervening defendants submitted by Mr. James M. Beck in behalf of Mr. William B. Applegate, Mr. Daniel N. Kirby, and Mr. Cornelius Lynde for the State of Arkansas.

No. 7, original. State of Wisconsin, complainant, *v.* State of Illinois and Sanitary District of Chicago. Motion of the State of Mississippi for leave to intervene and become a party defendant and adopt the answer heretofore filed by intervening defendants submitted by Mr. James M. Beck in behalf of Mr. Rush H. Knox, Mr. Daniel N. Kirby, and Mr. Cornelius Lynde for the State of Mississippi.

No. —, original. Ex parte In the matter in William G. Benham, petitioner. Motion for leave to file petition for writ of *habeas corpus* submitted by Mr. Woodson P. Houghton in behalf of Mr. Smith W. Bennett and Mr. R. R. Nevin for the petitioner.

No. 184, of October term, 1925. Enrique del Pozo y Marcos et al., appellants, *v.* Wilson Cypress Company. Motion to reinstate case and for leave to file petition and supplemental petition for rehearing submitted by Mr. John C. Jones for the appellants in support of the motion, with leave to Mr. Henry C. Clark to file printed opposition on behalf of the appellee within 10 days.

No. 665. The Celluloid Company, plaintiff in error, *v.* The Commonwealth of Massachusetts. Motion for leave to file statement of points relied upon and designation of parts of the record to be

printed, submitted by Mr. Rudolph H. Yeatman in behalf of Mr. Joseph Larocque for the plaintiff in error.

No. 35. Millsaps College, plaintiff in error, *v.* City of Jackson. Continued per stipulation of counsel on motion of Mr. Robert F. Cogswell in behalf of counsel.

No. 548. William A. Zeidler, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims submitted by Mr. Joseph W. Cox, Mr. Archibald Cox, and Mr. O. Ellery Edwards for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Galloway, Mr. Harry E. Knight, and Mr. Manuel Whittemore for the respondent.

No. 660. William A. Gillespie and Frank X. Kinzly, 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. Martin Conboy for the petitioners, and by Mr. Solicitor General Mitchell and Mr. J. Kennedy White for the respondent.

No. 661. The Equitable Trust Company of New York, as Trustee, etc., petitioner, *v.* The First National Bank of Trinidad, Colorado. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Godfrey Goldmark for the petitioner, and by Mr. William De Forest Manice for the respondent.

No. 667. Steam Tug *Esther M. Rendle*, George T. Rendle, petitioners, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit submitted by Mr. George T. Dillaway for the petitioners, and by Mr. Solicitor General Mitchell and Assistant Attorney General Willebrandt for the respondent.

No. 677. Emlenton Refining Company, petitioner, *v.* Walter A. Chambers, Trading as G. L. P. Chambers and Company, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. J. E. Mullin and Mr. W. Pitt Gifford for the petitioner, and by Mr. Henry J. Bigham for the respondent.

No. 681. Marshall Hodgman et al., petitioners, *v.* The Atlantic Refining Company et al. 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. Andrew C. Gray for the petitioners, and by Mr. Ira Jewell Williams, Mr. Robert H. Richards, and Mr. Charles E. Hughes for the respondents.

No. 683. Carnegie Steel Company, petitioner, *v.* The Colorado Fuel and Iron Company. Petition for a writ of certiorari to the

United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. D. Anthony Usina, Mr. Henry M. Huxley, and Mr. George W. Morgan for the petitioner, and by Mr. Fred Farrar for the respondent.

No. 687. Wesley L. Sischo, petitioner, *v.* Finch R. Archer, as Warden of the United States Penitentiary at McNeil Island, Washington. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Marshall B. Woodworth for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Luhring, Mr. Alfred A. Wheat, and Mr. Harry S. Ridgely for the respondent.

No. 670. James Cusmano, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. Dismissed on motion of counsel for the petitioner.

Adjourned until Monday, November 22 next.

The day call for Monday, November 22, will be as follows: Nos. 9, 72, 79, 81, 85, 95, 102, 111, 135, 145, 443, 472, 527, 537, 553, 561, and 647.

SUPREME COURT OF THE UNITED STATES

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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.

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The Chief Justice announced:

It becomes the sad duty of the court to announce that, since its last adjournment, Mr. Justice McKenna, recently retired from this court, has passed away. His death occurred at 1.45 a. m. yesterday. No one who was present will forget the affecting scene and farewell in 1925 when the justice in this room took his leave of the court and his colleagues. As a mark of love and a tribute of respect for his 27 years of distinguished and useful service on this bench, the court will, after the delivery of opinions this morning, adjourn until Tuesday noon, and will attend the funeral to be held this day at his late residence in the city at 3 p. m.

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No. 239. Southern Pacific Company, petitioner, *v.* The United States. On writ of certiorari to the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Stone.

No. 243. D. H. Brasfield, Mark Williver, and William Barion, petitioners, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgment reversed, and the cause remanded to the District Court of the United States for the Northern District of California for further proceedings, in conformity with the opinion of this court. Opinion by Mr. Justice Stone.

No. 307. C. A. Hudson and R. R. Brogan, petitioners, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Judgment affirmed, and cause remanded to the District Court of the United States for the Western District of Pennsylvania. Opinion by Mr. Justice Stone.

No. 284. The United States of America and Interstate Commerce Commission, appellants, *v.* The New York Central Railroad Com-

pany. Appeal from the District Court of the United States for the Northern District of New York. 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 Stone. Mr. Justice Sutherland took no part in the consideration or decision of this cause.

No. 303. Stella Van Oster, plaintiff in error, *v.* The State of Kansas. In error to the Supreme Court of the State of Kansas. Judgment affirmed with costs. Opinion by Mr. Justice Stone.

No. 320. Charles H. Graves, plaintiff in error, *v.* The State of Minnesota. In error to the Supreme Court of the State of Minnesota. Judgment affirmed with costs. Opinion by Mr. Justice Sanford.

No. 36. The I. T. S. Rubber Company, petitioner, *v.* Essex Rubber Company. On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit. Decree affirmed with costs, and the cause remanded to the District Court of the United States for the District of Massachusetts. Opinion by Mr. Justice Sanford.

No. 37. John W. McCardle, Maurice Douglass, Oscar Ratts, et al., as Members of the Public Service Commission of Indiana et al., appellants, *v.* Indianapolis Water Company. Appeal from the District Court of the United States for the District of Indiana. Decree affirmed with costs. Opinion by Mr. Justice Butler. Concurring: Mr. Justice Holmes. Dissenting: Mr. Justice Brandeis and Mr. Justice Stone.

No. 250. The Yankton Sioux Tribe of Indians, petitioner, *v.* The United States. On writ of certiorari to the Court of Claims. Judgment reversed, and the cause remanded to the said Court of Claims for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Sutherland.

No. 306. Cornelius Anderson, suing on behalf of himself and all other Seamen, etc., petitioner, *v.* Shipowners Association of the Pacific Coast, Pacific American Steamship Association, Their Members, etc., et al. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Decree reversed with costs, and the cause remanded to the District Court of the United States for the Northern District of California for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Sutherland. Mr. Justice Stone took no part in the consideration or decision of this cause.

No. 31. The Village of Euclid, Ohio, and Harry W. Stein, Inspector of Buildings for The Village of Euclid, appellants, *v.* Ambler Realty Company. Appeal from the District Court of the United



States for the Northern District of Ohio. Decree reversed with costs, and the cause remanded to the said District Court for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Sutherland. Dissenting: Mr. Justice Van Devanter, Mr. Justice McReynolds, and Mr. Justice Butler.

No. 9, original. The State of Michigan, complainant, *v.* The State of Wisconsin. Final decree announced by Mr. Justice Sutherland. The costs in this court to be divided equally between the parties.

No. 115. The United States of America, petitioner, *v.* One Ford Coupe, Automobile, No. 4776501, Alabama License No. 10978, Garth Motor Company, Claimant. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Judgment reversed, and the cause remanded to the District Court of the United States for the Northern District of Alabama for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Brandeis. Concurring: Mr. Justice Stone. Dissenting: Mr. Justice McReynolds, Mr. Justice Sutherland, and Mr. Justice Butler.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, November 23, will be as follows: Nos. 9, 72, 79, 81, 85, 95, 102, 111, 135, 145, 443, 472, 527, 537, 553, 561, and 647.

## SUPREME COURT OF THE UNITED STATES

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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.

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Frank H. Myers, of Washington, D. C.; Harry M. Carroll, of Donna, Tex.; Charles H. Garnett, of Oklahoma City, Okla.; William A. Cuff, of Toledo, Ohio; Isadore Bookstein, of Albany, N. Y.; Joseph Greenberg, of Albany, N. Y.; Frank J. Hennessy, of San Francisco, Calif.; Edward S. Bentley, of Lawrence, Long Island, N. Y.; Anthony Ronnebaum, of Cincinnati, Ohio; Dominic P. Servald, of Hammond, Ind.; R. W. Henderson, of Bakersfield, Calif.; Albert E. Griffiths, of Hammond, Ind.; Anna L. Cooke, of Washington, D. C.; Theodore M. Stuart, of Fresno, Calif.; and Francis D. Butler, of St. Paul, Minn., were admitted to practice.

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**No. 173.** Port Gardner Investment Company *v.* The United States of America. On a certificate from the United States Circuit Court of Appeals for the Ninth Circuit. It is the opinion of this court that question No. 5 should be answered in the affirmative. Opinion of Mr. Justice Brandeis. Concurring: Mr. Justice Butler and Mr. Justice Stone.

**No. 212.** The United States of America, petitioner, *v.* William F. Brims, Stanley Muszalski, B. J. G. Wittman, et al. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Judgment reversed, 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. Mr. Justice Stone took no part in the consideration or decision of this cause.

**No. 96.** Federal Trade Commission, petitioner, *v.* Western Meat Company. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Decree modified and affirmed, with costs. Opinion by Mr. Justice McReynolds.

**No. 213.** Thatcher Manufacturing Company, petitioner, *v.* Federal Trade Commission. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Decree reversed in part and affirmed in part, 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.

Dissenting: Mr. Justice Brandeis, Mr. Chief Justice Taft, Mr. Justice Holmes, and Mr. Justice Stone.

No. 231. Swift and Company, petitioner, *v.* Federal Trade Commission. 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 said Circuit Court of Appeals for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice McReynolds. Dissenting: Mr. Justice Brandeis, Mr. Chief Justice Taft, Mr. Justice Holmes, and Mr. Justice Stone.

No. 32. Luckenbach Steamship Company, Inc., appellant, *v.* The United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Van Devanter.

No. 238. Benjamin I. Salinger, Jr., plaintiff in error, *v.* The United States of America. In error to the District Court of the United States for the District of South Dakota. Transferred to the Circuit Court of Appeals for the Eighth Circuit, in accordance with the act of September 14, 1922. Opinion by Mr. Justice Van Devanter.

No. 224. Die Deutsche Bank Filiale Nurnberg, petitioner, *v.* Charles Franklin Humphrey. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Decree reversed with costs, and the cause remanded to the District Court of the United States for the Northern District of California for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Holmes. Dissenting: Mr. Justice Sutherland, Mr. Justice McReynolds, Mr. Justice Butler, and Mr. Justice Sanford.

No. 296. The Massachusetts State Grange, The Inhabitants of the Town of Hadley, Massachusetts; The Brotherhood of Locomotive Engineers et al., appellants, *v.* Jay R. Benton, as Attorney General of the Commonwealth of Massachusetts; Frederick W. Cook, as Secretary of The Commonwealth of Massachusetts; Payson Smith, as Commissioner of Education, etc., et al. Appeal from the District Court of the United States for the District of Massachusetts. Decree affirmed with costs. Opinion by Mr. Justice Holmes. Separate opinion by Mr. Justice McReynolds.

No. 341. William Earl Dodge and Joshua T. Dodge, petitioners, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit. Decree affirmed, and the cause remanded to the District Court of the United States for the District of Rhode Island. Opinion by Mr. Justice Holmes.

No. 170. Hughes Bros. Timber Company, petitioner, *v.* State of Minnesota. On writ of certiorari to the Supreme Court of the State

of Minnesota. Judgment reversed with costs, and the cause remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Chief Justice Taft.

No. 113. The United States of America, appellant, *v.* General Electric Company, Westinghouse Electric and Manufacturing Company, and Westinghouse Lamp Company. Appeal from the District Court of the United States for the Northern District of Ohio. Decree affirmed. Opinion by Mr. Chief Justice Taft.

No. 179. Hanover Fire Insurance Company, plaintiff in error, *v.* Patrick J. Carr, County Treasurer of the County of Cook, State of Illinois, etc. In error to the Supreme Court of the State of Illinois. Judgement reversed with costs, and the cause remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Chief Justice Taft.

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The Chief Justice announced the following orders of the court:

No. 7, original. The State of Wisconsin, complainant, *v.* The State of Illinois and Sanitary District of Chicago;

No. 14, original. The State of New York, complainant, *v.* The State of Illinois and Sanitary District of Chicago.

#### ORDER

Upon motion of the State of New York, it is ordered that the parties to the suit of the State of New York *v.* The State of Illinois and Sanitary District of Chicago be permitted to participate in the taking of evidence in the hearing before the special master heretofore appointed in the case of the State of Wisconsin *v.* The State of Illinois and Sanitary District of Chicago, in like manner as if those suits had been consolidated; and the court reserves to itself authority to order such a consolidation if it becomes proper to do so. But this order is made without prejudice to the authority of the court hereafter to make any order which it may deem proper respecting the matters set forth in the third paragraph of the bill of complaint in the case of the State of New York *v.* The State of Illinois and Sanitary District of Chicago, and respecting the issues that may arise from the presence of that paragraph in that bill of complaint.

No. 146. Southern Surety Company of Des Moines, Iowa, plaintiff in error, *v.* The United States of America. In error to the District Court of the United States for the District of South Dakota. Per curiam: Motion by defendant in error to transfer to the Circuit Court of Appeals for the Eighth Circuit granted on the authority of *Salinger v. Loisel*, 265 U. S. 224, and *Salinger v. The United States*, No. 238, decided this day.

No. 553. C. Dewey Brian, Gaither Moore, Joseph E. Brian, and Neal Moore, plaintiffs in error, *v.* The United States of America. In error to the District Court of the United States for the Eastern District of Illinois. Per curiam: Dismissed for lack of jurisdiction in this court by reason of section 1 of the act of February 13, 1925, entitled "An act to amend the Judicial Code, and to further define the jurisdiction of the Circuit Courts of Appeals and of the Supreme Court, and for other purposes."

No. 524. Canal-Commercial Trust and Savings Bank and Union Indemnity Company, plaintiffs in error, *v.* Earl Brewer. The motion to amend the judgment in this case is denied.

No. 7, original. The State of Wisconsin, complainant, *v.* The State of Illinois and the Sanitary District of Chicago. The motions of the States of Arkansas and Mississippi for leave to intervene are granted.

No. —, original. Ex parte William G. Benham. The motion for leave to file petition for a writ of habeas corpus is denied.

No. 184 of October Term, 1925. Enrique Del Pozo y Marcos et al., appellants, *v.* Wilson Cypress Company. The motion to reinstate and for leave to file petition and supplemental petition for rehearing is denied.

No. 665. The Celluloid Company, plaintiff in error, *v.* Commonwealth of Massachusetts. The motion for leave to file statement of points relied upon and designation of parts of the record to be printed is granted.

No. 507. Arnold J. Hellmich, United States Collector of Internal Revenue, petitioner, *v.* Missouri Pacific Railroad Company. The motion to advance this case is granted and the case assigned for argument on Monday, January 17 next.

No. 412. Bedford Cut Stone Company et al., petitioners, *v.* Journeymen Stone Cutters' Association of North America et al. The motion to advance this case is granted and the case assigned for argument on Monday, January 17 next, after the case heretofore assigned for that day.

No. 334. R. C. Breen et al., plaintiffs in error, *v.* Morton Denison Hull et al. The further consideration of the motion to dismiss this case is postponed to the hearing of the case on its merits.

No. —, original. Ex parte Vincent I. Whitman et al. The motion for leave to file petition for writ of habeas corpus is denied, without prejudice to an application for the writ to the District Court of the United States for the Western District of Pennsylvania as the applicants may be advised.

No. 570. The United States, petitioner, *v.* United Cigar Stores Company of America. Petition for a writ of certiorari to the Court of Claims granted.

No. 604. United States Shipping Board Emergency Fleet Corporation, petitioner, *v.* Western Union Telegraph Company. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia granted.

No. 605. N. and G. Taylor Company, Inc., petitioner, *v.* John A. Anderson and C. A. Gustafson doing business, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted.

No. 607. John D. Nagle, as Commissioner of Immigration at the Port of San Francisco, petitioner, *v.* Loi Hoa. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted.

No. 608. John D. Nagle, as Commissioner of Immigration at the Port of San Francisco, petitioner, *v.* Lam Young, for and on behalf of Phuong Con. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted.

No. 609. Daniel V. Harkin et al., petitioner, *v.* Edward J. Brundage, Receiver, etc., et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted.

No. 615. Frank K. Bowers, as United States Collector of Internal Revenue for the Second District of New York, petitioner, *v.* Walter E. Frew, Warren B. Nash et al., etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 617. United States Shipping Board Emergency Fleet Corporation, petitioner, *v.* Rosenberg Brothers and Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted.

No. 618. United States Shipping Board Emergency Fleet Corporation, petitioner, *v.* California Wine Association. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted.

No. 619. United States Shipping Board Emergency Fleet Corporation, petitioner, *v.* S. L. Jones and Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted.

No. 626. The United States, petitioner, *v.* David R. J. Arnold, as Administrator, etc. Petition for a writ of certiorari to the Court of Claims granted.

No. 627. The United States, petitioner, *v.* George P. Miller et al., etc. Petition for a writ of certiorari to the Court of Claims granted.

No. 642. Ingram-Day Lumber Company, petitioner, *v.* Sidney C. McLouth. Revived against The American Loan and Trust Company, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit granted.

No. 655. Arthur Maul, 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 granted.

No. 661. The Equitable Trust Company of New York, as Trustee, etc., petitioner, *v.* The First National Bank of Trinidad, Colorado. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 662. Andrew W. Mellon, Director General of Railroads, etc., petitioner, *v.* Edward Goodyear, as Administrator, etc. Petition for a writ of certiorari to the Supreme Court of the State of Kansas granted.

No. 669. The United States of America, petitioner, *v.* Leib Ritterman. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 391. The United States of America ex rel. Julio E. Roman Checa, petitioner, *v.* George E. Williams, Criminal Sheriff, Parish of Orleans, La. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 548. William A. Zeidler, petitioner, *v.* The United States. Petition for a writ of certiorari to the Court of Claims denied.

No. 589. Missouri-Kansas-Texas Railroad Company of Texas, petitioner, *v.* The United States. Petition for a writ of certiorari to the Court of Claims denied.

No. 603. Sinclair Refining Company et al., petitioners, *v.* Alonzo Smith and N. W. Washburn. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 610. Galveston Dry Dock and Construction Company, petitioner, *v.* United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 611. John E. Wagner, petitioner, *v.* Netherlands American Steam Navigation Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 612. United States Fidelity and Guaranty 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 denied.

No. 613. Luther Walker, 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. 614. Piedmont Coal Company et al., petitioners, *v.* James Edgar Hustead et al. Petition for a writ of certiorari to the Circuit Court of Ohio County of the State of West Virginia denied.

No. 621. Andrew W. Mellon, Director General of Railroads, etc., petitioner, *v.* New York and New Jersey Transportation Company and John Mosk. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 623. Charles H. Graves, petitioner, *v.* Frank W. Brunskill, Chief of Police of The City of Minneapolis, Hennepin County, Minnesota, et al. Petition for a writ of certiorari to the Supreme Court of the State of Minnesota denied.

No. 624. The Kansas Flour Mills Company, petitioner, *v.* The Farmers National Bank of Burlington, Kansas, et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 625. The Larabee Flour Mills Corporation, petitioner, *v.* The First National Bank of Henryetta, Oklahoma, et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 628. Colonial Transportation Company, Ltd., 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. 629. John Moore, Administrator of the Estate of Earl H. Moore, deceased, petitioner, *v.* The Baltimore and Ohio Railroad Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 631. Saturnino Lopez, petitioner, *v.* Manuel Ernesto Gonzalez. Petition for a writ of certiorari to the Supreme Court of the Philippine Islands denied.

No. 632. Paul M. Ashbaugh, 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. 636. Paradon Engineering Company, Inc., petitioner, *v.* Electro Bleaching Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.



No. 640. Addison Miller, Security Storage Company, Ryan Hotel Company, et al., petitioners, *v.* City of St. Paul. Petition for a writ of certiorari to the Supreme Court of the State of Minnesota denied.

No. 641. George H. Jennings and Creekmore Wallace, petitioners, *v.* Lonsetra Canady and Mountain State Oil Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 645. The Atchison, Topeka and Santa Fe Railway Company, petitioner, *v.* Gertrude Mappin, Administratrix of the Estate of Walter W. Mappin, deceased. Petition for a writ of certiorari to the Supreme Court of the State of California denied.

No. 649. Caron Corporation, petitioner, *v.* Henri Muraour et Cie. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 650. Knickerbocker Merchandising Company, Inc., et al., petitioners, *v.* United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 651. T. E. McLendon, 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. 653. Seaboard Air Line Railway Company, petitioner, *v.* The State of Florida ex rel. R. Hudson Burr, A. S. Wells, et al., etc. Petition for a writ of certiorari to the Supreme Court of the State of Florida denied.

No. 654. Atlantic Coast Line Railroad Company, petitioner, *v.* The State of Florida ex rel. R. Hudson Burr, A. S. Wells, et al., etc. Petition for a writ of certiorari to the Supreme Court of the State of Florida denied.

No. 659. The National Bank of Commerce in St. Louis, petitioner, *v.* Henry Clay Pierce. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 660. William A. Gillespie and Frank X. Kinzly, 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. 667. Steam Tug *Esther M. Rendle*, George T. Rendle, petitioners, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 677. Emlenton Refining Company, petitioner, *v.* Walter A. Chambers, Trading as G. L. P. Chambers and Company, to the use

of James A. Adams, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 681. Marshall Hodgman, George I. Seidman, Percy Heineman, et al., petitioners, *v.* The Atlantic Refining Company and Superior Oil Corporation. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 683. Carnegie Steel Company, petitioner, *v.* The Colorado Fuel and Iron Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 687. Wesley L. Sischo, petitioner, *v.* Finch R. Archer, as Warden of the United States Penitentiary at McNeil Island, State of Washington. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

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No. 67. The United States, appellant, *v.* George C. Taylor, as President of the American Express Company. Appeal from the Court of Claims. Dismissed, on motion of Mr. Solicitor General Mitchell for the appellant.

No. 145. Elmer C. Potter, Federal Prohibition Director for the District of Massachusetts, appellant, *v.* James Geraghty. Appeal from the District Court of the United States for the District of Massachusetts. Remanded to the District Court of the United States for the District of Massachusetts, per stipulation of counsel, with directions to that court to vacate its judgment and to enter an order providing for the destruction of the liquors forthwith, and mandate granted, on motion of Mr. Solicitor General Mitchell for the appellant.

No. 556. Wong Hay Poy et al., appellants, *v.* John D. Nagle, Commissioner of Immigration, Port of San Francisco. Motion to dismiss submitted by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Luhring, and Mr. Harry S. Ridgely for the appellee in support of the motion.

No. 276. E. A. Edenfield, petitioner, *v.* The United States of America. Motion to restore case to the call and set date for argument submitted by Mr. Solicitor General Mitchell for the respondent.

No. 719. Mammoth Oil Company et al., petitioners, *v.* The United States of America. Motion for additional time within which to file brief for the respondent submitted by Mr. Atlee Pomerene for the respondent, in support of the motion, and by Mr. John W. Lacey and Mr. George P. Hoover in opposition thereto.

No. 656. George R. Dale, plaintiff in error, *v.* The State of Indiana. Motion to dismiss submitted by Mr. Edward M. White and Mr. Arthur L. Gilliom for the defendant in error in support of the motion, and by Mr. William Velpeau Rooker for the plaintiff in error in opposition thereto.

No. 88. Malcolm E. Nichols, Collector of Internal Revenue of the United States for the District of Massachusetts, plaintiff in error, *v.* Harold J. Coolidge et al. Leave granted to file brief of Arthur D. Hill and Richard H. Wiswall as amici curiae on motion of counsel in that behalf.

No. 309. Olaf Qualsett, plaintiff in error, *v.* Reinold Kattenburg et al. Motion to dismiss submitted by Mr. F. D. Williams for the defendant in error in support of the motion and by Mr. Willis E. Reed for the plaintiff in error in opposition thereto.

No. 184. The United Fuel Gas Company et al., appellants, *v.* The Railroad Commission of Kentucky et al., etc., et al. Passed until case No. 439 is reached, per stipulation of counsel, on motion of Mr. Harold A. Ritz in that behalf.

No. 635. H. A. Pharr, Trustee in Bankruptcy of the Mobile Shipbuilding Company, petitioner, *v.* The United States. Leave granted to file brief for the Associated General Contractors of America, Inc., as amicus curiae, on motion of Mr. Samuel T. Ansell in that behalf.

No. 482. Henry W. McMaster et al., as Receivers of the Wabash, Pittsburgh Terminal Railway Company, petitioners, *v.* George J. Gould et al., as Executors, etc. Motion to advance submitted by Mr. Fulton R. Brylawski in behalf of Mr. Louis Marshall and Mr. James Marshall for the petitioners.

No. 244 of October Term, 1925. Alabama and Vicksburg Railway Company et al., plaintiffs in error, *v.* Jackson and Eastern Railway Company. Motion to retax costs submitted by Mr. Clarence A. Miller in behalf of Mr. George B. Neville and Mr. H. R. Stone for the defendants in error in support of the motion.

No. 737. Oklahoma Coal Company, plaintiff in error, *v.* R. Atkinson et al. In error to the Supreme Court of the State of Oklahoma. Docketed and dismissed on motion of Mr. Robert F. Cogswell for the defendant in error.

In re Disbarment of Sidney A. Schwartz. Petition of the grievance committee of the Supreme Court of the District of Columbia submitted by Mr. Hugh B. Rowland for the committee.

No. 472. R. Burney Long, plaintiff in error, *v.* The State of Louisiana. Case passed and reassigned for argument on Monday, January 3 next, after the cases heretofore assigned for that day, on motion of Mr. Bernard F. Garvey in behalf of Mr. R. Burney Long, the plaintiff in error.

No. 465. Wallace R. Farrington, Governor of the Territory of Hawaii, et al., petitioners, *v.* Tokushige et al. Motion to advance submitted by Mr. Lawrence H. Cake in behalf of Mr. William B. Lymer for the petitioners.

No. 4. Henry F. Mueller, Josephine Waldeck, Leona Muller by Josephine Waldeck, Curatrix, et al., appellants, *v.* Samuel W. Adler, St. Louis Transit Co., et al. Appeal from the United States Circuit Court of Appeals for the Eighth Circuit. Appeal dismissed, on motion of counsel for the appellant.

No. 639. M. Hartley Dodge, petitioner, *v.* Minnie E. Allison and Audrey E. Allison, Executors of J. Wesley Allison, deceased. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Petition dismissed, on motion of counsel for the petitioner.

No. 616. Standard Transportation Company, petitioner, *v.* The United States. Petition for a writ of certiorari to the Court of Claims submitted by Mr. Goldthwaite H. Dorr, Mr. Peter M. Speer, and Mr. Russell H. Robbins for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Galloway, and Mr. J. Frank Staley for the respondent.

No. 633. Charles M. Cotterman, petitioner, *v.* The United States. Petition for a writ of certiorari to the Court of Claims submitted by Mr. William F. Norman, Daniel R. Williams, Walter E. Barton, and Mr. J. J. Lynch for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Galloway, and Mr. Fred K. Dyar for the respondent.

No. 635. H. A. Pharr, Trustee in Bankruptcy of Mobile Shipbuilding Company, petitioner, *v.* The United States. Petition for a writ of certiorari to the Court of Claims submitted by Mr. Monte Appel for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Galloway, and Mr. Arthur Cobb for the respondent.

No. 663. James A. Baker, Receiver of the International and Great Northern 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. Louis R. Mehlinger for the respondent.

No. 672. W. J. Tubbs, petitioner, *v.* The State of Washington. Petition for a writ of certiorari to the Supreme Court of the State of Washington submitted by Mr. Fred B. Morrill and Mr. F. H. McDermont for the petitioner.

No. 673. Ed. W. Hopkins, Assessor of the County of Los Angeles, State of California, et al., petitioners, *v.* Southern California Tele-

phone Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Everett W. Mattoon for the petitioners, and by Mr. Oscar Lawler, Mr. F. D. Madison, and Mr. Alfred Sutro for the respondents.

No. 678. Rodolfo A. Fajardo, petitioner, *v.* The People of the Philippine Islands. Petition for a writ of certiorari to the Supreme Court of the Philippine Islands submitted by Mr. Gabriel La O for the petitioner, and by Mr. William C. Rigby for the respondent.

No. 680. Guy H. Shown, Trustee in Bankruptcy in the matter of R. R. Baker, Bankrupt, petitioner, *v.* Robert R. Baker, Bankrupt. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Robert Burrow for the petitioner, and by Mr. H. H. Shelton for the respondent.

No. 682. Geo. A. Moore and Company, petitioner, *v.* Edgar Mathieu. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Samuel Knight for the petitioner, and by Mr. Charles D. Hamel for the respondent.

No. 684. The United States of America, petitioner, *v.* Belridge Oil Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Parmenter, and Mr. Nat M. Lacy for the petitioner, and by Mr. Oscar Lawler for the respondent.

No. 688. Joe Miller et al., Individually and as executors of the Estate of L. Miller, deceased, petitioners, *v.* George W. Brown and J. O. Sims, Receivers of Miller-Link Lumber Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. H. W. Kaiser for the petitioners, and by Mr. H. M. Garwood for the respondents.

No. 689. Ranghild Johnson, petitioner, *v.* The Whitney Company. 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. 690. The Chicago, Rock Island and Pacific Railway Company, petitioner, *v.* Howe-McCurtain Coal and Coke Company. Petition for a writ of certiorari to the Supreme Court of the State of Oklahoma submitted by Mr. W. R. Bleakmore for the petitioner, and by Mr. James H. Gordon for the respondent.

No. 692. United Verde Copper Company, petitioner, *v.* W. A. Jordan, W. E. Jordan, C. A. Jordan, et al., etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Edward W. Rice and Mr. Clif-

ton Mathews for the petitioner, and by Mr. William R. Harr for the respondents.

No. 693. United Verde Extension Mining Company, petitioner, *v.* W. A. Jordan, W. E. Jordan, C. A. Jordan, et al., etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. E. E. Ellinwood, Mr. Howard Cormick, and Mr. John Mason Ross for the petitioner, and by Mr. William R. Harr for the respondent.

No. 694. Edwin H. Armstrong et al., petitioners, *v.* Lee De Forest et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. John C. Kerr and Mr. Drury W. Cooper for the petitioners.

No. 696. The United States of America, petitioner, *v.* Arkell and Douglas, Inc., et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Leets, Mr. J. Frank Staley, and Mr. Horace M. Gray for the petitioner, and by Mr. D. Roger Englar for the respondents.

No. 697. The United States of America, petitioner, *v.* Moritz Neuberger. 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. Thomas B. Shoemaker, and Mr. Henry B. Hazard for the petitioner, and by Mr. Louis Marshall for the respondent.

No. 698. Albert Ross, 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. Earl J. Davis for the petitioner, and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, and Mr. Mahlon D. Kiefer for the respondent.

No. 699. Peter C. Jezewski, 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. Thomas W. Payne for the petitioner, and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, and Mr. Mahlon D. Kiefer for the respondent.

No. 700. Max Wosinski, 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. Thomas W. Payne for the petitioner, and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, and Mr. Mahlon D. Kiefer for the respondent.

No. 706. Sam Laskolin, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Cir-

cuit Court of Appeals for the Sixth Circuit submitted by Mr. Ira J. Pettiford for the petitioner, and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, and Mr. Mahlon D. Kiefer for the respondent.

No. 701. The United States of America, petitioner, *v.* Heber Nations. Petition for a writ 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. Mahlon D. Kiefer for the petitioner, and by Mr. Charles G. Revelle and Mr. Patrick H. Cullen for the respondent.

No. 702. Commonwealth of Kentucky, on relation of Frank E. Daugherty, Attorney General of the Commonwealth of Kentucky, petitioner, *v.* Waldemar Conrad Von Zederturtz, United States Trust Company of New York, et al. Petition for a writ of certiorari to the Court of Appeals of the State of Kentucky submitted by Mr. Benjamin D. Warfield for the petitioner, and by Mr. Alex. P. Humphrey, Mr. Edward P. Humphrey, Mr. Charles W. Milner, Mr. Wm. A. W. Stewart, and Mr. George L. Shearer for the respondent.

No. 704. Arthur H. Lamborn et al., surviving partners doing business under the firm name and style of Lamborn and Company, petitioners, *v.* The Steamship *Texas Maru*, Kokusai Kisen Kabushiki Kaisha. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Louis O. Van Doren for the petitioner, and by Mr. George C. Sprague for the respondent.

No. 705. Robert David Kercheval, otherwise called "Bob" Kercheval, ctherwise called "Dave" Kercheval, 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. William E. Leahy and Mr. William J. Hughes, jr., for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Luhning, and Mr. Harry S. Ridgely for the respondent.

No. 718. Dorothy Lee, 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 J. Hennessy and Mr. Marshall B. Woodworth for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Luhning, and Mr. Harry S. Ridgely for the respondent.

No. 102. John Carlton Dysart, petitioner, *v.* The United States of America. Submitted by Mr. J. W. Marrow for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Luhning, and Mr. Harry S. Ridgely for the respondent.

No. 561. Mrs. Bill Breaux, plaintiff in error, *v.* The State of Louisiana. Submitted by Mr. A. R. Mitchell for the plaintiff in error, and by Mr. Percy Saint and Mr. E. R. Schowalter for the defendant in error.

No. —, original. The State of Florida, complainant, *v.* Andrew W. Mellon, as Secretary of the Treasury of the United States et al. Leave granted to file brief of Mr. Edward A. Harriman as amicus curiae on motion of Mr. Edward A. Harriman in that behalf.

No. —, original. The State of Florida, complainant, *v.* Andrew W. Mellon, as Secretary of the Treasury of the United States et al. Leave granted to file brief of Mr. Thomas B. Adams as amicus curiae on motion of Mr. Thomas B. Adams in that behalf.

No. —, original. The State of Florida, complainant, *v.* Andrew W. Mellon, as Secretary of the Treasury of the United States et al. Argument on the return to the rule to show cause commenced by Mr. Solicitor General Mitchell for the defendants, continued by Mr. John B. Johnson for the complainant, and concluded by Mr. Peter O. Knight for the complainant.

No. 9. Henry Albrecht, Sr., et al., plaintiffs in error, *v.* The United States of America. Argued by Mr. Charles A. Houts for the plaintiffs in error, and by Mr. Solicitor General Mitchell for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, November 24, will be as follows: Nos. 443, 79, 81, 85, 95, 111, 135, 72, 527, 537, and 647.



SUPREME COURT OF THE UNITED STATES

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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.

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Ira L. Ewers, of Washington, D. C.; Carmen Adams Newcomb, jr., of St. Louis, Mo.; Alfred M. Saperston, of Buffalo, N. Y.; William Ritchie, jr., of Omaha, Nebr.; John E. McClure, of Washington, D. C.; Clyde G. Trammell, of Melbourne, Fla.; and Ezekiel R. Stegall, of Washington, D. C., were admitted to practice.

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No. 443. Thomas Murphy and Vincent Murphy *v.* The United States of America. Argued by Assistant Attorney General Willebrandt for the United States and submitted by Mr. Thomas Murphy and Mr. Vincent Murphy *pro se*.

No. 79. Wong Tai, alias Wong Sue Jun, alias Wong Wai, plaintiff in error *v.* The United States of America. Argued by Mr. Marshall B. Woodworth for the plaintiff in error, and by Mr. Solicitor General Mitchell for the defendant in error.

No. 81. Enrique Collado, appellant, *v.* Manuel Nater Girona, Marshal, District Court of San Juan, P. R., 1st District. Argued by Mr. William C. Rigby for the appellee, and submitted by Mr. James A. O'Shea for the appellant.

No. 85. John E. McGuire *v.* The United States of America. Argued by Mr. Alfred A. Wheat for the United States, and submitted by Mr. Ranson H. Gillett for McGuire.

No. 95. The United States of America, plaintiff in error, *v.* George A. Storrs, Joseph S. Welch et al. Argued by Mr. Assistant to the Attorney General Donovan for the plaintiff in error, and submitted by Mr. Dan B. Shields and Mr. Albert R. Barnes for the defendant in error.

No. 135. William Burns, plaintiff in error, *v.* The United States of America. Argument commenced by Mr. R. W. Henderson for the plaintiff in error, continued by Mr. Solicitor General Mitchell for the defendant in error, and concluded by Mr. R. W. Henderson for the plaintiff in error.

No. 111. The United States of America *ex rel.* Emanuel Vajtauer, appellant, *v.* The Commissioner of Immigration at the Port of New York. Argument commenced by Mr. Walter H. Pollak for the appellant.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, November 29, will be as follows: Nos. 111, 72, 527, 537, 647, 8, 22, 27, 39, and 40.

## SUPREME COURT OF THE UNITED STATES

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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.

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James A. O'Callaghan, of Chicago, Ill.; T. R. Boone, of Wichita Falls, Tex.; John B. King, of Wichita Falls, Tex.; J. Fred Katzmaier, of Williamsport, Pa.; John F. Richter, of Washington, D. C.; Charles N. Kirkbride, of San Francisco, Calif.; Edward Joseph Grove, of Mobile, Ala.; Ofell Haller Johnson, of Seattle, Wash.; Ramon A. Martinez, of San Juan, P. R.; William H. Speer, of Newark, N. J.; John E. Erwin, of Dixon, Ill.; and Louis T. Hengstler, of San Francisco, Calif., were admitted to practice.

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No. 251. Cologero Fasulo, petitioner, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgment reversed; and cause remanded to the District Court of the United States for the Northern District of California for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Butler.

No. 108. Charles V. Duffy, Former Collector of Internal Revenue, petitioner, *v.* The Mutual Benefit Life Insurance Company. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Judgment affirmed with costs; and the cause remanded to the District Court of the United States for the District of New Jersey. Opinion by Mr. Justice Sutherland.

No. 47. Samuel W. Lambert, appellant, *v.* Edward C. Yellowley, as Acting Federal Prohibition Director; David H. Blair, as Commissioner of Internal Revenue; and William Hayward, as United States Attorney. Appeal from 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 Eastern District of New York. Opinion by Mr. Justice Brandeis. Dissenting: Mr. Justice Sutherland, Mr. Justice McReynolds, Mr. Justice Butler, and Mr. Justice Stone.

No. 87. George M. Napier, Attorney General of the State of Georgia, appellant, *v.* The Atlantic Coast Line Railroad Company. Appeal from the District Court of the United States for the Northern District of Georgia. Decree affirmed with costs. Opinion by Mr. Justice Brandeis.

No. 310. Chicago and North Western Railway Company, plaintiff in error, *v.* Railroad Commission of Wisconsin. In error to the Supreme Court of the State of Wisconsin. 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. 311. Chicago, Milwaukee and St. Paul Railway Company, plaintiff in error, *v.* Railroad Commission of Wisconsin. In error to the Supreme Court of the State of Wisconsin. 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. 49. Wachovia Bank and Trust Company, Administrator C. T. A. D. B. N. of the Estate of Theodosia Haynes Taylor et al., plaintiffs in error, *v.* R. A. Doughton, Commissioner of Revenue of the State of North Carolina. In error to the Supreme Court of the State of North Carolina. Judgment reversed with costs; and the cause remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice McReynolds, announced by Mr. Chief Justice Taft. Dissenting: Mr. Justice Holmes, Mr. Justice Brandeis, and Mr. Justice Stone.

No. 357. Albert Ottinger, as Attorney General of the State of New York, appellant, *v.* The Consolidated Gas Company of New York. Appeal from the District Court of the United States for the Southern District of New York. Decree modified and affirmed with costs. Opinion by Mr. Justice McReynolds, announced by Mr. Chief Justice Taft.

No. 358. Albert Ottinger, as Attorney General of the State of New York, appellant, *v.* The Brooklyn Union Gas Company; and

No. 365. Albert Ottinger, as Attorney General of the State of New York, *v.* Kings County Lighting Company. Appeals from the District Court of the United States for the Eastern District of New York. Decrees modified and affirmed with costs. Opinion by Mr. Justice McReynolds announced by Mr. Chief Justice Taft.

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The Chief Justice announced the following orders of the court:

No. 276. E. A. Edenfield, petitioner, *v.* The United States of America. The motion to restore this cause to the call is granted

and the case is assigned for argument on Monday, January 17 next, after the cases heretofore assigned for that day.

No. 482. Henry W. McMaster and Francis H. Skelding, as Receivers, etc., petitioners, *v.* George J. Gould, et al., etc. The motion to advance this cause is denied.

No. 465. Wallace R. Farrington, Governor of the Territory of Hawaii, et al., petitioners, *v.* T. Tokushige et al. The motion to advance this case is granted and the case assigned for argument on Monday, January 24 next.

No. 719. Mammoth Oil Company et al., petitioners, *v.* The United States of America. The motion of respondent to extend the time for filing brief in opposition to the petition for a writ of certiorari in this cause is granted and the time for filing brief is extended until December 9 next.

No. 244 of October term, 1925. Alabama & Vicksburg Railway Company, plaintiffs in error, *v.* Jackson and Eastern Railway Company. The motion to retax costs in this case is denied.

No. —, Original. In re Disbarment of Sidney A. Schwartz. On consideration of the petition of the grievance committee of the bar of the Supreme Court of the District of Columbia, it is ordered that a rule issue directing the said Sidney A. Schwartz to show cause on or before January 3 next why he should not be disbarred from further practice as a member of the bar of this court. It is further ordered that the said Sidney A. Schwartz be suspended from practice as a member of the bar of this court pending the further order of this court on the rule to show cause.

No. 81. Enrique Collado, appellant, *v.* Manuel Nater Girona, Marshal, District Court of San Juan, P. R., 1st District. Appeal from the District Court of the United States for the District of Porto Rico. Per curiam: Affirmed upon the authority of *Craig v. Hecht*, 263 U. S. 255, 277; *Goto v. Lane*, 265 U. S. 393, 401; *Knewel v. Egan*, 268 U. S. 442, 446.

No. 309. Olaf Qualsett, plaintiff in error, *v.* Reinold Kattenburg and Augusta Anderson. In error to the Supreme Court of the State of Nebraska. Per curiam: Dismissed for want of jurisdiction 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 and Light Co. v. Town of Graham*, 253 U. S. 193, 195; *Seaboard Air Line v. Padgett*, 236 U. S. 668, 671.

No. 556. Wong Hay Poy, Wong Tung Hung, and Wong Bing Yuen, appellants, *v.* John D. Nagle Commissioner of Immigration, Port of San Francisco. Appeal from the District Court of the United States for the Northern District of California. Per Curiam:

Dismissed under section 238 of the Judicial Code as amended in section 1 of the act of February 13, 1925.

No. 561. Mrs. Bill Breaux, plaintiff in error, *v.* The State of Louisiana. In error to the Supreme Court of the State of Louisiana. Per Curiam: Affirmed on the authority of *Adams v. New York*, 192 U. S. 585; *Hebert v. Louisiana*, No. 24, November 1, 1926; and *Van Oster v. Kansas*, No. 303, November 22, 1926.

No. 673. Ed. W. Hopkins, Assessor of the County of Los Angeles, State of California et al., petitioners, *v.* Southern California Telephone Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted.

No. 697. The United States of America, petitioner, *v.* Moritz Neuberger. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 705. Robert David Kercheval, otherwise called "Bob" Kercheval, etc., 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 granted.

No. 616. Standard Transportation Company, petitioner, *v.* The United States. Petition for a writ of certiorari to the Court of Claims denied.

No. 633. Charles M. Cotterman, petitioner, *v.* The United States. Petition for a writ of certiorari to the Court of Claims denied.

No. 635. H. A. Pharr, Trustee in Bankruptcy of Mobile Shipbuilding Company, petitioner, *v.* The United States. Petition for a writ of certiorari to the Court of Claims denied.

No. 663. James A. Baker, Receiver of the International and Great Northern Railway Company, petitioner, *v.* The United States. Petition for a writ of certiorari to the Court of Claims denied.

No. 672. W. J. Tubbs, petitioner, *v.* The State of Washington. Petition for a writ of certiorari to the Supreme Court of the State of Washington denied.

No. 678. Rodolfo A. Fajardo, petitioner, *v.* The People of the Philippine Islands. Petition for a writ of certiorari to the Supreme Court of the Philippine Islands denied.

No. 680. Guy H. Shown, Trustee in Bankruptcy in the Matter of R. R. Baker, Bankrupt, petitioner, *v.* Robert R. Baker, Bankrupt. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 682. George A. Moore and Company, petitioner, *v.* Edgar Mathieu. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 684. The United States of America, petitioner, *v.* Belridge Oil Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 688. Joe Miller et al., Individually and as Executors of the Estate of L. Miller, deceased, petitioners, *v.* George W. Brown and J. O. Sims, Receivers of Miller-Link Lumber Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 689. Ranghild Johnson, petitioner, *v.* The Whitney Company, Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 690. The Chicago, Rock Island and Pacific Railway Company, petitioner, *v.* Howe-McCurtain Coal and Coke Company. Petition for a writ of certiorari to the Supreme Court of the State of Oklahoma denied.

No. 692. United Verde Copper Company, petitioner, *v.* W. A. Jordan, W. E. Jordan, C. A. Jordan, et al., etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 693. United Verde Extension Mining Company, petitioner, *v.* W. A. Jordan, W. E. Jordan, C. A. Jordan, et al., etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 694. Edwin H. Armstrong and Westinghouse Electric & Manufacturing Company, petitioners, *v.* Lee De Forest, De Forest Radio Telephone & Telegraph Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 696. The United States of America, petitioner, *v.* Arkell and Douglas, Inc., et al., and Thomas G. Plant Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 698. Albert Ross, petitioner, *v.* The United States of America;

No. 699. Peter C. Jezewski, petitioner, *v.* The United States of America;

No. 700. Max Wosinski, petitioner, *v.* The United States of America; and

No. 706. Sam Laskolin, petitioner, *v.* The United States of America. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 701. The United States of America, petitioner, *v.* Heber Nations. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 702. Commonwealth of Kentucky, on relation of Frank E. Daugherty, Attorney General of the Commonwealth of Kentucky, petitioner, *v.* Waldemar Conrad Von Zedwitz, United States Trust Company of New York and Henry Cachard, Trustees, etc. Petition for a writ of certiorari to the Court of Appeals of the State of Kentucky denied.

No. 704. Arthur H. Lamborn et al., surviving partners doing business under the firm name and style of Lamborn and Company, petitioners, *v.* The Steamship *Texas Maru*, Kokusai Kisen Kabushiki Kaisha. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 718. Dorothy Lee, 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.

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No. 606. The United States of America and Interstate Commerce Commission, appellants, *v.* Akron. Canton and Youngstown Railway Company et al.;

No. 709. The United State of America and Interstate Commerce Commission, appellants, *v.* The Berwind-White Coal Mining Company et al.;

No. 710. The United States of America and Interstate Commerce Commission, appellants, *v.* Bethlehem Steel Company et al.;

No. 711. The United States of America and Interstate Commerce Commission, appellants, *v.* Rainey-Wood Coke Company et al.; and

No. 712. The United States of America and Interstate Commerce Commission, appellants, *v.* Public Service Gas and Electric Company. Motion to advance these cases submitted by Mr. Solicitor General Mitchell for the appellant.

No. 88. Malcolm E. Nichols, Collector of Internal Revenue of the United States for the District of Massachusetts, plaintiff in error, *v.* Harold J. Coolidge and Augustus P. Loring, Executors of the Will of Julia Coolidge. Leave granted to file brief of Leonard B. Smith for the Irving Bank & Trust Company, as trustee, etc., as amicus curiae on motion of Mr. Solicitor General Mitchell in that behalf.

No. 2, original. State of New Mexico, complainant, *v.* The State of Texas. Motion for leave to file motion to postpone the hearing of this case heretofore fixed for Monday, January 3, next, submitted by Mr. G. Carroll Todd for the defendant in support of the motion,



and by Mr. Oscar W. Underwood, jr., in behalf of Mr. Frank W. Clancy for the complainant in opposition thereto.

No. 671. Humboldt Land and Cattle Company, appellant, *v.* Robert A. Allen, as State Engineer of the State of Nevada, etc., et al. Motion to advance submitted by Mr. Jesse C. Adkins for the appellant.

No. 236. International Stevedoring Company, petitioner, *v.* R. Haverty. Motion for leave to file brief on behalf of seven members of the bar of the city of Seattle, Wash., as amici curiae submitted by Mr. Ira L. Ewers and motion denied.

No. 707. Max Seif, on behalf of Nathan Seif, his brother, petitioner, *v.* John D. Nagle, as Commissioner of Immigration at the Port of San Francisco, California. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. C. A. A. McGee for the petitioner and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Luhring and Mr. Harry S. Ridgely for the respondent.

No. 717. Jesus M. Rossy, petitioner, *v.* Rafael Del Valle Zeno. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit submitted by Mr. Cornelius C. Webster for the petitioner and by Mr. Carroll G. Walter and Mr. William Greenough for the respondent.

No. 719. Mammoth Oil Company et al., 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. George P. Hoover, Mr. John W. Lacey, Mr. Martin W. Littleton, Mr. Paul D. Cravath, Mr. J. W. Zevely, and Mr. Edward H. Chandler for the petitioner with leave to counsel for respondent to file brief in opposition on or before December 9th next.

No. 720. L. Bilodeau 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. Robert B. McMillan for the petitioners and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, and Mr. John J. Byrne for the respondent.

No. 721. South Bend Bait Company, petitioner, *v.* James Heddon's Sons, Inc., et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Frederic D. McKenney for the petitioner, and by Mr. Samuel W. Banning for the respondent.

No. 724. Harry F. Sinclair and Albert B. Fall, petitioners, *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.

George P. Hoover, Mr. Martin W. Littleton, Mr. J. W. Zevely, Mr. Henry A. Wise, and Mr. Levi Cooke for the petitioners, and by Mr. Atlee Pomerene, Mr. Owen J. Roberts, and Mr. Peyton Gordon for the respondent.

No. 740. John L. Hicks, petitioner, *v.* The United States of America. Motion for leave to proceed in forma pauperis submitted by Mr. John L. Hicks pro se.

No. 22. Postum Cereal Company, Inc., appellant, *v.* California Fig Nut Company. Submitted by Mr. Edward S. Rogers, Mr. Frank F. Reed, and Mr. William J. Hughes for the appellant, no brief filed for the appellee.

No. 40. James-Dickinson Farm Mortgage Company et al., plaintiffs in error, *v.* Carrie M. Harry. Submitted by Mr. George F. Rearick for the plaintiffs in error, and by Mr. William M. Acton for the defendant in error.

No. 111. The United States of America ex rel. Emanuel Vajtauer, appellant, *v.* Commissioner of Immigration at the Port of New York. Argument continued by Mr. Walter H. Pollak for the appellant, and concluded by Mr. Solicitor General Mitchell for the appellee.

No. 72. A. J. Byars, petitioner, *v.* The United States of America. Argued by Mr. Gardner P. Lloyd for the respondent and case submitted by Mr. Claude R. Porter for the petitioner.

No. 527. Ed Tumey, plaintiff in error, *v.* the State of Ohio. Mr. James L. Magrish allowed to present oral argument for the plaintiff in error, pro hac vice on motion of Mr. Edward P. Moulinier in that behalf. Argument commenced by Mr. Edward P. Moulinier for the plaintiff in error, and continued by Mr. Wayne B. Wheeler for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, November 30, will be as follows: Nos. 527, 537, 647, 8, 27, 39, 41, 42, 43, and 45.

SUPREME COURT OF THE UNITED STATES

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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.

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Arthur L. Veazie, of Portland, Oreg.; Henry S. Gray, of Portland, Oreg.; Sid White, of Okemah, Okla.; S. G. McMullin, of Grand Junction, Colo.; James E. Lyons, of San Francisco, Calif.; George Thompson, jr., of Fort Worth, Tex.; George R. Wilbur, of Hood River, Oreg.; and Carroll Single, of San Francisco, Calif.; were admitted to practice.

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No. 79. Wong Tai, alias Wong Sue Jun, alias, Wong Wai, plaintiffs in error, *v.* The United States of America. Leave granted to plaintiff in error to file reply brief within 20 days on motion of Mr. Ira L. Ewers in behalf of Mr. Marshall B. Woodworth.

No. 527. Ed Tumey, plaintiff in error, *v.* The State of Ohio. Argument continued by Mr. Edward B. Dunford for the defendant in error, and concluded by Mr. James L. Magrish pro hac vice for the plaintiff in error, with leave to counsel for the plaintiff in error to file additional brief within two weeks and to counsel for the defendant to file additional brief within two weeks thereafter.

No. 537. The United States of America, plaintiff in error, *v.* Samuel Gettinger, etc. Argument commenced by Mr. Gardner P. Lloyd for the plaintiff in error, continued by Mr. Isadore Bookstein for the defendant in error, and concluded by Mr. George A. King for the defendant in error.

No. 647. Paul Schmolke, plaintiff in error, *v.* Daniel J. O'Brien, as Chief of Police, etc. Argument commenced by Mr. Theodore M. Stuart for the plaintiff in error. The court declined to hear further argument.

No. 8. John B. Machen and Mary Lois Machen, plaintiffs in error, *v.* City of Waterbury. Argued by Mr. Charles O'Connor for the defendant in error, and case submitted by Mr. Lawrence L. Lewis for the plaintiffs in error.

No. 27. The United States of America, petitioner, *v.* The Trenton Potteries Company et al. Argument commenced by Mr. Assistant to the Attorney General Donovan for the petitioner.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, December 1, will be as follows: Nos. 27, 39, 41, 42, 43, 45, 50, 51, 52, and 53.

SUPREME COURT OF THE UNITED STATES

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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.

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George B. Berger, of Pittsburgh, Pa.; Walter W. McVay, of Pittsburgh, Pa.; Mor Oppman, of Gary, Ind.; and Jay Leo Rothchild, of New York City, were admitted to practice.

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No. 27. The United States of America, petitioner, *v.* The Trenton Potteries Company et al. Argument continued by Mr. Assistant to the Attorney General Donovan for the petitioner, and concluded by Mr. Charles E. Hughes for the respondents.

No. 39. Maguire and Company, Inc., appellant, *v.* The United States. Argument commenced by Mr. Harry Peyton for the appellant. The court declined to hear further argument.

No. 41. Edith Stege et al., plaintiffs in error, *v.* City of Richmond et al. Argued by Mr. Charles N. Kirkbride for the defendant in error and case submitted by Mr. Leonard J. Mather in behalf of Mr. R. M. F. Soto for the plaintiff in error, with leave to file the brief of plaintiff in error when received.

No. 42. The Heirs of Samuel Garland, deceased, appellants, *v.* The Choctaw Nation. Argument commenced by Mr. Harry Peyton for the appellant, and concluded by Mr. Assistant Attorney General Galloway for the appellee.

No. 43. Sophia C. Pitchlynn and others, etc., appellants, *v.* The Choctaw Nation. Argument commenced by Mr. Harry Peyton for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, December 2, will be as follows: Nos. 43, 45, 50, 51, 52, 53, 54 (and 55), 56, 57, and 59.

## SUPREME COURT OF THE UNITED STATES

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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.

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Myrtle B. Wood, of St. Louis, Mo., and Maclay Hoyne, of Chicago, Ill., were admitted to practice.

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**No. 53.** Great Northern Railway Company and Central Union Trust Company of New York, appellants, *v.* Howard Sutherland, as Alien Property Custodian of the United States. Leave granted to file brief of the Deutsche Bank as amicus curiae on motion of Mr. Harold W. Bissell in that behalf.

**No. 43.** Sophia C. Pitchlynn and others, etc., appellants, *v.* The Choctaw Nation. Argument continued by Mr. T. P. Gore for the appellants, and concluded by Mr. Assistant Attorney General Gallo-way for the appellee.

**No. 45.** Hartford Accident and Indemnity Company of Hartford, petitioner, *v.* Southern Pacific Company et al. Argument commenced by Mr. John Neethe for the petitioner, continued by Mr. Roscoe H. Hupper for the respondents, and concluded by Mr. John Neethe for the petitioner.

**No. 50.** Marblehead Land Company, plaintiff in error, *v.* County of Los Angeles, Prescott F. Cogswell, J. H. Bean, et al., etc. Argument commenced by Mr. M. F. Mitchell for the plaintiff in error. The court declined to hear further argument.

**No. 50.** Marblehead Land Company, plaintiff in error, *v.* County of Los Angeles, Prescott F. Cogswell, J. H. Bean, et al., etc. In error to the District Court of Appeal, Second Appellate District, of the State of California. Dismissed for want of jurisdiction.

**No. 51.** Sacramento Navigation Company, petitioner, *v.* Milton H. Salz, doing business, etc. Argument commenced by Mr. L. T. Hengstler for the petitioner.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, December 3, will be as follows: Nos. 51, 52, 53, 54 (and 55), 56, 59, 60, 61, 62, and 57.

SUPREME COURT OF THE UNITED STATES

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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.

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James P. Painter, of Jefferson City, Mo., was admitted to practice.

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**No. 51.** Sacramento Navigation Company, petitioner, *v.* Milton H. Salz, doing business, etc. Argument continued by Mr. L. T. Hengstler for the petitioner, and concluded by Mr. Carroll Single for the respondent.

**No. 52.** W. T. Waggoner Estate and W. T. Waggoner, appellants, *v.* Wichita County and B. B. Sartin et al. Argued by Mr. George Thompson for the appellants, and by Mr. T. R. Boone for the appellees.

**No. 53.** Great Northern Railway Company and Central Union Trust Company of New York, appellants, *v.* Howard Sutherland, as Alien Property Custodian of the United States. Argument commenced by Mr. Walker D. Hines for the appellants.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, December 6, will be as follows: Nos. 53, 54 (and 55), 56, 57, 59, 60, 61, 62, 63, and 64.

## SUPREME COURT OF THE UNITED STATES

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

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John C. Russell, of Hartford, Wis.; John D. Miller, of New Orleans, La.; Lloyd D. Mitchell, of Oshkosh, Wis.; C. E. Spencer, of Los Angeles, Calif.; Edward J. Dempsey, of Oshkosh, Wis.; J. Harlin O'Connell, of New York City; J. Craig Bradley, of Georgetown, Ky.; James W. Stites, of Louisville, Ky.; Jacob R. Mantel, of Summit, N. J.; Fred L. Sharp, of Washington, D. C.; Benjamin F. Bledsoe, of Los Angeles, Calif.; Adolph Marks, of Chicago, Ill.; and James Charles James, of Chicago, Ill., were admitted to practice.

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No. 266. The United States of America, plaintiff in error, *v.* James W. McElvain and Frank Crozier. In error to the District Court of the United States for the Northern District of Illinois. Judgment affirmed. Opinion by Mr. Justice Butler.

No. 443. Thomas Murphy and Vincent Murphy, *v.* The United States of America. On certificate from the United States Circuit Court of Appeals for the Third Circuit. Question certified answered in the negative. Opinion by Mr. Justice Holmes.

The Chief Justice announced the following orders of the court:

No. 606. The United States of America and Interstate Commerce Commission, appellants, *v.* The Akron, Canton and Youngstown Railway et al.;

No. 709. The United States of America and Interstate Commerce Commission, appellants, *v.* Berwind-White Coal Mining Company et al.;

No. 710. The United States of America and Interstate Commerce Commission, appellants, *v.* Bethlehem Steel Company et al.;

No. 711. The United States of America and Interstate Commerce Commission, appellants, *v.* Rainey-Wood Coke Company et al.; and

No. 712. The United States of America and Interstate Commerce Commission, appellants, *v.* Public Service Electric and Gas Company. The motion to advance these cases is granted and the cases are assigned for argument as one case on Monday, February 28 next.



No. 671. Humboldt Land and Cattle Company, appellant, *v.* Robert A. Allen, as State Engineer of the State of Nevada and Individually, et al. The motion to advance this case is granted and the case is assigned for argument on Monday, April 11 next.

No. 2, original. The State of New Mexico, complainant, *v.* The State of Texas. The motion to postpone hearing heretofore set for January 3 next, for the purpose of taking additional testimony is denied.

No. 740. John L. Hicks, petitioner, *v.* The United States of America. Motion for leave to proceed further in forma pauperis is denied for the reason that the court, upon inspection of the record as herein submitted, finds that there is no ground for certiorari to the Circuit Court of Appeals, application for which is 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. 372. R. B. Morris, doing business as Morris and Lowther, H. M. Hewitt and Lew Nenamaker, appellants, *v.* Wm. Duby, H. B. Van Duzer, and W. H. Malone, etc. Further consideration of the motion to vacate decree in this case is postponed and the appellees are directed to file their answer to the motion on or before January 3 next. The case is set for oral hearing on the motion and the appellees reply thereto, as a motion, on January 3 next.

No. 647. Paul Schmolke, plaintiff in error, *v.* Daniel J. O'Brien, as Chief of Police of the City and County of San Francisco. In error to the Supreme Court of the State of California. Per curiam: Dismissed for want of jurisdiction upon the authority of (1) Pacific States Telephone Co. *v.* Oregon, 223 U. S. 118; (2) Farrell *v.* O'Brien, 199 U. S. 89, 100; Toop *v.* Ulysses Land Co., 237 U. S. 580, 583; Piedmont Bower and Light Co. *v.* Town of Graham, 253 U. S. 193, 195; Seaboard Air Line *v.* Padgett, 236 U. S. 668, 671.

No. 8. John B. Machen and Mary Lois Macken, plaintiffs in error, *v.* City of Waterbury. In error to the Supreme Court of Errors of the State of Connecticut. Per curiam: Dismissed for want of jurisdiction upon the authority of (1) Pacific States Telephone Co. *v.* Oregon, 223 U. S. 118; (2) Farrell *v.* O'Brien, 199 U. S. 89, 100; Toop *v.* Ulysses Land Co., 237 U. S. 580, 583; Piedmont Power and Light Co. *v.* Town of Graham, 253 U. S. 193, 195; Seaboard Air Line *v.* Padgett, 236 U. S. 668, 671.

No. 707. Max Seif, on behalf of Nathan Seif, his brother, petitioner, *v.* John D. Nagle, as Commissioner of Immigration at the Port of San Francisco, California. Petition for writ of certiorari

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

No. 717. Jesus M. Rossy, petitioner, *v.* Rafael Del Valle Zeno. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 720. L. Bilodeau, W. R. Sword, David Everett, and Bernard Frank, 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. 721. South Bend Bait Company, petitioner, *v.* James Heddon's Sons, Inc., and Henry S. Dills. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 724. Harry F. Sinclair and Albert B. Fall, petitioners, *v.* The United States of America. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 655. Arthur Maul, petitioner, *v.* The United States;

No. 669. The United States of America, petitioner, *v.* Leib Ritterman;

No. 705. Robert David Kercheval, etc., petitioner, *v.* The United States of America; and

No. 708. A. S. Rhodes, plaintiff in error, *v.* The State of Georgia. It is now here ordered by this court that these criminal cases upon the docket be, and the same are hereby, advanced and assigned for argument on Monday, January 17 next, after the cases heretofore assigned for that day.

No. 722. J. J. Eiseman and Alexander R. Abrams, plaintiffs in error, *v.* The People of the State of California, and

No. 723. Holmes Ives and N. J. Whelan, plaintiffs in error, *v.* The People of the State of California;

No. 725. Fairmont Creamery Company, plaintiff in error, *v.* The State of Minnesota; and

No. 739. Fortune Ferguson, Jr., plaintiff in error, *v.* The State of Florida. It is now here ordered by this court that these criminal cases upon the docket be, and the same are hereby, advanced and assigned for argument on Monday, January 24 next, after the case heretofore assigned for that day.

No. 236. International Stevedoring Company, petitioner, *v.* R. Haverty. It is ordered that the opinion of this court in this case announced on October 18th last, be, and it is amended so that the concluding sentence of the opinion shall read as follows: "In view of the broad field in which Congress has disapproved and changed the rule introduced into the common law within less than a century, we

are of opinion that a wider scope should be given to the words of the act, and that in this statute 'Seamen' is to be taken to include stevedores employed in maritime work on navigable waters as the plaintiff was, whatever it might mean in laws of a different kind."

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#### ORDER

The court will take a recess from Monday, December 13, 1926, until Monday, January 3, 1927.

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No. 92. Chapman S. Clark, appellant, *v.* The United States. Appeal from the Court of Claims. Judgement reversed on confession of error, and cause remanded to the Court of Claims for further proceedings on motion of Mr. Solicitor General Mitchell for the appellant.

No. 729. James W. Wuchter, plaintiff in error, *v.* Michael Pizzutti. Motion to advance this case for hearing with No. 263 submitted by Mr. James D. Carpenter, jr., for the plaintiff in error.

No. 249. Beechnut Packing Company, petitioner, *v.* P. Lorillard Company. Motion to advance submitted by Mr. H. McClure Johnson for the petitioner.

No. 500. D. Edmonds et al., etc., plaintiffs in error, *v.* The Town of Haskell, Oklahoma, et al. Motion to dismiss, affirm, or to advance submitted by Mr. I. J. Underwood, Mr. Almond D. Cochran, and Mr. R. C. Allen for the defendants in error in support of the motion.

No. 592. H. L. Eveland et al., Constituting the Tax Commission of the State of South Dakota, petitioner *v.* Chicago and Northwester Railway Company. Motion to advance submitted by Mr. Samuel Herrick and Mr. Byron S. Payne for the petitioners.

No. 147. James McDonald, Jr., et al., etc., petitioners, *v.* Lawrence Maxwell and Fulton Trust Company, Executors. Motion to dismiss submitted by Mr. Frederic D. McKenney, Mr. John S. Flannery, Mr. G. Bowdoin Craighill, and Mr. Joseph D. Graydon for the respondents in support of the motion, and by Mr. Charles V. Imlay, and Mr. Charles E. Wainwright for the petitioners in opposition thereto.

No. 38 of October Term, 1925. Harry B. Stilz, appellant, *v.* The United States. Motion for leave petition for a rehearing submitted by Mr. Harry B. Stilz pro se.

No. 124. Great Northern Railway Company, plaintiff in error, *v.* State of Minnesota. Motion to dismiss submitted by Mr. Clifford L. Hilton, Mr. Patrick J. Ryan and Mr. G. A. Youngquist for the defendants in error in support of the Motion.

No. 88. Malcolm E. Nichols, Collector of Internal Revenue of the United States for the District of Massachusetts, plaintiff in error, *v.* Harold J. Coolidge, Executors, etc. Leave granted to file brief of Antoinette Funk and Arthur F. Mullen as amici curiae on motion of Antoinette Funk in that behalf.

No. —, original. *Ex parte* In the matter of the Delaware, Lackawanna and Western Railway Company, petitioner. Motion for leave to file petition for writ of mandamus submitted by Mr. Frederic B. Scott for the petitioner.

No. 726. Lehigh Valley Railroad Company, petitioner, *v.* Harriet A. Bissett. Petition for a 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. Isidor Kalisch for the respondent.

No. 727. The Delaware, Lackawanna and Western Railroad Company, petitioner, *v.* John Rellstab, Judge of the United States District Court for the District of New Jersey, et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Frederic B. Scott for the petitioner.

No. 731. The United States of America *ex rel.* Vincenzo Cosmano, petitioner, *v.* James J. Davis, Secretary of Labor, and W. J. Coyne, Inspector in Charge. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Taylor E. Brown for the petitioner.

No. 733. F. C. Boorman, doing business under the name and style of the Twentieth Century Company and Lillian Mencl, petitioners, *v.* Edwards and Deutsch Lithographing Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Nelson J. Jewett and Mr. George A. Chritton for the petitioner, and by Mr. Wallace R. Lane for the respondent.

No. 53. Great Northern Railway Company et al., appellants, *v.* Howard Sutherland, as Alien Property Custodian. Argument continued by Mr. Walker D. Hines for the appellants, and by Mr. Assistant Attorney General Letts for the appellee, and concluded by Mr. Walker D. Hines for the appellants.

No. 54. Pauline Andre De La Mettrie et al., appellants, *v.* Elizabeth Pratt De Gasquett James et al.; and

No. 55. David Keene, Receiver, appellant, *v.* Elizabeth Pratt De Gasquett James et al. Argument commenced by Mr. J. Noble Hayes for the appellants; and concluded by Mr. Mansfield Ferry for the appellee James; and cases submitted by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Letts, and Mr. Dean Hill Stanley for appellee, Howard Sutherland, as Alien Property Custodian.

No. 56. Thomas M. Livingston, appellant, *v.* The United States. Argument commenced by Mr. Ashby Williams for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, December 7, will be as follows: Nos. 56, 57, 59, 60, 84, 62, 63, 64, 65, and 66.

## SUPREME COURT OF THE UNITED STATES

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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.

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Loyd H. Sutton, of Washington, D. C.; Louis L. Dent, of Chicago, Ill.; George M. LeCroy, of El Dorado, Ark.; Edward E. Ginsburg, of Boston, Mass.; and Charles H. McGlue, of Boston, Mass., were admitted to practice.

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No. 188. Chin Set Wong, uncle and next friend of Chin Fook, appellant, *v.* John B. Johnson, United States Commissioner of Immigration at Boston, Massachusetts. Appeal from the District Court of the United States for the District of Massachusetts. Dismissed with costs on motion of Mr. Everett Flint Damon for the appellant.

No. 56. Thomas M. Livingston, appellant, *v.* The United States. Argument continued by Mr. Ashby Williams for the appellant, and concluded by Mr. Alfred A. Wheat for the appellee.

No. 57. Eastern Transportation Company, appellant, *v.* The United States of America. Argument commenced by Mr. John M. Woolsey for the appellant, continued by Mr. J. Frank Staley for the appellee, and concluded by Mr. Edward R. Baird, jr., for the appellant.

No. 59. Everett Flint Damon *ex rel.* Fong Hang Leong, appellant, *v.* John P. Johnson, Commissioner of Immigration. Argued by Mr. Everett Flint Damon for the appellant, and by Mr. Assistant to the Attorney General Donovan for the appellee.

No. 60. The Liberty Warehouse Company et al., etc., plaintiffs in error, *v.* B. S. Grannis, as Commonwealth Attorney. Argument commenced by Mr. Allan D. Cole for the plaintiff in error. The court declined to hear further argument.

No. 84. Pacific Power and Light Company, plaintiff in error, *v.* L. D. Bayer, Pearl Durst, William H. Bucher, et al., etc., et al. Argument commenced by Mr. Henry S. Gray for the plaintiff in error. The court declined to hear further argument.

No. 84. Pacific Power and Light Company, plaintiff in error, *v.* L. D. Bayer, Pearl Durst, William H. Bucher, et al., etc., et al. In error to the Supreme Court of the State of Oregon. Dismissed for want of jurisdiction for want of a final judgment.

No. 62. State of Utah, appellant, *v.* Hubert Work, Secretary of the Interior. Argument commenced by Mr. Patrick H. Laughran for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, December 8, will be as follows: Nos. 62, 71, 64, 65, 66, 68, 69, 70, 73 (74, 75, and 76), and 78 (186 and 245).

## SUPREME COURT OF THE UNITED STATES

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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.

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J. T. Manning, jr., of Philadelphia, Pa.; Heber Smith, of New York, N. Y.; Homer R. Hendricks, of Waxahachie, Tex.; Ralph E. Hosket, of Dayton, Ohio; S. Fay Carr, of Buffalo, N. Y.; J. Hamilton Cheston, of Philadelphia, Pa.; and Morton Taylor Culver, of Chicago, Ill., were admitted to practice.

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No. 62. State of Utah, appellant, *v.* Hubert Work, Secretary of the Interior. Argument continued by Mr. Patrick H. Laughran for the appellant, by Mr. Ira E. Robinson for the appellee, and concluded by Mr. Patrick H. Laughran for the appellant.

No. 71. Federal Trade Commission, petitioner, *v.* Pacific States Paper Trade Association, etc., et al. Argued by Mr. Adrien F. Busick for the petitioner, and by Mr. Warren Olney, jr., for the respondents.

No. 64. John F. Jenkins, appellant, *v.* The United States. Argument commenced by Mr. John D. Miller for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, December 9, will be as follows: Nos. 64, 65, 66, 68, 69, 70, 73 (74, 75, and 76), 78 (186 and 245), 80, and 82.



SUPREME COURT OF THE UNITED STATES

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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.

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No. 90. The Goodyear Tire and Rubber Company, appellant, *v.* The United States. Submitted, pursuant to the twenty-third rule, by Mr. George Rublee and Mr. Spencer Gordon for the appellant and by Mr. Solicitor General Mitchell for the appellee.

No. 64. John F. Jenkins, appellant, *v.* The United States. Argument continued by Mr. John D. Miller for the appellant and concluded by Mr. Gardner P. Lloyd for the appellee.

No. 65. Clarence H. Myers *v.* The Hurley Motor Company, Inc. Argued by Mr. George P. Lemm for Myers and by Mr. Henry C. Clark for the Hurley Motor Company, Inc.

No. 66. Chin Wey, appellant, *v.* Irving F. Wixon, Acting United States Commissioner of Immigration. Argued by Mr. Warren Ozro Kyle for the appellant and by Mr. Solicitor General Mitchell for the appellee.

No. 68. Quon Quon Poy, appellant, *v.* John P. Johnson, United States Commissioner of Immigration. Argument commenced by Mr. Warren Ozro Kyle for the appellant and continued by Mr. Solicitor General Mitchell for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, December 10, will be as follows: Nos. 68, 69, 70, 73 (74, 75, and 76), 78 (186 and 245), 80, 82, 83, and 88.

## SUPREME COURT OF THE UNITED STATES

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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.

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Louden L. Bomberger, of Hammond, Ind.; John W. Morthland, of Hammond, Ind.; Elvin Swarthout, of Grand Rapids, Mich.; Edmund P. Mahoney, of Portland, Me.; Ralph G. Lindstrom, of Denver, Colo.; George A. Shutack, of Washington, D. C.; Donald Fisher Lyberger, of Cleveland, Ohio; Francis Forrest Murray, of Los Angeles, Calif.; John B. McMahon, of Toledo, Ohio; and Sam S. Haley, of Jefferson City, Mo., were admitted to practice.

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No. 68. Quon Quon Poy, appellant, *v.* John P. Johnson, United States Commissioner of Immigration. Argument continued by Mr. Solicitor General Mitchell for the appellee, and concluded by Mr. Warren Ozro Kyle for the appellant.

No. 69. State of Missouri at the relation to and use of Wabash Railway Company et al., plaintiffs in error, *v.* Public Service Commission of Missouri and John A. Kurtz et al., etc., et al. Argument commenced by Mr. Homer Hall for the plaintiffs in error, continued by Mr. Oliver Senti for the city and mayor of St. Louis, and by Mr. Marion C. Early for the defendant in error, Frank H. Gerhart, and concluded by Mr. Frederic D. McKenney for the plaintiff in error.

No. 70. Emmons Coal Mining Company et al., plaintiffs in error, *v.* Norfolk and Western Railway Company. Argued by Mr. J. T. Manning, jr., for the plaintiffs in error, and by Mr. J. Hamilton Cheston for the defendant in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, December 13, will be as follows: Nos. 73, (74, 75, and 76) and 78 (186 and 245).

## SUPREME COURT OF THE UNITED STATES

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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.

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Richard P. McCoun, of Oyster Bay, N. Y.; Edwin A. Olson, of Chicago, Ill.; Frank E. Randall, of Omaha, Nebr.; Edmund A. Prendergast, of Minneapolis, Minn.; Rowland Miles, of Northport, N. Y.; William Townsend McCoun, of Oyster Bay, N. Y.; Emma Wold, of Washington, D. C.; Olin Wellborn, III, of Los Angeles, Calif.; Wilber Owen, of Toledo, Ohio; Arthur L. Conaty, of Providence, R. I., and George S. Ward, of Washington, D. C., were admitted to practice.

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No. 281. The Virginian Railway Company, appellant, *v.* The United States of America, The Interstate Commerce Commission, and The Chesapeake and Ohio Railway Company; and

No. 282. The United States of America and The Interstate Commerce Commission, appellants, *v.* The Virginian Railway Company. Appeals from the District Court of the United States for the Southern District of West Virginia. No. 281—Decree affirmed as to matter appealed from. No. 282—Decree reversed as to matter appealed from; and the cause remanded to the said District Court for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Brandeis.

No. 95. The United States of America, plaintiff in error, *v.* George A. Storrs, Joseph S. Welch, et al. In error to the District Court of the United States for the District of Utah. Writ of error dismissed for want of jurisdiction. Opinion by Mr. Justice Holmes.

No. 102. John Carlton Dysart, petitioner, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Judgment reversed; and the cause remanded to the District Court of the United States for the Western District of Texas for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice McReynolds, announced by Mr. Chief Justice Taft.

No. 316. Ben F. Wright, Auditor for the Philippine Islands, petitioner, *v.* Ynchausti and Company. On writ of certiorari to the Supreme Court of the Philippine Islands. Judgment affirmed with costs. Opinion by Mr. Chief Justice Taft.

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The Chief Justice announced the following orders of the court:

No. —, original. *Ex parte* In the matter of the Delaware, Lackawanna and Western Railroad Company, petitioner. The motion for leave to file petition for a writ of mandamus herein is denied.

No. 38, of October term, 1925. Harry B. Stilz, appellant, *v.* The United States. The motion for leave to file petition for a rehearing is denied.

No. 249. Beech-Nut Packing Company, petitioner, *v.* P. Lorillard Company. The motion to advance this case is denied.

No. 729. James W. Wuchter, plaintiff in error, *v.* Michael Pizzutti. The motion to advance this case is denied.

No. 592. H. L. Eveland et al., Constituting the Tax Commission of the State of South Dakota, petitioners, *v.* Chicago and North Western Railway Company. The motion to advance this case is granted and the case assigned for argument on Monday, February 28 next, after the cases heretofore assigned for that day.

No. 124. Great Northern Railway Company, plaintiff in error, *v.* State of Minnesota. The further consideration of the motion to dismiss in this case is postponed to the hearing of the case on the merits.

No. 147. James McDonald, Jr., et al., etc., petitioners, *v.* Lawrence Maxwell and Fulton Trust Company, Executors. The further consideration of the motion to dismiss this case is postponed to the hearing of the case on the merits.

No. 500. D. Edmonds, R. B. Edwards, and R. D. Kelly, in behalf of themselves, etc., plaintiffs in error, *v.* The Town of Haskell, Oklahoma, F. N. Shoemaker, as Town Clerk, etc., et al. In error to the Supreme Court of the State of Oklahoma. *Per curiam*: Dismissed for want of jurisdiction on the authority of *Cuyahoga River Power Co. v. Northern Realty Co.*, 244 U. S. 300, 303; *Bilby v. Stewart*, 246 U. S. 255, 257; *Farson, Son and Co. v. Bird*, 248 U. S. 268, 271.

No. 41. Edith Stege, William C. Dohrman (sometimes called W. C. Dohrman), Teresa L. Dohrman, etc., et al., plaintiffs in error, *v.* City of Richmond and G. W. Cushing. In error to the Supreme Court of the State of California. *Per curiam*: Dismissed on the authority of *Klinger v. State of Missouri*, 13 Wall. 257, 263.

No. 56. Thomas M. Livingston, appellant, *v.* The United States. Appeal from the Court of Claims. Per curiam: Affirmed upon the authority of (1) *Tempel v. United States*, 248 U. S. 121, 129; *United States v. North American Transportation and Trading Co.*, 253 U. S. 330; *Pearson v. United States*, 267 U. S. 423; *Klebe v. United States*, 263 U. S. 188; (2) *Hijo v. United States*, 194 U. S. 315, 323.

No. 59. Everett Flint Damon ex rel. Fong Hang Leong, appellant, *v.* John B. Johnson, Commissioner of Immigration. Appeal from the District Court of the United States for the District of Massachusetts. Per curiam: Affirmed upon the authority of *Chin Yow v. United States*, 208 U. S. 8, 11; *United States ex rel. Bilokumsky, v. Tod*, 263 U. S. 149, 157; *United States ex rel. Tisi v. Tod*, 264 U. S. 131, 133.

No. 62. State of Utah, appellant. *v.* Hubert Work, Secretary of the Interior and William Spry, Commissioner of the General Land Office. Appeal from the Court of Appeals of the District of Columbia. Per curiam: Affirmed upon the authority of (1) *State of Louisiana v. Garfield*, 211 U. S. 70; *State of New Mexico v. Lane*, 243 U. S. 52; (2) *United States ex rel. Riverside Oil Co. v. Hitchcock*, 190 U. S. 316, 324; *United States ex rel. Ness v. Fisher*, 223 U. S. 683, 692; *United States ex rel. Hall v. Payne*, 254 U. S. 343.

No. 64. John F. Jenkins, appellant, *v.* The United States. Appeal from the Court of Claims. Affirmed upon the authority of (1) *Tempel v. United States*, 248 U. S. 121, 129; *United States v. North American Transportation and Trading Co.*, 253 U. S. 330; *Pearson v. United States*, 267 U. S. 423; *Klebe v. United States*, 263 U. S. 188; (2) *Hijo v. United States*, 194 U. S. 315, 323.

No. 66. Chin Wey, appellant, *v.* Irving F. Wixon, Acting U. S. Commissioner of Immigration. Appeal from the District Court of the United States for the District of Massachusetts. Per curiam: Affirmed upon the authority of *United States v. Sing Tuck et al.*, 194 U. S. 161; *United States v. Ju Toy*, 198 U. S. 253.

No. 727. The Delaware, Lackawanna and Western Railroad Company, petitioner, *v.* John Rellstab, Judge of the United States District Court for the District of New Jersey, et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit granted.

No. 467. The Baltimore and Ohio Southwestern Railroad Company, petitioner, *v.* Sherman D. Hill, Administrator of the Estate of Thomas J. Hill, deceased. Petition for a writ of certiorari to the Appellate Court of the State of Indiana denied.

No. 726. Lehigh Valley Railroad Company, petitioner, *v.* Harriet A. Bissett. Petition for a writ of certiorari to the Court of Errors and Appeals of the State of New Jersey denied.

No. 731. The United States of America *ex rel.* Vincenzo Cosmano, petitioner *v.* James J. Davis, Secretary of Labor, and W. J. Coyne, Inspector in Charge. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 733. F. C. Boorman, doing business under the name and style of the Twentieth Century Company, and Lillian Mencl, petitioners, *v.* Edwards and Deutsch Lithographing Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 266. The United States of America, plaintiff in error, *v.* James W. McElvain and Frank Crozier. It is ordered that the opinion of this court in this case, announced Monday, December 6 last, be, hereby it is, amended by changing the fourth sentence in the paragraph next to the last, to wit, "The language of the proviso can not reasonably be read to include conspiracy as defined by S. 37," so as to read as follows: "The language of the proviso can not reasonably be read to include all conspiracies defined by S. 37."

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No. 661. The Equitable Trust Company of New York as Trustee in Bankruptcy of Knauth, Nachod and Kuhne, petitioner, *v.* The First National Bank of Trinidad, Colorado. Motion to advance submitted by Mr. Godfrey Goldmark for the petitioner.

No. 179. Hanover Fire Insurance Company, plaintiff in error, *v.* Patrick J. Carr, County Treasurer of the County of Cook, State of Illinois, etc. The death of Patrick J. Carr the defendant in error herein suggested and ordered that George F. Harding, his successor in office as county treasurer and *ex officio* county collector of the county of Cook, State of Illinois, be substituted as the party defendant in error in this cause *nunc pro tunc* as of November 23, 1926, on motion of Mr. F. C. Wells, per stipulation of counsel.

No. 357. Albert Ottinger, as Attorney General of the State of New York, appellant, *v.* Consolidated Gas Company of New York. Mandate granted on motion of Mr. Robert E. Coulson in behalf of Mr. John A. Garver and Mr. William L. Ransom for the appellee.

No. 358. Albert Ottinger, as Attorney General of the State of New York, appellant, *v.* The Brooklyn Union Gas Company. Mandate granted on motion of Mr. J. A. Dykman for the appellee.

No. —, original. *Ex parte* In the matter of Edwin C. Jameson, LeRoy W. Baldwin, Louis V. Bright et al., petitioners. Motion for leave to file petition for writ of mandamus and for a rule to show

cause, submitted by Mr. Thomas Mullin Woodward in behalf of Mr. Nathan L. Miller, Mr. Weymouth Kirkland, Mr. Robert K. Prentice, Mr. John Dickey, jr., Mr. Girard C. Henderson, and Mr. Robert N. Golding in support of the motion, and by Mr. G. Carroll Todd in behalf of Mr. John W. Davis, Mr. Edwin S. S. Sunderland, and Mr. William A. W. Stewart for the Guaranty Trust Company of New York and Merrell T. Callaway, as trustee, etc., et al., as amici curiae in opposition thereto.

No. 112. City and County of Denver, appellant, *v.* E. Stenger, as Receiver of the Denver Tramway Company. Motion for leave to file brief of Myron H. Walker as amicus curiae submitted by Mr. Myron H. Walker and motion denied.

No. —, original. *Ex parte* In the matter of The City of New York, The Transit Commission, and John F. Gilchrist, et al., Constituting the Transit Commission et al. petitioners. Motion for leave to file petition for writ of prohibition and/or mandamus and/or certiorari submitted by Mr. Martin Conboy in behalf of Mr. George P. Nicholson, Mr. George H. Stover, Mr. Clarence M. Lewis, and Mr. William G. Fullen for the petitioners.

No. 104. Morgan's Louisiana and Texas Railroad and Steamship Company et al., petitioners, *v.* F. A. Cocke. Leave granted to file brief of Luther M. Walter for the National Industrial Traffic League as amicus curiae, on motion of Mr. C. A. Farrell in that behalf.

No. 609. Daniel V. Harkin and Union Bank of Chicago, Receivers, etc., petitioners, *v.* Edward J. Brundage, Receiver, etc., et al. Motion to advance submitted by Mr. Lloyd C. Whitman and Mr. Bernhardt Frank for the petitioners.

No. 46. Fidelity Bank and Trust Company of Kansas City, Standard Investment Company, Silas DeLap, et al., appellants, *v.* Felix H. Swope and Gertrude M. Brown. Death of Hunter M. Meriwether, one of the appellants herein, suggested and ordered that this cause stand dismissed as to the said Hunter M. Meriwether, deceased, and that this action and the appeal herein proceed upon the appeal of the surviving appellants, Fidelity Bank and Trust Company, Standard Investment Company, Silas C. DeLap, and Gilmer Meriwether, on motion of Mr. Blackburn Esterline per stipulation of counsel.

No. 414. The United States of America and Interstate Commerce Commission, appellants, *v.* Los Angeles and Salt Lake Railroad Company. Motion for leave to file brief of Mr. Ralph M. Shaw for the Chicago Great Western Railroad Company; Mr. Silas H. Strawn for the Chicago and Alton Railroad Company; Mr. M. M. Joyce for the Minneapolis and St. Louis Railroad Company; Mr. C. C. Hine

for the Chicago, Indianapolis, and Louisville Railway; Mr. W. H. Lyford for the Chicago and Eastern Railway Company; Mr. John L. Erdall for the Minneapolis, St. Paul, and Sault Ste. Marie Railway Company; Mr. E. Randolph Williams for the Richmond, Fredericksburg, and Potomac Railroad Company; Messrs. Steiner, Crum and Weil for the Western Railway of Alabama; Mr. A. L. Burford for the Louisiana and Arkansas Railway; Mr. Eugene S. Williams for the Western Maryland Railway Company; and Mr. F. G. Dorety for the Great Northern Railway Company as amici curiae submitted by Mr. F. G. Dorety in support of the motion and by Mr. Charles H. Bates for the Southern Pacific Company in opposition thereto, and motion denied.

No. 158. Susan Lowe, petitioner, *v.* Alexander J. Dickson. Motion for a rule requiring the petitioner to show cause why there should not be furnished additional security under the supersedeas bonds herein submitted by Mr. Patrick H. Loughran for the respondent in support of the motion, and by Mr. Samuel Herrick for the petitioner in opposition thereto.

No. 580. Claude P. Street Piano Company, Roy Warden, Katharine D. Street, et al., plaintiffs in error, *v.* The City of Nashville, George J. Tompkins, J. W. Bauman, and Hilary E. House, etc. In error to the Supreme Court of the State of Tennessee. Writ of error dismissed per stipulation of counsel.

No. 765. Otis Reese, petitioner, *v.* The United States of America. Motion for leave to proceed in forma pauperis submitted by Mr. Otis Reese pro se.

No. 728. Al Lau, 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 M. Beck and Mr. Cyrus E. Dietz for the petitioner, and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, and Mr. Alexander Sidney Lanier for the respondent.

No. 730. Hyman Schroeder, as Trustee in Bankruptcy of Famous Fain Company, Inc., Bankrupt, petitioner, *v.* Edward Howard O'Flynn. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Charles A. Riegelman for the petitioner, and by Mr. George W. Wingate for the respondent.

No. 735. James G. Trainer, petitioner, *v.* Darby A. Day. Petition for a writ of certiorari to the Supreme Court of the State of New York submitted by Mr. C. C. Daniels for the petitioner, and by Mr. Thomas McCall for the respondent.



No. **73**. Fred A. Miller et al., Executors, etc., plaintiffs in error, *v.* The City of Milwaukee;

No. **74**. Charles A. Miller et al., plaintiffs in error, *v.* The City of Milwaukee;

No. **75**. Emil T. Miller, plaintiff in error, *v.* The City of Milwaukee; and

No. **76**. Harry G. John et al., plaintiffs in error, *v.* The City of Milwaukee. Argued by Mr. A. W. Schutz for the plaintiffs in error, and by Mr. Walter J. Mattison for the defendant in error.

No. **78**. The Georgetown National Bank, plaintiff in error, *v.* Ollie McFarland, Sheriff of Scott County, Kentucky, et al.;

No. **186**. First National Bank of Hartford, plaintiff in error, *v.* City of Hartford and State of Wisconsin; and

No. **245**. The State of Minnesota, petitioner, *v.* First National Bank of St. Paul. Argument commenced by Mr. T. Kennedy Helm for the plaintiff in error in No. **78**; continued by Mr. H. Church Ford for the defendants in error in No. **78**; and by Mr. T. Kennedy Helm for the plaintiff in error in No. **78**; and by Mr. A. W. Fairchild for the plaintiff in error in No. **186**, by Mr. E. J. Dempsey for the defendant in error in No. **186**, by Mr. P. J. Ryan for the petitioner, in No. **245**, and concluded by Mr. Thomas D. O'Brien for the respondent in No. **245**.

Adjourned until Monday, January 3, 1927, at 12 o'clock.

The day call for Monday, January 3, will be as follows: Nos. **414**, **314** (and **373**), **416** (and **417**), **117**, **2** Original, **366** (**367** and **368**), **395**, **564**, **648**, and **472**.

## SUPREME COURT OF THE UNITED STATES

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

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Walter E. Hampton, of New York City; Haveth E. Mau, of Cincinnati, Ohio; Pedro Y. Ylagan, of Manila, P. I.; Ambrose E. Chambers, of New York City; Moses C. Scharff, of New Orleans, La.; Harry C. Robb, of Washington, D. C.; R. E. Seagler, of Houston, Tex.; R. A. Vitousek, of Honolulu, Hawaii; J. M. Souby, of Omaha, Nebr.; Thomas H. Gardiner, of Providence, R. I.; James A. Cosgrove, of Washington, D. C.; and E. W. Anderson, of Olympia, Wash., were admitted to practice.

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**No. 85.** John E. McGuire *v.* The United States of America. On a certificate from the United States Circuit Court of Appeals for the Second Circuit. It is the opinion of the court that the second question certified should be answered in the negative. Opinion by Mr. Justice Stone. Concurring: Mr. Justice Butler.

**No. 90.** The Goodyear Tire and Rubber Company, appellant, *v.* The United States. Appeal from the Court of Claims. Judgment reversed, and the cause remanded to the said Court of Claims for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Stone.

**No. 111.** The United States of America *ex rel.* Emanuel Vajtauer, appellant, *v.* The Commissioner of Immigration at the Port of New York. Appeal from the District Court of the United States for the Southern District of New York. Decree affirmed with costs. Opinion by Mr. Justice Stone.

**No. 52.** W. T. Waggoner Estate and W. T. Waggoner, appellants, *v.* Wichita County and D. B. Sartin, H. H. Haynes, et al. Appeal from 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 Northern District of Texas. Opinion by Mr. Justice Stone.

**No. 39.** Maguire and Company, Inc., appellant, *v.* The United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Sanford.

No. 60. The Liberty Warehouse Company and C. M. Jones, Trading, etc., plaintiffs in error, *v.* B. S. Grannis, as Commonwealth Attorney for the 19th Judicial District of Kentucky. In error to the District Court of the United States for the Eastern District of Kentucky. Judgment affirmed with costs. Opinion by Mr. Justice Sanford.

No. 79. Wong Tai, alias Wong Sue Jun, alias Wong Wai, plaintiff in error, *v.* The United States of America. In error to the District Court of the United States for the Northern District of California. Judgment affirmed. Opinion by Mr. Justice Sanford.

No. 217. Public Utilities Commission of Rhode Island and Narragansett Electric Lighting Company, petitioners, *v.* Attleboro Steam & Electric Company. On writ of certiorari to the Supreme Court of the State of Rhode Island. Decree affirmed with costs. Opinion by Mr. Justice Sanford. Dissenting: Mr. Justice Brandeis.

No. 6, original. The State of Oklahoma, complainant, *v.* The State of Texas, defendant; The United States, Intervener. On counterclaim filed by the State of Texas as to the location of the boundary line extending along the one hundredth meridian, constituting the eastern boundary of the Panhandle of Texas and the main western boundary of Oklahoma. Samuel S. Gannett appointed as commissioner to mark the boundary. Decree announced by Mr. Justice Sanford.

No. 2, original of Oct. Term 1925. The State of Arkansas, complainant, *v.* The State of Tennessee. The application of C. B. Bailey, Charles A. Barton, and Horace Van Deventer, constituting the boundary commission heretofore appointed by this court, for leave to file their petition to have their compensation allowed is granted. And, on reading the petition, it is ordered that the State of Arkansas, the State of Tennessee, and each petitioner show cause, by filing objections, if any there be, on or before January 20, 1927, why the compensation of each petitioner for his service in this case should not be fixed at twenty-seven hundred dollars (\$2,700) and why judgment for one-half of that amount should not be given in favor of each petitioner and against each State, a copy of this order to be sent by mail to the governor, the attorney general, and solicitors of record of each of the States, and also to each of the petitioners.

No. 288. Giovanni Di Santo, 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: Mr. Justice Brandeis, Mr. Justice Stone, and Mr. Justice Holmes.

No. 343. Interstate Busses Corporation, appellant, *v.* The Holyoke Street Railway Company, Major Beckman, Melvin Graves, et al. Appeal from the District Court of the United States for the District of Massachusetts. Decree affirmed with costs. Opinion by Mr. Justice Butler.

No. 71. Federal Trade Commission, petitioner, *v.* Pacific States Paper Trade Association, etc., et al.; Portland Paper Trade Association, etc., et al.; Spokane Paper and Stationery Company et al. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. That part of the decree of the Circuit Court of Appeals which sets aside paragraphs (b) and (c) of the order of the Federal Trade Commission is reversed, with costs, and the cause remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Butler.

No. —, original. State of Florida, complainant, *v.* Andrew W. Mellon, as Secretary of the Treasury of the United States, and David H. Blair, as Commissioner of Internal Revenue of the United States. On rule to show cause why leave to file a bill of complaint should not be granted. Rule discharged and motion denied. Opinion by Mr. Justice Sutherland.

No. 65. Clarence H. Myers *v.* Hurley Motor Company, Inc. On certificate from the Court of Appeals of the District of Columbia. It is the opinion of this court that the first question certified should be answered in the negative and the second question in the affirmative, with the qualification that the amount allowed the defendant shall not exceed the amount of the plaintiff's claim. Opinion by Mr. Justice Sutherland.

No. 72. A. J. Byars, petitioner, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Judgment reversed, and the cause remanded to the District Court of the United States for the Southern District of Iowa for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Sutherland.

No. 9. Henry Albrecht, sr., Henry Albrecht, jr., and Thomas Maher, plaintiffs in error, *v.* The United States of America. In error to the District Court of the United States for the Eastern District of Illinois. Judgment affirmed. Opinion by Mr. Justice Brandeis.

No. 29. Steamship *Willdomino*, her engines, boilers, etc., petitioner, *v.* Citro Chemical Company of America; and

No. 30. Steamship *Willdomino*, her engines, boilers, etc., petitioner, *v.* Charles Pfizer and Company, Inc. On writs of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Decrees affirmed with costs, and the cases remanded to the District Court of the United States for the District of New Jersey. Opinion by Mr. Justice McReynolds.

No. 42. The Heirs of Samuel Garland, deceased, appellants, *v.* The Choctaw Nation; and

No. 43. Sophia C. Pitchlynn and others, heirs at law of Peter P. Pitchlynn, deceased, appellants, *v.* The Choctaw Nation. Appeals from the Court of Claims. Judgments affirmed. Opinion by Mr. Justice McReynolds.

No. 54. Pauline Andre de la Mettrie and George Pratt de Gasquet James, appellants, *v.* Elizabeth Pratt de Gasquet James, Thomas W. Miller, as Alien Property Custodian, et al.; and

No. 55. David Keane, Receiver, appellant, *v.* Elizabeth Pratt de Gasquet James, Thomas W. Miller, as Alien Property Custodian et al. Appeals from the Court of Appeals of the District of Columbia. Decrees affirmed with costs. Opinion by Mr. Justice McReynolds. Mr. Justice Brandeis, Mr. Justice Sanford, and Mr. Justice Stone concur in the result in No. 55.

No. 537. The United States of America, plaintiff in error, *v.* Samuel Gettinger and Harry Pomerantz, Trading under the Firm Name, etc. In error to the District Court of the United States for the Northern District of New York. 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 McReynolds.

No. 70. Emmons Coal Mining Company and The Fidelity and Casualty Company of New York, plaintiffs in error, *v.* Norfolk and Western Railway Company. In error to the United States Circuit Court of Appeals for the Third Circuit. Judgment 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 Holmes.

No. 73. Fred A. Miller and Elise K. John, executors of the Estate of Ernest G. Miller, deceased, plaintiffs in error, *v.* The City of Milwaukee. In error to the District Court of the United States for the Eastern District of Wisconsin. Judgment reversed, with costs, and the cause remanded to the said district court for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Holmes. Concurring: Mr. Justice Brandeis and Mr. Justice Stone.

No. 74. Charles A. Miller et al., plaintiffs in error, *v.* The City of Milwaukee;

No. 75. Emil P. Miller, plaintiff in error, *v.* the City of Milwaukee, and

No. 76. Harry G. John et al., plaintiffs in error, *v.* The City of Milwaukee. In error to the District Court of the United States for the Eastern District of Wisconsin. Judgments reversed, with costs, and causes remanded to the said district court for further proceedings in conformity with the opinion of this court, per stipulation of counsel providing that these cases shall abide the decision in No. 73.

No. 57. Eastern Transportation Company, appellant, *v.* The United States of America. Appeal from the District Court of the United States for the Eastern District of Virginia. Decree reversed with costs, and the cause remanded to the said district court for further proceedings in conformity with the opinion of this court. Opinion by Mr. Chief Justice Taft.

No. 22. Postum Cereal Company, Incorporated, appellant, *v.* California Fig Nut Company. Appeal from the Court of Appeals of the District of Columbia. Appeal dismissed with costs. Opinion by Mr. Chief Justice Taft.

No. —. Los Angeles Brush Manufacturing Corporation *v.* William P. James, Judge, District Court of the United States, Southern District of California. Motion for leave to file a petition for a writ of mandamus denied. Opinion by Mr. Chief Justice Taft.

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The Chief Justice announced the following orders of the court:

No. —, original. Ex. parte: In the matter of Edwin C. Jameson, Leroy W. Baldwin, Louis V. Bright, Joseph S. Frelinghuysen, and Thomas Read, petitioners. The motion for leave to file petition for a writ of mandamus herein is denied.

No. —, original. Ex. parte: In the matter of The City of New York, The Transit Commission, and John F. Gilchrist, et al., etc., et al., petitioners. The motion for leave to file petition for writs of mandamus and/or prohibition and/or certiorari is denied.

No. 765. Otis Reese, petitioner, *v.* The United States of America. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. Motion for leave to proceed further in forma pauperis denied for the reason that the court, upon inspection of the record herein submitted, finds that there is no ground for certiorari to the Circuit Court of Appeals, application for which is 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. 609. Daniel V. Harkin et al., etc., petitioners, *v.* Edward J. Brundage, Receiver, etc., et al. The motion to advance this case is denied.

No. 661. The Equitable Trust Company of New York, as Trustee, etc., petitioner, *v.* The First National Bank of Trinidad, Colorado. The motion to advance this case is denied.

No. 158. Susan Lowe, petitioner, *v.* Alexander J. Dickson. The motion for a rule requiring the petitioner to furnish an additional bond is denied.

No. 719. Mammoth Oil Company et al., petitioners, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit granted.

No. 728. Al Lau, 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. 730. Hyman Schroeder, as Trustee in Bankruptcy of Famous Fain Company, Inc., Bankrupt, petitioner, *v.* Edward Howard O'Flynn. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 735. James G. Trainer, petitioner, *v.* Darby A. Day. Petition for a writ of certiorari to the Supreme Court of the State of New York denied.

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No. 141. Do Wing, appellant, *v.* John P. Johnson, U. S. Commissioner of Immigration. Motion to dismiss or affirm submitted by Mr. Solicitor General Mitchell for the appellee, in support of the motion.

No. 144. United States of America, plaintiff in error, *v.* John A. Munroe. In error to the District Court of the United States for the District of Nebraska. Dismissed on motion of Mr. Solicitor General Mitchell for the plaintiff in error.

No. 362. Liggett and Myers Tobacco Company, petitioner, *v.* The United States of America; and

No. 531. Charles H. Phelps, as surviving partner, etc., petitioner, *v.* The United States. Motion to advance submitted by Mr. Solicitor General Mitchell for the respondent.

No. 88. Malcolm E. Nichols, as Collector of United States Internal Revenue, plaintiff in error, *v.* Harold J. Coolidge, et al. Leave

granted to file brief as *amicus curiae*, on motion of Mr. Abram J. Rose in that behalf.

No. 492. Fox River Paper Company et al., plaintiffs in error, *v.* The Railroad Commission of Wisconsin. Motion to advance submitted by Mr. Herman L. Ekern, Mr. C. A. Erikson, and Mr. Suel O. Arnold for the defendant in error.

No. 416. Walter Nelson et al., appellants, *v.* W. G. Potts, Treasurer of the State of Washington; and

No. 417. W. S. Cunningham et al., appellants, *v.* W. G. Potts, Treasurer of the State of Washington. Motion to dismiss submitted by Mr. E. W. Anderson and Mr. John H. Dunbar for the appellee, in support of the motion, and by Mr. Edwin C. Ewing and Mr. W. R. Crawford for the appellants, in opposition thereto.

No. 154. Oklahoma Natural Gas Company, plaintiff in error, *v.* State of Oklahoma. Motion to substitute Oklahoma Natural Gas Corporation as successor of the Oklahoma Natural Gas Company as the party appellant in this cause submitted by Mr. Lawrence H. Cake in behalf of Mr. David A. Richardson for the appellant, Mr. George F. Short and Mr. J. Berry King for appellee, The State of Oklahoma and Mr. E. S. Ratliff for appellee, The Corporation Commission of Oklahoma.

No. 189. Seid Man, as next friend of Seid Wong, appellant, *v.* John P. Johnson, United States Commissioner of Immigration at Boston, Massachusetts. Appeal from the District Court of the United States for the District of Massachusetts. Dismissed with costs, on motion of counsel for the plaintiff in error.

No. 372. R. B. Morris, doing business as Morris and Lowther, H. M. Hewitt, and Lew Nenamaker, appellants, *v.* William Duby, H. B. Van Duzer, and W. H. Malone, etc. Motion to vacate judgment submitted per stipulation by Mr. W. R. Crawford and Mr. Edwin C. Ewing for the appellants, and by Mr. I. H. Van Winkle, Mr. J. M. Devers, and Mr. Willis S. Moore for the appellees.

No. 592. H. L. Eveland, Hugh Smith, and B. W. Baer, Constituting The Tax Commission of the State of South Dakota, petitioners, *v.* Chicago and Northwestern Railway Company. On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Writ of certiorari dismissed, each party to pay their own costs, per stipulation of counsel.

No. 708. A. S. Rhodes, 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 782. Morton S. Hawkins, petitioner, *v.* The United States of America. Motion for leave to proceed in forma pauperis submitted by Mr. Morton S. Hawkins pro se.

No. 658. S. F. Larsen, plaintiff in error, *v.* The State of Texas. In error to the Court of Criminal Appeals of the State of Texas. Dismissed with costs on motion of counsel for the plaintiff in error.

No. 656. George R. Dale, plaintiff in error, *v.* The State of Indiana. In error to the Supreme Court of the State of Indiana. Dismissed with costs pursuant to the eleventh rule.

No. 666. Knoxville Ice and Cold Storage Company and John F. Shea, plaintiffs in error, *v.* City of Knoxville, B. A. Morton, Mayor, etc. In error to the Supreme Court of the State of Tennessee. Dismissed with costs on motion of counsel for the plaintiff in error.

No. 732. William Bobkowski, in behalf of Sabina Bobkowski, Josephine Bobkowski, et al., petitioners, *v.* Henry H. Curran, 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. 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. Harry F. Sinclair, 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. George P. Hoover, Mr. Martin W. Littleton, Mr. J. W. Zevely, and Mr. G. T. Stanford for the petitioner, and by Mr. Atlee Pomerene, Mr. Owen J. Roberts, and Mr. Peyton Gordon for the respondent.

No. 738. Union Pacific Railroad Company, petitioner, *v.* Herbert W. Boyle. Petition for a writ of certiorari to the Supreme Court of the State of Nebraska submitted by Mr. C. A. Magaw and Mr. N. H. Loomis for the petitioner, and by Mr. Frank L. McCoy for the respondent.

No. 743. Luckenbach Steamship Company, Inc., owner, etc., petitioner, *v.* Union Oil Company of California, Claimant on behalf of itself and its Underwriters on the Steam Tanker, etc., et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Louis T. Hengstler for the petitioner, and by Mr. S. Hasket Derby, Mr. Carroll Single, Mr. William Denman, Mr. William B. Acton, Mr. Edward J. McCutchen, Mr. Warren Olney, jr., and Mr. Farnham P. Griffiths for the respondents.

No. 744. Henry Wilson, F. A. Wilson, W. T. Wilson, et al., petitioners, *v.* Pacific Mail Steamship Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Louis T. Hengstler for the petitioner, and by Mr. Edward J. McCutchen, Mr. Warren Olney, jr., and Mr. Farnham P. Griffiths for the respondents.

No. 745. Chillicothe Furniture Company, petitioner, *v.* Charles G. Revelle, Receiver of Interstate Casualty Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Guy A. Thompson for the petitioner.

No. 746. Broderick and Bascom Rope Company, petitioner, *v.* Luckenbach Steamship Company. Petition for a writ of certiorari to the Supreme Court of the State of Washington submitted by Mr. Winter S. Martin for the petitioner.

No. 747. The Delaware, Lackawanna and Western Railroad Company, petitioner, *v.* The Town of Morristown, Henry Laden, and others. 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. Maximilian M. Stallman for the petitioner, and by Mr. Robert H. McCarter for the respondent.

No. 750. C. G. Cate, 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. T. Pope Shepherd and Mr. Frank S. Carden for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Luhring, Mr. Alfred A. Wheat, and Mr. Harry S. Ridgely for the respondent.

No. 751. The Texas Pipe Line Company, petitioner, *v.* J. L. Ware. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. J. Zach Spearing for the petitioner.

No. 752. The United States of America, petitioner, *v.* James M. Lee, alias James M. Leach. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit submitted by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, and Mr. Alexander Sidney Lanier for the petitioner.

No. 753. John H. Lothrop, petitioner, *v.* Southern Pacific Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. James G.

Wilson and Mr. John F. Reilly for the petitioner, and by Mr. Ben C. Dey and Mr. Alfred A. Hampson for the respondent.

No. 754. John H. Lothrop, petitioner, *v.* Spokane, Portland and Seattle Railway Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. James G. Wilson and Mr. John F. Reilly for the petitioner, and by Mr. Charles H. Carey, Mr. James B. Kerr, and Mr. Charles A. Hart for the respondent.

No. 755. John H. Lothrop, petitioner, *v.* Oregon-Washington Railroad and Navigation Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. James G. Wilson and Mr. John F. Reilly for the petitioner, and by Mr. Arthur C. Spencer for the respondent.

No. 757. American Railway Express Company, petitioner, *v.* Bert Rose and Arthur L. Rowe, Executors under the will of George Rowe. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit submitted by Mr. Austin M. Pinkham and Mr. A. M. Hartung for the petitioner.

No. 758. The Peter Schoenhofen Brewing Company, petitioner, *v.* The Alvey-Ferguson Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. George A. Chritton, Mr. Russell Wiles, and Mr. Frederic D. McKenney for the petitioner, and by Mr. Jo. Baily Brown for the respondent.

No. 759. Robert B. Hudson, a Judge of the District Court of Tulsa County, Oklahoma, petitioner, *v.* Vernon V. Harris, as Receiver of the Riverside Oil and Refining Company et al. Petition for a writ of certiorari to the Supreme Court of the State of Oklahoma submitted by Mr. Henry B. Martin for the petitioner, and by Mr. John B. Dudley and Mr. J. D. Lydick for the respondent.

No. 760. Odie Oland Owens, petitioner, *v.* Vernon V. Harris, as Receiver of the Riverside Oil and Refining Company, et al. Petition for a writ of certiorari to the Supreme Court of the State of Oklahoma submitted by Mr. Henry B. Martin for the petitioner, and by Mr. John B. Dudley and Mr. J. D. Lydick for the respondents.

No. 762. Bank of Montreal, petitioner, *v.* Beacon Chocolate Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Louis L. Dent and Mr. Charles Y. Freeman for the petitioner, and by Mr. Mitchell D. Follansbee for the respondent.

No. 763. Henderson Tire and Rubber Company, petitioner, *v.* Albert L. Reeves and Merrill E. Otis, Judges of the United States District Court, etc., et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Maurice H. Winger for the petitioner.

No. 764. 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. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Forest D. Siefkin for the petitioner and by Mr. Solicitor General Mitchell and Assistant Attorney General Willebrandt and Mr. Sewall Key for the respondent.

No. 767. Frank D. Drake, petitioner, *v.* Sarah Thompson, John R. Thompson, and Iowa Savings Bank. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. William E. Shuman and Mr. Matthew A. Hall for the petitioner, and by Mr. James J. Halligan for the respondents.

No. 314. L. Anthony et al., appellants, *v.* Sam A. Kozer, Secretary of State of the State of Oregon; and

No. 373. I. S. Martine et al., appellants, *v.* Sam A. Kozer, Secretary of State of the State of Oregon. Motion to dismiss submitted and cases submitted on briefs on their merits by Mr. Edwin C. Ewing and Mr. W. R. Crawford for the appellants, and by Mr. I. H. Van Winkle, Mr. J. M. Devers, and Mr. Willis S. Moore for the appellee.

No. 414. The United States of America and The Interstate Commerce Commission, appellants, *v.* The Los Angeles and Salt Lake Railroad Company. Three hours allowed for the oral argument of this case on motion of Mr. Blackburn Esterline in that behalf. Argument commenced by Mr. Blackburn Esterline for appellant, the United States of America, and continued by Mr. Charles E. Hughes for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, January 4, will be as follows: Nos. 414, 416 (and 417), 117, 2, original, 366 (367 and 368), 395, 564, 648, 472, and 61.

## SUPREME COURT OF THE UNITED STATES

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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.

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Walter A. Hill, of St. Louis, Mo.; Towson Price, of Washington, D. C.; John Milton Jester, of Washington, D. C.; Harold H. Neff, of New York City; Wallace Hawkins, of Dallas, Tex.; A. R. Rucks, of Angleton, Tex.; John E. Snowden, of Chicago, Ill.; Holland Huntington, of Tuscaloosa, Ala.; Urban C. Stover, of Washington, D. C.; and Horace R. Lamb, of New York City, were admitted to practice.

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No. 347. Andrew W. Mellon, Director General of Railroads and Agent designated by the President, etc., petitioner, *v.* Wilbur E. Skinner;

No. 348. Andrew W. Mellon, Director General of Railroads and Agent designated by the President, etc., petitioner, *v.* Victor H. Wilson;

No. 349. Andrew W. Mellon, Director General of Railroads and Agent designated by the President, etc., petitioner, *v.* Warren R. Bennison; and

No. 350. Andrew W. Mellon, Director General of Railroads and Agent designated by the President, etc., petitioner, *v.* Peter S. Stoneham. On writs of certiorari to the Supreme Court of the State of Missouri. Dismissed with costs on motion of Mr. Sidney F. Andrews, of counsel for the petitioner.

No. 353. Benjamin or Ben Harmon, plaintiff in error, *v.* Joseph W. Tyler. Motion to advance submitted by Mr. J. Zach Spearing for the defendant in error.

No. 414. The United States of America and Interstate Commerce Commission, appellants, *v.* Los Angeles and Salt Lake Railroad Company. Argument continued by Mr. Charles E. Hughes for the appellee, and concluded by Mr. Patrick J. Farrell for appellant, Interstate Commerce Commission.

No. 416. Walter Nelson, Edwin Powell, John Hicks, et al., etc., et al., appellants, *v.* W. G. Potts, Treasurer of the State of Washington; and

No. 417. W. S. Cunningham, Redmond Freight Company, R. Strain et al., appellants, *v.* W. G. Potts, Treasurer of the State of Washington. Submitted by Mr. W. R. Crawford and Mr. Edwin C. Ewing for the appellants, and by Mr. John H. Dunbar and Mr. E. W. Anderson for the appellees.

No. 117. L. A. Nixon, plaintiff in error, *v.* C. C. Herndon and Charles Porras. Argued by Mr. F. C. Knollenberg and Mr. A. B. Spingarm for the plaintiff in error. No appearance for the defendant in error. Leave granted Mr. Dan Moody to file brief on behalf of the State of Texas within 30 days, with leave to plaintiff in error to file reply thereto within 2 weeks thereafter.

No. 2, original. The State of New Mexico, complainant, *v.* The State of Texas. Argument on exceptions to master's report commenced by Mr. F. W. Clancy for the complainant, and continued by Mr. Thornton Hardie for the complainant.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, January 5, will be as follows: Nos. 2, original, 366 (367 and 368), 395, 564, 648, 472, 61, 63, 80, and 82.

## SUPREME COURT OF THE UNITED STATES

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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.

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Charles D. Council, of Washington, D. C., and John W. Blue, of Tulsa, Okla., were admitted to practice.

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No. 2, original. The State of New Mexico, complainant, *v.* The State of Texas. Argument on exceptions to Master's report concluded by Mr. Dan Moody for the defendant.

No. 366. Frank K. Bowers, Individually and as Collector of Internal Revenue, etc., petitioner, *v.* New York and Albany Lighthouse Company;

No. 367. Frank K. Bowers, Individually and as Collector of Internal Revenue, etc., petitioner, *v.* Lloyd W. Seaman; and

No. 368. Frank K. Bowers, Individually and as Collector of Internal Revenue, etc., petitioner, *v.* Thomas Staples Fuller. Argument commenced by Mr. Charles T. Hendler for the petitioners. The Court declined to hear further argument.

No. 395. The United States of America, plaintiff in error, *v.* Solomon Noveck. Argued by Assistant Attorney General Willebrandt for the plaintiff in error, and by Mr. Ben A. Matthews for the defendant in error.

No. 564. New York, Ontario and Western Railway Company, appellant, *v.* The United States of America and The Interstate Commerce Commission. Argument commenced by Mr. C. L. Andrus for the appellant. The court declined to hear further argument.

No. 648. T. L. Smith, sr., T. L. Smith, jr., The Texas Company, et al., appellants, *v.* Louis J. Wilson, E. C. Tobey, George E. Badge, et al. Argument commenced by Mr. A. D. Lipscomb for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, January 6, will be as follows: Nos. 648, 472, 61, 63, 80, 82, 83, 88, 89, and 91.

## SUPREME COURT OF THE UNITED STATES

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

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David O. Dunbar, of Wheaton, Ill.; Frederick W. Hinckley, of South Portland, Me.; Frederick G. Lisius, of Crown Point, Ind.; George E. Hershman, of Crown Point, Ind.; and Dorsey W. Kellogg, of Buffalo, N. Y., were admitted to practice.

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No. 88. Malcolm E. Nichols, Collector of Internal Revenue, etc., plaintiff in error, *v.* Harold J. Coolidge and Augustus P. Loring, Executors of the Will of Julia Coolidge. Leave granted to file brief of Mary Dean Reed, as Executrix of the Last Will and Testament of Verner Zevola Reed, Deceased, as *amicus curiae*, on motion of Mr. Peter H. Holme in that behalf.

No. 648. T. L. Smith, sr., T. L. Smith, jr., The Texas Company, et al., appellants, *v.* Louis J. Wilson, E. C. Tobey, George E. Badge, et al. Argument concluded by Mr. A. R. Rucks for the appellees.

No. 472. R. Burney Long, plaintiff in error, *v.* State of Louisiana. Argued by Mr. M. C. Scharff for the plaintiff in error. No appearance for the defendant in error.

No. 61. The Louisville and Nashville Railroad Company, appellants, *v.* The United States. Argued by Mr. Benjamin Carter for the appellant, and by Mr. Assistant Attorney General Galloway for the appellee.

No. 63. Jacob Reed's Sons, Inc., appellant, *v.* The United States. Argument commenced by Mr. Frank Davis, jr., for the appellant. The court declined to hear further argument.

No. 80. The Louisville and Nashville Railroad Company, plaintiff in error, *v.* Levy Hall. Argued by Mr. Harry H. Smith for the plaintiff in error, and submitted by Mr. Walter J. Gex for the defendant in error.

No. 82. The Davis Sewing Machine Company, appellant, *v.* The United States. Argument commenced by Mr. Raymond M. Hudson for the appellant. The court declined to hear further argument.



No. 83. Max Siff and Albert L. Siff, Trading as Siff Brothers Company, appellants, *v.* The United States. Argument commenced by Mr. Raymond M. Hudson for the appellants. The court declined to hear further argument.

No. 88. Malcolm E. Nichols, Collector of Internal Revenue, etc., plaintiff in error, *v.* Harold J. Coolidge and Augustus P. Loring, Executors of the Will of Julia Coolidge. Argument commenced by Mr. Thomas H. Lewis, jr., for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, January 7, will be as follows: Nos. 88, 89, 91, 94, 97, 98, 100, 104, 105, and 106.

## SUPREME COURT OF THE UNITED STATES

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

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Lawrence Bristol, of New York City, and Rolla M. Galloway, of Dayton, Ohio, were admitted to practice.

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No. 91. The United States of America *ex rel.* Norwegian Nitrogen Products Company *et al.*, plaintiffs in error, *v.* The United States Tariff Commission, *et al.* Continued on motion of Mr. Solicitor General Mitchell in behalf of counsel.

No. 105. The Barrett Company, appellant, *v.* The United States. Submitted by Mr. George A. King and Mr. William B. King for the appellant, and by Mr. Solicitor General Mitchell for the appellee, with leave to the appellee to file brief by January 8.

No. 88. Malcolm E. Nichols, Collector of Internal Revenue, *etc.*, plaintiff in error, *v.* Harold J. Coolidge and Augustus P. Loring, Executors of the Will of Julia Coolidge. Leave granted to file brief of Russell L. Bradford on behalf of the Farmers' Loan and Trust Company as trustee under a trust indenture made by William Waldorf Astor on May 25, 1916, as *amicus curiae*, on motion of Mr. Russell L. Bradford in that behalf.

No. 106. Jacob M. Dickinson, Receiver, *etc.*, appellant, *v.* The United States. Passed, and case assigned for argument on Monday, January 24 next, on motion of Mr. Benjamin Carter for the appellant.

No. 88. Malcolm E. Nichols, Collector of Internal Revenue, *etc.*, plaintiff in error, *v.* Harold J. Coolidge *et al.*, Executors, *etc.* Argument continued by Mr. Thomas H. Lewis, jr., for the plaintiff in error, and concluded by Mr. Robert G. Dodge for the defendant in error.

No. 89. The State of Ohio *ex rel.* K. B. Allen, plaintiff in error, *v.* Joseph A. Lutz, as Auditor of Montgomery County, Ohio. Submitted by Mr. Earl H. Turner and Mr. Wellmore B. Turner for the plaintiff in error, and by Mr. Ralph E. Hoskot for the defendant in error.

No. 94. The Mosler Safe Company, petitioner, *v.* Ely-Norris Safe Company. Argued by Mr. Samuel Owen Edmonds for the petitioner, and by Mr. Lawrence Bristol for the respondent.

No. 97. The United States *ex rel.* The Charles McCaul Company, plaintiff in error, *v.* Andrew W. Mellon, Secretary of the Treasury. Argument commenced by Mr. William C. Prentiss for the plaintiff in error. The court declined to hear further argument.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, January 10, will be as follows: Nos. 93, 98, 100, 104, 644, 512, 511, 107, 109, and 110.

## SUPREME COURT OF THE UNITED STATES

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

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Daniel G. Moore, of Chicago, Ill.; Stanley Myers, of Portland, Oreg.; Leon W. Behrman, of Portland, Oreg.; Floyd Gilbert Blair, of Boston, Mass.; Walter M. Van Nort, of Dallas, Tex.; Edward H. Cabaniss, of Birmingham, Ala.; Fred J. Hampton, of Gainesville, Fla.; David Clay Bramlette, of Woodville, Miss.; Hudson P. Hibbard, of Los Angeles, Calif.; Frank T. McCoy, of Pawhuska, Okla.; Theodore I. Schwartzman, of Long Beach, N. Y.; Nathan April, of New York City; and J. Alston Atkins, of Muskogee, Okla., were admitted to practice.

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No. 69. State of Missouri at the relation to and use of Wabash Railway Company and Chicago, Rock Island and Pacific Railway Company, plaintiffs in error, *v.* Public Service Commission of Missouri and John A. Kurtz, E. J. Bean, et al., etc., et al. In error 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 Stone.

No. 40. James-Dickinson Farm Mortgage Company and A. D. Dickinson, plaintiffs in error, *v.* Carrie M. Harry. In error to the District Court of the United States for the Eastern District of Illinois. Judgment reversed with costs as to James-Dickinson Farm Mortgage Company and affirmed as to A. D. Dickinson, and the cause remanded to the said district court for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Brandeis.

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The Chief Justice announced the following orders of the court:

No. 362. Liggett and Myers Tobacco Company, petitioner, *v.* The United States of America; and

No. 531. Charles H. Phelps, as surviving partner, etc., petitioner, *v.* The United States. The motion to advance these cases is granted, the cases placed on the summary docket and assigned for argument

on Monday, February 28 next, after the cases heretofore assigned for that day.

No. 492. Fox River Paper Company et al., plaintiffs in error, *v.* Railroad Commission of Wisconsin. The motion to advance this case is granted and the case assigned for argument on Monday, April 11 next, after the case heretofore assigned for that day.

No. 353. Benjamin or Ben Harmon, plaintiff in error, *v.* Joseph W. Tyler. The motion to advance this case is granted and the case assigned for argument on Monday, March 7, next.

No. 372. R. B. Morris, doing business as Morris and Lowther et al., appellants, *v.* Wm. DUBY, H. B. Van Duzer, and W. H. Malone, etc. On consideration of the motion to vacate it is ordered that the decree heretofore entered on October 29 last, be, and it is hereby, vacated, and the case is set for reargument on Monday, February 28 next, after the cases heretofore assigned for that day.

No. 141. Do Wing, appellant, *v.* John P. Johnson, U. S. Commissioner of Immigration. Appeal from the District Court of the United States for the District of Massachusetts. Per curiam: Dismissed on the authority of *Chin Yow v. United States*, 208 U. S. 8, 11; *United States ex rel. Bilokumsky v. Tod*, 263 U. S. 149, 157; *United States ex rel. Tisi v. Tod*, 264 U. S. 131, 133.

No. 739. Fortune Ferguson, jr., plaintiff in error, *v.* The State of Florida. In error to the Supreme Court of the State of Florida. Motion for leave to proceed further in forma pauperis granted. The clerk is hereby directed to have the record herein printed forthwith and to pay the costs hereof as well as the costs already incurred herein by direction of the court from the special fund in his custody as provided in the order of October 29, 1926.

No. 782. Morton S. Hawkins, petitioner, *v.* The United States of America. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Motion for leave to proceed further in forma pauperis denied for the reason that the court, upon inspection of the record herein submitted, finds that there is no ground for certiorari to the Circuit Court of Appeals, application for which is 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. 314. L. Anthony, Alert Transfer and Storage Company, Inc., G. T. Hines, et al., etc., et al., appellants *v.* Sam A. Kozer, Secretary of State; and

No. 373. I. S. Martine, M. C. Yahne, Fred Gordon, et al., appellants, *v.* Sam A. Kozer, Secretary of State of Oregon. Appeals

from the District Court of the United States for the District of Oregon. Per curiam: Dismissed for want of jurisdiction on the authority of *Moore v. Fidelity and Deposit Company*, No. 185, October Term, 1926, November 1, 1926; In re *Buder*, 271 U. S. 461.

No. 416. Walter Nelson, Edwin Powell, John Hicks, et al., etc., et al., appellants, *v. W. G. Potts*, Treasurer of the State of Washington; and

No. 417. W. S. Cunningham; Redmond Freight Company, R. Strain, et al., appellants, *v. W. G. Potts*, Treasurer of the State of Washington. Appeals from the District Court of the United States for the Western District of Washington. Per curiam: Dismissed for want of jurisdiction on the authority of *Moore v. Fidelity and Deposit Company*, No. 185, October Term, 1926, November 1, 1926; In re *Buder*, 271 U. S. 461.

No. 564. New York, Ontario and Western Railway Company, appellant, *v. The United States of America and the Interstate Commerce Commission*. Appeal from the District Court of the United States for the Southern District of New York. Per curiam: Affirmed on the authority of section 207 of the Judicial Code of the United States et al. *v. Illinois Central Railroad Company*, 244, U. S. 82.

No. 472. R. Burney Long, plaintiff in error, *v. State of Louisiana*. In error to the Supreme Court of the State of Louisiana. Per curiam: Dismissed for want of a Federal question on the authority *Shulthis v. McDougal*, 255 U. S. 561, 569; *Hull v. Burr*, 234 U. S. 712, 720; *Norton v. Whiteside*, 239 U. S. 144, 147; and also on the authority of *Herbert v. Louisiana*, No. 24, October Term, 1926, November 1, 1926.

No. 80. Louisville and Nashville Railroad Company, plaintiff in error, *v. Levy Hall*. In error to the Supreme Court of the State of Mississippi. Per curiam: Dismissed for want of jurisdiction under section 237 of the Judicial Code, there not appearing in the record of the case before the entry of a final judgment to which this writ of error was allowed that the validity of any statute of the State was drawn in question in the State court. *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. 83. Max Siff and Albert L. Siff, Trading as Siff Brothers Company, appellants *v. The United States*. Appeal from the Court of Claims. Per curiam: Affirmed upon the authority of *Chamberlain Machine Works v. The United States*, 270 U. S. 347.

No. 89. The State of Ohio ex rel. K. B. Allen, plaintiff in error, *v. Joseph A. Lutz*, as Auditor of Montgomery County, Ohio. In error to the Supreme Court of the State of Ohio. Per curiam:

Dismissed under section 237 of the Judicial Code, it not appearing in the record of the case that prior to the final judgment to which this writ of error was allowed there was any challenging averment that the act of the Ohio Legislature in question was repugnant to the Constitution or laws of the United States. *Shulthis v. McDougal*, 225 U. S. 561, 569; *Hull v. Burr*, 234 U. S. 712, 720; *Norton v. White-side*, 239 U. S. 144, 147.

No. 97. The United States ex rel. The Charles McCaul Company, plaintiff in error, *v.* Andrew W. Mellon, Secretary of the Treasury. In error to the Court of Appeals of the District of Columbia. Per curiam: Dismissed for want of finality in the judgment below on the authority of *Oneida Navigation Corporation v. Job and Company*, 252 U. S. 521, 522; *Collins v. Miller*, 252 U. S. 364, 370.

No. 744. Henry Wilson, F. A. Wilson, W. T. Wilson, et al., petitioners, *v.* Pacific Mail Steamship Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted.

No. 747. The Delaware, Lackawanna and Western Railroad Company, petitioner, *v.* The Town of Morristown, Henry Laden, and others. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit granted.

No. 752. The United States of America, petitioner, *v.* James M. Lee, alias James M. Leach. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit granted.

No. 764. Jessie L. Wickwire, Individually and as Executrix and Trustee under the Last Will and Testament of Edward L. Wickwire, petitioner, *v.* Mabel G. Reinecke, as Collector and as Acting Collector of Internal Revenue, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted.

No. 732. William Bobkowski, in behalf of Sabina Bobkowski, Josephine Bobkowski, et al., petitioners, *v.* Henry H. Curran, 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 denied.

No. 736. Harry F. Sinclair, 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. 738. Union Pacific Railroad Company, petitioner, *v.* Herbert W. Boyle. Petition for a writ of certiorari to the Supreme Court of the State of Nebraska denied.

No. 743. Luckenbach Steamship Company, Inc., owner of the Steamship *Walter A. Luckenbach*, petitioner, *v.* Union Oil Company of California, Claimant on behalf of itself and its Underwriters on the Steam Tanker, etc., et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 745. Chillicothe Furniture Company, petitioner, *v.* Charles G. Revelle, Receiver of Interstate Casualty Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 746. Broderick and Bascom Rope Company, petitioner, *v.* Luckenbach Steamship Company. Petition for a writ of certiorari to the Supreme Court of the State of Washington denied.

No. 750. C. G. Cate, 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. 751. The Texas Pipe Line Company, petitioner, *v.* J. L. Ware. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 753. John H. Lothrop, petitioner, *v.* Southern Pacific Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 754. John H. Lothrop, petitioner, *v.* Spokane, Portland and Seattle Railway Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 755. John H. Lothrop, petitioner, *v.* Oregon-Washington Railroad and Navigation Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 757. American Railway Express Company, petitioner, *v.* Bert Rose and Arthur L. Lowe, Executors under the Will of George Rose. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 758. The Peter Schoenhofen Brewing Company, petitioner, *v.* The Alvey-Ferguson Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 759. Robert B. Hudson, a Judge of the District Court of Tulsa County, Oklahoma, petitioner, *v.* Vernon V. Harris, as Receiver of the Riverside Oil and Refining Company, J. B. Dydley, and J. D. Lydick. Petition for a writ of certiorari to the Supreme Court of the State of Oklahoma denied.

No. 760. Odie Oland Owens, petitioner, *v.* Vernon V. Harris, as Receiver of the Riverside Oil and Refining Company, J. D. Dydley,



and J. D. Lydick. Petition for a writ of certiorari to the Supreme Court of the State of Oklahoma denied.

No. 762. Bank of Montreal, petitioner, *v.* Beacon Chocolate Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 763. Henderson Tire and Rubber Company, petitioner, *v.* Albert L. Reeves and Merrill E. Otis, Judges of the United States District Court, etc., et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 767. Frank D. Drake, petitioner, *v.* Sarah Thompson, John R. Thompson, and Iowa Savings Bank. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

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No. 802. The United States, appellant, *v.* Huron Navigation Company. Appeal from the Court of Claims. Dismissed and mandate granted on motion of Mr. Solicitor General Mitchell for the appellant.

No. 133. Everett Flint Damon ex rel. Chin Wing Dip, appellant, *v.* John P. Johnson, U. S. Commissioner of Immigration. Motion to affirm submitted by Mr. Solicitor General Mitchell for the appellee in support of the motion, and by Mr. Everett Flint Damon for the appellant in opposition thereto.

No. 697. The United States of America, petitioner, *v.* Moritz Neuberger. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Case remanded to the District Court of the United States for the Southern District of New York with instructions to dismiss the original petition for naturalization therein on the ground that the question involved has been rendered moot through the admission of the respondent to citizenship on December 20, 1926, on a new petition for naturalization filed September 1, 1926, per stipulation of counsel on motion of Mr. Solicitor General Mitchell in that behalf.

No. 133. Everett Flint Damon ex rel. Chin Wing Dip, appellant, *v.* John P. Johnson, U. S. Commissioner of Immigration. Motion to remand to the United States Circuit Court of Appeals for the First Circuit submitted by Mr. Everett Flint Damon for the appellant.

No. —. In re Disbarment of Sidney A. Schwartz. Order of Disbarment ordered to issue on motion of Mr. Hugh B. Rowland in behalf of the grievance committee of the bar of the Supreme Court of the District of Columbia.

No. 187. Oklahoma Natural Gas Company, plaintiff in error, *v.* The State of Oklahoma, The Corporation Commission of the State of Oklahoma, Shawnee Gas and Electric Company, et al. Motion

to substitute the Oklahoma Natural Gas Corporation as successor of the Oklahoma Natural Gas Company as the party plaintiff in error in this cause submitted by Mr. Lawrence H. Cake in that behalf.

No. 761. Lucey Manufacturing Corporation, petitioner, *v.* Malcolm F. Morlan. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Godfrey Goldmark and Mr. Albert H. Crutcher for the petitioner, and by Mr. Oscar Lawler for the respondent.

No. 770. F. H. Mason, petitioner, *v.* C. F. Routzahn, Collector of Internal Revenue. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. S. M. Jett and Mr. Horace Andrews for the petitioner and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, and K. L. Campbell for the respondent.

No. 773. Arturo Mendez, petitioner, *v.* Justices Bingham. Anderson, and Johnson. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit submitted by Mr. Felix Cordova Davila for the petitioner and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, and Mr. John J. Byrne for the respondents.

No. 774. Frank Sofge, petitioner, *v.* John W. Snook, Warden of the United States Penitentiary at Atlanta. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Hooper Alexander, and Mr. Thomas W. Hardwick for the petitioner and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Luhring, and Mr. Harry S. Ridgely for the respondent.

No. 777. The Utah Construction Company et al., petitioners, *v.* United States of America for the use and benefit of H. Lindstrom et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. B. M. Aikens for the petitioners and by Mr. H. W. Hutton, Mr. Herman Phleger, and Mr. Fletcher G. Flaherty for the respondents.

No. 110. Lucy Fisher, James Charles, Ellen Stake, née Charles et al., plaintiffs in error, *v.* C. J. Crider. Submitted by Mr. William Neff for the plaintiff in error. No appearance for the defendant in error.

No. 93. Charleston, South Carolina, Mining and Manufacturing Company, appellant, *v.* The United States of America. Argument commenced by Mr. Edwin C. Brandenburg for the appellant, continued by Mr. Solicitor General Mitchell for the appellee, and concluded by Mr. William Wade Hampton for the appellant.

No. 98. W. G. Begley, plaintiff in error, *v.* Alice Erasime. Argued by Mr. Cleon K. Calvert for the plaintiff in error. No appearance for the defendant in error. Leave granted to file brief of Alice Erasime, the defendant in error, pro se on motion of Mr. Cleon K. Calvert in that behalf.

No. 100. The United States, appellant, *v.* Burton Coal Company. Argued by Mr. Assistant Attorney General Galloway for the appellant, and by Mr. Maclay Hoyne for the appellee.

No. 104. Morgan's Louisiana and Texas Railroad and Steamship Company et al., petitioners, *v.* F. A. Cocke. Argument commenced by Mr. Harry McCall for the petitioners, continued by Mr. Fred H. Lotterhos for the respondent, and concluded by Mr. Charles N. Burch for the petitioners.

No. 644. Byron Dunn and Robert Dunn, plaintiffs in error, *v.* The State of Louisiana. Argument commenced by Mr. M. G. Adams for the plaintiffs in error. The court declined to hear further argument. Cause submitted on application for writ of certiorari by Mr. M. G. Adams for the plaintiffs in error in support of the application, and by Mr. John J. Robira for the defendant in error in opposition thereto.

No. 512. Frederick L. Miller, plaintiff in error, *v.* The State of Oregon. Argument commenced by Mr. Edward W. Wickey for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, January 11, will be as follows: Nos. 512, 511, 107, 109, 112, 114, 118, 120, 121, and 122.

## SUPREME COURT OF THE UNITED STATES

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

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Ralph W. Bilby, of Tucson, Ariz.; Edmund S. Kochersperger, of Washington, D. C.; Frederick W. Piper, of Seattle, Wash.; William Douglas Arant, of Birmingham, Ala.; and Henry E. May, of Denver, Colo., were admitted to practice.

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No. 112. City and County of Denver, appellant, *v.* E. Stenger, as Receiver of the Denver Tramway Company. Brief of Myron H. Walker, as amicus curiae, filed as a supplemental brief on behalf of the appellant, ordered to be withdrawn, on motion of Mr. Thomas H. Gibson in that behalf.

No. 114. Thomas M. Adams, appellant, *v.* The United States. Continued per stipulation of counsel.

No. 118. W. H. Donham, as Prosecuting Attorney for the Sixth Judicial Circuit of the State of Arkansas et al., appellants, *v.* West-Nelson Manufacturing Company. Submitted by Mr. J. W. Utley, Mr. William T. Hammock, and Mr. Brooks Hays for the appellants, and by Mr. George A. McConnell for the appellee.

No. 512. Frederick L. Miller, plaintiff in error, *v.* State of Oregon. Argument continued by Mr. Edward W. Wickey for the plaintiff in error. The court declined to hear further argument.

No. 511. The Pueblo of Santa Rosa, petitioner, *v.* Albert B. Fall, Secretary, etc., et al. Argument commenced by Mr. W. C. Reid for the petitioner, continued by Mr. Solicitor General Mitchell for the respondents, and concluded by Mr. H. P. Hibbard for the petitioner.

No. 107. Missouri Pacific Railroad Company, plaintiff in error, *v.* E. W. Porter and D. S. Weaver, doing business, etc. Submitted by Mr. Thomas T. Railey, Mr. Edward J. White, Mr. E. B. Kinsworthy, and Mr. Robert E. Wiley for the plaintiff in error, and by Mr. J. C. Marshall for the defendants in error.

No. 109. Minerva Jones et al., etc., et al., appellants, *v.* The Prairie Oil and Gas Company. Argument commenced by Mr. J. A. Atkins for the appellants, continued by Mr. J. L. Hull for the appellee, and concluded by Mr. Carter W. Wesley for the appellants.

No. 112. City and County of Denver, appellant, *v.* E. Stenger, as Receiver of the Denver Tramway Company. Argument commenced by Mr. Thomas H. Gibson for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, January 12, will be as follows: Nos. 112, 120, 121, 122, 123, 124, 125, 126, 128, and 129.

## SUPREME COURT OF THE UNITED STATES

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

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Fred A. Woodis, of Washington, D. C.; Clifford B. Longley, of Detroit, Mich.; and Raymond E. Watson, of Kansas City, Mo., were admitted to practice.

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No. 128. People of the State of New York ex rel. International Bridge Company, plaintiff in error, *v.* State Tax Commission. Continued per stipulation of counsel.

No. 112. City and County of Denver, appellant, *v.* E. Stenger, as Receiver of The Denver Tramway Company. Argument continued by Mr. Thomas H. Gibson for the appellant, by Mr. Henry E. May for the appellant, and concluded by Mr. Gerald Hughes for the appellee.

No. 120. Louisiana and Western Railroad Company, plaintiff in error, *v.* John B. Gardiner. Argued by Mr. Harry McCall for the plaintiff in error. No appearance for the defendant in error.

No. 121. A. J. Thigpen and A. J. Thigpen, jr., plaintiffs in error, *v.* Midland Oil Company. Argument commenced by Mr. Frank McCoy for the plaintiffs in error. The court declined to hear further argument.

No. 122. Samuel A. Myers and Harry Myers, copartners as S. A. and H. Myers, petitioners, *v.* International Trust Company. Argument commenced by Mr. Edward E. McClennen for the petitioners and continued by Mr. John R. Lazenby for the respondent.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, January 13, will be as follows: Nos. 122, 123, 124, 125, 126, 129, 131, 132, 134, and 136.

## SUPREME COURT OF THE UNITED STATES

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

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L. R. Weinmann, of Alameda, Calif.; Frederick M. DeNeffe, of Portland, Oreg.; and Clifford K. Pullen, of New York City, were admitted to practice.

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No. 122. Samuel A. Myers and Harry Myers, copartners as S. A. and H. Myers, petitioners, *v.* International Trust Company. Argument continued by Mr. John R. Lazenby for the respondent and concluded by Mr. Edward F. McClennen for the petitioners.

No. 123. The United States of America, appellant, *v.* Shelby Iron Company of New Jersey and Shelby Iron Company of Alabama. Argued by Mr. Gardiner P. Lloyd for the appellant and by Mr. E. H. Cabaniss for the appellees. Leave granted to file additional brief for the appellee within 10 days on motion of Mr. E. H. Cabaniss in that behalf.

No. 124. Great Northern Railway Company, plaintiff in error, *v.* The State of Minnesota. Argument commenced by Mr. F. G. Dorety for the plaintiff in error and continued by Mr. Patrick J. Ryan for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, January 14, will be as follows: Nos. 124, 125, 126, 129, 131, 132, 134, 136, 137, and 138.

12934—27—50

## SUPREME COURT OF THE UNITED STATES

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

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John M. Raymond, of Boston, Mass.; James F. Meagher, of Boston, Mass.; Paul F. Perkins, of Boston, Mass.; Leo W. Simon, of Washington, D. C.; Jerome R. Cox, of Washington, D. C.; and Frederick Backmann, of New York City, were admitted to practice.

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No. 132. William C. Atwater and Company, Incorporated, appellant, *v.* The United States. Continued per stipulation of counsel.

No. 124. Great Northern Railway Company, plaintiff in error, *v.* State of Minnesota. Argument concluded by Mr. Patrick J. Ryan for the defendant in error.

No. 125. Fred T. Ley and Company, Inc., appellant, *v.* The United States. Argument commenced by Mr. George A. King for the appellant. The court declined to hear further argument.

No. 126. Frank C. Mebane, as Receiver of Symes Foundation, Inc., and American Title and Trust Company, plaintiffs in error, *v.* Staten Island Railway Company et al. Argument commenced by Mr. Hugh H. O'Bear for plaintiff in error, Symes Foundation, Inc., and continued by Mr. Benjamin Catchings for plaintiff in error, Frank C. Mebane, as Receiver, etc. The court declined to hear further argument.

No. 131. R. B. Smyer and United States Fidelity and Guaranty Company, appellants, *v.* The United States of America. Argued by Mr. E. J. Smyer for the appellants, and by Mr. Gardiner P. Lloyd for the appellee.

No. 129. Oregon Basin Oil and Gas Company, appellant, *v.* Hubert Work, Secretary of the Interior et al. Argument commenced by Mr. Charles F. Consaul for the appellant.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, January 17, will be as follows: Nos. 129, 134, 136, 137, 138, 507, 412, 276, 669, 705, and 655.



## SUPREME COURT OF THE UNITED STATES

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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.

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Arthur E. Fixel, of Detroit, Mich.; R. Lester Moore, of Pittsburgh, Pa.; Walter G. Moyle, of Washington, D. C.; Benjamin D. Friedman, of Washington, D. C.; Carl G. Bachmann, of Wheeling, W. Va.; George C. Ober, jr., of Washington, D. C.; James M. Snee, of New York City; Edward J. Callahan, of Minneapolis, Minn.; William C. De Lacy, of Washington, D. C.; Arthur Schramm, of Seattle, Wash.; Edward L. McDonald, of Lexington, Ky.; and Moses B. Lairy, of Indianapolis, Ind., were admitted to practice.

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No. 53. Great Northern Railway Company and Central Union Trust Company of New York, appellants, *v.* Howard Sutherland, as Alien Property Custodian of the United States. Appeal from the District Court of the United States for the Southern District of New York. Decree affirmed with costs. Opinion by Mr. Justice Brandeis. Dissenting: Mr. Justice Sutherland, Mr. Justice Sanford, and Mr. Justice Stone.

No. 28. John J. McGrain, Deputy Sergeant at Arms of the United States Senate, appellant, *v.* Mally S. Daugherty. Appeal from the District Court of the United States for the Southern District of Ohio. Final order reversed with costs, and the cause remanded to the said district court for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Van Devanter. Mr. Justice Stone took no part in the consideration or decision of this case.

No. 94. The Mosler Safe Company, petitioner, *v.* Ely-Norris Safe Company. 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 Holmes.

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The Chief Justice announced the following orders of the court:

No. —, original. *Ex parte*: Lloyd C. Whitmann et al., petitioners. The motion for leave to file petition for writ of habeas corpus herein is denied.

No. 133. Everett Flint Damon *ex rel.* Chin Wing Dip, appellant, *v.* John P. Johnson, United States Commissioner of Immigration, Appeal from the District Court of the United States for the District of Massachusetts. *Per curiam*: Affirmed on the authority of *Chin Yow v. The United States*, 208 U. S. 11; *United States ex rel. Bilokumsky v. Tod*, 263 U. S. 149, 157; *United States ex rel. Tisi v. Tod*, 264 U. S. 131, 133.

No. 110. Lucy Fisher, James Charles, Ellen Stake, née Charles, et al., plaintiffs in error, *v.* E. J. Crider. In error to the Supreme Court of the State of Oklahoma. *Per curiam*: Writ of error dismissed for want of jurisdiction on the authority of section 237 of the Judicial Code, as amended by the act of September 16, 1916, c. 448, sec. 2, 39 Stat. 726; *Jett Bros. Distilling Co. v. Carrollton*, 252 U. S. 1, 5-6; *Tiger v. Fewell*, 271 U. S. 649. Motion for rehearing of the application for certiorari also denied.

No. 98. W. G. Begley, plaintiff in error, *v.* Alice Erasime. In error to the Court of Appeals of the State of Kentucky. *Per curiam*: Dismissed for want of jurisdiction on the authority of (1) *Farrell v. O'Brien*, 199 U. S. 89, 100; *Toop v. Ulysses Land Co.*, 237 U. S. 580, 583; *Piedmont Power and Light Company v. Town of Graham*, 253 U. S. 193, 195; *Seaboard Air Line v. Padgett*, 236 U. S. 668, 671; (2) *Murray's Lessee v. Hoboken Land and Improvement Co.*, 18 How. 272, 276; *Ownbey v. Morgan*, 256 U. S. 94.

No. 104. Morgans' Louisiana and Texas Railroad and Steamship Company and Yazoo and Mississippi Valley Railroad Company, petitioners, *v.* F. A. Cocke. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. *Per curiam*: Reversed on the authority of *A. J. Phillips Co. v. Grand Trunk Western Ry. Co.*, 236 U. S. 662; *Kansas City Southern Ry. Co. v. Wolf*, 261 U. S. 133; *Fullerton-Krueger Lumber Co. v. Northern Pacific Ry. Co.*, 266 U. S. 435; *William Danzer and Co., v. Gulf and Ship Island R. R. Co.*, 268 U. S. 633.

No. 644. Bryon Dunn and Robert Dunn, plaintiffs in error, *v.* The State of Louisiana. In error to the Supreme Court of the State of Louisiana. *Per curiam*: Writ of error dismissed for want of a sub-

stantial Federal constitutional question 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 and Light Co., v. Town of Graham*, 263 U. S. 193, 195; *Seaboard Air Line v. Padgett*, 236 U. S. 668, 671. Application for certiorari also denied.

No. 512. Frederick L. Miller, plaintiff in error, *v. State of Oregon*. In error to the Supreme Court of the State of Oregon. Per curiam: Affirmed on the authority of *Nash v. The United States*, 229 U. S. 373.

No. 118. W. H. Donham, as Prosecuting Attorney for the Sixth Judicial Circuit of the State of Arkansas, et al., etc., appellants, *v. West-Nelson Manufacturing Company*. Appeal from the District Court of the United States for the Eastern District of Arkansas. Per curiam: Affirmed on the authority of *Adkins v. Children's Hospital of the District of Columbia*, 261 U. S. 525; *Murphy v. Sardell*, 269 U. S. 530. Mr. Justice Brandeis dissents.

No. 112. City and County of Denver, appellant, *v. E. Stenger*, as Receiver of the Denver Tramway Company. Appeal from the District Court of the United States for the District of Colorado. Per curiam: Appeal transferred to the United States Circuit Court of Appeals for the Eighth Circuit under the authority of the act of September 14, 1922, c. 305, 42 Stat. 837, and of the following cases: *Aspen Mining and Smelting Co. v. Billings*, 150 U. S., 31, 37; *Brown v. Alton Water Co.*, 222 U. S. 325, 331-334; *Carter v. Roberts*, 177 U. S. 496, 500; *Union Trust Co. v. Westhus*, 228 U. S. 519, 522, 524; *Metropolitan Water Co. v. Kaw Valley Drainage District*, 223 U. S. 519, 522-524; *Shapiro v. The United States*, 235 U. S. 412, 415-417; *Farmers and Mechanics National Bank v. Wilkinson*, 266 U. S. 503, 506.

No. 121. A. J. Thigpen and A. J. Thigpen, jr., plaintiffs in error, *v. Midland Oil Company*. In error to the United States Circuit Court of Appeals for the Eighth Circuit. Per curiam: Writ of error dismissed for want of finality in the judgment of the court below, on the authority of *Keike v. United States*, 217 U. S. 423, 429. Application for certiorari also denied.

No. 124. Great Northern Railway Company, plaintiff in error, *v. State of Minnesota*. In error to the Supreme Court of the State of Minnesota. Per curiam: Dismissed for want of jurisdiction resulting from an insufficient setting forth and waiver of the claim of a substantial Federal constitutional question in the court below on the authority of *Sayward v. Denny*, 158 U. S. 180; *Oxley Stave Co. v. Butler Co.*, 166, U. S. 648, 655; *Jett Bros. Co. v. City of Carrollton*, 252 U. S. 1, 6.

No. 126. Frank C. Mebane, as Receiver of Symes Foundation, Inc., and American Title and Trust Company, plaintiffs in error, *v.* Staten Island Railway Company, Staten Island Rapid Transit Railway Company, New York Transit and Terminal Company et al. In error to the Supreme Court of the State of New York. *Per curiam*: Dismissed for want of jurisdiction for want of a substantial Federal constitutional question 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 and Light Co. v. Town of Graham*, 253 U. S. 193, 195; *Seaboard Air Line v. Padgett*, 236 U. S. 668, 671.

No. 761. Lucey Manufacturing Corporation, petitioner, *v.* Malcolm F. Morlan. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 770. F. H. Mason, petitioner, *v.* C. F. Routzahn, Collector of Internal Revenue. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit granted.

No. 773. Arturo Mendez, petitioner, *v.* Justices Bingham, Anderson, and Johnson. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 774. Frank Sofge, petitioner, *v.* John W. Snook, Warden of the United States Penitentiary at Atlanta. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 777. The Utah Construction Company and The Aetna Casualty and Surety Company, petitioners, *v.* United States of America for the use and benefit of H. Lindstrom et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

#### ORDER

No. 101. James Duignan, appellant, *v.* The United States of America et al.

No. 722. J. J. Eiseman and Alexander R. Abrams, plaintiffs in error, *v.* The People of the State of California; and

No. 723. Holmes Ives and N. J. Whelan, plaintiffs in error, *v.* The People of the State of California.

No. 725. Fairmont Creamery Company, plaintiff in error, *v.* The State of Minnesota.

No. 739. Fortune Ferguson, jr., plaintiff in error, *v.* The State of Florida.

No. 106. Jacob M. Dickinson, Receiver, etc., appellant, *v.* The United States. It is now here ordered by this court that these cases,

heretofore assigned for argument on Monday, January 24, be, and they are hereby, reassigned for argument, on Monday, February 21, next.

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ORDER

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The court will take a recess from Monday, January 24, until Monday, February 21 next.

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No. 160. The United States of America, plaintiff in error, *v.* American Refining Company. In error to the District Court of the United States for the Northern District of Texas. Dismissed on motion of Mr. Solicitor General Mitchell for the plaintiff in error.

No. 161. American Refining Company, plaintiff in error, *v.* The United States of America. In error to the District Court of the United States for the Northern District of Texas. Reversed on confession of error on motion of Mr. Solicitor General Mitchell for the defendant in error.

No. 134. Twin City Forge and Foundry Company, appellant, *v.* The United States. Continued on motion of Mr. Solicitor General Mitchell in that behalf.

No. 69. State of Missouri at the relation to and use of Wabash Railway Company and Chicago, Rock Island and Pacific Railway Company, plaintiffs in error, *v.* Public Service Commission of Missouri et al., etc., et al. Mandate granted on motion of Mr. Oliver Senti for the defendant in error.

No. 778. Orla Rubsamin, individually and as Receiver, etc., petitioner, *v.* Carl H. Schultz, a corporation, et al. Motion for leave to file petition for writ of certiorari nunc pro tunc submitted by Mr. David Steckler for the petitioner.

No. 507. Arnold J. Hellmich, United States Collector of Internal Revenue, petitioner, *v.* Missouri Pacific Railroad Company. Leave granted to file brief of the Boston and Maine Railroad as amicus curiae on motion of Mr. James S. Y. Ivins in that behalf.

No. 791. L. M. Willcuts, Collector of Internal Revenue for the District of Minnesota, petitioner, *v.* Milton Dairy Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Solicitor General Mitchell, Mr. A. W. Gregg, and Mr. J. R. Wheeler for the petitioner, and by Mr. Haydn S. Cole for the respondent.

No. 665. The Celluloid Company, plaintiff in error, *v.* Commonwealth of Massachusetts. In error to the Supreme Judicial Court of the State of Massachusetts. Dismissed with costs on motion of counsel for the plaintiff in error.

No. 152. Helene A. Kny, Sole Executrix of the estate of Richard Kny, deceased, appellant, *v.* Thomas W. Miller, as Alien Property Custodian, and Frank White, as Treasurer of the United States. Appeal from the Court of Appeals of the District of Columbia. Dismissed with costs on motion of counsel for the appellant.

No. 129. Oregon Basin Oil and Gas Company, appellant, *v.* Hubert Work, Secretary of the Interior, et al. Argument continued by Mr. Solicitor General Mitchell for the appellees, and concluded by Mr. Charles F. Consaul for the appellant.

No. 136. Northern Railway Company, petitioner, *v.* Donald Page et al., Administrators of the estate of Michael B. Ryan, deceased. Argued by Mr. Robert G. Dodge for the petitioner, and by Mr. Charles P. Perkins for the respondent.

No. 137. The State of Missouri ex rel. Joseph J. Luechtefeld and F. William Kuehl, plaintiffs in error, *v.* Henry W. Kiel, Louis Notte, and Oliver Senti. Argument commenced by Mr. Luke E. Hart for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, January 18, will be as follows: Nos. 137, 138, 507, 412, 276, 669, 705, 655, 139, and 142.

SUPREME COURT OF THE UNITED STATES

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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.

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John F. Rhodes, of Kansas City, Mo.; Samuel E. Darby, jr., of New York City; Mathieu M. Proujansky, of New York City; Winfield Scott, of Enid, Okla.; and Cornelius A. Parker, of Boston, Mass., were admitted to practice.

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No. 137. The State of Missouri ex rel. Joseph J. Luechtefeld and F. William Kuehl, plaintiffs in error, *v.* Henry W. Kiel, Louis Notte, and Oliver Senti. Argument continued by Mr. Luke E. Hart for the plaintiff in error. The Court declined to hear further argument.

No. 138. Industrial Engineering Company, appellant, *v.* The United States. Argued by Mr. Assistant Attorney General Gallo-way for the appellee, and case submitted by Mr. Raymond M. Hudson for the appellant.

No. 507. Arnold J. Hellmich, United States Collector of Internal Revenue, petitioner, *v.* Missouri Pacific Railroad Company. Argued by Assistant Attorney General Willebrandt for the petitioner, and by Mr. Edward J. White for the respondent.

No. 412. Bedford Cut Stone Company et al., petitioners, *v.* Journeymen Stone Cutters Association of North America et al. Argument commenced by Mr. Walter Gordon Merritt for the petitioners, continued by Mr. Moses B. Lairy for the respondents, and concluded by Mr. Daniel Davenport for the petitioners.

No. 276. E. A. Edenfield, petitioner, *v.* The United States of America. Argument commenced by Mr. W. W. Larson for the petitioner.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, January 19, will be as follows: Nos. 276, 669, 705, 655, 139, 142, 147, 148, 149, and 150.

## SUPREME COURT OF THE UNITED STATES

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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.

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Charles F. Creal, of Frankfort, Ky.; Walter Wyatt, of Washington, D. C.; and Weldon A. Dayton, of Chicago, Ill., were admitted to practice.

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No. 276. E. A. Edenfield, petitioner, *v.* The United States of America. Argument continued by Mr. W. W. Larsen for the petitioner. The court declined to hear further argument.

No. 669. The United States of America, petitioner, *v.* Leib Ritterman. Argued by Mr. Solicitor General Mitchell for the petitioner, and by Mr. Albert Mac C. Barnes, jr., for the respondent.

No. 705. Robert David Kercheval, etc., petitioner, *v.* The United States of America. Argued by Mr. Edward J. Callahan for the petitioner, and by Mr. Assistant to the Attorney General Donovan for the respondent.

No. 655. Arthur Maul, petitioner, *v.* The United States of America. Argument commenced by Mr. Nathan April for the petitioner.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, January 20, will be as follows: Nos. 655, 139, 142, 147, 148, 149, 150, 151, 153, and 154.

12934-27-54



## SUPREME COURT OF THE UNITED STATES

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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.

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Samuel M. Shortridge, jr., of San Francisco, Calif., and Albert L. Reed, of Dallas, Tex., were admitted to practice.

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No. 153. Huron Navigation Corporation, appellant, *v.* The United States. Appeal from the Court of Claims. Dismissed per stipulation of counsel.

No. 154. Oklahoma Natural Gas Company, plaintiff in error, *v.* The State of Oklahoma. Continued per stipulation of counsel.

No. 655. Arthur Maul, petitioner, *v.* The United States of America. Argument continued by Mr. Nathan April for the petitioner, and concluded by Assistant Attorney General Willebrandt for the respondent.

No. 139. A. L. Ferguson and A. L. Ferguson, as Executor and Trustee, etc., et al., appellants, *v.* The United States. Argument commenced by Mr. Raymond M. Hudson for the appellants. The court declined to hear further argument.

No. 142. De Forest Radio Telephone and Telegraph Company, appellant, *v.* The United States. Argued by Mr. Samuel E. Darby, jr., for the appellant, and by Mr. Assistant Attorney General Galloway for the appellee.

No. 147. James McDonald, jr., and James McDonald, III, and Alexander McDonald, Infants, etc., petitioners, *v.* Lawrence Maxwell and Fulton Trust Company, Executors. Argued by Mr. Charles V. Imlay for the petitioners, and by Mr. Frederic D. McKenney for the respondents.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, January 20, will be as follows: Nos. 148, 465, 149, 150, 151, 155, 158, 159, 162, and 164.

## SUPREME COURT OF THE UNITED STATES

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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.

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Henry Davis, of St. Louis, Mo.; Ella Cramer Kindred, of De Land, Fla.; John J. Kindred, of De Land, Fla.; and Joseph F. Lockett, of Boston, Mass., were admitted to practice.

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No. 165. Max Weksler, plaintiff in error, *v.* Morgan G. Collins, Superintendent of Police, et al. Leave granted to withdraw the appearance of Mr. Joseph G. Slottow as counsel for the plaintiff in error, on motion of Mr. Sam G. Bratton in that behalf.

No. 155. Ben E. Hayman, appellant, *v.* City of Galveston, Bayliss E. Harris, J. E. Pearce, et al., etc. Submitted by Mr. D. A. Simmons, for the appellant. No brief filed for the appellees.

No. 148. Swiss Oil Corporation, plaintiff in error, *v.* William H. Shanks, Auditor of Public Accounts for the Commonwealth of Kentucky. Argued by Mr. A. Owsley Stanley for the plaintiff in error, and by Mr. Charles F. Creal for the defendant in error.

No. 465. Wallace R. Farrington, Governor of the Territory of Hawaii, et al., petitioners, *v.* T. Tokushige, et al. Argued by Mr. William B. Lymer for the petitioners, and by Mr. Joseph Lightfoot for the respondents.

Adjourned until Monday next at 12 o'clock.

## SUPREME COURT OF THE UNITED STATES

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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.

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Kenneth Dayton, of New York City; Harold S. Deming, of New York City; James L. Madden, of Washington, D. C.; William H. Hudgins, of Baltimore, Md.; Kenneth N. Parkinson, of Washington, D. C.; Samuel Louis Shore, of Minneapolis, Minn.; Robert Robinson, of Boston, Mass.; Joseph R. McCoole, of Dedham, Mass.; Declan W. Corcoran, of Boston, Mass.; Eugene D. Bennett, of San Francisco, Calif.; Oscar E. Buder, of St. Louis, Mo.; Gustavus A. Buder, jr., of St. Louis, Mo.; John Rogers, of Tulsa, Okla.; and Hubert Ambrister, of Oklahoma City, Okla., were admitted to practice.

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No. 63. Jacob Reed's Sons, Inc., appellant, *v.* The United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Brandeis.

No. 395. The United States of America, plaintiff in error, *v.* Solomon Noveck. In error to the District Court of the United States for the Southern District of New York. 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 Brandeis.

No. 109. Minerva Jones, Philip A. Lewis, and Carter W. Wesley, Trustees, etc., et al., appellants, *v.* The Prairie Oil and Gas Company. Appeal from the District Court of the United States for the Northern District of Oklahoma. Decree affirmed with costs. Opinion by Mr. Justice Holmes.

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The Chief Justice announced the following orders of the court:

No. 778. Orla Rubsamin, individually and as Receiver, etc., petitioner, *v.* Carl H. Schultz, a corporation et al. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. The motion for leave to file petition for writ of certiorari nunc pro tunc is denied and the petition already filed is therefore stricken from the files.

No. 791. L. M. Willcuts, Collector of Internal Revenue for the District of Minnesota, petitioner, *v.* Milton Dairy Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit granted.

No. 2, original of October term, 1925. State of Arkansas, complainant, *v.* State of Tennessee. The objections to order entered nisi January 3, 1927, are considered and the order is made absolute.

No. 137. The State of Missouri *ex rel.* Joseph J. Luechtefeld and F. William Kuehl, plaintiffs in error, *v.* Henry W. Kiel, Louis Notte, and Oliver Senti. In error to the Supreme Court of the State of Missouri. *Per curiam*: Dismissed because of want of jurisdiction under the act of September 6, 1916.

No. 138. Industrial Engineering Company, appellant, *v.* The United States. Appeal from the Court of Claims. *Per curiam*: Affirmed on the authority of *Jacob Reed's Sons, Inc., v. The United States*, No. 63, decided this day.

No. 276. E. A. Edenfield, petitioner, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. *Per curiam*: Reversed on the authority of *United States v. Katz*, 271 U. S. 354, and remanded to the court below for resentence on the first count of each of the three indictments.

No. 139. A. L. Ferguson and A. L. Ferguson, as Executor and Trustee, etc., et al., appellants, *v.* The United States. Appeal from the Court of Claims. *Per curiam*: Affirmed on the authority of *Jacob Reed's Sons, Inc., v. The United States*, No. 63, decided this day, and of *Baltimore and Ohio Railroad Company v. The United States*, 261 U. S. 592.

No. 129. Oregon Basin Oil and Gas Company, appellant, *v.* Hubert Work, Secretary of the Interior, and William Spry, Commissioner of the General Land Office. Appeal from the Court of Appeals of the District of Columbia. *Per curiam*: The decree below is affirmed upon the authority of *Ness v. Fisher*, 223 U. S. 683; *Louisiana v. McAdoo*, 234 U. S. 627, 633; *Alaska Smokeless Coal Company v. Lane*, 250 U. S. 549; *Work v. Rives*, 267 U. S. 175, 183.

#### ORDER

No. 752. The United States *v.* James M. Lee, Alias James M. Leach;

No. 766. C. O. Westfall *v.* The United States;

No. 771. W. I. Biddle, Warden, *v.* Vuco Perovich;

No. 794. Will Norris *v.* State of Louisiana;

No. 811. Frank W. Keeler *v.* Stanley Myers, as District Attorney, et al.;

No. 812. Frank Weeke *v.* The United States;

No. 827. Ellsworth Kelley *v.* State of Oregon.

It is now here ordered by this court that these criminal cases upon the docket be, and the same are hereby, advanced and assigned for argument on Monday, March 7th next, after the case heretofore assigned for that day.

#### ORDER

It is now here ordered by this court that section 7 of rule 29 of this court be amended by striking therefrom the words "ten cents per folio of each one hundred words", in the clause prescribing fees for preparing records, etc., and substituting the words "eight cents per folio of each one hundred words," so that the entire clause will read:

"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; 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."

This order shall apply to causes filed here on or after February 1, 1927, but not to causes filed prior to that date.

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No. 784. Daniel O'Neill, Harry Levin, and Morris Multin, petitioners, *v.* The United States of America;

No. 785. Michael Whalen, petitioner, *v.* The United States of America;

No. 786. Nathan Goldstein, petitioner, *v.* The United States of America; and

No. 787. Harry F. Stratton, petitioner, *v.* The United States of America. Leave granted to file brief for the respondent within ten days, on motion of Mr. Solicitor General Mitchell in that behalf.

No. 577. St. Louis and San Francisco Railroad Company et al., petitioners, *v.* E. B. Spiller et al. Motion to advance submitted by Mr. E. S. Bailey in behalf of Mr. S. H. Cowan, Mr. John S. Leahy, and Mr. Walter H. Saunders for the respondents.

No. 794. Will Norris, plaintiff in error, *v.* The State of Louisiana. Leave granted to file statement of points relied upon and designation of the record to be printed, on motion of Mr. A. Owsley Stanley in behalf of Mr. George Wesley Smith for the plaintiff in error.

No. 176. Willie Conner and John Conner, plaintiffs in error, *v.* H. U. Bartlett, E. G. Bailey, McMann Oil Company et al. Motion to dismiss submitted by Mr. John Rogers and Mr. Hubert Ambrister in behalf of Mr. W. H. Francis, Mr. B. B. Blakeney, and Mr. L. O. Lytle for the defendants in error in support of the motion, and by Mr. William Neff for the plaintiff in error in opposition thereto.

No. 354. Produits Metallurgiques Anciens Etablissements Meiboom et Cie, Societe Anonyme, petitioner, *v.* Gulf Export and Transportation Company. Motion to require the petitioner to furnish security submitted by Mr. E. Curtis Rouse for the respondent in support of the motion, and by Mr. Henry S. Gray for the petitioner in opposition thereto.

No. 846. Gustavus A. Buder and Oscar E. Buder, petitioners, *v.* Ehrhardt W. Franz. Motion to stay further proceedings in the District Court of the United States for the Eastern District of Missouri pending action on the petition for a writ of certiorari in this case submitted by Mr. Oscar E. Buder for the petitioners.

No. 784. Daniel O'Neill, Harry Levin, and Morris Multin, petitioners, *v.* The United States of America;

No. 785. Michael Whalen, petitioner, *v.* The United States of America;

No. 786. Nathan Goldstein, petitioner, *v.* The United States of America; and

No. 787. Harry F. Stratton, 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. Thomas J. Rowe, jr., and Mr. Charles A. Houts for the petitioners.

No. 788. The Northwestern Mutual Life Insurance Company, petitioner, *v.* Marion Wiggins, Individually and as Executrix and Trustee under the will of W. B. Wiggins, deceased. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Charles H. Carey, Mr. James B. Kerr, and Mr. Charles A. Hart for the petitioner, and by Mr. Arthur C. Spencer for the respondent.

No. 789. Hagop Bogigian, petitioner, *v.* Henry F. Long, Commissioner of Corporations and Taxation. Petition for a writ of certiorari to the Superior Court of Suffolk County of the State of Massachusetts submitted by Mr. Hagop Bogigian, Mr. W. B. Grant, and Mr. Henry E. Whittemore for the petitioner.

No. 790. Helen J. C. Bogigian, petitioner, *v.* Henry F. Long, Commissioner of Corporations and Taxation. Petition for a writ of certiorari to the Superior Court of Suffolk County of the State of Massachusetts submitted by Helen J. C. Bogigian, Mr. W. B. Grant, and Mr. Henry E. Whittemore for the petitioner.

No. 792. George N. Konsoute, petitioner, *v.* Pennsylvania Railroad Company. Petition for a writ of certiorari to the Supreme Court of the State of Pennsylvania submitted by Mr. J. Thomas Hoffman for the petitioner, and by Mr. Frederic D. McKenney, Mr. John Spalding Flannery, and Mr. Robert D. Dalzell for the respondent.

No. 795. State of Washington *ex rel.* Isadore R. Edelstein, petitioner, *v.* William A. Huneke, Judge of the Superior Court of Spokane County. Petition for a writ of certiorari to the Supreme Court of the State of Washington submitted by Mr. George Turner and Mr. Richard W. Nuzum for the petitioner, and by Mr. S. M. Driver for the respondent.

No. 796. Jacob Telfair Smith, petitioner, *v.* United States Shipping Board Emergency Fleet Corporation. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. James K. Symmers and Mr. John C. Prizer for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Farnum, and Mr. J. Frank Staley for the respondent.

No. 797. Catz American Shipping Company, Inc., petitioner, *v.* United States Shipping Board Emergency Fleet Corporation. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. James K. Symmers and Mr. John C. Prizer for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Farnum, and Mr. J. Frank Staley for the respondents.

No. 798. The Buckeye Traction Ditcher Company, petitioner, *v.* The Austin Machinery Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Wilber Owen for the petitioner.

No. 799. S. M. Gorieb, petitioner, *v.* Charles D. Fox et al., members of the City Council of Roanoke, Virginia, et al. Petition for a writ of certiorari to the Supreme Court of Appeals of the State of Virginia submitted by Mr. G. A. Wingfield for the petitioner.

No. 800. Southern Industrial Institute, petitioner, *v.* Mrs. Burnham S. Marsh et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Daniel MacDougald for the petitioner, and by Mr. Robert C. Alston for the respondent.

No. 801. The United States of America, petitioner, *v.* W. A. McFarland and J. Norris McFarland, Copartners, trading as Henry Marcus and Son. Petition for a writ of certiorari to the United

States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Solicitor General Mitchell for the petitioner, and by Mr. William H. Hudgins for the respondents.

No. 803. *Ida T. Dickinson, Luella J. Manning, Ellsworth Avery, et al., petitioners, v. New England Power Company.* Petition for a writ of certiorari to the Supreme Judicial Court of the State of Massachusetts submitted by Mr. Heman H. Field for the petitioners, and by Mr. Frank W. Knowlton for the respondent.

No. 805. *The Barker Painting Company, petitioner, v. Brotherhood of Painters, Decorators and Paperhangers of America et al.* Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Henry S. Drinker, jr., for the petitioner, and by Mr. William A. Gray for the respondents.

No. 806. *Dampskibs Aktieselsk Orient, claimant of the Danish Steamship Natal, her Engines, etc., petitioner, v. W. R. Grace and Company.* Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Irving H. Frank, Mr. Nathan H. Frank, Mr. O. D. Duncan, and Mr. Russell T. Mount for the petitioner, and by Mr. W. H. Orrick for the respondent.

No. 810. *George Gracie, 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. Daniel T. Hagan for the petitioner.

No. 821. *Pennsylvania Railroad Company, petitioner, v. William H. Muller and Company, Inc.* Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. Frederic D. McKenney, Mr. Ralph Robinson, and Mr. Shirley Carter for the petitioner, and by Mr. R. E. Lee Marshall for the respondent.

No. 842. *Anna Nelson, plaintiff in error, v. J. L. Walrod, S. E. Ellsworth and C. W. Burnham.* Motion for leave to proceed in forma pauperis submitted by Mr. Kenneth D. McKellar for the plaintiff in error.

Adjourned until Monday, February 21, at 12 o'clock.

The day call for Monday, February 21, will be as follows: Nos. 101, 722 (and 723), 725, 739, 106, 149, 150, 151, 158, and 159.



## SUPREME COURT OF THE UNITED STATES

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

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Walter Brower, of Birmingham, Ala.; Edward H. Wilson, of Brooklyn, N. Y.; Herbert H. Patterson, of Chicago, Ill.; Robert Ruark, of Raleigh, N. C.; Thomas N. Ross, of McCormick, S. C.; Clifton G. Dyer, of Detroit, Mich.; Robert E. Freer, of Cincinnati, Ohio; Alfred J. Talley, of New York City; Cassius Poust, of Sycamore, Ill.; George E. Trowbridge, of Los Angeles, Calif.; Richard D. Eyre, of New York City; Lloyd B. Harrison, of Greenwood, S. C.; Eugene J. McGivney, of New Orleans, La.; Philip S. Peyser, of Washington, D. C.; Herbert S. Avery, of Boston, Mass.; W. T. Henry, of Dallas, Tex.; Lee B. Kemon, of Washington, D. C.; Arch M. Parmenter, of Lawton, Okla.; William Kent Clute, of Grand Rapids, Mich.; Leonard A. Flansburg, of Lincoln, Nebr.; Charles E. Phillips, of Mankato, Minn.; Albert Fuller Pratt, of Anoka, Minn.; Richmond J. Reese, of New York City; Floyd H. Bradley, of Camden, N. J.; George G. Chandler, of Philadelphia, Pa.; Edward H. Cushman, of Philadelphia, Pa.; Frank Bainbridge, of Birmingham, Ala.; Samuel L. Webb, of Boston, Mass.; Joseph Francis O'Brien, of Brooklyn, N. Y.; Samuel Goldstein, of Brooklyn, N. Y.; Moses H. Hoenig, of New York City; Benjamin Koenigsberg, of New York City; Herman Koenigsberg, of New York City; Morris Sternfield, of Richmond Hill, N. Y.; Abraham Feit, of Brooklyn, N. Y.; O. Walker Taylor, of Boston, Mass.; and Edward N. Barnard, of Detroit, Mich., were admitted to practice.

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No. 125. Fred T. Ley and Company, Inc., appellant, *v.* The United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Stone.

No. 648. T. L. Smith, Sr., T. L. Smith, Jr., The Texas Company et al., appellants, *v.* Louis J. Wilson, E. C. Tobey, George E. Badge et al. Appeal from the District Court of the United States for the Southern District of Texas. Dismissed for want of jurisdiction. Opinion by Mr. Justice Stone.

No. 27. The United States of America, petitioner, *v.* The Trenton Potteries Company et al. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment of the Circuit Court of Appeals reversed, and the judgment of the District Court reinstated, 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. Dissenting: Mr. Justice Van Devanter, Mr. Justice Sutherland, and Mr. Justice Butler. Mr. Justice Brandeis took no part in the consideration or decision of this cause.

No. 148. Swiss Oil Corporation, plaintiff in error, *v.* William H. Shanks, Auditor of Public Accounts for the Commonwealth of Kentucky. In error to the Court of Appeals of the State of Kentucky. Judgment affirmed with costs. Opinion by Mr. Justice Stone.

No. 155. Ben E. Hayman, appellant, *v.* City of Galveston, Bayliss E. Harris, J. E. Pearce, et al., etc. Appeal from the District Court of the United States for the Southern District of Texas. Judgment affirmed with costs. Opinion by Mr. Justice Stone.

No. 68. Quon Quon Poy, appellant, *v.* John P. Johnson, U. S. Commissioner of Immigration at the Port of Boston, Massachusetts. Appeal from the District Court of the United States for the District of Massachusetts. Final order affirmed with costs, *nunc pro tunc* as of December 10, 1926. Opinion by Mr. Justice Sanford.

No. 6. Eastman Kodak Company of New York, plaintiff in error, *v.* Southern Photo Materials Company. In error 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 Sanford.

No. 122. Samuel A. Myers and Harry Myers, Copartners as S. A. & H. Myers, petitioners, *v.* International Trust Company. On writ of certiorari to the Superior Court for the County of Suffolk, State of Massachusetts. Decree affirmed with costs. Opinion by Mr. Justice Sanford.

No. 100. The United States, appellant, *v.* The Burton Coal Company. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Butler.

No. 107. Missouri Pacific Railroad Company, plaintiff in error, *v.* E. W. Porter and D. S. Weaver, doing business as Porter-Weaver Company. In error 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 Butler.

No. 366. Frank K. Bowers, Individually and as Collector of Internal Revenue for the Second District of New York, petitioner, *v.* New York and Albany Lighterage Company;

No. 367. Frank K. Bowers, Individually and as Collector of Internal Revenue for the Second District of New York, petitioner, *v.* Lloyd W. Seaman; and

No. 368. Frank K. Bowers, United States Collector of Internal Revenue for the Second District of New York, petitioner, *v.* Thomas Staples Fuller. On writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgments affirmed with costs and the cases remanded to the District Court of the United States for the Southern District of New York. Opinion by Mr. Justice Butler.

No. 511. The Pueblo of Santa Rosa, petitioner, *v.* Albert B. Fall, Secretary of the Interior, and William Spry, Commissioner of the General Land Office. On writ of certiorari to the Court of Appeals of the District of Columbia. Decree reversed with costs, and the cause remanded to the Supreme Court of the District of Columbia, with directions to dismiss the bill on the ground that the suit was brought by counsel without authority, but without prejudice to the bringing of any other suit hereafter by and with the authority of the alleged Pueblo of Santa Rosa. Opinion by Mr. Justice Sutherland.

No. 61. The Louisville and Nashville Railroad Company, appellant, *v.* The United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Sutherland.

No. 82. The Davis Sewing Machine Company of Delaware, appellant, *v.* The United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Sutherland.

No. 51. Sacramento Navigation Company, petitioner, *v.* Milton H. Salz, doing business as E. Salz and Son. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Decree reversed with costs, and the cause remanded to the District Court of the United States for the Northern District of California for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Sutherland.

No. 131. R. B. Smyer and United States Fidelity and Guaranty Company, appellants, *v.* The United States of America. Appeal from the United States Circuit Court of Appeals for the Fifth Circuit. Judgment reversed, and the cause remanded to the District Court of the United States for the Northern District of Alabama for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Sutherland. Dissenting: Mr. Chief Justice Taft, Mr. Justice Holmes, and Mr. Justice Stone.

No. 414. The United States of America and Interstate Commerce Commission, appellants, *v.* Los Angeles and Salt Lake Railroad Company. Appeal from the District Court of the United States for the Southern District of California. Decree reversed, and the cause remanded to the said District Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Brandeis. Mr. Justice Butler took no part in the consideration or decision of this cause.

No. 5. American Railway Express Company, petitioner, *v.* The Commonwealth of Kentucky. On writ of certiorari to the Court of Appeals of the State of Kentucky. Judgment affirmed with costs. Opinion by Mr. Justice McReynolds. Dissenting: Mr. Justice Sutherland and Mr. Justice Butler.

No. 116. American Railway Express Company, petitioner, *v.* F. S. Royster Guano Company. On writ of certiorari to the Special Court of Appeals of the State of Virginia. Judgment affirmed with costs. Opinion by Mr. Justice McReynolds. Dissenting: Mr. Justice Sutherland and Mr. Justice Butler.

No. 120. Louisiana and Western Railroad Company, plaintiff in error, *v.* John B. Gardiner. In error to the Court of Appeals of the State of Louisiana, First Circuit. Writ of error is dismissed. Petition for writ of certiorari granted. Judgment reversed with costs, and the cause remanded to the said Court of Appeals for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice McReynolds.

No. 465. Wallace R. Farrington, Governor of the Territory of Hawaii; William B. Lymer, Attorney General, etc., et al., petitioners, *v.* T. Tokushige et al. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Decree affirmed with costs, and the cause remanded to the District Court of the United States for the Territory of Hawaii. Opinion by Mr. Justice McReynolds.

No. 669. The United States of America, petitioner, *v.* Leib Ritterman. 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 District of Vermont for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Holmes.

No. 45. Hartford Accident and Indemnity Company of Hartford, Petitioners, *v.* Southern Pacific Company et al. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Judgment affirmed with costs, and the cause remanded to the District Court of the United States for the Southern District of Texas. Opinion by Mr. Chief Justice Taft.

No. 93. Charleston, South Carolina, Mining and Manufacturing Company, appellant, *v.* The United States of America. Appeal from the United States Circuit Court of Appeals for the Fifth Circuit. Judgment affirmed, and the cause remanded to the District Court of the United States for the Southern District of Florida. Opinion by Mr. Chief Justice Taft.

No. 105. The Barrett Company, appellant, *v.* The United States. Appeal from the Court of Claims. Judgment reversed, and the cause remanded to the said Court of Claims for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Chief Justice Taft.

No. 142. De Forest Radio Telephone and Telegraph Company, appellant *v.* The United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Chief Justice Taft.

No. 507. Arnold J. Hellmich, United States Collector of Internal Revenue, petitioner, *v.* Missouri Pacific Railroad 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 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. Chief Justice Taft.

No. 154. Oklahoma Natural Gas Company, plaintiff in error, *v.* The State of Oklahoma; and

No. 187. Oklahoma Natural Gas Company, a corporation, plaintiff in error, *v.* The State of Oklahoma, The Corporation Commission of the State of Oklahoma, Shawnee Gas and Electric Company, a corporation et al. Motions to substitute The Oklahoma Natural Gas Corporation as successor of The Oklahoma Natural Gas Company in these cases denied. Opinion by Mr. Chief Justice Taft.

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The Chief Justice announced the following orders of the Court:

No. 577. St. Louis and San Francisco Railroad Company et al., petitioners, *v.* E. B. Spiller et al. The motion to advance this case is granted, and the case assigned for argument on Monday, April 11 next, after the cases heretofore assigned for that day.

No. 354. Produits Metallurgiques Anciens Etablissements Meiboom et Cie, Societe Anonyme, petitioner, *v.* Gulf Export and Transportation Company. The motion to require petitioner to furnish security for payment of judgment below is denied. The motion to furnish security for costs is granted, and the amount of the cost bond is fixed at \$250.00.

No. 846. Gustavus A. Buder and Oscar E. Buder, petitioners, *v.* Ehrhardt W. Franz. The motion for a stay herein is denied.

No. 176. Willie Conner and John Conner, plaintiffs in error, *v.* H. U. Bartlett, E. G. Bailey, McMann Oil Company, et al. In error to the Supreme Court of the State of Oklahoma. *Per curiam*: Dismissed for want of jurisdiction upon the authority of *Shulthis v. Macdougall*, 225 U. S. 561, 569; *Hull v. Burr*, 234 U. S. 712, 720; *Norton v. Whiteside*, 239 U. S. 144, 147.

No. 842. Anna Nelson, plaintiff in error, *v.* J. L. Walrod, S. E. Ellsworth, and C. W. Burnham. In error to the Supreme Court of the State of North Dakota. Motion for leave to proceed further herein *in forma pauperis* denied for the reason that the court, upon examination of the opinion of the court below and of the typewritten record herein submitted, finds (1) that there is no ground for the writ of error under section 237 of the Judicial Code as amended by the Act of February 13, 1925, 43 Stat. 936, and (2) that there is involved no federal question upon which, treating the writ of error as an application for a writ of certiorari, such writ could be granted. The writ of error is therefore dismissed and the writ of certiorari 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. 799. S. M. Gorieb, petitioner, *v.* Charles D. Fox et al., Members of the City Council of Roanoke, Virginia, et al. Petition for a writ of certiorari to the Supreme Court of Appeals of the State of Virginia granted.

No. 801. The United States of America, petitioner, *v.* W. A. McFarland and J. Norris McFarland, Copartners, trading as Henry Marcus and Son. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit granted.

No. 788. The Northwestern Mutual Life Insurance Company, petitioner *v.* Marion Wiggins, Individually and as Executrix and Trustee under the will of W. B. Wiggins, deceased. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 789. Hagop Bogigian, petitioner, *v.* Henry F. Long, Commissioner of Corporations and Taxation; and

No. 790. Helen J. C. Bogigian, petitioner, *v.* Henry F. Long, Commissioner of Corporations and Taxation. Petition for writs of certiorari to the Superior Court of Suffolk County, State of Massachusetts, denied.

No. 792. George N. Konsoute, petitioner, *v.* Pennsylvania Railroad Company. Petition for a writ of certiorari to the Supreme Court of the State of Pennsylvania denied.

No. 795. State of Washington ex rel. Isadore R. Edelstein, petitioner, *v.* William A. Huneke, Judge of the Superior Court of

Spokane County. Petition for a writ of certiorari to the Supreme Court of the State of Washington denied.

No. 796. Jacob Telfair Smith, petitioner, *v.* United States Shipping Board Emergency Fleet Corporation; and

No. 797. Catz American Shipping Company, Inc., petitioner, *v.* United States Shipping Board Emergency Fleet Corporation. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 798. The Buckeye Traction Ditcher Company, petitioner, *v.* The Austin Machinery Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 800. Southern Industrial Institute, petitioner, *v.* Mrs. Burnham S. Marsh et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 803. Ida T. Dickinson, Luella J. Manning, Ellsworth Avery, et al., Petitioners, *v.* New England Power Company. Petition for a writ of certiorari to the Supreme Judicial Court of the State of Massachusetts denied.

No. 805. The Barker Painting Company, petitioner, *v.* Brotherhood of Painters, Decorators, and Paperhangers of America et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 806. Dampskibs Aktieselsk Orient, claimant of the Danish Steamship "Natal," her engines, etc., petitioner, *v.* W. R. Grace and Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 810. George Gracie, 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. 821. Pennsylvania Railroad Company, petitioner, *v.* William H. Muller and Company, Inc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

#### 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 today's business until Wednesday next, at 12 o'clock.

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No. 129. Oregon Basin Oil and Gas Company, appellant, *v.* Hubert Work, Secretary of the Interior et al. Mandate granted on motion of Mr. Solicitor General Mitchell for the appellee.

No. 164. Fritz Schutte, appellant, *v.* Thomas W. Miller, as Alien Property Custodian, et al. Howard Sutherland, present Alien Property Custodian, substituted as a party appellee on motion of Mr. Solicitor General Mitchell in that behalf.

No. 164. Fritz Schutte, appellant, *v.* Howard Sutherland, Alien Property Custodian, et al. Appeal from the Court of Appeals of the District of Columbia. Decree reversed in part and affirmed in part, each party to pay his own costs, and the cause remanded to the Supreme Court of the District of Columbia for further proceedings per stipulation of counsel on motion of Mr. Solicitor General Mitchell in that behalf.

No. 180. Leopold Zimmermann et al., appellants, *v.* Frederick C. Hicks, as Alien Property Custodian of the United States, et al. Howard Sutherland, present Alien Property Custodian, substituted as a party appellee on motion of Mr. Solicitor General Mitchell in that behalf.

No. 235. Calogero Maniglia, by his next friend and father, Antonino Maniglia, appellant, *v.* The Commander of the S. S. "Guiseppe Verdi," et al. Appeal from the District Court of the United States for the District of Massachusetts. Dismissed with costs per stipulation of counsel and mandate granted on motion of Mr. Solicitor General Mitchell in that behalf.

No. 771. W. I. Biddle, as Warden of the United States Penitentiary at Leavenworth, Kansas, *v.* Vuco Perovich. Reassigned for argument on Monday, May 2, next, on motion of Mr. Solicitor General Mitchell in that behalf.

No. 812. Frank Weeke, plaintiff in error, *v.* The United States of America. Motion to dismiss submitted by Mr. Solicitor General Mitchell and Assistant Attorney General Willebrandt for the defendant in error in support of the motion, and by Mr. Walter A. Hill for the plaintiff in error in opposition thereto.

No. 813. Pressed Steel Car Company, petitioner, *v.* The United States. Leave granted to postpone submission of petition for writ of certiorari until Monday, February 28 next, on motion of Mr. Solicitor General Mitchell in that behalf.

No. 869. The United States of America, petitioner, *v.* Ole Burkeness. Time within which to serve petition for writ of certiorari, notice and record, extended until March 1 next, and time within which respondent may file brief in opposition to the petition extended until April 1 next, on motion of Mr. Solicitor General Mitchell for the petitioner.

No. 784. Daniel O'Neill et al., petitioners, *v.* The United States of America;

No. 785. Michael Whalen, petitioner, *v.* The United States of America;



No. 786. Nathan Goldstein, petitioner, *v.* The United States of America; and

No. 787. Harry F. Stratton, petitioner, *v.* The United States of America. Leave granted to file supplemental brief for the respondent on motion of Mr. Solicitor General Mitchell in that behalf.

No. 656. George R. Dale, plaintiff in error, *v.* The State of Indiana. Motion to reinstate case on the docket submitted by Mr. Moses E. Clapp for the plaintiff in error.

No. 285. Overland Motor Company *v.* Packard Motor Car Company et al. Leave granted to file brief of Winston, Strawn and Shaw and Donald M. Carter as *amici curiae* on motion of Mr. Donald M. Carter in that behalf.

No. 719. Mammoth Oil Company et al., petitioners, *v.* The United States of America. Motion to advance submitted by Mr. Owen J. Roberts for the respondent.

No. —, original. *Ex parte*: In the matter of Semaphoric Indicator Company and Semaphoric Indicator Sales Company, petitioners. Motion for leave to file petition for writ of *mandamus* submitted by Mr. William R. Rummeler for the petitioner.

No. 82. The Davis Sewing Machine Company of Delaware, appellant, *v.* The United States. Mandate granted on motion of Mr. Raymond M. Hudson for the appellant.

No. 793. American Exchange Irving Trust Company, etc., as Executor, etc., petitioner, *v.* The United States. Leave granted to file briefs of Herbert Noble and Scott Scammell as counsel for the executors of the last will and testament of Charles G. Roebeling, and brief of Sullivan and Donovan as counsel for Florence S. Schuette, executrix etc., as *amici curiae* on motion of Mr. Herbert Noble in that behalf.

No. 793. American Exchange Irving Trust Company, etc., as Executor etc., petitioner, *v.* The United States. Leave granted to file brief of George L. Shearer as counsel for Sarah Mae Plant et al., Executors, etc., as *amici curiae*, on motion of Mr. Charles Henry Butler in that behalf.

No. 793. American Exchange Irving Trust Company, etc., as Executor, etc., petitioner, *v.* The United States. Leave granted to file brief of Frank W. Grinnell and O. Walker Taylor for the Old Colony Trust Company as *amicus curiae*, on motion of Mr. O. Walker Taylor in that behalf.

No. 691. Quaker City Cab Company, plaintiff in error, *v.* Commonwealth of Pennsylvania. Motion to advance submitted by Mr. John Robert Jones for the defendant in error.

No. 179. Hanover Fire Insurance Company, plaintiff in error, *v.* George F. Harding, County Treasurer of the County of Cook,

State of Illinois. Motion for leave to file brief in reply to answer to petition for a rehearing submitted by Mr. Frank S. Bright in behalf of counsel and motion denied.

No. 894. J. F. Lawrence et al., appellants, *v.* St. Louis-San Francisco Railway Company. Motion to advance submitted by Mr. William J. Neale in behalf of Mr. Edwin Denby, Mr. Houston B. Teehee, Mr. T. L. Blakmore, and Mr. C. B. Ames for the appellant.

No. 166. James M. Hodgson, appellant, *v.* Federal Oil and Development Company et al. Motion to amend bill of complaint submitted by Mr. J. M. Hodgson for the appellant in support of the motion, and by Mr. Tyson S. Dynes, Mr. Peter H. Holmes, and Mr. Harold D. Roberts for the appellees in opposition thereto.

No. 596. Red Star Motor Drivers' Association et al., plaintiffs in error, *v.* City of Detroit et al. Motion to dismiss, affirm, or advance submitted by Mr. Charles S. Whitman, Mr. Charles P. O'Neill, and Mr. Clarence E. Page for the defendants in error in support of the motion, and by Mr. Reeves T. Strickland for the plaintiffs in error in opposition thereto.

No. 674. I. J. Gordon et al., plaintiffs in error, *v.* W. T. Rawleigh Company; and

No. 675. Charles Thomason et al., plaintiffs in error, *v.* W. T. Rawleigh Company. Leave granted to file statements of points relied upon, on motion of Mr. George P. Barse in behalf of Mr. John B. Dudley for the plaintiffs in error.

No. 1081, of October Term, 1925. A. Stanley Copeland, petitioner, *v.* The United States of America. Motion for leave to file motion for reconsideration of the petition for writ of certiorari herein submitted by Mr. A. Stanley Copeland *pro se*.

No. —, original. *Ex parte*: In the matter of Malleable Iron Range Company, petitioner. Motion for leave to file petition for writ of *mandamus* submitted by Mr. Edmund D. Quiggle in behalf of Mr. Arthur W. Fairchild and Mr. J. Gilbert Hardgrove for the petitioner.

No. 827. Ellsworth Kelley, plaintiff in error, *v.* State of Oregon. Leave granted to file designation of additional parts of the record to be printed on behalf of the defendant in error, on motion of Mr. Chester I. Long in behalf of Mr. I. H. Van Winkle for the defendant in error.

No. 527. Ed Tumey, plaintiff in error, *v.* The State of Ohio. Leave granted to file additional brief for the plaintiff in error on motion of Mr. T. Hardy Todd in behalf of Mr. Edward P. Moulinier for the plaintiff in error.

No. 299. Paul L. James et al., partners, etc., plaintiffs in error, *v.* Norfolk and Western Railway Company. Motion to dismiss or

affirm submitted by Mr. J. Hamilton Cheston, Mr. Theodore W. Reath, Mr. Waller R. Staples, and Robert M. Hughes, jr., for the defendant in error in support of the motion, and by Mr. Claudian B. Northrop, Mr. Gibbs L. Baker, and Mr. Thomas W. Shelton for the plaintiffs in error in opposition thereto.

No. 345. St. Louis-San Francisco Railway Company, petitioner, *v.* State of Oklahoma et al. On writ of certiorari to the Supreme Court of the State of Oklahoma. Dismissed with costs on motion of Mr. Albert Rae Williams in behalf of Mr. E. T. Miller, Mr. C. B. Stuart, Mr. J. F. Sharpe, Mr. M. K. Cruce, Mr. Ben Franklin, and Mr. T. P. Littlepage for the petitioner.

No. 488. Chicago and North Western Railway Company, plaintiff in error *v.* Michigan Public Utilities Commission. In error to the Supreme Court of the State of Michigan. Judgment reversed with costs, and the cause remanded to the said Supreme Court for further proceedings, per stipulation of counsel, on motion of Mr. Albert Rae Williams in that behalf.

No. 606. United States of America and Interstate Commerce Commission, appellants *v.* The Akron, Canton, and Youngstown Railway Company et al.;

No. 638. Pocahontas Operators' Association et al., appellants, *v.* The Akron, Canton and Youngstown Railway et al.;

No. 709. The United States of America and Interstate Commerce Commission, appellants, *v.* Berwind-White Coal Mining Company et al.;

No. 710. The United States of America and Interstate Commerce Commission, appellants, *v.* Bethlehem Steel Company et al.;

No. 711. The United States of America and Interstate Commerce Commission, appellants, *v.* Rainey-Wood Coke Company et al.;

No. 712. The United States of America and Interstate Commerce Commission, appellants, *v.* Public Service Electric and Gas Company;

No. 713. Pocahontas Operators' Association et al., appellants, *v.* Berwind-White Coal Mining Company et al.;

No. 714. Pocahontas Operators' Association et al., appellants, *v.* Bethlehem Steel Company et al.;

No. 715. Pocahontas Operators' Association et al., appellants, *v.* Rainey-Wood Coke Company et al.; and

No. 716. Pocahontas Operators' Association et al., appellants, *v.* Public Service Electric and Gas Company. Motion to fix time for oral argument of these cases submitted by Mr. August G. Gutheim, Mr. Frank Bergen, Mr. James W. Carmalt, and Mr. William H. Spear for the Public Service Electric and Gas Company; by Mr. Francis I. Gowen and Mr. F. M. Rivinus for the Akron, Canton &

Youngstown Railway Company et al.; by Mr. Francis B. Biddle, Mr. John Hampton Barnes, Mr. August G. Gutheim, Mr. Charles Heebner, Mr. Wayne Johnson, and Mr. Walker D. Hines for the Berwind-White Coal Mining Company et al.; by Mr. Frederick L. Ballard, Mr. Frederick H. Wood, Mr. Hoyt A. Moore, and Mr. Paul D. Cravath for the Bethlehem Steel Company; and by Mr. John Lord O'Brien, Mr. Hugh F. Smith, and Mr. Ralph J. Baker for the Rainey-Wood Coke Company et al.

No. 898. Harry R. Alston *v.* The United States of America. Motion to advance submitted by Mr. Franz E. Lindquist for Harry R. Alston.

No. 898. Harry R. Alston *v.* The United States of America. Motion for leave to proceed *in forma pauperis* submitted by Mr. Franz E. Lindquist for Harry R. Alston.

No. —, original. *Ex parte*: In the matter of Merle Phillips, petitioner. Motion for leave to file petition for writ of *habeas corpus* submitted by Mr. Franz E. Lindquist for the petitioner.

No. 549. Arkansas Railroad Commission et al., appellants, *v.* Chicago, Rock Island and Pacific Railroad Company. Motion to advance submitted by R. Y. Beebe in behalf of Mr. Edward A. Haid and Mr. H. W. Applegate for the appellants.

No. 6, original. State of Oklahoma, complainant, *v.* The State of Texas, defendant, the United States of America, Intervenor. Fourth report of the Boundary Commission submitted and ordered filed on motion of Mr. Arthur A. Stiles and Mr. Arthur D. Kidder, the boundary commissioners appointed by the Court in this case.

No. 775. City of Wichita Falls, Texas, 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. Alexander H. McCormick for the respondent.

No. 776. American Railway Express Company, petitioner, *v.* The United States. Petition for a writ of certiorari to the Court of Claims submitted by Mr. Benjamin S. Minor, Mr. H. Prescott Gately, Mr. Hugh B. Rowland, Mr. Arthur P. Drury, and Mr. A. M. Hartung for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Galloway, and Mr. Louis R. Mehlinger for the respondent.

No. 780. Luther J. Bailey and James E. Fulgham, petitioners, *v.* The United States. Petition for a writ of certiorari to the Court of Claims submitted by Mr. Theodore D. Peyser for the petitioners, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Galloway, and Mr. Howard W. Ameli for the respondent.

No. 783. Malleable Iron Range Company, petitioner, *v.* The United States. Petition for a writ of certiorari to the Court of Claims submitted by Mr. Arthur W. Fairchild and Mr. J. Gilbert Hardgrove for the petitioner and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Galloway and Mr. Fred K. Dyar for the respondent.

No. 793. American Exchange Irving Trust Company (formerly Irving Bank-Columbia Trust Company), as Executor of the estate of Herman Sielken, deceased, petitioner, *v.* The United States. Petition for a writ of certiorari to the Court of Claims submitted by Mr. Leonard B. Smith and Mr. John L. McMaster for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Galloway, and Mr. Alexander H. McCormick for the respondent.

No. 804. Wabash Railway Company, petitioner, *v.* South Daviess County Drainage District. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Frederic D. McKenney, Mr. N. S. Brown, Mr. Homer Hall, and Mr. S. J. Jones for the petitioner, and by Mr. Platt Hubbell for the respondent.

No. 808. William Stewart, enrolled as a Seminole Indian under the name of William, Ned Lusty, acting for himself and as Guardian, etc., et al., petitioners, *v.* C. B. Billington, Skelly Oil Company, C. M. Cade, et al., etc., et al. Petition for a writ of certiorari to the Supreme Court of the State of Oklahoma submitted by Mr. John B. Campbell, Mr. William W. Pryor, and Mr. William N. Stokes for the petitioners, and by Mr. W. P. Z. German and Mr. Alvin F. Molony for the respondents.

No. 809. E. B. Johnson, L. A. Sanders, County Treasurer of Grady County, Oklahoma, and Maxwell Investment Company, petitioners, *v.* William Fetzer. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. John B. Dudley and Mr. Alger Melton for the petitioners, and by Mr. A. D. Stevens and Mr. J. B. Furry for the respondent.

No. 812. Frank Weeke, plaintiff in error, *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. Walter A. Hill for the petitioner, and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt and Mr. Norman J. Morrisson for the respondent.

No. 814. American Surety Company and Albert Pick and Company, petitioners, *v.* Steel's Consolidated, Inc. Petition for a writ of certiorari to the Supreme Court of the State of New York submitted by Mr. Alfred M. Saperston for the petitioners, and by

Mr. James C. Sweeney and Mr. Henry W. Killeen for the respondent.

No. 817. Illinois Central Railroad Company, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Edward C. Craig, Mr. Charles A. Helsell, Mr. W. Horton, and Mr. C. J. Baird for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Farnum, and Mr. William M. Offley for the respondent.

No. 818. McGrew Coal Company, petitioner, *v.* Andrew W. Mellon, as Federal Agent. Petition for a writ of certiorari to the Supreme Court of the State of Missouri submitted by Mr. Edwin A. Krauthoff for the petitioner, and by Mr. Edward J. White and Mr. James F. Green for the respondent.

No. 819. The City of Seattle, petitioner, *v.* Puget Sound Power and Light Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Thomas J. L. Kennedy for the petitioner.

No. 874. Puget Sound Power and Light Company, petitioner, *v.* The City of Seattle. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. James B. Howe for the petitioner.

No. 820. Seaboard Air Line Railway Company, petitioner, *v.* M. A. Inge. Petition for a writ of certiorari to the Supreme Court of the State of North Carolina submitted by Mr. Murray Allen for the petitioner, and by Mr. George C. Green and Mr. J. B. Ramsey for the respondent.

No. 822. M. Coppard, Trustee of the Estate of Dollingers, Incorporated, Bankrupt, petitioner, *v.* B. C. Martin. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Perry J. Lewis for the petitioner.

No. 823. Toledo, St. Louis and Western Railroad Company, petitioner, *v.* Hilbert Stuart Allen. Petition for a writ of certiorari to the Supreme Court of the State of Missouri submitted by Mr. James C. Jones, Mr. Walter A. Eversman, Mr. Edward C. Crow, Mr. Lon O. Hocker, and Mr. Frank H. Sullivan for the petitioner.

No. 824. A. G. Johns, as Trustee in Bankruptcy of E. Y. Foley, Inc., a Bankrupt, etc., petitioner, *v.* United Bank and Trust Company of California. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Tracy L. Jeffords, Mr. Edwin O. C. Dutton, and Mr. Theodore M. Stuart for the petitioner, and by Mr. D. S. Ewing, Mr. O. K. Cushing, Mr. Charles S. Cushing, Mr. Delger Trowbridge, and Mr. John E. Biby for the respondent.

No. 825. A. G. Johns, as Trustee in Bankruptcy of E. Y. Foley, Inc., a Bankrupt, etc., petitioner, *v.* Pacific-Southwest Trust and Savings Bank et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Tracy L. Jeffords for the petitioner, and by Mr. John E. Biby and Mr. George E. Farrand for the respondents.

No. 830. Chicago, Indianapolis and Louisville Railway Company, petitioner, *v.* Alva Crawford. Petition for a writ of certiorari to the Appellate Court for the First District of the State of Illinois submitted by Mr. John D. Black and Mr. Edward G. Ince for the petitioner, and by Mr. Morse Ives for the respondent.

No. 831. The New York, New Haven and Hartford Railroad Company, petitioner, *v.* Agnes Sullivan. Petition for a writ of certiorari to the Supreme Court of Errors for the Third Judicial District of the State of Connecticut submitted by Mr. John M. Gibbons for the petitioner.

No. 832. Saveria Spremulli, petitioner, *v.* Henry H. Curran, Commissioner of Immigration, 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. Roger O'Donnell for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Luhring, and Mr. Harry S. Ridgely for the respondent.

No. 833. John H. Parrott, petitioner, *v.* John C. Noel, Collector of Internal Revenue for the District of Virginia. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. Homer Sullivan for the petitioner, and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, Mr. K. L. Campbell, Mr. A. W. Gregg, and Mr. William T. Sabine, jr., for the respondent.

No. 834. H. R. Davis, for the use and benefit of himself and all others similarly situated, petitioner, *v.* S. J. McFarland et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. John Davis for the petitioner, and by Mr. R. E. L. Saner, Mr. M. M. Crane, and Mr. Cullen F. Thomas for the respondents.

No. 835. Alexander B. Stewart, petitioner, *v.* The District Court of the United States for the Southern District of California, Southern Division, et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. C. W. Pendleton and Mr. Marion De Vries for the petitioner and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, and Mr. John J. Byrne for the respondent.

No. 836. Arthur H. Lamborn, Gerard P. Tameling, Charles C. Riggs, et al., petitioners, *v.* The National Bank of Commerce of

Norfolk, Virginia. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. Louis O. Van Doren, Mr. Edward R. Baird, jr., Mr. H. G. Connor, jr., and Mr. Edward S. Bentley for the petitioners.

No. 837. Honto H. Tooley, individually and as executrix of estate of William L. Tooley, deceased, petitioner, *v.* Aetna Life Insurance Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Frank G. Morris for the petitioner, and by Mr. Harry Preston Lawther for the respondent.

No. 838. Charles Hoxie, 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. J. A. Hellenthal and Mr. Morven Thompson for the petitioner, and by Mr. Solicitor General Mitchell and Assistant Attorney General Willebrandt for the respondent.

No. 841. Albert V. T. Day, petitioner, *v.* The Union Switch and Signal Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Charles S. Jones and Mr. William S. Pritchard for the petitioner, and by Mr. Ralph L. Scott for the respondents.

No. 845. William F. Allen and W. Herbert Hall, copartners, etc., et al., petitioners, *v.* New York, Philadelphia and Norfolk Railroad Company, et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. James E. Heath for the petitioners, and by Mr. Frederic D. McKenney, Mr. John Spalding Flannery, Mr. George R. Allen, and Mr. Henry Wolfe Bikle for the respondents.

No. 846. Gustavus A. Buder and Oscar E. Buder, petitioners, *v.* Ehrhardt W. Franz. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Oscar E. Buder and Mr. Gustavus A. Buder, jr., for the petitioners, and by Mr. S. Mayner Wallace and Mr. Allen McReynolds for the respondent.

No. 847. White Oak Coal 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. Addison C. Burnham, Mr. John W. Davis, and Mr. Robert S. Spilman for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Galloway, Mr. Alfred A. Wheat, and Mr. Howard W. Ameli for the respondent.

No. 848. The United States of America *ex rel.* Niels Peter Claussen, petitioner, *v.* Hon. Henry H. Curran, Commissioner of Immigration. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Silas



B. Axtell for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Luhring, and Mr. Harry S. Ridgely for the respondent.

No. 849. The Alexander Milburn Company, petitioner, *v.* Union Carbide and Carbon Corporation et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. J. Kemp Bartlett, Mr. Edgar Allan Poe, and Mr. Guion Miller for the petitioner and by Mr. W. Calvin Chesnut, Mr. Julian C. Harrison, Mr. Edwin G. Baetjer, and Mr. Fred. H. Haggerson for the respondents.

No. 850. W. C. Tucker, petitioner, *v.* Acel C. Alexander, Commissioner of Internal Revenue. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. C. H. Garnet for the petitioner and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, Mr. Sewall Key, Mr. A. W. Gregg, and Mr. Fred W. Dewart for the respondent.

No. 851. The United States of America, petitioner, *v.* Manly S. Sullivan. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, and Mr. Sewall Key for the petitioner.

No. 853. Chicago and North Western Railway Company, petitioner, *v.* Industrial Commission of Illinois et al. Petition for a writ of certiorari to the Circuit Court of Winnebago County, State of Illinois, submitted by Mr. Samuel H. Cady, Mr. Weldon A. Dayton, and Mr. R. N. Van Doren for the petitioner and by Mr. Roy F. Hall for the respondents.

No. 854. James W. Bothwell, William J. Michel, et al., Receivers, etc., petitioners, *v.* Buckbee, Mears Company. Petition for a writ of certiorari to the Supreme Court of the State of Minnesota submitted by Mr. Morton Barrows and Mr. George P. Metcalf for the petitioners.

No. 855. Peter Lemieux, petitioner, *v.* The United States of America and Shah Bah Yaust. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Webster Ballinger for the petitioner and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Parmenter, and Mr. Nat M. Lacy for the respondent.

No. 856. Stanley C. Kimble and Walter E. Ahlberg, Administrators, etc., petitioners, *v.* Aetna Life Insurance Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals

for the Third Circuit submitted by Mr. Samuel H. Richards and Mr. Thomas E. French for the petitioners and by Mr. Paul Reilly for the respondent.

No. 857. John R. Land, petitioner, *v.* Columbus Brockett. Petition for a writ of certiorari to the Supreme Court of the State of Louisiana submitted by Mr. S. L. Herold for the petitioner.

No. 858. Finance and Guaranty Company, petitioner, *v.* Henry W. Oppenheimer, Trustee in Bankruptcy, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. S. M. Brandt for the petitioner.

No. 860. Katherine Linstead, Executrix of the Estate of John A. Linstead, deceased, petitioner, *v.* The Chesapeake and Ohio Railway Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Katherine Linstead for the petitioner.

No. 861. Birmingham Belt Railroad Company, petitioner, *v.* Jessie May Hendrix, as Administratrix of the Estate of George Hendrix, deceased. Petition for a writ of certiorari to the Supreme Court of the State Oklahoma submitted by Mr. E. H. Cabaniss, Mr. Forney Johnston, and Mr. W. R. C. Cocke for the petitioner.

No. 855. Peter Lemieux, petitioner, *v.* The United States of America and Shah Bah Yaust. Motion for leave to proceed herein *in forma pauperis* submitted by Mr. Webster Ballinger for the petitioner.

No. 722. J. J. Eiseman and Alexander R. Abrams, plaintiffs in error, *v.* The People of the State of California; and

No. 723. Holmes Ives and N. J. Whelan, plaintiffs in error, *v.* People of the State of California. Cases submitted on printed briefs and on motions to dismiss by Mr. R. P. Henshall for the plaintiffs in error, and by Mr. U. S. Webb for the defendant in error.

No. 101. James Duignan, appellant, *v.* The United States of America and The Pall Mall Realty Corporation. Argued by Mr. Alfred J. Talley for the appellant, and by Mr. John W. Davis for the appellees.

Adjourned until Wednesday next, at 12 o'clock.

The day call for Wednesday, February 23, will be as follows: Nos. 725, 739, 106, 149, 150, 151, 158, 159, 162, and 165.

SUPREME COURT OF THE UNITED STATES

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

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Edward J. Lee, of Minneapolis, Minn.; Vincent F. Kilborn, of Mobile, Ala.; John W. Biggs, of Burus, Oreg.; Wm. R. Donham, of Little Rock, Ark.; Charles Melvin Neff, of Washington, D. C.; Fred Schwertner, of Washington, D. C.; William W. Potter, of Lansing, Mich.; Andrew Penn Martin, of Cleveland, Ohio; Chas. R. Allen, of Washington, D. C.; Sidney L. Graham, of Little Rock, Ark.; Elwood H. Seal, of Washington, D. C.; and John Wattawa, of Washington, D. C., were admitted to practice.

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No. 165. Max Weksler, plaintiff in error, *v.* Morgan G. Collins, Superintendent of Police of the City of Chicago, et al. In error to the Supreme Court of the State of Illinois. Dismissed with costs pursuant to the nineteenth rule, on motion of Mr. F. R. Gibbs in behalf of counsel for the defendant in error.

No. 100. The United States, appellant, *v.* Burton Coal Company. Mandate granted on motion of Mr. Maclay Hoyne for the appellee.

No. 159. The Liberty Warehouse Company, plaintiff in error, *v.* Burley Tobacco Growers' Cooperative Marketing Association. Argued by Mr. Allan D. Cole for the plaintiff in error, and by Mr. Aaron Sapiro for the defendant in error.

No. 725. Fairmont Creamery Company, plaintiff in error, *v.* The State of Minnesota. Argued by Mr. Leonard A. Flansburg for the plaintiff in error, and by Mr. Charles E. Phillips for the defendant in error.

No. 739. Fortune Ferguson, Jr., plaintiff in error, *v.* The State of Florida. Argued by Mr. Furman Y. Smith for the plaintiff in error, and submitted by Mr. John B. Johnson for the defendant in error.

No. 106. Jacob M. Dickinson, Receiver of the Chicago, Rock Island and Pacific Railway Company, appellant, *v.* The United

States. Argument commenced by Mr. Benjamin Carter for the appellant. The Court declined to hear further argument.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, February 24, will be as follows: Nos. 149, 150, 151, 158, 162, 166, 167, 168 (and 178), 171, and 172.

## SUPREME COURT OF THE UNITED STATES

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

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Charles J. Schuck, of Wheeling, W. Va.; Robert H. Hays, of Lexington, Ky.; Arthur E. Cook, of Washington, D. C.; Charles H. March, of Litchfield, Minn.; Ira A. Beck, of Battle Creek, Mich.; John J. Courtney, of St. Paul, Minn.; Davil L. Elliott, of Baltimore, Md.; Joseph W. Starlings, of Baltimore, Md.; Arthur E. Kidder, of Hastings, Mich.; Joseph W. Spencer, of New York, N. Y.; and Ralph S. Harris, of New York, N. Y., were admitted to practice.

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No. 149. New York Central Securities Corporation, appellant, *v.* The Cleveland, Cincinnati, Chicago and St. Louis Railway Company et al. Argued by Mr. Frederick A. Henry for the appellant, and submitted by Mr. S. H. West for the appellees.

No. 150. The United States, petitioner, *v.* Stone and Downer Company et al. Argued by Mr. William W. Hoppin for the petitioner, and by Mr. Edward P. Sharretts for the respondent.

No. 151. The Knights of the Ku-Klux Klan, plaintiff in error, *v.* The State of Kansas ex rel. Charles B. Griffith, Attorney General. Argument commenced by Mr. John S. Dean for the plaintiff in error. The Court declined to hear further argument.

No. 158. Susan Lowe, petitioner, *v.* Alexander J. Dickson. Argued by Mr. Samuel Herrick for the petitioner, and by Mr. Patrick H. Loughran for the respondent.

No. 162. G. M. Rosengrant, doing business as the Riverside Manufacturing Company, plaintiff in error, *v.* Eva J. Havard. Argued by Mr. V. F. Kilborn for the defendant in error, and submitted by Mr. Gregory L. Smith for the plaintiff in error.

No. 166. James M. Hodgson, appellant, *v.* Federal Oil and Development Company et al. Argument commenced by Mr. James M. Hodgson for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, February 25, will be as follows: Nos. **166, 167, 168 (and 178), 171, 172, 174, 180, 181 (and 182), 183, and 187.**

## SUPREME COURT OF THE UNITED STATES

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

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C. C. Dill, of Spokane, Wash.; Lloyd David Heth, of Chicago, Ill.; Benjamin F. Ray, of Birmingham, Ala.; John P. Deering, of Saco, Me.; Louis A. Johnson, of Clarksburg, W. Va.; Joseph B. Fradenburg, of Omaha, Nebr.; Horace L. Lohnes, of Washington, D. C.; Harry Silverman, of Omaha, Nebr.; and John Francis Kicak, of Indianapolis, Ind., were admitted to practice.

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No. —, original. Ex parte: In the matter of William Leather, petitioner. Motion for leave to file petition for writ of *mandamus* submitted by Mr. John F. McCarron in behalf of Mr. Oliver J. Cook for the petitioner.

No. 181. Leopold Zimmermann, Louis J. Rees, Maryan H. Hauser, et al., etc., appellants, *v.* Howard Sutherland, as Alien Property Custodian of the United States, Frank White, as Treasurer of the United States et al.; and

No. 182. Deutsche Bank of Berlin, Germany, appellant, *v.* Leopold Zimmermann, Louis J. Rees, Maryan H. Hauser, et al. Appeals from the United States Circuit Court of Appeals for the Second Circuit. Dismissed with costs on motion of counsel for the appellants.

No. 187. Oklahoma Natural Gas Company, plaintiff in error, *v.* The State of Oklahoma et al. Continued *per* stipulation of counsel.

No. 166. James M. Hodgson, appellant, *v.* Federal Oil and Development Company et al. Argument continued by Mr. James M. Hodgson for the appellant, by Mr. Harold D. Roberts for the appellees, and concluded by Mr. James M. Hodgson for the appellant.

No. 167. American National, as Receiver of the F. B. Collins Investment Company, appellant, *v.* The United States of America. Argued by Mr. Charles H. Garnett for the appellant, and by Mr. Alfred A. Wheat for the appellee.

No. 168. The Timken Roller Bearing Company, plaintiff in error, *v.* The Pennsylvania Railroad Company; and

No. 169. Thomas P. Goddbody, as Receiver of the Hydraulic Steel Company, plaintiff in error, *v.* The Pennsylvania Railroad Company. Argued by Mr. Andrew P. Martin for the defendant in error and cases submitted by Mr. Luther Day, Mr. Rufus Day, and Mr. Donald W. Kling for the plaintiffs in error.

No. 171. Louis Pizitz Dry Goods Company, Inc., plaintiff in error, *v.* Willis Yeldell, as Administrator, etc. Argument commenced by Mr. Joseph P. Mudd for the plaintiff in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, February 28, will be as follows: Nos. 171, 172, 174, 180, 183, 606 (and 638, 709, 710, 711, 712, 713, 714, 715, 716), 362, 531, 372, and 91.



SUPREME COURT OF THE UNITED STATES

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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.

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George Edgar Jackson, of Oakland, Calif.; A. F. House, of Little Rock, Ark.; Jacob Mark Lashly, of St. Louis, Mo.; David W. Kahane, of Chicago, Ill.; Edwin D. Crites, of Chadron, Nebr.; John A. McQuillan, of New York City; Joseph C. White, of New York City; Francis B. Biddle, of Philadelphia, Pa.; Jacob H. Gilbert, of New York City; Kim Sigler, of Hastings, Mich.; Etta Louise Taggart, of Washington, D. C.; Fred Lee Woodson, of Washington, D. C.; Irene Rutherford O'Crowley, of Newark, N. J.; H. W. Applegate, of Little Rock, Ark.; Frank M. Kemp, of Dallas, Tex.; Julien O. Seth, of Santa Fe, N. Mex.; Cecil H. MacMahon, of Newark, N. J.; and Frederic R. Coudert, jr., of New York City, were admitted to practice.

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No. 305. Pan American Petroleum and Transport Company and Pan American Petroleum Company, petitioners, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Decree affirmed, and the cause remanded to the District Court of the United States for the Southern District of California. Opinion by Mr. Justice Butler. Mr. Justice Stone took no part in the consideration or decision of this case.

No. 261. Tyson and Brother United Theatre Ticket Offices, Inc., appellant, *v.* Joab H. Banton, as District Attorney of the County of New York, State of New York, and Vincent B. Murphy, as Comptroller of the State of New York. Appeal from the District Court of the United States for the Southern District of New York. Decree reversed with costs, and the cause remanded to the said District Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Sutherland. Dissenting: Mr. Justice Holmes and Mr. Justice Brandeis. Dissenting: Mr. Justice Stone. Dissenting: Mr. Justice Sanford.

The Chief Justice announced the following orders of the Court:

No. —, original. *Ex parte*: In the matter of William Leather, petitioner. The motion for leave to file petition for a writ of *mandamus* herein is denied.

No. —, original. *Ex parte*: Semaphore Indicator Company et al., petitioners. The motion for leave to file petition for a writ of *mandamus* herein is denied.

No. —, original. *Ex parte*: Malleable Iron Range Company; petitioner. The motion for leave to file petition for a writ of *mandamus* herein is denied without prejudice to a resumption of the application in some other form.

No. —, original. *Ex parte*: In the matter of Merle Phillips, petitioner. The motion for leave to file a petition for a writ of *habeas corpus* herein is denied.

No. 719. Mammoth Oil Company et al., petitioners, *v.* The United States of America. The motion to advance this case is granted and the case assigned for argument on Monday, April 11 next, after the cases heretofore assigned for that day.

No. 549. Arkansas Railroad Company et al., appellants, *v.* Chicago, Rock Island and Pacific Railroad Company. The motion to advance this case is granted and the case assigned for argument on Monday, April 18 next.

No. 691. Quaker City Cab Company, plaintiff in error, *v.* The Commonwealth of Pennsylvania. The motion to advance this case is granted and the case assigned for argument on Monday, April 18 next, after the case heretofore assigned for that day.

No. 894. J. F. Lawrence et al., etc., 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, April 18 next, after the cases heretofore assigned for that day.

No. 855. Peter Lemieux, petitioner, *v.* The United States of America and Shah Bah Yaust. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. The motion for leave to proceed further herein *in forma pauperis* denied for the reason that the Court, upon examination of the unprinted record herein submitted, finds that there is no ground upon which a writ of 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. 656. George R. Dale, plaintiff in error, *v.* The State of Indiana. The motion to reinstate this case on the docket is granted.

No. 299. Paul L. James and W. Willis Houston, partners, trading as Pan-Handle Coal Company, plaintiffs in error, *v.* Norfolk and Western Railway Company. In error to the Special Court of Appeals of the State of Virginia. *Per curiam*: Writ of error herein dismissed and, the Court treating the same as an application for certiorari, denies such application, all on authority of *Emmons Coal Mining Company, v. Norfolk and Western Railway Company*, October Term, 1926, No. 70, January 3, 1927.

No. 596. Red Star Motor Drivers Association et al., plaintiffs in error, *v.* City of Detroit et al. Further consideration of the motion to dismiss or affirm in this case is postponed to the hearing of the case on the merits. The motion to advance is granted and the case is assigned for argument on Monday, October 3 next.

No. 812. Frank Weeke, plaintiff in error, *v.* The United States of America. In error to the United States Circuit Court of Appeals for the Eighth Circuit. *Per curiam*: Writ of error dismissed under section 240 of the Judicial Code as amended by the act of February 13, 1925 (43 Stat. 936), and, treating the writ of error as a petition for a writ of certiorari, the Court also denies the same.

No. 1081, of October Term, 1925. A. Stanley Copeland, petitioner, *v.* The United States of America. The motion for leave to file motion for reconsideration of petition for certiorari herein is denied.

No. 6, original. The State of Oklahoma, complainant, *v.* The State of Texas et al. The Fourth Report of the Boundary Commissioners is received and ordered filed.

No. 722. J. J. Eiseman and Alexander R. Abrams, plaintiffs in error, *v.* The People of the State of California; and

No. 723. Holmes Ives and N. J. Whelan, plaintiffs in error, *v.* The People of the State of California. On writs of error to the District Court of Appeals, First Appellate District of the State of California. *Per curiam*: Dismissed for lack of jurisdiction in this Court on the authority of *Kipley, v. Illinois*, 170 U. S. 182, 186; *New York Central Railroad Company v. New York*, 186 U. S. 269, 273.

No. 739. Fortune Ferguson, Jr., plaintiff in error, *v.* The State of Florida. In error to the Supreme Court of the State of Florida. *Per curiam*: Dismissed for want of a federal question on the authority of *Shulthis v. MacDougal*, 225 U. S. 561; *Hull v. Burr*, 234 U. S. 712, 720; *Norton v. Whitesides*, 239 U. S. 144, 147.

No. 106. Jacob M. Dickinson, Receiver of the Chicago, Rock Island and Pacific Railway Company, appellant, *v.* The United States. Appeal from the Court of Claims. *Per curiam*: Affirmed on the authority (1) of *Illinois Central Railroad Company v. United States*, 265 U. S. 209, and (2) of *Southern Pacific Company v. United States*, 268 U. S. 263.

No. 149. New York Central Securities Corporation, appellant, *v.* The Cleveland, Cincinnati, Chicago and St. Louis Railway Company and The New York Central Railroad Company. Appeal from the District Court of the United States for the Northern District of Ohio. *Per curiam*: The judgment of dismissal herein by the district court for want of jurisdiction is reversed on the authority of *General Investment Company v. New York Central Railroad Company*, 271 U. S. 228.

No. 151. Knights of the Ku Klux Klan, plaintiff in error, *v.* The State of Kansas *ex rel.* Charles B. Griffith, Attorney General. In error to the Supreme Court of the State of Kansas. *Per curiam*: Dismissed for want of a federal question on the authority of *Shulthis v. MacDougal*, 225 U. S. 561, 569; *Hull v. Burr*, 234 U. S. 712, 720; and *Norton v. Whiteside*, 239 U. S. 144, 147.

No. 162. G. M. Rosengrant, doing business as the Riverside Manufacturing Company, plaintiff in error, *v.* Eva J. Havard. In error to the Supreme Court of the State of Alabama. *Per curiam*: Affirmed on the authority of *Grant Smith-Porter Ship Company v. Herman F. Rohde*, 257 U. S. 469, and *Millers' Indemnity Underwriters v. Broad*, 270 U. S. 59.

No. 168. Timken Roller Bearing Company, plaintiff in error, *v.* The Pennsylvania Railroad Company; and

No. 178. Thomas P. Goodbody, as Receiver of the Hydraulic Steel Company, plaintiff in error, *v.* The Pennsylvania Railroad Company. On writs of error to the District Court of the United States for the Northern District of Ohio. *Per curiam*: Dismissed for lack of jurisdiction in this Court on the authority of *Transportes Maritimos Do Estado v. Almeida*, 265 U. S. 104, 105, and *Oliver American Trading Company v. Government of the United States of Mexico*, 264 U. S. 440, 442.

No. 783. Malleable Iron Range Company, petitioner, *v.* The United States. Petition for a writ of certiorari herein to the Court of Claims granted.

No. 823. Toledo, St. Louis and Western Railroad Company, petitioner, *v.* Hilbert Stuart Allen. Petition for a writ of certiorari to the Supreme Court of the State of Missouri granted.

No. 836. Arthur H. Lamborn, Gerard P. Tameling, Charles C. Riggs et al., petitioners, *v.* The National Bank of Commerce of Norfolk, Virginia. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit granted.

No. 784. Daniel O'Neill, Harry Levin, and Morris Multin, 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. 785. Michael Whalen, 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. 786. Nathan Goldstein, 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. 787. Harry F. Stratton, 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. 775. City of Wichita Falls, Texas, petitioner, *v.* The United States. Petition for a writ of certiorari to the Court of Claims denied.

No. 776. American Railway Express Company, petitioner, *v.* The United States. Petition for a writ of certiorari to the Court of Claims denied.

No. 780. Luther J. Bailey and James E. Fulgham, petitioners, *v.* The United States. Petition for a writ of certiorari to the Court of Claims denied.

No. 793. American Exchange Irving Trust Company (formerly Irving Bank-Columbia Trust Company), as Executor of the Estate of Herman Sielcken, deceased, petitioner, *v.* The United States. Petition for a writ of certiorari to the Court of Claims denied.

No. 804. Wabash Railway Company, petitioner, *v.* South Daviess County Drainage District. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 809. E. B. Johnson, L. A. Sanders, County Treasurer of Grady County, Oklahoma, and Maxwell Investment Company, petitioners, *v.* William Fetzer. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 812. Frank Weeke, plaintiff in error, *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. 814. American Security Company and Albert Pick and Company, petitioners, *v.* Steel's Consolidated, Inc. Petition for a writ of certiorari to the Supreme Court of the State of New York denied.

No. 817. Illinois Central Railroad Company, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 818. McGrew Coal Company, petitioner, *v.* Andrew W. Mellon, as Federal Agent. Petition for a writ of certiorari to the Supreme Court of the State of Missouri denied.

No. 819. The City of Seattle, petitioner, *v.* Puget Sound Power and Light Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 874. Puget Sound Power and Light Company, petitioner, *v.* The City of Seattle. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 820. Seaboard Air Line Railway Company, petitioner, *v.* M. A. Inge. Petition for a writ of certiorari to the Supreme Court of the State of North Carolina denied.

No. 822. M. Coppard, Trustee of the Estate of Dollingers, Incorporated, Bankrupt, petitioner, *v.* B. C. Martin. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 824. A. G. Johns, as Trustee in Bankruptcy of E. Y. Foley, Inc., a Bankrupt, etc., petitioner, *v.* United Bank and Trust Company of California. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 825. A. G. Johns, as Trustee in Bankruptcy of E. Y. Foley, Inc., a Bankrupt, etc., petitioner, *v.* Pacific-Southwest Trust and Savings Bank, J. E. Lynes, individually, etc., Andrews Bros. et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 830. Chicago, Indianapolis and Louisville Railway Company, Petitioner, *v.* Alva Crawford. Petition for a writ of certiorari to the Appellate Court for the First District of the State of Illinois denied.

No. 831. The New York, New Haven and Hartford Railroad Company, petitioner, *v.* Agnes Sullivan. Petition for a writ of certiorari to the Supreme Court of Errors, Third Judicial District of the State of Connecticut, denied.

No. 832. Saveria Spremulli, petitioner, *v.* Henry H. Curran, Commissioner of Immigration, Port of New York. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 833. John H. Parrott, petitioner, *v.* John C. Noel, Collector of Internal Revenue for the District of Virginia. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 834. H. R. Davis, for the use and benefit of himself and all others similarly situated, petitioner, *v.* S. J. McFarland et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 835. Alexander B. Stewart, petitioner, *v.* The District Court of the United States for the Southern District of California, Southern Division, et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 837. Honto H. Tooley, individually and as executrix of estate of William L. Tooley, deceased, petitioner, *v.* Aetna Life Insurance Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 813. Pressed Steel Car Company, petitioner, *v.* The United States. On petition for writ of certiorari to the Court of Claims. Writ of certiorari granted. Judgment of the Court of Claims in so far as it determined that the petitioner is not entitled to recover any sum in this action of and from the United States, affirmed, and the judgment of the Court of Claims in favor of the United States upon its counterclaim modified by reducing the amount thereof to the sum of \$126,202.15, plus the sum of \$1,775.34, the costs allowed by that court, and the cause forthwith remanded to the Court of Claims to proceed accordingly, per stipulation of counsel, on motion of Mr. Solicitor General Mitchell, in that behalf.

No. 909. Swift and Company et al. and Armour and Company et al. *v.* The United States. Motion to advance submitted by Mr. Solicitor General Mitchell for the United States.

No. 504. International-Great Northern Railroad Company, plaintiffs in error, *v.* The Railroad Commission of Texas. Leave granted to substitute Claude Pollard, present Attorney General of the State of Texas, in the place of Dan Moody, formerly Attorney General of the State of Texas, as a party defendant in error, on motion of Mr. Fred H. Wood in that behalf.

No. 6, original. The State of Oklahoma, complainant, *v.* The State of Texas, defendant, The United States of America, Intervenor. Leave granted to withdraw certain specified original exhibits in this case on motion of Mr. T. Hardy Todd in behalf of counsel for the defendant, State of Texas.

No. 815. Hope Natural Gas Company, plaintiff in error, *v.* Grant T. Hall, State Tax Commissioner of West Virginia et al. Motion to advance submitted by Mr. T. C. Townsend and Mr. Fred O. Blue for the defendants in error.

No. 362. Liggett and Myers Tobacco Company, petitioner, *v.* The United States of America. Leave granted to file brief of Ira Jewell Williams, John H. Stone, and F. R. Foraker as *amici curiæ* on motion of Mr. Robert Ash in that behalf.

No. 531. Charles H. Phelps, as surviving partner, etc., petitioner, *v.* The United States of America. Leave granted to file brief of Ira Jewell Williams, John H. Stone, and F. R. Foraker as *amici curiæ* on motion of Mr. Robert Ash in that behalf.

No. 827. Ellsworth Kelley, plaintiff in error, *v.* The State of Oregon. Time within which brief for the plaintiff in error may be filed extended until March 21 next, on motion of Mr. Lawrence H. Cake in behalf of Mr. Will R. King for the plaintiff in error.

No. 839. The Hanover Fire Insurance Company of New York, petitioner, *v.* Merchants Transportation Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Carroll Single, Mr. S. Hasket Derby, and Mr. Benjamin S. Grosscup for the petitioner.

No. 852. Ancient Egyptian Arabic Order Nobles of the Mystic Shrine, etc., et al., petitioners, *v.* D. W. Michaux, Chester H. Bryan, A. J. Dow, et al. Petition for a writ of certiorari to the Supreme Court of the State of Texas submitted by Mr. James E. White and Mr. Samuel A. T. Watkins for the petitioners.

No. 859. Thomas R. Tarn, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Lowrie C. Barton for the petitioner.

No. 863. Pacific Mail Steamship Company, Claimant of the Steamship "Newport," her engines, etc., et al., petitioners, *v.* Henry Wilson, F. A. Wilson, W. T. Wilson, et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Edward J. McCutchen, Mr. Warren Olney, jr., and Mr. Farnham P. Griffiths for the petitioners.

No. 865. Detroit Terminal Railroad Company, petitioner, *v.* Pennsylvania-Detroit Railroad Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Frank E. Robson for the petitioner.

No. 867. P. S. Kendrick and J. A. Kendrick, petitioners, *v.* Mary W. Kendrick. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. J. M. McCormick, Mr. S. M. Leftwich, and Mr. Paul Carrington for the petitioners, and by Mr. David B. Trammatt for the respondent.



No. 868. Caroline H. McDowell, Executrix of the Estate of Jesse C. McDowell, Deceased, petitioner, *v.* D. B. Heiner, Collector of Internal Revenue, 23d District, Pennsylvania. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. William G. Heiner for the petitioner.

No. 871. Ormsby McKnight Mitchel, petitioner, *v.* Frank K. Bowers, Collector of Internal Revenue for the Second District of New York. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Herman Aaron for the petitioner.

No. 872. Atlantic Coast Line Railroad Company, petitioner, *v.* Standard Oil Company of Kentucky. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Helm Bruce and Mr. Thomas W. Davis for the petitioner.

No. 873. Standard Oil Company, Incorporated in Kentucky, petitioner, *v.* Atlantic Coast Line Railroad Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Charles S. Middleton, Mr. Edward P. Humphrey, and Mr. William W. Crawford for the petitioner.

No. 877. Federal Trade Commission, petitioner, *v.* Harriet Hubbard Ayer, Inc. 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. Bayard T. Hainer, and Mr. Adrien F. Busick for the petitioner.

No. 372. R. B. Morris, doing business as Morris and Lowther et al., appellants, *v.* William Duby et al. Submitted by Mr. W. R. Crawford and Mr. Edwin C. Ewing for the appellants, and by Mr. I. H. Van Winkle and Mr. J. M. Devers for the appellees.

No. 171. Louis Pizitz Dry Goods Company, Inc., plaintiff in error, *v.* Willis Yeldell, as Administrator, etc. Argument continued by Mr. Benjamin F. Ray for the defendant in error, and concluded by Mr. Joseph T. Mudd for the plaintiff in error.

No. 172. George F. Pawling and Company, appellant, *v.* The United States. Argument commenced by Mr. James Craig Peacock for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, March 1, will be as follows: Nos. 172, 174, 180, 183, 606 (and 638, 709, 710, 711, 712, 713, 714, 715, 716), 362, 531, 91, 190, and 191.

## SUPREME COURT OF THE UNITED STATES

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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.

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Farwell Knapp, of West Hartford, Conn.; Arthur R. Robinson, of Indianapolis, Ind.; and Arthur Carnduff, of Washington, D. C., were admitted to practice.

No. 499. J. Mell Brooks et al., plaintiffs in error, *v.* D. H. Blackwood, Treasurer. Motion to advance submitted by Mr. H. W. Applegate for the defendant in error.

No. 172. George F. Pawling and Company, appellant, *v.* The United States. Argument continued by Mr. Assistant Attorney General Galloway for the appellee and concluded by Mr. James Craig Peacock for the appellant.

No. 174. Carl Franz Adolf Otto Ingenohl, petitioner, *v.* Walter E. Olsen and Company, Inc. Argued by Mr. James M. Beck for the petitioner and by Mr. Frederic R. Coudert, jr., for the respondent.

No. 180. Leopold Zimmermann et al., appellants, *v.* Howard Sutherland, as Alien Property Custodian et al. Argument commenced by Mr. Charles E. Hughes for the appellants; continued by Mr. Samuel R. Wachtell for appellee, the Weiner Bank Verein, and concluded by Mr. Charles E. Hughes for the appellants, and case submitted by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Farnum, and Mr. Dean Hill Stanley for appellee, Howard Sutherland, as Alien Property Custodian.

No. 183. Munich Reinsurance Company, appellant, *v.* First Reinsurance of Hartford, Connecticut. Submitted by Mr. John J. Cunneen for the appellant and by Mr. Lucius F. Robinson and Mr. Charles Wells Gross for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, March 2, will be as follows: Nos. 606 (and 638, 709, 710, 711, 712, 713, 714, 715, 716), 362, 531, 91, 190, 191, 192, 193, 195, and 196.

## SUPREME COURT OF THE UNITED STATES

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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.

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David Wallace Stewart, of Sioux City, Iowa; William Harrison Freedman, of New York City; Samuel Mayo Rinaker, of Chicago, Ill.; J. F. Dammann, jr., of Chicago, Ill.; Dudley Cooke Smith, of New York City; Henry W. Dieck, jr., of New York City; and Walter Adler, of Providence, R. I., were admitted to practice.

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No. 606. United States of America and Interstate Commerce Commission, appellants *v.* The Akron, Canton, and Youngstown Railway Company et al.;

No. 638. Pocahontas Operators' Association et al., appellants, *v.* The Akron, Canton, and Youngstown Railway et al.;

No. 709. The United States of America and Interstate Commerce Commission, appellants, *v.* Berwind-White Coal Mining Company et al.;

No. 710. The United States of America and Interstate Commerce Commission, appellants, *v.* Bethlehem Steel Company et al.;

No. 711. The United States of America and Interstate Commerce Commission, appellants, *v.* Rainey-Wood Coke Company et al.;

No. 712. The United States of America and Interstate Commerce Commission, appellants, *v.* Public Service Electric and Gas Company;

No. 713. Pocahontas Operators' Association et al., appellants, *v.* Berwind-White Coal Mining Company et al.;

No. 714. Pocahontas Operators' Association et al., appellants, *v.* Bethlehem Steel Company et al.;

No. 715. Pocahontas Operators' Association et al., appellants, *v.* Rainey-Wood Coke Company et al.; and

No. 716. Pocahontas Operators' Association et al., appellants, *v.* Public Service Electric and Gas Company. Argument commenced by Mr. Blackburn Esterline for the United States, appellant in Nos. 606, 709, 710, 711, and 712; continued by Mr. Francis I. Gowen and by Mr. F. M. Rivinus for the Akron, Canton & Youngstown Railway Company et al., appellees in Nos. 606 and 638; by Mr.

Frederick H. Wood for the Bethlehem Steel Company et al., appellees in No. **710**; by Mr. Walker D. Hines for the Berwind-White Coal Mining Company et al., appellees in No. **709**.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, March 3, will be as follows: Nos. **606** (and **638, 709, 710, 711, 712, 713, 714, 715, 716**), **362, 531, 91, 190, 191, 192, 193, 195, and 196**.

## SUPREME COURT OF THE UNITED STATES

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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.

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Milton Andrew Romjue, of Macon, Mo.; Ira Jewell Williams, jr., of Philadelphia, Pa.; Thos. H. Keaton, of Trenton, Tenn.; Marcy K. Brown, jr., of Kansas City, Mo.; George H. Coombs, jr., of Kansas City, Mo.; Cordie Page, of Conway, S. C.; Clarence E. Dawson, of Chevy Chase, Md.; and John F. Robb, of Cleveland, Ohio, were admitted to practice.

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No. 606. United States of America and Interstate Commerce Commission, appellants, *v.* The Akron, Canton, and Youngstown Railway Company et al.;

No. 638. Pocahontas Operators' Association et al., appellants, *v.* The Akron, Canton, and Youngstown Railway et al.;

No. 709. The United States of America and Interstate Commerce Commission, appellants, *v.* Berwind-White Coal Mining Company et al.;

No. 710. The United States of America and Interstate Commerce Commission, appellants, *v.* Bethlehem Steel Company et al.;

No. 711. The United States of America and Interstate Commerce Commission, appellants, *v.* Rainey-Wood Coke Company et al.;

No. 712. The United States of America and Interstate Commerce Commission, appellants, *v.* Public Service Electric and Gas Company;

No. 713. Pocahontas Operators' Association et al., appellants, *v.* Berwind-White Coal Mining Company et al.;

No. 714. Pocahontas Operators' Association et al., appellants, *v.* Bethlehem Steel Company et al.;

No. 715. Pocahontas Operators' Association et al., appellants, *v.* Rainey-Wood Coke Company et al.; and

No. 716. Pocahontas Operators' Association et al., appellants, *v.* Public Service Electric and Gas Company. Argument continued by Mr. Frederick H. Wood for Bethlehem Steel Company et al., appellees in No. 710; and concluded by Mr. R. Granville Curry for the Interstate Commerce Commission, appellant in Nos. 606, 638, 709, 710,

**711**, and **712**; and cases submitted by Mr. Ralph J. Baker and Mr. John Lord O'Brian for the Rainey-Wood Coke Company et al., appellees in Nos. **711** and **715**; by Mr. Frank Bergen, Mr. Wm. H. Speer, and Mr. August Gutheim for the Public Service Electric and Gas Company, appellee in Nos. **712** and **716**; by Mr. Wayne Johnson for the Pennsylvania Coal and Coke Company, appellee in Nos. **709** and **713**; and by Mr. E. L. Greever for the Pocahontas Operators' Association et al., appellants in Nos. **606**, **638**, **709**, **710**, **711**, **712**, **713**, **714**, **715**, and **716**.

No. **362**. Liggett and Myers Tobacco Company, Petitioner, *v.* The United States of America. Argued by Mr. Chester A. Gwinn for the petitioner and by Mr. Assistant Attorney General Galloway for the respondent.

No. **531**. Charles H. Phelps, etc., et al., Petitioners, *v.* The United States of America. Argued by Mr. H. S. Demming for the petitioners and by Mr. Assistant Attorney General Galloway for the respondent.

No. **91**. United States of America *ex rel.* Norwegian Nitrogen Products Company et al., plaintiffs in error, *v.* The United States Tariff Commission et al. Motion for leave to file petition to appear as *amicus curiae*, for the sole purpose of moving to dismiss, submitted by Mr. Walter Wade Hampton in behalf of J. W. Hampton, jr., & Company, and the motion denied.

No. **91**. United States of America *ex rel.* Norwegian Nitrogen Products Company et al., plaintiffs in error, *v.* The United States Tariff Commission et al. Argument commenced by Mr. George R. Davis for the plaintiffs in error and continued by Mr. Solicitor General Mitchell for the defendants in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, March 4, will be as follows: Nos. **91**, **190**, **191**, **192**, **193**, **195**, **196**, **197**, **198**, and **199**.

## SUPREME COURT OF THE UNITED STATES

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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.

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Francis P. Burns, of New Orleans, La.; Walter Winn Wright, of New Orleans, La.; Proctor A. Bonham, of Greenville, S. C.; Edward A. McLaughlin, jr., of Boston, Mass.; John E. Hannigan, of Boston, Mass.; and Coulter D. Young, of New Rochelle, N. Y., were admitted to practice.

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No. 794. Will Norris, plaintiff in error, *v.* State of Louisiana. Reassigned for argument during the month of April, the date to be agreed upon by counsel, on motion of Mr. A. Owsley Stanley in behalf of Mr. George Wesley Smith for the plaintiff in error.

No. 199. William A. Rhea, petitioner, *v.* Thomas C. Smith. Submitted by Mr. Thomas Hackney for the petitioner and by Mr. W. R. Robertson for the respondent.

No. 91. The United States of America, *ex rel.* Norwegian Nitrogen Products Company et al., plaintiffs in error, *v.* The United States Tariff Commission et al. Argument continued by Mr. Solicitor General Mitchell for the defendants in error and concluded by Mr. Marion DeVries for the plaintiffs in error.

No. 190. The Chicago, Rock Island and Pacific Railway Company et al., appellants, *v.* The United States of America, the Interstate Commerce Commission, et al. Argued by Mr. A. B. Enoch for the appellants and by Mr. Blackburn Esterline for appellee, the United States of America, and by Mr. D. W. Knowlton for appellee, the Interstate Commerce Commission, and concluded by Mr. Enoch for the appellants, and case submitted by Mr. R. C. Fulbright for appellee, Houston Cotton Exchange & Board of Trade and Dallas Cotton Exchange.

No. 191. Margay Oil Corporation, plaintiff in error, *v.* H. W. Applegate, as Attorney General of Arkansas, et al. Argued by Mr.

A. F. House for the plaintiff in error and case submitted by Mr. H. W. Applegate and Mr. Sam M. Wassell for the defendants in error.

No. **192**. City of Kansas City, Missouri, plaintiff in error, *v.* Robert S. Baker. Argued by Mr. John T. Barker for the plaintiff in error. Court declined to hear further argument.

No. **193**. Elizabeth F. Shukert et al., executrices, etc., petitioners, *v.* Arthur B. Allen, Collector. Argument commenced by Mr. W. B. McIlvaine for the petitioners.

Adjourned till Monday next at 12 o'clock.

The day call for Monday, March 7, will be as follows: Nos. **193, 195, 196, 197, 198, 353, 752, 766, 811, and 827.**



SUPREME COURT OF THE UNITED STATES

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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.

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John D. Nix, jr., of New Orleans, La.; Louise Trimble Foster, of Washington, D. C.; John H. Carson, of Salem, Oreg.; Frank L. A. Graham, of Los Angeles, Calif.; George Mowry, of Portland, Oreg.; J. Wilson Parker, of Fairburn, Ga.; Dean S. Face, of Grand Rapids, Mich.; E. Crippen, of Dallas, Tex.; Charles B. Lingamfelter, of Washington, D. C.; and Harry J. Leffert, of New York City, were admitted to practice.

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No. 117. L. A. Nixon, plaintiff in error, *v.* C. C. Herndon and Charles Porras. In error to the District Court of the United States for the Western District of Texas. Judgment reversed with costs, and the cause remanded to the District Court of the United States for the Western District of Texas for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Holmes.

No. 527. Ed Tumey, plaintiff in error, *v.* The State of Ohio. In error to the Supreme Court of the State of Ohio. Judgment reversed with costs, and the cause remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Chief Justice Taft.

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The Chief Justice announced the following orders of the Court:

No. 898. Harry R. Alston *v.* The United States of America. Motion for leave to proceed further in this cause *in forma pauperis* is granted. The case having been brought into this court on the certificate of the judges of the United States Circuit Court of Appeals for the Eighth Circuit, the Court now orders that the whole record herein be sent up to this court and directs the clerk that the printing herein shall not be done until the complete record is received. The application of Alston, the plaintiff in error in the Circuit Court of Appeals, asking that the case be advanced, is granted and the case set for hearing April 11th, 1927, after the cases heretofore assigned for that day.

No. 815. Hope Natural Gas Company, plaintiff in error, *v.* Grant P. Hall, State Tax Commissioner of West Virginia, and Howard B. Lee, Attorney General of West Virginia. The motion to advance this case is granted and the case assigned for argument on Monday, April 18 next, after the cases heretofore assigned for that day.

No. 499. J. Mell Brooks and Blytheville Special School District No. 5, plaintiffs in error, *v.* D. H. Blackwood, as State Treasurer of the State of Arkansas. The motion to advance this case is granted and the case assigned for argument on Monday, October 3 next, after the case heretofore assigned for that day.

No. 909. Swift & Company et al. and Armour & Company et al. *v.* The United States of America. The motion to advance this case is granted and the case assigned for argument on Monday, October 3 next, after the cases heretofore assigned for that day.

No. 172. George F. Pawling & Company, appellant, *v.* The United States. Appeal from the Court of Claims. *Per curiam*: Affirmed on the authority of *Robinson v. The United States*, 261 U. S. 486.

No. 183. Munich Reinsurance Company, appellant, *v.* First Reinsurance Company of Hartford. Appeal from the United States Circuit Court of Appeals for the Second Circuit. *Per curiam*: Dismissed on the authority of *Shulthis v. Macdougall*, 225 U. S. 561 and of Sec. 240 of the Judicial Code.

No. 191. Margay Oil Corporation, plaintiff in error, *v.* H. W. Applegate, as Attorney General of Arkansas, Sam S. Sloan, Treasurer, etc., and John Carroll Cone, Auditor, etc. In error to the Supreme Court of the State of Arkansas. *Per curiam*: Affirmed on the authority of *Roberts and Schaefer Company v. Emerson*, 271 U. S. 50.

No. 192. City of Kansas City, Missouri, plaintiff in error, *v.* Robert S. Baker. In error to the Supreme Court of the State of Kansas. *Per curiam*: Dismissed on the authority of *Sayward v. Denny*, 158 U. S. 180; *Oxley Stave Company v. Butler*, 166 U. S. 648; *Capital National Bank of Lincoln v. First National Bank of Cadiz*, 172 U. S. 425; *Kipley v. Illinois*, 170 U. S. 182, 186; *New York Central Railroad Company v. New York*, 186 U. S. 269, 273.

No. 848. The United States of America *ex rel.* Niels Peter Clausen, petitioner, *v.* Hon. Henry H. Curran, Commissioner of Immigration. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 850. W. C. Tucker, petitioner, *v.* Acel C. Alexander, Commissioner of Internal Revenue. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit granted.

No. 851. The United States of America, petitioner, *v.* Manly S. Sullivan. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit granted.

No. 854. James W. Bothwell, William J. Michel, et al., Receivers of Employers Mutual Insurance and Service Company, petitioners, *v.* Buckbee, Mears Company. Petition for a writ of certiorari to the Supreme Court of the State of Minnesota granted.

No. 858. Finance and Guaranty Company, petitioner, *v.* Henry W. Oppenheimer, Trustee in Bankruptcy for W. A. Lee, trading as National Motor Company, Bankrupt. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit granted.

No. 808. William Stewart, enrolled as a Seminole Indian under the name of William, Ned Lusty, acting for himself and as Guardian, etc., et al., petitioners, *v.* C. B. Billington, Skelly Oil Company, C. M. Cade, et al., etc., et al. Petition for a writ of certiorari to the Supreme Court of the State of Oklahoma denied.

No. 838. Charles Hoxie, 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. 841. Albert V. T. Day, petitioner, *v.* The Union Switch and Signal Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 845. William F. Allen and W. Herbert Hall, copartners, etc., et al., petitioners, *v.* New York, Philadelphia and Norfolk Railroad Company, The Pennsylvania Railroad Company et al. Petition for writ of certiorari to the United States Circuit Court for the Fourth Circuit denied.

No. 846. Gustavus A. Buder and Oscar E. Buder, petitioners, *v.* Ehrhardt W. Franz. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 847. White Oak Coal Company, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 849. The Alexander Milburn Company, petitioner, *v.* Union Carbide & Carbon Corporation, Union Carbide Company, Union Carbide Sales Company, et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 853. Chicago and North Western Railway Company, petitioner, *v.* Industrial Commission of Illinois et al., and Louis Veruchi, administrator of the estate of Dominic Veruchi, deceased. Petition for a writ of certiorari to the Circuit Court of Winnebago County, State of Illinois, denied.

No. 856. Stanley C. Kimble and Walter E. Ahlberg, Administrators of Bernard A. Ahlberg, deceased, petitioners, *v.* Aetna Life Insurance Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 857. John R. Land, petitioner, *v.* Columbus Brockett. Petition for a writ of certiorari to the Supreme Court of the State of Louisiana denied.

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No. 315. Fong Suey Chong, appellant, *v.* John D. Nagle, Commissioner of Immigration, Port of San Francisco. Motion to dismiss and that mandate issue forthwith submitted by Mr. Solicitor General Mitchell for the appellee in support of the motion.

No. 525. Yip Wah, alias Jim, alias Woo Yip Woo, appellant, *v.* John D. Nagle, Commissioner of Immigration, Port of San Francisco. Motion to dismiss and that mandate issue forthwith submitted by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Luhring, and Mr. Harry S. Ridgely for the appellee in support of the motion.

No. 816. The Goodyear Tire & Rubber Company, Inc., petitioner, *v.* The United States. Submission of the petition for a writ of certiorari herein postponed until Monday, March 21 next, with leave to the respondent to file brief on or before Friday, March 18 next, per stipulation of counsel, on motion of Mr. Solicitor General Mitchell in that behalf.

No. 353. Benjamin or Ben Harmon, plaintiff in error, *v.* Joseph W. Tyler. Leave granted to file brief of Bertrand I. Cahn, City Attorney of the City of New Orleans, as *amicus curiae* on motion of Mr. Walter Winn Wright in that behalf.

No. 866. Black and White Taxicab and Transfer Company, petitioner, *v.* Brown and Yellow Taxicab and Transfer Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. John L. Stout for the petitioner.

No. 870. The United States of America, petitioner, *v.* Sakharam Ganesh Pandit. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Luhring, and Mr. Harry S. Ridgely for the petitioner.

No. 875. The First National Bank of Ogden, Utah, petitioner, *v.* The First National Bank of Rigby, Idaho. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. J. H. DeVine and Mr. J. A. Howell for the petitioner.

No. 878. The Sylvester Company, petitioner, *v.* Malcolm E. Nichols, Collector of Internal Revenue. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit submitted by Mr. George S. Fuller for the petitioner, and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, Mr. J. Louis Monarch, Mr. A. W. Gregg, and Mr. John R. Wheeler for the respondent.

No. 879. E. Henry Wemme Company, petitioner, *v.* Ben Selling, Dr. Allen P. Noyes, et al., etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Edward W. Wickey and Mr. Thomas Mannix for the petitioner.

No. 883. 500 Cases of Tomatoes and Italia-American Shipping Corporation, petitioners, *v.* Francis H. Leggett & Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Homer L. Loomis for the petitioners, and by Mr. T. Catesby Jones for the respondent.

No. 885. Gropper Knitting Mills, Inc., petitioner, *v.* Franklin Knitting Mills, Inc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Avel B. Silverman for the petitioner and by Mr. Edward M. Evarts for the respondent.

No. 886. Philadelphia & Reading Railway Company (now Reading Company), petitioner, *v.* William A. Auchenbach. 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. Samuel Schneider for the respondent.

No. 891. Gulf, Mobile and Northern Railroad Company, petitioner, *v.* L. G. Touchstone. Petition for a writ of certiorari to the Supreme Court of the State of Mississippi submitted by Mr. Ellis B. Cooper for the petitioner.

No. 892. Mrs. J. W. Peebles and J. W. Peebles, petitioners, *v.* The Exchange Building Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. J. W. Canada for the petitioners.

No. 895. The Baltimore and Ohio Railroad Company and Gauley Company, petitioners, *v.* Cary C. Hines, Administrator *de bonis non* of the personal estate of William Crennell, Jr., deceased. Petition for a writ of certiorari to the Circuit Court of Braxton County, State of West Virginia, submitted by Mr. W. E. Haymond for the petitioners.

No. 896. The Baltimore and Ohio Railroad Company and Gauley Company, petitioners, *v.* Cary C. Hines, Administrator *de bonis*

*non* of the personal estate of William Crennell, Jr., deceased. Petition for a writ of certiorari to the Supreme Court of Appeals of the State of West Virginia submitted by Mr. W. E. Haymond for the petitioners.

No. 897. William E. Guy, petitioner, *v.* Honorable Jake Fisher, Judge of the Circuit Court of Braxton County, Cary C. Hines, Administrator *de bonis non*, etc., et al. Petition for a writ of certiorari to the Supreme Court of Appeals of the State of West Virginia submitted by Mr. W. E. Haymond for the petitioner.

No. 900. The Derby Oil Company, petitioner, *v.* H. H. Motter, Internal Revenue Collector for the District of Kansas. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. John H. Brennan and Mr. Harry H. Smith for the petitioner.

No. 216. Ellamar Mining Company, petitioner, *v.* The Alaska Steamship Company. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Dismissed with costs per stipulation of counsel.

No. 889. William A. Higgins and Edward S. Higgins, Copartners doing business under the firm name of William A. Higgins and Company, petitioners, *v.* California Prune and Apricot Growers, Inc. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Dismissed with costs per stipulation of counsel.

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No. 193. Elizabeth F. Shukert et al., Executrices, etc., petitioners, *v.* Arthur B. Allen, Collector of Internal Revenue for the District of Nebraska. Argument continued by Mr. William B. McIlvaine for the petitioners, by Mr. Thomas H. Lewis for the respondent, and concluded by Mr. Arthur F. Mullen for the petitioners, with leave to counsel for the petitioners to file an additional brief.

No. 195. Robert Gallagher et al., appellants, *v.* John E. Hannigan, Trustee in Bankruptcy of Old Colony Foreign Exchange Company. Argued by Mr. Edward A. McLaughlin, jr., for the appellee, and case submitted by Mr. Lowell A. Mayberry and Mr. Robert Gallagher for the appellants.

No. 195. Robert Gallagher et al., appellants, *v.* John E. Hannigan, Trustee in Bankruptcy of Old Colony Foreign Exchange Company. Motion to dismiss submitted by Mr. Edward A. McLaughlin, jr., and Mr. John E. Hannigan for the appellee in support of the motion, and by Mr. Lowell A. Mayberry and Mr. Robert Gallagher for the appellants in opposition thereto.

No. 196. Hector N. Zahn and A. W. Ross, plaintiffs in error, *v.* Board of Public Works of the City of Los Angeles, et al. Argued by Mr. A. J. Hill for the plaintiffs in error and by Mr. Lucius P. Green for the defendants in error.

No. 197. Ed C. Curdts et al., plaintiffs in error, *v.* South Carolina Tax Commission. Argument commenced by Mr. P. A. Bonham for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, March 8, will be as follows: Nos. 197, 198, 353, 752, 766, 811, 827, 200, 201, and 202.

## SUPREME COURT OF THE UNITED STATES

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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.

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Sidney Post Simpson, of Washington, D. C.; Pike Powers Waldrop, of New York City; Richard Elliott Marine, of Pittsburg, Pa.; and Claude L. Johnson, of New Orleans, La., were admitted to practice.

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No. 864. James Willos, plaintiff in error, *v.* State of Oregon. Leave granted to file statement of points relied upon and designation of parts of the record to be printed on motion of Mr. Charles L. McNary in behalf of Mr. Thomas Mannix for the plaintiff in error.

No. 201. Florence L. Clay, Nora Webb, Wm. Chandler, et al., appellants, *v.* The City of Eustis. Appeal from the District Court of the United States for the Southern District of Florida. Dismissed with cost on motion of Mr. John E. Laskey for the appellants.

No. 197. Ed. C. Curdts et al., plaintiffs in error, *v.* South Carolina Tax Commission. Argument continued by Mr. P. A. Bonham for the plaintiffs in error and concluded by Mr. Cordie Page for the defendant in error.

No. 198. Joseph Seeman et al., petitioners, *v.* Philadelphia Warehouse Company. Argued by Mr. Samuel F. Frank for the petitioners and by Mr. Owen J. Roberts for the respondent.

No. 353. Benjamin or Ben Harmon, plaintiff in error, *v.* Joseph W. Tyler. Argued by Mr. Loys Charbonnet for the plaintiff in error and by Mr. Francis P. Burns and Mr. Walter Winn Wright for the defendant in error.

No. 752. The United States of America, petitioner, *v.* James M. Lee, alias James M. Leach. Argued by Mr. Assistant Attorney General Farnum for the petitioner. No brief filed for the respondent.

No. 766. C. O. Westfall *v.* The United States of America. Argument commenced by Mr. D. S. Face for Westfall.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, March 9, will be as follows: Nos. 766, 811, 827, 200, 202, 203 (and 204, 205, 206, 207, 208, and 209), 210 (and 264), 211, 214, and 215.



## SUPREME COURT OF THE UNITED STATES

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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.

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Howard L. Weaver, of Akron, Ohio; Alton H. Etling, of Orrville, Ohio; and Daniel B. Welty, of Oklahoma City, Okla., were admitted to practice.

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No. 203. State of Missouri *ex rel.* Washington University. plaintiff in error, *v.* Public Service Commission of Missouri and Union Electric Light & Power Company;

No. 204. State of Missouri *ex rel.* Washington University, plaintiff in error, *v.* Public Service Commission of Missouri and Union Electric Light & Power Company;

No. 205. 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. 206. 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. 207. 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. 208. 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. 209. State of Missouri *ex rel.* Hotel Statler Company, Inc., plaintiff in error, *v.* Public Service Commission of Missouri and Union Electric Light & Power Company. Continued per stipulation of counsel.

No. 766. C. O. Westfall *v.* The United States of America. Argument continued by Mr. D. S. Face for Westfall and concluded by Mr. Solicitor General Mitchell for the United States.

No. 811. Frank W. Keeler, plaintiff in error, *v.* Stanley Myers, as District Attorney, etc., et al. Argument commenced by Mr. Peter Q. Nyce for the plaintiff in error. Court declined to hear further argument.

No. 827. Ellsworth Kelley, plaintiff in error, *v.* The State of Oregon. Argued by Mr. John H. Carson for the defendant in error and case submitted by Mr. Will R. King for the plaintiff in error on brief to be filed on or before March 21 next pursuant to the order of this Court of February 28 last.

No. 200. The United States of America, appellant, *v.* Sisal Sales Corporation, Charles D. Orth, Alvin W. Krech, et al. Argued by Mr. Assistant to the Attorney General Donovan for the appellant and by Mr. W. W. Aldrich for the appellees, Sisal Sales Corporation et al., and by Mr. Harold R. Medina for the appellees, Hanson and Orth et al.

No. 202. Robert L. Messel, petitioner, *v.* Foundation Company. Argument commenced by Mr. Claude L. Johnson for the petitioner and concluded by Mr. Purnell M. Milner for the respondent.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, March 10, will be as follows: Nos. 210 (and 264), 211, 214, 215, 218, 219, 220, 221, 223, and 225.

## SUPREME COURT OF THE UNITED STATES

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

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Andrew J. Onderdonk, of New York City; Roy L. Deal, of Winston-Salem, N. C.; and Nelson Grammans, of New York City, were admitted to practice.

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No. 218. H. C. Haas, plaintiff in error, *v.* L. Greenwald et al. Continued per stipulation of counsel.

No. 219. George Lee Miller et al., plaintiffs in error, *v.* Board of Public Works of the City of Los Angeles et al. In error to the Supreme Court of the State of California. Dismissed with costs pursuant to the 19th rule.

No. 221. C. S. Gibson, Sheriff of Lyon County, Kansas, plaintiff in error, *v.* National Bond and Investment Company. Submitted by Mr. William A. Smith and Mr. Roland Boynton for the plaintiff in error. No brief filed for the defendant in error.

No. 223. Demetrios Anastopoulos, appellant, *v.* John P. Johnson, Commissioner of Immigration. Reassigned for argument on Monday, April 11th next, after the cases heretofore assigned for that day, on motion of Mr. Assistant Attorney General Farnum in that behalf.

No. 210. The Ohio Public Service Company, plaintiff in error, *v.* The State of Ohio *ex rel.* Joseph O. Fritz, Prosecuting Attorney; and

No. 264. The Ohio Public Service Company, plaintiff in error, *v.* The State of Ohio *ex rel.* Joseph O. Fritz, Prosecuting Attorney. Argued by Mr. Carl H. Henkil and Mr. Frank M. Cobb for the plaintiff in error, and by Mr. Lyman R. Critchfield and Mr. Alton H. Elting for the defendant in error.

No. 211. Federal Trade Commission, petitioner, *v.* Alfred Klessner, doing business under the name "Shade Shop." Argued by Mr. A. F. Busick for the petitioner, and by Mr. Harry S. Barger for the respondent.

No. 214. Merritt & Chapman Derrick & Wrecking Co., plaintiff in error, *v.* The United States of America. Argued by Mr. D. C. Smith for the plaintiff in error, and by Mr. Assistant Attorney General Farnum for the defendant in error.

No. 215. Federal Trade Commission, petitioner, *v.* Eastman Kodak Co. et al. Argument commenced by Mr. Adrien F. Busick for the petitioner.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, March 11, will be as follows: Nos. 215, 220, 225, 226, 227, 228, 229, 232, 233, and 234.

## SUPREME COURT OF THE UNITED STATES

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

George W. C. McCarter, of Newark, N. J.; John S. Montgomery, of New York City; and Charles C. Collins, of Washington, D. C., were admitted to practice.

No. 229. New York Dock Company, petitioner, *v.* Steamship "Poznan," her engines, etc., et al. Reassigned for argument at the foot of the call for Monday next on motion of Mr. Mark W. Maclay for the respondent.

No. 215. Federal Trade Commission, petitioner, *v.* Eastman Kodak Company et al. Argument continued by Mr. Adrian F. Busick for the petitioner, by Mr. John W. Davis for the respondents, and concluded by Mr. Adrian F. Busick.

No. 220. Foster Kelton et al., plaintiffs in error, *v.* Wallace Kelton. Argued by Mr. Haskell B. Talley for the plaintiff in error. No brief filed for the defendant in error. Leave granted to Mr. Haskell B. Talley to file an additional brief for the plaintiffs in error within ten days from this date.

No. 225. Dimmitt Hoffman, Judge of the Thirtieth Judicial Circuit of Missouri, plaintiff in error, *v.* State of Missouri ex rel. W. E. Foraker, administrator, etc. Argument commenced by Mr. Roy W. Rucker for the plaintiff in error. The Court declined to hear further argument.

No. 226. Thomas E. Williams, as State Tax Commissioner of the State of Nebraska, et al., appellants, *v.* Chicago & Northwestern Railway Company. Argued by Mr. O. S. Stillman and Mr. Hugh La Master for the appellants, and by Mr. Wymer Dressler for the appellee.

No. 227. Burnrite Coal Briquette Company, petitioner, *v.* Edward G. Riggs et al. Argument commenced by Mr. James J. Lynch for the petitioner. Leave granted to petitioner to file additional brief on or before Tuesday next. Argument continued by Mr. Merritt Lane for the respondent.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, March 14, will be as follows: Nos. 227, 222, 228, 232, 233, 234, 237, 240, 241, and 242.

SUPREME COURT OF THE UNITED STATES

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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.

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Patrick B. O'Sullivan, of Orange, Conn.; William C. Mentzer, of Cheyenne, Wyo.; Irvin Stewart, of Austin, Tex.; John E. Hubbell, of New York City; and Theodore S. Kenyon, of New York City, were admitted to practice.

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No. 174. Carl Franz Adolf Otto Ingenohl, petitioner, *v.* Walter E. Olsen & Company, Inc. On writ of certiorari to the Supreme Court of the Philippine Islands. Decree reversed with costs and cause remanded to said Supreme Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Holmes.

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The Chief Justice announced the following orders of the Court:

No. —. *In re* disbarment of Sydney A. Schwartz. The motion to vacate the order of disbarment of January 10 last is denied.

No. 739. Fortune Ferguson, Jr., plaintiff in error, *v.* The State of Florida. The motion to amend the order granting leave to proceed *in forma pauperis* in this case so as to include the expense of printing brief for the plaintiff in error is denied for lack of statutory authority.

No. 315. Fong Suey Chong, appellant, *v.* John D. Nagle, Commissioner of Immigration, Port of San Francisco. Appeal from the District Court of the United States for the Northern District of California. *Per curiam*: Dismissed for want of jurisdiction under section 238 of the Judicial Code as amended by the act of February 13, 1925 (43 Stat. 936).

No. 525. Yip Wah, alias Jim, alias Woo Yip Woo, appellant, *v.* John D. Nagle, Commissioner of Immigration, Port of San Francisco. Appeal from the District Court of the United States for the Northern District of California. *Per curiam*: Dismissed for want of jurisdiction under section 238 of the Judicial Code as amended by the act of February 13, 1925 (43 Stat. 936).

No. 195. Robert Gallagher, Joseph A. Dennison, and Daniel V. McIsaac, appellants, *v.* John E. Hannigan, Trustee in Bankruptcy of Old Colony Foreign Exchange Company. Appeal from the United States Circuit Court of Appeals for the First Circuit. *Per curiam*: Dismissed for want of jurisdiction on the authority of *Central Trust Company v. Lueders*, 239 U. S. 11; *William R. Staats Company v. Security Trust and Savings Bank*, 243 U. S. 121; and *Harris v. Moreland Truck Company*, 250 U. S. 702.

No. 353. Benjamin or Ben Harmon, plaintiff in error, *v.* Joseph W. Tyler. In error to the Supreme Court of the State of Louisiana. *Per curiam*: Reversed on the authority of *Buchanan v. Warley*, 245 U. S. 60.

No. 811. Frank W. Keeler, plaintiff in error, *v.* Stanley Myers, as District Attorney, etc., and Thomas M. Hurlburt, Sheriff of Multnomah County, Oregon. In error to and on petition for writ of certiorari to the Supreme Court of the State of Oregon. *Per curiam*: Writ of error dismissed for want of jurisdiction under section 237 of the Judicial Code as amended by the act of February 13, 1925 (43 Stat. 936); and, the Court treating the writ of error as an application for certiorari, denies the certiorari.

No. 221. C. S. Gibson, Sheriff of Lyon County, Kansas, plaintiff in error, *v.* National Bond & Investment Company. In error to the District Court of the United States for the District of Kansas. *Per curiam*: Dismissed for want of jurisdiction under section 238 of the Judicial Code as amended by the act of February 13, 1925 (43 Stat. 936).

No. 197. Ed C. Curdts, Vardry McBee, Robert Wilson, et al., plaintiffs in error, *v.* South Carolina Tax Commission. In error to the Supreme Court of the State of South Carolina. *Per curiam*: Judgment affirmed on the authority of *Bell's Gap R. R. Co. v. Pennsylvania*, 134 U. S. 232, 237; *Heisler v. Thomas Colliery Co.*, 260 U. S. 245, 254, et seq.; *Missouri v. Lewis*, 101 U. S. 22, 31; *Hayes v. Missouri*, 120 U. S. 68, 72; *Chappell Chemical Co. v. Sulphur Mines Co.*, 172 U. S. 474.

No. 860. Katherine Linstead, Executrix of the Estate of John A. Linstead, deceased, petitioner, *v.* The Chesapeake & Ohio Railway Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit granted.

No. 852. Ancient Egyptian Arabic Order Nobles of the Mystic Shrine, etc., et al., petitioners, *v.* D. W. Michaux, Chester H. Bryan, A. J. Dow, et al. Petition for a writ of certiorari to the Supreme Court of the State of Texas granted.

No. 863. Pacific Mail Steamship Company, Claimant of the Steamship "Newport," her engines, etc., et al., petitioners, *v.* Henry Wilson, F. A. Wilson, W. T. Wilson, et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted.

No. 866. Black and White Taxicab and Transfer Company, petitioner, *v.* Brown and Yellow Taxicab and Transfer Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit granted.

No. 861. Birmingham Belt Railroad Company, petitioner, *v.* Jessie May Hendrix, as Administratrix of the Estate of George Hendrix, deceased. Petition for a writ of certiorari to the Supreme Court of the State of Alabama denied.

No. 839. The Hanover Fire Insurance Company of New York, petitioner, *v.* Merchants Transportation Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 859. Thomas R. Tarn, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 865. Detroit Terminal Railroad Company, petitioner, *v.* Pennsylvania-Detroit Railroad Company and Pennsylvania Railroad Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 867. P. S. Kendrick and J. A. Kendrick, petitioners, *v.* Mary W. Kendrick. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 868. Caroline H. McDowell, Executrix of the Estate of Jesse C. McDowell, deceased, petitioner, *v.* D. B. Heiner, Collector of Internal Revenue, 23rd District, Pennsylvania. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 871. Ormsby McKnight Mitchel, petitioner, *v.* Frank K. Bowers, Collector of Internal Revenue for the Second District of New York. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 877. Federal Trade Commission, petitioner, *v.* Harriet Hubbard Ayer, Inc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 870. The United States of America, petitioner, *v.* Sakharam Ganesh Pandit. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.



No. 875. The First National Bank of Ogden, Utah, petitioner, *v.* The First National Bank of Rigby, Idaho. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

#### ORDER

The Court will take a recess from Monday, March 21, until Monday, April 11, next.

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No. 259. Toxaway Mills, petitioner, *v.* The United States. On writ of certiorari to the Court of Claims. Judgment reversed on confession of error and mandate granted on motion of Mr. Solicitor General Mitchell for the respondent.

No. 262. The United States of America *v.* Ed McMahon, Midwest Oil Company, and The Southwest Oil Company. Certificate from the United States Circuit Court of Appeals for the Eighth Circuit. Certificate dismissed pursuant to stipulation of counsel on motion of Mr. Solicitor General Mitchell for the United States of America.

No. 267. The United States of America, appellant, *v.* Freights, Sub-Freights, Charter Hire and/or Sub-Charter Hire of the S. S. "Mount Shasta." Reassigned for argument on Monday, April 11 next after the cases heretofore assigned for that day.

No. 6, original. The State of Oklahoma, complainant, *v.* The State of Texas, defendant, The United States of America, intervener. Statement of work done, the time employed and the expenses incurred by the commissioners in the survey and mapping of the Texas and Oklahoma boundary along the Red River from the eastern limit of Lamar County, Texas, to the eastern boundary of the State of Oklahoma, as described in the fourth report of the commissioners, dated January 31, 1927, submitted by Mr. Arthur D. Kidder and Mr. Arthur A. Stiles, the boundary commissioners appointed by the Court herein.

No. 969. Barber Asphalt Paving Company, petitioner, *v.* Standard Asphalt Paving and Rubber Company. Motion for leave to file brief on behalf of the Patent Bar of the City of Chicago as *amicus curiae* herein submitted by Mr. Melville Church and motion denied.

No. 779. John W. Blodgett *v.* Charles Holden, Collector of Internal Revenue. Motion to advance submitted by Mr. W. H. Pace in behalf of Mr. Mark Norris for Blodgett.

No. —, original. *Ex parte*: In the Matter of Louisiana Western Railroad Company, petitioner. Motion for leave to file petition for a writ of *mandamus* and motion that the Court issue a temporary

stay forthwith submitted by Mr. John E. Benton, Mr. Percy Saint, Mr. Michael M. Irwin, and Mr. Francis Williams for the petitioner.

No. —, original. *Ex parte*: In the Matter of Morgan's Louisiana and Texas Railroad and Steamship Company, petitioner. Motion for leave to file petition for a writ of *mandamus* and motion that the Court issue a temporary stay forthwith submitted by Mr. John E. Benton, Mr. Percy Saint, Mr. Michael M. Irwin, and Mr. Francis Williams for the petitioner.

No. —, original. *Ex parte*: In the Matter of Franklin and Abbeville Railway Company, petitioner. Motion for leave to file petition for a writ of *mandamus* and motion that the Court issue a temporary stay forthwith submitted by Mr. John E. Benton, Mr. Percy Saint, Mr. Michael M. Irwin, and Mr. Francis Williams for the petitioner.

No. —, original. *Ex parte*: In the Matter of Lake Charles and Northern Railroad Company, petitioner. Motion for leave to file petition for a writ of *mandamus* and motion that the Court issue a temporary stay forthwith submitted by Mr. John E. Benton, Mr. Percy Saint, Mr. Michael M. Irwin, and Mr. Francis Williams for the petitioner.

No. 826. Clement H. Betts, petitioner, *v.* The United States. Petition for a writ of certiorari to the Court of Claims submitted by Mr. Lucius H. Beers, Mr. Franklin B. Lord, and Mr. Parker McCollester for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Galloway, and Mr. Fred K. Dyar for the respondent.

No. 887. Sophie Weichers, petitioner, *v.* Birdie Weichers. Petition for a writ of certiorari to the Supreme Court of the State of California submitted by Mr. Frederick C. Peterson and Mr. Albert E. Carter for the petitioner, and by Mr. Herman Phleger for the respondent.

No. 888. Marion B. Friedenwald, petitioner, *v.* Herbert Friedenwald. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia submitted by Mr. Harry A. Hegarty and Mr. Edwin A. Mooers for the petitioner, and by Mr. Henry E. Davis for the respondent.

No. 893. Red Wing Malting Company, petitioner, *v.* Levi M. Willcuts, Collector of Internal Revenue, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. William H. Oppenheimer and Mr. Montreville J. Brown for the petitioner, and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, and Mr. J. L. Monarch for the respondent.

No. 899. Alice A. Bauchspies, petitioner, *v.* Central Railroad Company of New Jersey. Petition for a writ of certiorari to the Supreme Court of the State of Pennsylvania submitted by Mr. Ulysses S. Koons for the petitioner.

No. 901. Earl Carroll, 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. James M. Beck, Mr. Herbert C. Smith, Mr. Wilton J. Lambert, and Mr. R. H. Yeatman for the petitioner, and by Solicitor General Mitchell, Mr. Assistant to the Attorney General Donovan, and Mr. Harry S. Ridgely for the respondent.

No. 907. The Land Company of Florida, petitioner, *v.* I. H. Fetty. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. George T. Cann and Mr. Samuel B. Adams for the petitioner, and by Mr. A. B. Lovett and Mr. Robert M. Hitch for the respondent.

No. 908. National Electric Ticket Register Company, petitioner, *v.* Automatic Ticket Register Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Louis E. Giles for the petitioner, and by Mr. E. W. Marshall for the respondent.

No. 910. Julia Barnet Rice, petitioner, *v.* Mark Eisner, as Collector of Internal Revenue for the Third District of New York. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Louis Marshall for the petitioner, and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, Mr. Sewall Key Mr. A. W. Gregg, and Mr. Fred W. Dewart for the respondent.

No. 911. Henry C. Dunlap, 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. Sam G. Bratton for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Parmenter, and Mr. G. A. Iverson for the respondent.

No. 966. George McNeir, petitioner, *v.* Charles W. Anderson, United States Collector of Internal Revenue for the Third District of New York. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Russell L. Bradford for the petitioner, and by Mr. Solicitor General Mitchell for the respondent.

No. 44. Charles E. Ruthenberg, plaintiff in error, *v.* The People of the State of Michigan. In error to the Supreme Court of the State of Michigan. Death of Charles E. Ruthenberg, the plaintiff

in error herein, suggested and writ of error dismissed with costs on motion of counsel for the plaintiff in error.

No. **961**. Carlos Arocho, petitioner, *v.* The People of Porto Rico. Motion for leave to proceed *in forma pauperis* submitted by Mr. Frank Antonsanti for the petitioner.

No. **227**. Burnrite Coal Briquette Company, petitioner, *v.* Edward G. Riggs et al. Argument continued by Mr. Merritt Lane for the respondent, and concluded by Mr. George W. C. McCarter for the petitioner.

No. **222**. Victor Talking Machine Company, petitioner, *v.* Brunswick-Balke-Collender Company et al. Argument commenced by Mr. Charles E. Hughes for the petitioner, continued by Mr. Melville Church for the respondent, and concluded by Mr. William H. Kenyon for the petitioner.

No. **228**. The Railroad and Warehouse Commission of the State of Minnesota, O. P. B. Jacobson, et al., and City of Duluth, appellants, *v.* The Duluth Street Railway Company. Argument commenced by Mr. E. C. Carman for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, March 15, will be as follows: Nos. **228, 229, 232, 233, 234, 237, 241, 242, 244, and 246.**

## SUPREME COURT OF THE UNITED STATES

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

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Charles S. Hayden, of Baltimore, Md.; William L. Vandeventer, of Kansas City, Mo.; A. L. Miller, of Vancouver, Wash.; Thomas Balmer, of St. Paul, Minn.; Dwight B. Cheever, of Chicago, Ill.; Stanley Konopka, of Washington, D. C.; and Paul B. Elcan, of Washington, D. C., were admitted to practice.

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No. 244. E. J. Kelly, plaintiff in error, *v.* F. E. Watkins and Paul S. Cotner. Submitted by Mr. H. A. Ledbetter for the plaintiff in error, and by Mr. J. B. Moore, Mr. A. T. West, and Mr. W. Y. Dilley for the defendants in error. Motion to dismiss submitted by Mr. J. B. Moore, Mr. A. T. West, and Mr. W. Y. Dilley for the defendants in error in support of the motion.

No. 228. The Railroad and Warehouse Commission of the State of Minnesota et al., appellants, *v.* The Duluth Street Railway Company. Argument continued by Mr. J. B. Richards for the appellant, the city of Duluth, and concluded by Mr. Oscar Mitchell for the appellee.

No. 229. New York Dock Co., petitioner, *v.* Steamship "Poznan," her engines, etc., et al. Argued by Mr. A. J. Feild for the petitioner and by Mr. George Whitefield Betts, jr., and Mr. Mark W. Maclay for the respondent.

No. 232. Charles B. Beery, plaintiff in error, *v.* James G. Houghton, as Inspector of Buildings for the City of Minneapolis. Argued by Mr. Niel M. Cronin for the defendant in error and submitted by Mr. Charles Burke Elliott and Mr. C. S. Lobinger for the plaintiff in error.

No. 233. American Railway Express Co. et al., petitioners, *v.* Jacob Kriger. Argument commenced by Mr. Clinton H. McKay for the petitioners. No brief filed for the respondent.

No. 234. Seaboard Air Line Railway, appellant, *v.* The United States. Argument commenced by Mr. Benjamin Carter for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, March 16, will be as follows: Nos. 233, 234, 237, 241, 242, 246, 249, 252, 256, 257, and 258.

## SUPREME COURT OF THE UNITED STATES

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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.

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Clarence B. Zewadski, of Detroit, Mich.; Albert W. Willard, of Portland, Me.; and Casper E. Yost, jr., of St. Louis, Mo., were admitted to practice.

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No. 373. W. A. Frost, etc., appellant, *v.* Corporation Commission of the State of Oklahoma et al. Motion to advance submitted by Mr. Streeter B. Flynn for the appellant.

No. 154. Oklahoma Natural Gas Company, plaintiff in error, *v.* The State of Oklahoma. Motion to substitute W. T. Phillips, jr., H. J. Crawford, J. V. Ritts, Leonard C. Ritts, R. W. Hannan, A. W. Leonard, and R. C. Sharp as members of and constituting the board of directors of the Oklahoma Natural Gas Company as parties plaintiffs in error in lieu of The Oklahoma Natural Gas Company, a dissolved corporation, submitted by Mr. Streeter B. Flynn in that behalf.

No. 258. Power Manufacturing Company, plaintiff in error, *v.* Harvey Saunders. Submitted by Mr. George B. Pugh and Mr. Thomas S. Buzbee for the plaintiff in error, and by Mr. William R. Donham for the defendant in error.

No. 234. Seaboard Air Line Railway, appellant, *v.* The United States. Argument continued by Mr. Benjamin Carter for the appellant, and concluded by Mr. Assistant Attorney General Galloway for the appellee.

No. 237. Luther Weedin, Commissioner of Immigration, etc., petitioner, *v.* Chin Bow. Argued by Mr. Alfred A. Wheat for the petitioner and by Mr. Charles E. Hughes for the respondent. Leave granted to Mr. Alfred A. Wheat to file additional memorandum for the petitioner within one week.

No. 241. L. Kadow et al., plaintiff in error, *v.* William Paul et al., Commissioners. Argued by Mr. H. D. Angell for the plaintiffs in error and by Mr. A. L. Miller for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, March 17, will be as follows: Nos. 242, 246, 249, 252, 256, 257, 260, 263, 268, and 269.

## SUPREME COURT OF THE UNITED STATES

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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.

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F. T. Merritt, of Seattle, Wash.; Isaac McDougall, of Pocatello, Idaho; Marshall Solberg, of Chicago, Ill.; C. Alexander Capron, of Upper Montclair, N. J.; and Hubert Abbe Howson, of New York City, were admitted to practice.

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No. 394. C. G. Lewellyn, Collector of Internal Revenue for the Twenty-third District of the United States, etc., petitioner, *v.* Electric Reduction Company; and

No. 783. Malleable Iron Range Company, petitioner, *v.* The United States. Motion to advance these cases for argument immediately after case No. 291, submitted by Mr. Dean Hill Stanley in behalf of Mr. Solicitor General Mitchell for the petitioner in No. 394, and for the respondent in No. 783.

No. 260. Miller Lumber Company, Archer Lumber Company, Theo Fathauer Lumber Company, et al., plaintiffs in error, *v.* W. E. Floyd, Ed Harper, and Clay Henderson, as Commissioners composing the Arkansas Railroad Commission. Submitted by Mr. Charles T. Coleman for the plaintiffs in error, and by Mr. H. W. Applegate, Mr. John L. Carter, and Mr. Brooks Hays for the defendants in error.

No. 268. New York Central Railroad Company, petitioner, *v.* Wheeling Can Company. Continued per stipulation of counsel.

No. 269. Fort Smith Light and Traction Company, plaintiff in error, *v.* Board of Improvement of Paving District No. 16. of the city of Fort Smith, Arkansas. Submitted by Mr. Joseph M. Hill, Mr. Henry L. Fitzhugh, and Mr. R. M. Campbell for the plaintiff in error, and by Mr. John P. Woods for the defendant in error.

No. 242. Chicago, Milwaukee and St. Paul Railway Company et al., petitioners, *v.* Public Utilities Commission of the State of Idaho. Argued by Mr. F. M. Dudley and Mr. Thomas Balmer for the petitioners, and by Mr. C. E. Elmquist for the respondent.

No. 246. Allan Pinkerton, doing business as Pinkerton's National Detective Agency, et al., appellants, *v.* Eugene Wengert, John W. Woller, et al. Argued by Mr. F. H. Wood for the appellants, and by Mr. Engene Wengert for the appellees.

No. 249. Beech-Nut Packing Company, petitioner, *v.* P. Lorillard Company. Argument commenced by Mr. Charles E. Hughes for the petitioner.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, March 18, will be as follows: Nos. 249, 252, 256, 257, 263, 270, 271, 272, 275, and 277.



## SUPREME COURT OF THE UNITED STATES

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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.

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Charles Sager Collier, of Washington, D. C.; Michael M. Irwin, of New Orleans, La.; Irving K. Baxter, of Utica, N. Y.; and Edgar J. Treacy, of New York City, were admitted to practice.

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No. 270. Jennie M. Blair, née Adair, plaintiff in error, *v.* Sam F. Wilkerson, Maud Schneider, Individually and as Executrix, etc., et al. Continued per stipulation of counsel.

No. 249. Beech-Nut Packing Company, petitioner, *v.* P. Lorillard Company. Argument continued by Mr. Charles E. Hughes for the petitioners, by Mr. John W. Davis for the respondent, and concluded by Mr. Charles E. Hughes for the petitioner.

No. 252. Portneuf Marsh Valley Canal Company, petitioner, *v.* Howard W. Brown et al., Trustees. Argued by Mr. T. C. Coffin for the petitioner and by Mr. Edwin Snow for the respondents.

No. 256. Atlantic Coast Line Railroad Company, petitioner, *v.* George L. Wimberley, Jr., Administrator. Argued by Mr. Thomas W. Davis for the petitioner and case submitted by Mr. Joseph B. Ramsey for the respondent.

Adjourned until Monday next, at 12 o'clock.

## SUPREME COURT OF THE UNITED STATES

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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.

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Rolland Lee Nutt, of Kankakee, Ill.; Cedric A. Major, of New York City; Annabel Matthews, of Washington, D. C.; Thomas L. Mitchell, of Salt Lake City, Utah; John M. Dunham, of Grand Rapids, Mich.; Simon T. Patterson, of Pittsburgh, Pa.; Irving H. Cox, of Okmulgee, Okla., were admitted to practice.

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**No. 186.** First National Bank of Hartford, Wisconsin, plaintiff in error, *v.* City of Hartford and State of Wisconsin. In error to the Supreme Court of the State of Wisconsin. Judgment reversed with costs; and the cause remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Stone.

**No. 245.** The State of Minnesota, petitioner, *v.* First National Bank of St. Paul. On writ of certiorari to the Supreme Court of the State of Minnesota. Judgment affirmed with costs. Opinion by Mr. Justice Stone.

**No. 78.** The Georgetown National Bank, plaintiff in error, *v.* Ollie McFarland, Sheriff of Scott County, Kentucky, the Fiscal Court of Scott County, Kentucky, etc., et al. In error to the Court of Appeals of the State of Kentucky. Judgment affirmed with costs. Opinion by Mr. Justice Stone.

**No. 193.** Elizabeth F. Shukert and Isabel C. Shukert, Executrices of the Estate of Gustave E. Shukert, deceased, petitioners, *v.* Arthur B. Allen, Collector of Internal Revenue for the District of Nebraska. 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 District of Nebraska for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Holmes.

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The Chief Justice announced the following orders of the Court:

No. —, original. *Ex parte:* In the matter of Louisiana Western Railroad Company, petitioner. The motion for leave to file peti-

tion for a writ of *mandamus* and the motion for a temporary stay in this case is denied.

No. —, original. *Ex parte*: In the matter of Morgan's Louisiana and Texas Railroad and Steamship Company, petitioner. The motion for leave to file petition for a writ of *mandamus* and the motion for a temporary stay in this case is denied.

No. —, original. *Ex parte*: In the matter of Franklin and Abbeville Railway Company, petitioner. The motion for leave to file petition for a writ of *mandamus* and the motion for a temporary stay in this case is denied.

No. —, original. *Ex parte*: In the matter of Lake Charles and Northern Railroad Company, petitioner. The motion for leave to file petition for a writ of *mandamus* and the motion for a temporary stay in this case is denied.

No. 154. Oklahoma Natural Gas Company, plaintiff in error, *v.* The State of Oklahoma. The motion to substitute W. T. Phillips, jr., H. J. Crawford, J. V. Ritts, Leonard C. Ritts, R. W. Hannan. A. W. Leonard, and R. C. Sharp as members of and constituting the board of directors of the Oklahoma Natural Gas Company as the party plaintiff in error in lieu of the Oklahoma Natural Gas Company, a dissolved corporation, is granted.

No. 961. Carlos Arocho, petitioner, *v.* The People of Porto Rico. On petition for writ of certiorari to the United States Circuit Court of Appeals for the First 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 is no ground 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. 394. C. G. Lewellyn, Collector of Internal Revenue for the Twenty-Third District of the United States, etc., petitioner, *v.* Electric Reduction Company; and

No. 783. Malleable Iron Range Company, petitioner, *v.* The United States. The motion to advance these cases to be heard immediately following case No. 291 is denied.

No. 375. W. A. Frost, doing business under the name of Mitchell Gin Company, appellant, *v.* Corporation Commission of the State of Oklahoma et al. The motion to advance this case is granted and the case assigned for argument on Monday, April 25 next.

No. 779. John W. Blodgett *v.* Charles Holden, Collector of Internal Revenue. The motion to advance this case is granted and the

case is assigned for argument on Monday, October 3 next, after the cases heretofore assigned for that day.

No. 226. Thomas E. Williams, as State Tax Commissioner of the State of Nebraska, J. A. Cates, as County Clerk, Adams County, Nebraska, et al., etc., et al., appellants, *v.* Chicago and Northwestern Railway Company. Appeal from the District Court of the United States for the District of Nebraska. *Per curiam*: Affirmed on the authority (1) of *Greene v. Louisville and Interurban Railroad Company*, 244 U. S. 499, 516; *Sunday Lake Iron Company v. Township of Wakefield*, 247 U. S. 350, 352; *Sioux City Bridge Company v. Dakota County, Nebraska*, 260 U. S. 441, 445; and *Taylor v. Louisville and Nashville Railroad Company*, 88 Fed. 350; and (2) of *Crawford v. Neal*, 144 U. S. 585, 596; *Furrer v. Ferris*, 145 U. S. 132, 134; and *Warren v. Keep*, 155 U. S. 265, 267.

No. 222. Victor Talking Machine Company, petitioner, *v.* Brunswick-Balke-Collender Company and John Bailey Browning. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. *Per curiam*: Affirmed on the authority (1) of *Morgan v. Daniels*, 153 U. S. 120, and (2) of *United States v. State Investment Company*, 264 U. S. 206, 211; *Brewer Oil Company v. United States*, 260 U. S. 77, 86; *Bodkin v. Edwards*, 255 U. S. 221, 233; *National Bank of Athens v. Shackelford*, 239 U. S. 81, 82; *Wright-Blodgate Company v. United States*, 236 U. S. 297, 402; *Washington Securities Company v. United States*, 234 U. S. 76, 78; *Texas and Pacific Company v. Louisiana Railroad Commission*, 232 U. S. 338, 339; *Chicago Junction Railway Company v. King*, 222 U. S. 222, 224; *Page v. Rogers*, 211 U. S. 575, 577; *Dunn v. Lumbermen's Credit Association*, 209 U. S. 20, 24; and *Charleston Mining and Manufacturing Company v. United States*, No. 93, October term, 1926.

No. 244. E. J. Kelly, plaintiff in error, *v.* F. E. Watkins and Paul S. Cotner. In error to the Supreme Court of the State of Oklahoma. *Per curiam*: Dismissed on the authority of the Act of September 6, 1916, c. 448, sec. 6 (39 Stat. 727), and of *Morse v. United States*, 270 U. S. 151.

No. 232. Charles B. Beery, plaintiff in error, *v.* James G. Houghton, as Inspector of Buildings for the City of Minneapolis. In error to the Supreme Court of the State of Minnesota. *Per curiam*: Affirmed on the authority of *Village of Euclid v. Ambler Realty Company*, No. 31, October term, 1926.

No. 233. American Railway Express Company and Clinton H. McKay, petitioners, *v.* Jacob Kriger. On writ of certiorari to the Supreme Court of the State of Tennessee. *Per curiam*: Reversed on the authority of *Barrett v. Van Pelt*, 268 U. S. 85, 90; *Davis v. John L. Roper Lumber Company*. 269 U. S. 158; and *Chesapeake*

and Ohio Railway *v.* Thompson Manufacturing Company, 270 U. S. 416.

No. 234. The Seaboard Air Line Railway, appellant, *v.* The United States. Appeal from the Court of Claims. *Per curiam*: Affirmed on the authority of St. Louis, Brownsville and Mexico Railway Company *v.* United States, 268 U. S. 169, and Southern Pacific Company *v.* United States, 268 U. S. 263.

No. 260. Miller Lumber Company, Archer Lumber Company, Theo Fathauer Lumber Company, et al., plaintiffs in error, *v.* W. E. Floyd, Ed Harper and Clay Henderson, as Commissioners composing the Arkansas Railroad Commission. In error to the Supreme Court of the State of Arkansas. *Per curiam*: Affirmed on the authority of Stratton's Independence, Ltd. *v.* Howbert, Collector of Internal Revenue, 231 U. S. 399, and Oliver Iron Mining Company *v.* Lord, 262 U. S. 172.

No. 256. Atlantic Coast Line Railroad Company, petitioner, *v.* George L. Wimberley, Jr., Administrator. On writ of certiorari to the Supreme Court of the State of North Carolina. *Per curiam*: Reversed on the authority of St. Louis-San Francisco Railway Company *v.* Mills, 271 U. S. 344, and Chicago, Milwaukee, and St. Paul Railway Company *v.* Coogan, 271 U. S. 472.

No. 653. Seaboard Air Line Railway Company, petitioner, *v.* The State of Florida ex rel. R. Hudson Burr, A. S. Wells, et al., etc., and

No. 654. Atlantic Coast Line Railroad Company, petitioner, *v.* The State of Florida ex rel. R. Hudson Burr, A. S. Wells, et al., etc. The orders of November 23, 1926, denying the petitions for writs of certiorari in these cases are hereby revoked and it is now here ordered that the petitions for writs of certiorari in these cases be, and they are hereby, granted.

No. 872. Atlantic Coast Line Railroad Company, petitioner, *v.* Standard Oil Company of Kentucky. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit granted.

No. 873. Standard Oil Company, Incorporated in Kentucky, petitioner, *v.* Atlantic Coast Line Railroad Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit granted.

No. 891. Gulf, Mobile and Northern Railroad Company, petitioner, *v.* L. G. Touchstone. Petition for a writ of certiorari to the Supreme Court of the State of Mississippi granted.

No. 966. George McNeir, petitioner, *v.* Charles V. Anderson, as United States Collector of Internal Revenue for the Third District of New York. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 878. The Sylvester Company, petitioner, *v.* Malcolm E. Nichols, Collector of Internal Revenue. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 879. E. Henry Wemme Company, petitioner, *v.* Ben Selling, Dr. Allen P. Noyes, Edgar H. Sensenich, et al., etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 883. 500 Cases of Tomatoes and Italia-American Shipping Corporation, petitioners, *v.* Francis H. Leggett and Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 885. Cropper Knitting Mills, Inc., petitioner, *v.* Franklin Knitting Mills, Inc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 886. Philadelphia and Reading Railway Company (now Reading Company), petitioner, *v.* William A. Auchenbach. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 892. Mrs. J. W. Peebles and J. W. Peebles, petitioners, *v.* The Exchange Building Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 895. The Baltimore and Ohio Railroad Company and Gauley Company, petitioners, *v.* Cary C. Hines, administrator *de bonis non* of the personal estate of William Crennell, Jr., deceased. Petition for a writ of certiorari to the Circuit Court of Braxton County, State of West Virginia denied.

No. 896. The Baltimore and Ohio Railroad Company, petitioners, *v.* Cary C. Hines, administrator *de bonis non* of the personal estate of William Crennell, Jr., deceased. Petition for a writ of certiorari to the Supreme Court of Appeals of the State of West Virginia denied.

No. 897. William E. Guy, petitioner, *v.* Honorable Jake Fisher, Judge of the Circuit Court of Braxton County, Cary C. Hines, administrator *de bonis non*, etc., et al. Petition for a writ of certiorari to the Supreme Court of Appeals of the State of West Virginia denied.

No. 900. The Derby Oil Company, petitioner, *v.* H. H. Motter, Internal Revenue Collector for the District of Kansas. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 826. Clement H. Betts, petitioner, *v.* The United States. Petition for a writ of certiorari to the Court of Claims denied.

No. 887. Sophie Weichers, petitioner, *v.* Birdie Weichers. Petition for a writ of certiorari to the Supreme Court of the State of California denied.

No. 888. Marion B. Friedenwald, petitioner, *v.* Herbert Friedenwald. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 893. Red Wing Malting Company, petitioner, *v.* Levi M. Willcuts, Collector of Internal Revenue, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 899. Alice A. Bauchspies, petitioner, *v.* Central Railroad Company of New Jersey. Petition for a writ of certiorari to the Supreme Court of the State of Pennsylvania denied.

No. 901. Earl Carroll, 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. 907. The Land Company of Florida, petitioner, *v.* I. H. Fetty. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 908. National Electric Ticket Register Company, petitioner, *v.* Automatic Ticket Register Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 910. Julia Barnet Rice, petitioner, *v.* Mark Eisner, as Collector of Internal Revenue for the Third District of New York. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 911. Henry C. Dunlap, 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.

#### ORDER

No. 656. George R. Dale, plaintiff in error, *v.* The State of Indiana;

No. 844. The United States of America, plaintiff in error, *v.* John R. Hanby and F. J. Sullivan;

No. 851. The United States of America, petitioner, *v.* Manly S. Sullivan;

No. 864. James Willos, plaintiff in error, *v.* State of Oregon; and

No. 880. Joseph B. Fife and Walter W. Fife, plaintiffs in error, *v.* Louisiana State Board of Medical Examiners;

No. 881. Joseph B. Fife and Walter W. Fife, plaintiffs in error, *v.* State of Louisiana; and

No. 882. Joseph B. Fife and Walter W. Fife, plaintiffs in error, *v.* State of Louisiana. It is now here ordered by this Court that these criminal cases upon the docket be, and they are hereby, advanced and assigned for argument on Monday, April 25th next, after the case heretofore assigned for that day.

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No. 262. The United States of America *v.* Ed McMahon Harrison et al. Mandate granted on motion of Mr. Solicitor General Mitchell for the United States.

No. 756. Miller and Lux, Inc., plaintiff in error, *v.* Railroad Commission of the State of California et al. Suggestion of diminution of the record and motion for writ of certiorari submitted by Mr. Adolphus E. Graupner for the plaintiff in error in support of the motion, and by Mr. Carl I. Wheat for the defendant in error in opposition thereto.

No. 168. The Timken Roller Bearing Company, plaintiff in error, *v.* The Pennsylvania Railroad Company; and

No. 178. Thomas P. Goodbody, as Receiver of the Hydraulic Steel Company, plaintiff in error, *v.* The Pennsylvania Railroad Company. Motion to transfer these cases to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Rufus S. Day and Mr. William L. Day for the plaintiffs in error in support of the motion and by Mr. Andrew Squire, Mr. Thomas M. Kirby, and Mr. Andrew P. Martin for the defendant in error in opposition thereto.

No. 783. Malleable Iron Range Company, petitioner, *v.* The United States. Motion to remand to the Court of Claims for additional findings submitted by Mr. Arthur W. Fairchild and Mr. J. Gilbert Hardgrove for the petitioner in support of the motion.

No. —, original. *Ex parte:* In the matter of Maison Dorin Societe Anonyme, petitioner. Motion for leave to file petition for writ of *mandamus* and/or *prohibition* submitted by Mr. Charles R. Allen in behalf of Mr. Howard Thayer Kingsbury, Mr. Hugo Mock, and Mr. Asher Blum for the petitioner.

No. 583. Gilliland Oil Company, plaintiff in error, *v.* The State of Arkansas *ex rel.* H. W. Applegate, Attorney General of the State of Arkansas. Joint motion to advance submitted by Mr. Henry J. Balzer in behalf of Mr. G. W. Hendricks for the plaintiff in error and Mr. H. W. Applegate for the defendant in error.

No. 934. Grainger Brothers Company, petitioner, *v.* G. Amsinck and Company, Inc.;

No. 935. H. J. Hughes Company, petitioner, *v.* G. Amsinck and Company, Inc.; and



No. 936. Bliss Syrup Refining Company, petitioner, *v.* G. Amsinck and Company, Inc. Leave granted to file reply for the petitioners on motion of Mr. Challen B. Ellis in behalf of Mr. William Ritchie, Jr., and Mr. James M. Beck for the petitioners.

No. 816. The Goodyear Tire and Rubber Company, petitioner, *v.* The United States. Petition for a writ of certiorari to the Court of Claims submitted by Mr. Spencer Gordon and Mr. Dean G. Acheson for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Galloway, and Mr. John E. Hoover for the respondent.

No. 829. Samuel J. Kornhauser, 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. 912. Thomas P. Duffy, petitioner, *v.* The Colonial Trust Company. Petition for a writ of certiorari to the Supreme Court of the State of Pennsylvania submitted by Mr. Benjamin B. Pettus for the petitioner, and by Mr. Thomas Patterson for the respondent.

No. 913. Fred Hood, 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. Warren K. Snyder for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Luhring, and Mr. Harry S. Ridgely for the respondent.

No. 915. Corona Cord Tire Company, petitioner, *v.* Dovon Chemical Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Dean S. Edmonds, Mr. Frank E. Barrows, and Mr. William H. Davis for the petitioner, and by Mr. John W. Davis and Mr. James J. Kennedy for the respondent.

No. 917. El Reno Wholesale Grocery Company, petitioner, *v.* California Prune and Apricot Growers, Inc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. W. F. Wilson for the petitioner and by Mr. Aaron Sapiro for the Respondent.

No. 918. Alice McClelland, petitioner, *v.* Highway Construction Company and George Stewart. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Alice McClelland for the petitioner.

No. 919. Gulf, Mobile and Northern Railroad Company, petitioner, *v.* J. A. Myers. Petition for a writ of certiorari to the Supreme Court of the State of Mississippi submitted by Mr. Ellis B. Cooper for the petitioner, and by Mr. Elmer C. Sharp for the respondent.

No. 920. Hermann F. M. Mutzenbecher, Franz F. Mutzenbecher, Ernest Behre, et al., etc., petitioners, *v.* Sumner Ballard. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Jennings C. Wise and Mr. Frank D. Moore for the petitioners, and by Mr. David Rumsey for the respondent.

No. 921. Ivor Armstrong, 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. Ernest B. D. Spagnoli for the petitioner, and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, and Mr. K. L. Campbell for the respondent.

No. 922. The Liberty National Bank of South Carolina, at Columbia, et al., etc., et al., petitioners, *v.* J. W. McIntosh, as Comptroller of the Currency of the United States 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 petitioners, and by Mr. R. B. Herbert and Mr. John K. Shields for the respondents.

No. 923. Charles J. Barnes and Jean Mason Barnes, Margaret Mulvihill and Frank Mulvihill, petitioners, *v.* Southern Pacific Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Gurney E. Newlin for the petitioners, and by Mr. Frank Thunen, Mr. C. F. R. Ogilby, and Mr. W. I. Gilbert for the respondents.

No. 925. Maison Dorin Societe Anonyme, petitioner, *v.* John W. Arnold, Dan H. Arnold. Adelaide F. Arnold, et al., etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Charles R. Allen, Mr. Howard Thayer Kingsbury, Mr. Hugo Mock, and Mr. Asher Blum for the petitioner, and by Mr. Lorenzo D. Armstrong for the respondents.

No. 926. Maison Dorin Societe Anonyme, petitioner, *v.* John W. Arnold, Dan H. Arnold, Adelaide F. Arnold, et al., etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Charles R. Allen for the petitioner, and by Mr. Lorenzo D. Armstrong for the respondents.

No. 928. Union Trust Company of Maryland, petitioner, *v.* Chapman A. Peck, Trustee. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. Walter H. Buck for the petitioner, and by Mr. G. Ridgely Sappington and Mr. Charles G. Baldwin for the respondent.

No. 932. Louise Taylor, petitioner, *v.* Southern Railway Company. Petition for a writ of certiorari to the Court of Appeals of the

District of Columbia submitted by Mr. William H. DeLacy and Mr. William Clark DeLacy for the petitioner.

**No. 933.** Robert Murphy and Edward Caples et al., as Trustees and Executors of Mrs. M. A. Caples, deceased, petitioners, *v.* Frank W. Wellacott, as Trustee in Bankruptcy of Estate of Joseph Caples, Bankrupt. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. John Walker Morrow for the petitioners, and by Mr. William H. Burges for the respondent.

**No. 934.** Grainger Brothers Company, petitioner, *v.* G. Amsinck and Company, Inc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. William Ritchie, Jr., and Mr. James M. Beck for the petitioner, and by Mr. Joseph B. Fradenburg for the respondent.

**No. 935.** H. J. Hughes Company, petitioner, *v.* G. Amsinck and Company, Inc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. William Ritchie, Jr., and Mr. James M. Beck for the petitioner, and by Mr. Joseph B. Fradenburg for the respondent.

**No. 936.** Bliss Syrup Refining Company, petitioner, *v.* G. Amsinck and Company, Inc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. William Ritchie, Jr., and Mr. James M. Beck for the petitioner, and by Mr. Joseph B. Fradenburg for the respondent.

**No. 937.** E. B. Cantrell 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. Rhodes Semmes Baker for the petitioners, and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, and Mr. John J. Byrne for the respondent.

**No. 938.** Roscoe Hunnicutt, 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. Rhodes Semmes Baker for the petitioner, and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, and Mr. John J. Byrne for the respondent.

**No. 940.** Stamatis Anastasopoulos et al., petitioners, *v.* Steger and Sons Piano Manufacturing Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Patrick H. O'Donnell for the petitioners, and by Mr. Edward J. Brundage, Mr. Benson Landon, Mr. Robert N. Holt, and Mr. David W. Kahane for the respondents.

No. 944. Daniel J. Shields, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. E. Lowry Humes for the petitioner, and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, and Mr. John J. Byrne for the respondent.

No. 949. The United States of America *ex rel.* Samuel Oppenheim, petitioner, *v.* William C. Hecht, United States Marshal for the Southern District of New York. 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. M. Wallace Dixon for the petitioner, and by Mr. Robert D. Murray for the respondent.

No. 942. Ida Conley, plaintiff in error, *v.* N. J. Wollard, Administrator of the Estate of Ethan L. Zane, deceased. Motion for leave to proceed *in forma pauperis* submitted by Ida Conley *pro se*.

Adjourned until Monday, April 11th, at 12 o'clock.

The day call for Monday, April 11th, will be as follows: Nos. 671, 492, 577, 719, 898, 223, 267, 257, 263, and 271.

SUPREME COURT OF THE UNITED STATES

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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.

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Robert T. Swaine, of New York City; William B. Bush, of Cincinnati, Ohio; Ralph W. Garrett, of Tulsa, Okla.; Thomas A. J. Dockweiler, of Los Angeles, Calif.; Francis P. Matthews, of Omaha, Nebr.; Hugh A. Minahan, of Green Bay, Wis.; John W. Reynolds, of Green Bay, Wis.; Thomas Hunt, of Boston, Mass.; Michael J. Dunn, jr., of Madison, Wis.; Thos. P. White, of Los Angeles, Calif.; Adolph Kanneberg, of Madison, Wis.; Robert T. McCracken, of Philadelphia, Pa.; John W. Lowrance, of Boston, Mass.; M. Edward Rose, of Boston, Mass.; and Samuel W. McNabb, of Los Angeles, Calif.; and Carl A. Feick, of Newark, N. J., were admitted to practice.

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No. 91. The United States of America ex rel. Norwegian Nitrogen Products Co., Inc., plaintiff in error, *v.* The United States Tariff Commission, Thomas O. Marvin, William S. Culbertson et al. In error to the Court of Appeals of the District of Columbia. Judgments of the Court of Appeals and the Supreme Court of the District of Columbia vacated, and the cause remanded with directions to dismiss the petition as moot. Opinion by Mr. Justice Stone.

No. 171. Louis Pizitz Dry Goods Company, Inc., plaintiff in error, *v.* Willis Yeldell, as Administrator of the Estate of Carrie Yeldell, deceased. In error to the Supreme Court of the State of Alabama. Judgment affirmed with costs. Opinion by Mr. Justice Stone.

No. 229. New York Dock Company, petitioner, *v.* Steamship "Poznan," her Engines, etc., and John B. Harris Company. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment of the United States Circuit Court of Appeals reversed with costs, and the judgment of the District Court of the United States for the Southern District of New York reinstated, and the cause remanded to the said District Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Stone. Mr. Justice Holmes took no part in the consideration or decision of this cause.

No. 46. Fidelity National Bank and Trust Company of Kansas City, Standard Investment Company, Silas De Lap, et al., appellants, *v.* Felix H. Swope and Gertrude M. Brown. Appeal from 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 Western District of Missouri for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Stone.

No. 147. James McDonald, Jr., and James McDonald, III, and Alexander McDonald, Infants, by their Guardian *ad litem*, Charles V. Imlay, petitioners, *v.* Lawrence Maxwell and Fulton Trust Company, Executors. On writ of certiorari to the Court of Appeals of the District of Columbia. Judgment reversed with costs *nunc pro tunc* as of January 20, 1927, 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 Sanford.

No. 167. American National Company, as Receiver for the F. B. Collins Investment Company, appellant, *v.* The United States of America. Appeal from the District Court of the United States for the Western District of Oklahoma. Decree reversed, and the cause remanded to the said District Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Sanford.

No. 136. Northern Railway Company, petitioner, *v.* Donald Page et al., Administrators of the Estate of Michael B. Ryan, deceased. On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit. Judgment reversed with costs, and the 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 Butler.

No. 33. Southern Railway Company, plaintiff in error, *v.* Commonwealth of Kentucky, by, etc.;

No. 34. James C. Davis, Director General, plaintiff in error, *v.* Commonwealth of Kentucky, by, etc. In error to the Court of Appeals of the State of Kentucky. Petitions for writs of certiorari denied. Judgments reversed with costs, and the cases remanded to the said Court of Appeals for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Butler. Dissenting: Mr. Justice Brandeis.

No. 158. Seward K. Lowe and Susan Lowe, petitioners, *v.* Alexander J. Dickson. On writ of certiorari to the Supreme Court of the State of Oklahoma. Judgment reversed with costs, and the cause remanded to the said Supreme Court for further proceedings

not inconsistent with the opinion of this Court. Opinion by Mr. Justice Sutherland, announced by Mr. Chief Justice Taft.

No. 190. The Chicago, Rock Island and Pacific Railway Company and St. Louis-San Francisco Railway Company, appellants, *v.* United States of America, Interstate Commerce Commission, Houston Cotton Exchange et al. Appeal from the District Court of the United States for the Northern District of Texas. Decree affirmed. Opinion by Mr. Justice Sutherland, announced by Mr. Chief Justice Taft.

No. 412. Bedford Cut Stone Company, The Central Oolitic Stone Company, The Chicago and Bloomington Stone Company et al., petitioners, *v.* Journeymen Stone Cutters' Association of North America, Michael W. Mitchell, Individually, etc., et al. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Judgment reversed with costs, and the 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 Sutherland, announced by Mr. Chief Justice Taft. Dissenting: Mr. Justice Brandeis and Mr. Justice Holmes. Concurring: Mr. Justice Sanford and Mr. Justice Stone.

No. 225. Dimmitt Hoffman, Judge of the Thirtieth Judicial Circuit of Missouri, plaintiff in error, *v.* State of Missouri ex rel. W. E. Foraker, Administrator of the Estate of James Starling Foraker, deceased. In error to the Supreme Court of the State of Missouri. Judgment affirmed with costs. Opinion by Mr. Justice Brandeis.

No. 725. Fairmont Creamery Company, plaintiff in error, *v.* The State of Minnesota. In error to the Supreme Court of the State of Minnesota. 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. Dissenting: Mr. Justice Holmes, Mr. Justice Brandeis, and Mr. Justice Stone.

Nos. 210 and 264. The Ohio Public Service Company, plaintiff in error, *v.* The State of Ohio ex rel. Joseph O. Fritz, Prosecuting Attorney of Wayne County, Ohio. In error to the Supreme Court of the State of Ohio. No. 210. Writ of error, dismissed. No. 264. 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. Dissenting: Mr. Justice Holmes and Mr. Justice Brandeis.

No. 166. James M. Hodgson, appellant, *v.* Federal Oil and Development Company and the Mountain and Gulf Oil Company. Appeal from 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 McReynolds.

No. 228. The Railroad and Warehouse Commission of the State of Minnesota, O. P. B. Jacobson et al., and City of Duluth, appellants, *v.* The Duluth Street Railway Company. Appeal from the District Court of the United States for the District of Minnesota. Decree affirmed with costs. Opinion by Mr. Justice Holmes. Mr. Justice Butler took no part in the consideration or decision of this cause.

No. 249. Beech-Nut Packing Company, petitioner, *v.* P. Lorillard Company. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Judgment affirmed with costs, and the cause remanded to the District Court of the United States for the District of New Jersey. Opinion by Mr. Justice Holmes.

No. 123. The United States of America, appellant, *v.* Shelby Iron Company of New Jersey and Shelby Iron Company of Alabama. Appeal from the United States Circuit Court of Appeals for the Fifth Circuit. Decree reversed with costs, and the cause remanded to the District Court of the United States for the Northern District of Alabama for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Chief Justice Taft.

No. 944. Daniel J. Shields, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit granted. Judgment reversed, 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. 827. Ellsworth Kelley, plaintiff in error, *v.* The State of Oregon. In error to the Supreme Court of the State of Oregon. Dismissed for the want of jurisdiction. Petition for writ of certiorari denied. Opinion by Mr. Chief Justice Taft.

No. 312. George Ford, George Harris, J. Evelyn, et al., petitioners, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgment affirmed, and the cause remanded to the District Court of the United States for the Northern District of California. Opinion by Mr. Chief Justice Taft.

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

No. —, original. *Ex parte*: Maison Dorin Societe Anonyme, petitioner. The motion for leave to file a petition for a writ of *mandamus* in this cause is denied.



No. 15, original. Thomas Contreras, petitioner, *v.* The United States of America. Motion for leave to file petition for writ of *mandamus* to compel the allowance of a writ of error from the District Court of Alaska is denied for the reason that the motion contains no averment of fact or law that would justify the issuance of such a writ. The motion to proceed further herein *in forma pauperis* is therefore also denied, but 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 an order of October 29, 1926.

No. 756. Miller and Lux, Incorporated, plaintiff in error, *v.* Railroad Commission of the State of California, H. W. Brundige, C. L. Seavey, et al., etc. On writ of error to the Supreme Court of the State of California. On suggestion of diminution of the record the motion for a writ of certiorari herein is denied.

No. 783. Malleable Iron Range Company, petitioner, *v.* The United States. On writ of certiorari to the Court of Claims. Motion to remand for additional findings. The motion is granted, and the cause is remanded for additional findings by the Court of Claims from the evidence already introduced before the Court of Claims in respect to the outlay in bonds or money required to be deposited by the petitioner herein in securing a stay of the execution of the judgment against the petitioner in the suit against it by the United States in the United States District Court for the Eastern District of Wisconsin and in the Circuit Court of Appeals for the Seventh Circuit.

No. 942. Ida Conley, plaintiff in error, *v.* N. J. Wollard, administrator of the estate of Ethan L. Zane, deceased. In error to the Supreme Court of the State of Kansas. Motion for leave to proceed further herein *in forma pauperis* is denied for the reason that the record discloses no state statute alleged to be repugnant to the Constitution, treaties, or laws of the United States as required to sustain a writ of error brought to this Court under section 237 of the Judicial Code as amended by the Act of February 13, 1925, 43 Stat. 936, and the writ of error must be and accordingly is dismissed. Likewise, deeming the writ of error an application for certiorari, the Court can find no federal question whatever involved herein and therefore denies that writ. 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 an order of October 29, 1926.

No. 583. Gilliland Oil Company, plaintiff in error, *v.* The State of Arkansas ex rel. H. W. Applegate, Attorney General of the State of Arkansas. The motion to advance this case is granted and case assigned for argument on Monday, April 25 next, after the cases heretofore assigned for that day.

No. 983. The United States of America, plaintiff in error, *v.* D. J. Alford; and

No. 992. David Atkins, 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 the same are hereby, advanced and assigned for argument on Monday, April 25 next, after the cases heretofore assigned for that day.

No. 816. The Goodyear Tire and Rubber Company, petitioner, *v.* The United States. Petition for a writ of certiorari to the Court of Claims granted.

No. 829. Samuel J. Kornhauser, petitioner, *v.* The United States. Petition for a writ of certiorari to the Court of Claims granted.

No. 915. Corona Cord Tire Company, petitioner, *v.* Dovan Chemical Corporation. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit granted.

No. 912. Thomas P. Duffy, petitioner, *v.* The Colonial Trust Company. Petition for a writ of certiorari to the Supreme Court of the State of Pennsylvania denied.

No. 913. Fred Hood, 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. 917. El Reno Wholesale Grocery Company, petitioner, *v.* California Prune and Apricot Growers, Inc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 918. Alice McClelland, Petitioner, *v.* Highway Construction Company and George Stewart. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 919. Gulf, Mobile and Northern Railroad Company, petitioner, *v.* J. A. Myers. Petition for a writ of certiorari to the Supreme Court of the State of Mississippi denied.

No. 920. Hermann F. M. Mutzenbecher, Frank F. Mutzenbecher, Ernest Behr, et al., etc., petitioners, *v.* Sumner Ballard. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 921. Ivor Armstrong, 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. 923. Charles J. Barnes and Jean Mason Barnes, Margaret Mulvihill, and Frank Mulvihill, petitioners, *v.* Southern Pacific Company and Southern Pacific Railroad Company. Petition for a writ

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

No. 925. Maison Dorin Societe Anonyme, petitioner *v.* John W. Arnold, Dan H. Arnold, Adelaide F. Arnold, et al., etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 926. Maison Dorin Societe Anonyme, petitioner, *v.* John W. Arnold, Dan H. Arnold, Adelaide F. Arnold, et al., etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 928. Union Trust Company of Maryland, petitioner, *v.* Chapman A. Peck, Trustee. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 932. Louise Taylor, petitioner, *v.* Southern Railway Company. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 933. Robert Murphy and Edward Caples, et al., as Trustees and Executors of Mrs. M. A. Caples, deceased, petitioners, *v.* Frank W. Vellacott, as Trustee in Bankruptcy of Estate of Joseph Caples, bankrupt. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 934. Grainger Brothers Company, petitioner, *v.* G. Amsinck and Company, Inc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 935. H. J. Hughes Company. petitioner, *v.* G. Amsinck and Company, Inc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 936. Bliss Syrup Refining Company, petitioner, *v.* G. Amsinck and Company, Inc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 937. E. B. Cantrell et al., petitioners, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 938. Roscoe Hunnicutt, 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. 940. Stamatis Anastasopoulos et al., petitioners, *v.* Steger and Sons Piano Manufacturing Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 949. The United States of America ex rel. Samuel Oppenheim, petitioner, *v.* William C. Hecht, United States Marshal for the

Southern District of New York. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 577. The St. Louis-San Francisco Railroad Company et al., petitioners, *v.* E. B. Spiller et al. Leave granted to file brief of the State of Missouri as *amicus curiae* granted on motion of Mr. North T. Gentry in that behalf.

No. 577. The St. Louis-San Francisco Railroad Company et al., petitioners, *v.* E. B. Spiller et al. Leave granted to file brief on behalf of Missouri shippers as *amici curiae* on motion of Mr. Clifford B. Allen in that behalf.

No. 14, original. The State of New York, complainant, *v.* The State of Illinois and Sanitary District of Chicago. Motion to require defendants to answer the bill of complaint herein, submitted by Mr. Randall J. Le Boeuf, jr., for the complainant, and suggestions of defendants in response to the motion submitted by Mr. James M. Beck for the defendants, with leave to Mr. Randall J. Le Boeuf, jr., to file reply to defendants, suggestions on or before Monday next.

No. 337. Alexander Latzko et al., petitioners, *v.* The Equitable Trust Company of New York, Trustee in Bankruptcy; and

No. 338. The Equitable Trust Company of New York, Trustee in Bankruptcy, petitioner, *v.* Alexander Latzko et al. Motion to advance submitted by Mr. Spencer Gordon in behalf of counsel.

No. —, original. Ex parte: In the matter of The Barber Asphalt Company, petitioner. Motion for leave to file petition for a writ of *mandamus* submitted by Mr. John W. Davis, Mr. Charles Neave, Mr. Samuel E. Hibben, Mr. Henry M. Paul, and Mr. Edward L. Patterson for the petitioner.

No. —, original. Ex parte: In the matter of The Lakewood Engineering Company et al., petitioners. Motion for leave to file petition for writ of *mandamus* submitted by Mr. Frank E. Dennett for the petitioners.

No. 1038. Rafael Baragano, plaintiff in error, *v.* The People of Porto Rico. In error to the Supreme Court of Porto Rico. Docketed and dismissed with costs, on motion of Mr. William C. Rigby for the defendant in error.

No. 324. Missouri-Kansas-Texas Railroad Company, petitioner, *v.* The State of Texas. Motion to supplement the record as originally printed submitted by Mr. W. B. Janes in behalf of counsel for the defendant in error.

No. 794. Will Norris, plaintiff in error, *v.* State of Louisiana. Case assigned for argument on Monday, April 25 next, per stipulation of counsel, on motion of Mr. Henry C. Lank in that behalf.

No. 394. C. G. Lewellyn, Collector of Internal Revenue, etc., petitioner, *v.* The Electric Reduction Company. Leave granted to file brief of Donald Horne as *amicus curiae* on motion of Mr. Robert Ash in that behalf.

No. 869. The United States of America, petitioner, *v.* Ole Berkeness. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, and Mr. Mahlon D. Kiefer for the petitioner.

No. 914. David A. Wright, petitioner, *v.* The United States. Petition for a writ of certiorari to the Court of Claims submitted by Mr. Ashby Williams for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Galloway, and Mr. Percy M. Cox for the respondent.

No. 916. Western Union Telegraph Company, petitioner, *v.* C. H. Priestler. Petition for a writ of certiorari to the Court of Appeals of the State of Alabama submitted by Mr. Francis Raymond Stark and Mr. Ray Rushton for the petitioner, and by Mr. D. N. Powell for the respondent.

No. 924. George Orlov, petitioner, *v.* Harry Sawyer. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit submitted by Mr. George Orlov and Mr. Walter B. Houghton for the petitioner.

No. 927. The Rex Amusement Company, petitioner, *v.* Marianita Truschel. Petition for a writ of certiorari to the Supreme Court of Appeals of the State of West Virginia submitted by Mr. Ralph S. Harris for the petitioner, and by Mr. Benj. L. Rosenbloom for the respondent.

No. 929. Fred M. Kirby, petitioner, *v.* The United States. Petition for a writ of certiorari to the Court of Claims submitted by Mr. Edward Cornell and Mr. Martin A. Schenck for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Galloway, and Mr. Alexander H. McCormick for the respondent.

No. 930. Joseph E. Marron, 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. Benjamin L. McKinley for the petitioner, and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, and Mr. Mahlon D. Kiefer for the respondent.

No. 931. Bowman-Hicks Lumber Company, petitioner, *v.* Glenn W. Robinson. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. George T. Cochran for the petitioner, and by Mr. Arthur I. Moulton for the respondent.

No. 939. Drew Haven Dunn, 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. Edward F. Wehrle for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Luhring, and Mr. Harry S. Ridgely for the respondent.

No. 943. William L. Barnard, 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 Ellis Lady for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Luhring, and Mr. Harry S. Ridgely for the respondent.

No. 945. Gustave Henry and William Henry, 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. Hugh L. Dickson for the petitioners, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Luhring, and Mr. Harry S. Ridgely for the respondent.

No. 946. Fort Smith, Subiaco and Rock Island Railroad Company, petitioner, *v.* Emma Moore, Administratrix, etc. Petition for a writ of certiorari to the Supreme Court of the State of Kansas submitted by Mr. James B. McDonough for the petitioner, and by Emma Moore *pro se*.

No. 947. Grace Liska Pons et al., petitioners, *v.* State Bank and Trust Company, Guardian, et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Norman Farrell for the petitioners, and by Mr. Charles H. Rutherford, Mr. K. T. McConnico, Mr. Solicitor General Mitchell, and Mr. Assistant Attorney General Farnum, and Mr. Thomas E. Rhodes for the respondents.

No. 948. Southern California Edison Company, petitioner, *v.* Amelia Herminghaus et al., etc. Petition for a writ of certiorari to the Supreme Court of the State of California submitted by Mr. Edward F. Treadwell, Mr. George E. Trowbridge, Mr. William M. Conley, and Mr. John W. Davis for the petitioner, and by Mr. Robert Duncan for the respondents.

No. 950. Sigmund Stern, petitioner, *v.* Empire Gas and Fuel Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Frank

A. Boys, Mr. Arthur Mag, and Mr. Roy B. Thomson for the petitioner, and by Mr. Leslie J. Lyons and Mr. Warren T. Spies for the respondent.

No. 952. Western Willite Company, petitioner, *v.* Trinidad Asphalt Manufacturing Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Thomas J. Johnston, Mr. J. Granville Meyers, and Mr. Delos G. Hayes for the petitioner.

No. 953. Andrew W. Mellon, agent, under Section 206 of the Transportation Act of 1920 (New York, New Haven and Hartford Railroad), Petitioner, *v.* New Jersey Shipbuilding and Dredging Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Evan Shelby and Mr. John E. Walker for the petitioner, and by Mr. Mark Ash for the respondent.

No. 954. May Berg and Frederick C. Raichley, petitioners, *v.* Harry J. Merchant and Clyde C. Smith, as Executors, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. H. W. Fraser and Mr. I. J. Ringolsky for the petitioners, and by Mr. Hector S. Young for the respondents.

No. 957. Adelaide McColgan, as Administratrix with the will annexed of the estate of Daniel A. McColgan, deceased, petitioner, *v.* Charles H. Clark and Edward Bergner, as Trustees, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Harold C. Faulkner for the petitioner.

No. 958. Western Union Telegraph Company, petitioner, *v.* C. H. Priester. Petition for a writ of certiorari to the Supreme Court of the State of Alabama submitted by Mr. Francis R. Stark and Mr. Ray Rushton for the petitioner, and by Mr. D. N. Powell for the respondent.

No. 959. Ethel M. Howe, Administratrix of the estate of Fred C. Howe, deceased, petitioner, *v.* Michigan Central Railroad Company. Petition for a writ of certiorari to the Supreme Court of the State of Michigan submitted by Mr. Thomas J. Bresnahan and Mr. Elmer H. Groefsema for the petitioner, and by Mr. J. Walter Dohany and Mr. Frank E. Robson for the respondent.

No. 960. Vernon S. Story, 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. James A. O'Shea for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Luhring, and Mr. Harry S. Ridgely for the respondent.

No. 963. Brooklyn Eastern District Terminal, petitioner, *v.* John Busch. Petition for a writ of certiorari to the Supreme Court of the State of New York submitted by Mr. Branch P. Kerfoot, Mr. Charles W. Stockton, and Mr. Henry B. Closson for the petitioner, and by Mr. Ralph G. Barclay for the respondent.

No. 964. William H. Blodgett, Tax Commissioner of the State of Connecticut, petitioner, *v.* Arthur Silberman, Charles Moebius, et al., etc. Petition for a writ of certiorari to the Superior Court of Fairfield County, State of Connecticut, submitted by Mr. Charles E. Hughes, Mr. Farwell Knapp, and Mr. Lucius F. Robinson for the petitioner, and by Mr. Abraham L. Gutman and Mr. Kenneth Dayton for the respondents.

No. 967. Charles Watson, 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. T. C. Coffin for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Luhring, and Mr. Harry S. Ridgely for the respondent.

No. 969. Barber Asphalt Paving Company, petitioner, *v.* Standard Asphalt and Rubber Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. John W. Davis, Mr. Henry N. Paul, Mr. Samuel E. Hibben, and Mr. Charles Neave for the petitioner, and by Mr. Alexander F. Reichmann, Mr. Thomas G. Haight, and Mr. William F. Hall for the respondent.

No. 970. National Spiritualists Association, petitioner, *v.* Sarah A. Vestal, Robert Ingersoll Jackson, Wm. A. Jackson, et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Will C. Austin for the petitioner.

No. 971. Maggie Kemmerer, as Administratrix, etc., petitioner, *v.* Reading Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Charles A. Ludlow for the petitioner, and by Mr. William Clarke Mason for the respondent.

No. 972. Magnetic Manufacturing Company and John P. Bethke, petitioners, *v.* Dings Magnetic Separator Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. John F. Robb, Mr. Bert. M. Kent, and Mr. Harry C. Robb for the petitioners, and by Mr. George L. Wilkinson and Mr. Louis Quarles for the respondent.

No. 973. Redondo Steamship Company, Inc., petitioner, *v.* The Archibald McNeil and Sons Company. Petition for a writ of certiorari to the United States Circuit of Appeals for the Second Cir-



cuit submitted by Mr. Edward H. Wilson for the petitioner, and by Mr. Spencer Gordon for the respondent.

No. 974. State Board of Equalization of the State of Wyoming, Maurice Groshon, E. J. Carroll, petitioners, *v.* North Side Canal Company, Limited, and 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. W. C. Mentzer and Mr. Wilford W. Neilson for the petitioners.

No. 975. State Board of Equalization of the State of Wyoming, Maurice Groshon, E. J. Carroll, petitioners, *v.* Twin Falls Canal Company and 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. W. C. Mentzer for the petitioners.

No. 976. State Board of Equalization of the State of Wyoming, Maurice Groshon, E. J. Carroll, petitioners, *v.* North Side Canal Company, Limited, and 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. W. C. Mentzer and Mr. Wilford W. Neilson for the petitioners.

No. 977. State Board of Equalization of the State of Wyoming, Maurice Groshon, E. J. Carroll, petitioners, *v.* Twin Falls Canal Company and 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. W. C. Mentzer for the petitioners.

No. 978. Continental Securities Company, petitioner, *v.* The Michigan Central Railroad Company et al. Petition for a 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. A. C. Angell and Mr. Frank E. Robson for the respondents.

No. 979. Alamo Foods Company, petitioner, *v.* Alexander S. Walker, Formerly Collector of Internal Revenue. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. S. G. Newton for the petitioner, and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, Mr. A. W. Gregg, and Mr. Charles T. Hendler for the respondent.

No. 980. Agustin Segurolo and Manuel Santiago, petitioners, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit submitted by Mr. E. B. Wilcox for the petitioners, and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, and Mr. John J. Byrne for the respondent.

No. 984. Shur-On Optical Company, Inc., and Shur-On Standard Optical Company, Inc., petitioners, *v.* American Optical Company

et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Drury W. Cooper and Mr. C. Schuyler David for the petitioners, and by Mr. Charles Neave and Mr. Harrison F. Lyman for the respondents.

No. 985. Kirstein Optical Company, Inc., et al., petitioners, *v.* American Optical Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Drury W. Cooper for the petitioners, and by Mr. Charles Neave and Mr. Harrison F. Lyman for the respondents.

No. 991. Walter S. Hooper, 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. Clarence Wood for the petitioner, and by Mr. Solicitor General Mitchell for the respondent.

No. 277. The Red Ball Transit Company, appellant, *v.* Charles C. Marshall et al., Constituting the Public Utilities Commission of Ohio et al. Appeal from the District Court of the United States for the Southern District of Ohio. Dismissed with costs on motion of the appellant.

No. 676. T. L. Sparkman et al., plaintiffs in error, *v.* W. T. Rawleigh Company. In error to the Supreme Court of the State of Oklahoma. Dismissed with costs pursuant to the Eleventh Rule.

No. 922. The Liberty National Bank of South Carolina at Columbia, et al., petitioners, *v.* J. W. McIntosh, as Comptroller of the Currency of the United States et al. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit. Dismissed at petitioners' cost per stipulation of counsel.

No. 1011. Merle Phillips, petitioner, *v.* W. I. Biddle, Warden of the United States Penitentiary, Leavenworth, Kansas. Motion for leave to proceed *in forma pauperis* submitted by Mr. Frans E. Lindquist for the petitioner.

No. 671. Humboldt Land and Cattle Company, appellant, *v.* Robert A. Allen, as State Engineer of the State of Nevada, etc., et al. Argued by Mr. Henry A. Guiler for the appellant, and by Mr. G. B. Thatcher for the appellees.

No. 492. Fox River Paper Company, Patten Paper Company, Limited, Appleton Woolen Mills et al., plaintiffs in error, *v.* Railroad Commission of Wisconsin. Argument commenced by Mr. Moses Hooper for the plaintiffs in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, April 12, will be as follows: Nos. 492, 577, 719, 898, 223, 267, 257, 263, 271, and 272.

## SUPREME COURT OF THE UNITED STATES

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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.

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William S. Pritchard, of New York City; Edward W. Shepard, of Washington, D. C.; Eugene C. Taylor, of Washington, D. C.; David A. Murphy, of Kansas City, Mo.; J. Stanley Payne, of Washington, D. C.; Edwin H. Pennock, of Los Angeles, Calif.; S. Fred Wetzler, of New Haven, Conn.; James Vincent Barnitt, of Paterson, N. J.; Joseph J. Weinberger, of Passaic, N. J.; and Frank W. Dahn, of Washington, D. C., were admitted to practice.

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No. 492. Fox River Paper Company, Patten Paper Company, Limited, Appleton Woolen Mills et al., plaintiffs in error, *v.* Railroad Commission of Wisconsin. Leave granted to file additional brief for the defendant in error on motion of Mr. R. M. Rieser in that behalf. Argument continued by Mr. Moses Hooper for the plaintiff in error, by Mr. W. J. Dempsey for the plaintiff in error, by Mr. R. M. Rieser for the defendant in error, and concluded by Mr. Adolph Kanneberg for the defendant in error.

No. 577. St. Louis and San Francisco Railroad Company et al., petitioners, *v.* E. B. Spiller et al. Argument commenced by Mr. Frederick H. Wood for the petitioners, continued by Mr. W. H. Saunders for the respondents, by Mr. D. A. Murphy for the respondents, and concluded by Mr. Frederick H. Wood for the petitioners.

No. 719. Mammoth Oil Company et al., petitioners, *v.* The United States of America. Four hours allowed for the argument of this case on motion of Mr. John W. Lacey in that behalf. Argument commenced by Mr. John W. Lacey for the petitioners.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, April 13, will be as follows: Nos. 719, 898, 223, 267, 257, 263, 271, 272, 275, and 277.

SUPREME COURT OF THE UNITED STATES

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

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Stephen Chandler, of Oklahoma City, Okla.; Charles L. Yancey, of Tulsa, Okla.; Howard F. Bresee, of Washington, D. C.; and Charles B. McClintock, of Canton, Ohio, were admitted to practice.

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No. 719. Mammoth Oil Company, Sinclair Crude Oil Purchasing Company and Sinclair Pipe Line Company, petitioners, *v.* The United States of America. Argument commenced by Mr. John W. Lacey for the petitioners, continued by Mr. Edward H. Chandler for petitioner, the Sinclair Pipe Line Company, by Mr. Owen J. Roberts and Mr. Atlee Pomerene for the respondent, and concluded by Mr. Martin W. Littleton for the petitioners.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, April 14, will be as follows: Nos. 898, 223, 267, 257, 263, 271, 272, 275, 278, and 279.

## SUPREME COURT OF THE UNITED STATES

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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.

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Henry O. Harriman, of Washington, D. C.; Jerome F. Barnard, of Washington, D. C.; Henry R. Baird, of Port Huron, Mich.; and Dale C. Dillon, of Bartlesville, Okla., were admitted to practice.

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No. 974. State Board of Equalization of the State of Wyoming, Maurice Groshon, E. J. Carroll, petitioners, *v.* North Side Canal Company, Limited, and The United States of America; and

No. 975. State Board of Equalization of the State of Wyoming, Maurice Groshon, E. J. Carroll, petitioners, *v.* Twin Falls Canal Company and The United States of America; and

No. 976. State Board of Equalization of the State of Wyoming, Maurice Groshon, E. J. Carroll, petitioners, *v.* North Side Canal Company, Limited, and The United States of America; and

No. 977. State Board of Equalization of the State of Wyoming, Maurice Groshon, E. J. Carroll, petitioners, *v.* Twin Falls Canal Company and The United States of America. Leave granted to file brief for the respondent hereafter on motion of Mr. Solicitor General Mitchell in that behalf.

No. 898. Harry R. Alston *v.* The United States of America. Argued by Mr. Hooper Alexander and Mr. Frans E. Lindquist for Alston and by Mr. Solicitor General Mitchell for the United States.

No. 223. Demetrios Anastopoulos, appellant, *v.* John P. Johnson, Commissioner of Immigration, etc. Appeal from the District Court of the United States for the District of Massachusetts. Dismissed with costs pursuant to the nineteenth rule on motion of Mr. Solicitor General Mitchell for the appellee.

No. 267. The United States of America, appellant, *v.* Freights, Sub-Freights, Charter Hire, and/or Sub-charter Hire of the S. S. "Mount Shasta." Argued by Mr. Assistant Attorney General Farnum for the appellant and by Mr. Thomas Hunt and Mr. John H. Lowrance for the appellee.

No. 257. The United States *ex rel.* Skinner and Eddy Corporation, petitioner, *v.* J. R. McCarl, Comptroller General of the United States. Argument commenced by Mr. Louis Titus for the petitioner.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, April 18, will be as follows: Nos. 257, 263, 271, 272, 275, 278, 279, 549, 691, 894, and 815.

## SUPREME COURT OF THE UNITED STATES

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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.

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George D. Horning, jr., of Washington, D. C.; Lucien Henry Mercier, of Washington, D. C.; Bartholomew W. Butler, of Washington, D. C.; Theodore G. Risley, of Mount Carmel, Ill.; Albert E. Reitzel, of Washington, D. C.; William B. Johnson, of Ardmore, Okla.; Clarence A. Fry, of Pittsburgh, Pa.; and Robert Cawling, of Minneapolis, Minn., were admitted to practice.

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No. 38. Road Improvement District No. 1 of Franklin County, Arkansas; M. B. Conatser, F. W. Greer, et al., appellants, *v.* Missouri Pacific Railroad Company. Appeal from the United States Circuit Court of Appeals for the Eighth Circuit. Decree modified and affirmed with costs as modified. Opinion by Mr. Justice Van Devanter.

No. 372. R. B. Morris, doing business as Morris & Lowther; H. M. Hewitt and Lew Nunamaker, etc., et al., appellants, *v.* Wm. Duby, H. B. Van Duzer, and W. H. Malone, etc. Appeal from the District Court of the United States for the District of Oregon. Decree affirmed with costs. Opinion by Mr. Chief Justice Taft.

No. 211. Federal Trade Commission, petitioner, *v.* Alfred Klesner, doing business under the name "Shade Shop," Hooper & Klesner. On writ of certiorari to the Court of Appeals of the District of Columbia. Decree reversed with costs and cause remanded to the Supreme Court of the District of Columbia for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Chief Justice Taft. Separate opinion by Mr. Justice McReynolds.

No. 1. Federal Trade Commission and Victor Murdock, Huston Thompson, et al., etc., appellants, *v.* Claire Furnace Company, The Ella Furnace Company, Reliance Coke Company, et al. Appeal from the Court of Appeals of the District of Columbia. Decree reversed with costs and cause remanded to the Supreme Court of the District of Columbia with direction to dismiss the bill. Opinion by Mr. Chief Justice Taft. Separate opinion by Mr. Justice McReynolds. Mr. Justice Sutherland and Mr. Justice Butler took no part in the consideration or decision of this cause.

No. 241. L. Kadow, R. J. Firestone, A. R. Canfield, et al., plaintiffs in error, *v.* William Paul, Walter Marchbank and George Ungemach, as Commissioners, etc., et al. In error to the Supreme Court of the State of Washington. Decree affirmed with costs. Opinion by Mr. Chief Justice Taft.

No. 168. The Timken Roller Bearing Company, plaintiff in error, *v.* The Pennsylvania Railroad Company; and,

No. 178. Thomas P. Goodbody, as Receiver of the Hydraulic Steel Company, plaintiff in error, *v.* The Pennsylvania Railroad Company. In error to the District Court of the United States for the Northern District of Ohio. Judgments of February 28, 1927, vacated, and cases transferred to the United States Circuit Court of Appeals for the Sixth Circuit. Opinion by Mr. Chief Justice Taft.

The Chief Justice announced the following orders of the Court:

No. 337. Alexander Latzko, William Latzko, Charles Latzko, et al., etc., petitioners, *v.* Equitable Trust Company of New York, Trustee in Bankruptcy; and

No. 338. Equitable Trust Company of New York, Trustee in Bankruptcy, petitioner, *v.* Alexander Latzko, William Latzko, Charles Latzko, et al. The motion to advance these cases is denied.

No. —, original. *Ex parte*: In the matter of Barber Asphalt Company, petitioner. The motion for leave to file petition for writ of mandamus herein is denied.

No. —, original. *Ex parte*: In the matter of Lakewood Engineering Company, petitioner. The motion for leave to file a petition for a writ of mandamus herein is denied without prejudice to the right to file a petition for a writ of certiorari.

No. 324. Missouri-Kansas-Texas Railroad Company, petitioner, *v.* The State of Texas. The motion for leave to supplement the record as originally printed is granted, with the requirement that a sufficient number of copies of the printed supplement to the record be filed with the clerk.

No. 1011. Merle Phillips, petitioner, *v.* W. I. Biddle, Warden of the United States Penitentiary, Leavenworth, Kansas., etc. On petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. 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 ground for the issuance of the writ of certiorari, application for which is 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. 220. Foster Kelton and Herbert Kelton, plaintiffs in error, *v.* Wallace Kelton. In error to the Supreme Court of the State of Tennessee. *Per curiam*: Dismissed on the authority of *Cuyahoga Power Company v. Northern Realty Company*, 244 U. S. 300, 302, 303; *Second National Bank v. First National Bank*, 242 U. S. 600, 602; *San Antonio and Aransas Pass Railway Company v. Wagner*, 241 U. S. 476, 477.

No. 671. Humboldt Land & Cattle Company, appellant, *v.* Robert A. Allen, as State Engineer of the State of Nevada and individually, et al. Appeal from the District Court of the United States for the District of Nevada. *Per curiam*: Affirmed on the authority of *Chicago Great Western Railway Company v. Kendall*, 266 U. S. 94, 100-101.

No. 246. Allan Pinkerton, doing business as Pinkertons' National Detective Agency and The Corporations Auxiliary Company, appellants, *v.* Eugene Wengert, John W. Woller, George Page, and Charles Reichenbach. Appeal from the District Court of the United States for the Eastern District of Wisconsin. *Per curiam*: Affirmed on the authority of *Lehon v. City of Atlanta*, 242 U. S. 53.

No. 14, original. State of New York, complainant, *v.* State of Illinois and Sanitary District of Chicago. Upon consideration of several motions and suggestions filed in this cause by the respective parties, it is ordered:

1. The answer heretofore filed by the defendants in this cause to the bill of complaint in the related case of *State of Michigan v. State of Illinois and Sanitary District of Chicago* may and shall be accepted and treated as their answer to the bill of complaint in this cause, other than Paragraph III thereof;

2. The motion of the defendants in this cause to strike from the bill of complaint Paragraph III thereof is set down for hearing on Monday next, at the head of the cases assigned for that day; and

3. The motion of the complainants for an order requiring the defendants in this cause to answer Paragraph III of the bill of complaint is deferred until after the motion of the defendants to strike out that paragraph is heard and disposed of.

No. 869. The United States of America, petitioner, *v.* Ole Berkeness. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted.

No. 916. Western Union Telegraph Company, petitioner, *v.* C. H. Priester. Petition for a writ of certiorari to the Court of Appeals of the State of Alabama granted.

No. 958. Western Union Telegraph Company, petitioner, *v.* C. H. Priester. Petition for a writ of certiorari to the Supreme Court of the State of Alabama granted.



No. 929. Fred M. Kirby, petitioner, *v.* The United States. Petition for a writ of certiorari to the Court of Claims granted.

No. 930. Joseph E. Marron, 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. 946. Fort Smith, Subiaco and Rock Island Railroad Company, petitioner, *v.* Emma Moore, Administratrix of the Estate of William Moore, deceased. Petition for a writ of certiorari to the Supreme Court of the State of Kansas granted.

No. 948. Southern California Edison Company, petitioner, *v.* Amelia Herminghaus, Bertha Genevieve Bottoms, et al., etc. Petition for a writ of certiorari to the Supreme Court of the State of California granted.

No. 964. William H. Blodgett, Tax Commissioner of the State of Connecticut, petitioner, *v.* Arthur Silberman, Charles Moebius, Joseph Plant, et al., Executors. Petition for a writ of certiorari to the Superior Court of Fairfield County, State of Connecticut, granted.

No. 969. Barber Asphalt Paving Company, petitioner, *v.* Standard Asphalt & Rubber Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted.

No. 914. David A. Wright, petitioner, *v.* The United States. Petition for a writ of certiorari to the Court of Claims denied.

No. 924. George Orlov, petitioner, *v.* Harry Sawyer. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 927. The Rex Amusement Company, petitioner, *v.* Marianita Truschel. Petition for a writ of certiorari to the Supreme Court of Appeals of the State of West Virginia denied.

No. 931. Bowman-Hicks Lumber Company, petitioner, *v.* Glenn W. Robinson. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 939. Drew Haven Dunn, 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. 943. William L. Barnard, 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. 945. Gustave Henry and William Henry, 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. 947. Grace Liska Pons, Agnes Lois Pons, Jessie Kittell Pons, etc., et al., *v.* State Bank & Trust Company, Guardian, United States of America, Bureau of War Risk Insurance. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 950. Sigmund Stern, petitioner, *v.* Empire Gas and Fuel Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 952. Western Willite Company, petitioner, *v.* Trinidad Asphalt Manufacturing Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 953. Andrew W. Mellon, Agent, under Section 206 of the Transportation Act of 1920 (New York, New Haven & Hartford Railroad), petitioner, *v.* New Jersey Shipbuilding & Dredging Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 954. May Berg and Frederick C. Raichley, petitioners, *v.* Harry J. Merchant and Clyde C. Smith, as Executors of Last Will and Testament of Burr Raichley, Deceased, et al., etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 957. Adelaide McColgan, as Administratrix with the Will Annexed of the Estate of Daniel A. McColgan, Deceased, petitioner, *v.* Charles H. Clark and Edward Bergner, as Trustees in Bankruptcy of Albert E. Snyder, Bankrupt. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 959. Ethel M. Howe, Administratrix of the Estate of Fred C. Howe, Deceased, petitioner, *v.* Michigan Central Railroad Company. Petition for a writ of certiorari to the Supreme Court of the State of Michigan denied.

No. 960. Vernon S. Story, 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. 963. Brooklyn Eastern District Terminal, petitioner, *v.* John Busch. Petition for a writ of certiorari to the Supreme Court of the State of New York denied.

No. 967. Charles Watson, 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.

## ORDER

It is now here ordered by this Court that the call of the docket be suspended for the term on Friday, April 29 next, and that the Court will take a recess from Monday, May 2, until Monday, May 16 next.

No petitions for writs of certiorari or other motions, except motions for admission to practice, will be received after Tuesday, May 31 next.

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No. 1068. Hugo Thorsch, appellant, *v.* Thomas W. Miller, Alien Property Custodian, and Frank White as Treasurer of the United States. Appeal from the Court of Appeals of the District of Columbia. Docketed and dismissed with costs on motion of Mr. Solicitor General Mitchell for the appellees.

No. 134. Twin City Forge & Foundry Company, appellant, *v.* The United States. Appeal from the Court of Claims. Remanded with directions to modify the judgment, per stipulation of counsel on motion of Mr. Solicitor General Mitchell on that behalf.

No. 291. The United States, petitioner, *v.* The S. S. White Dental Manufacturing Company of Pennsylvania. Motion for leave to file brief of William Graupner as *amicus curiae* submitted by Mr. James S. Y. Ivens, and motion denied.

No. 2, original. The State of New Mexico, complainant, *v.* The State of Texas. Motion to fix compensation of special master submitted by Mr. Charles Warren, the special master appointed by the Court herein.

No. 505. Atlantic Coast Line Railroad Company, petitioner, *v.* Standard Oil Company of New Jersey; and

No. 506. Seaboard Air Line Railway Company, petitioner, *v.* Standard Oil Company of New Jersey. Leave granted to file petition for a rehearing on motion of Mr. Thomas W. Davis for the petitioners.

No. 872. Atlantic Coast Line Railroad Company, petitioner, *v.* Standard Oil Company of Kentucky; and

No. 873. Standard Oil Company, Inc., in Kentucky, petitioner, *v.* Atlantic Coast Line Railroad Company. Joint motion to advance submitted by Mr. Thomas W. Davis and Mr. Helm Bruce for the petitioner in No. 872 and for the respondent in No. 873 and by Mr. Charles G. Middleton for the respondent in No. 782 and for the petitioner in No. 783.

No. 297. David W. Phillips, Collector of Internal Revenue for the Twelfth Pennsylvania District, petitioner, *v.* International Salt Company. Leave granted to file brief for American Pneumatic Service Company as *amicus curiae* on motion of Mr. E. Crosby, Kindelberger in that behalf.

No. 951. J. H. Lane & Company, petitioner, *v.* The United States. Petition for a writ of certiorari to the Court of Claims submitted by Mr. William H. White, jr., for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Galloway, and Mr. Alexander H. McCormick for the respondent.

No. 956. Charles Bossio and Tony Bossio, 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. W. G. Graves for the petitioners, and by Mr. Solicitor General Mitchell, and Assistant Attorney General Willebrandt for the respondent.

No. 981. The People of Sioux County, Nebraska, petitioner, *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. Charles S. Lobingier and Mr. Edwin D. Crites for the petitioner.

No. 987. John O'Fallon, 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. Neal E. McNeill for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Luhning, and Mr. Harry S. Ridgely for the respondent.

No. 988. Geo. O. Richardson Machinery Company, petitioner, *v.* Mrs. Annie Scott, Administratrix of the Estate of John A. Scott, Deceased. Petition for a writ of certiorari to the Supreme Court of the State of Oklahoma submitted by Mr. D. H. Linebaugh for the petitioner, and by Mr. Jean H. Everest and Mr. Chas. L. Moore for the respondent.

No. 990. The Lakewood Engineering Company and Edward G. Carr, petitioners, *v.* A. W. French & Co., Alfred W. French, Edwin A. Allen, et al., etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Frank E. Dennett for the petitioners, and by Mr. Rudolph William Lotz and Mr. Arthur William Nelson for the respondents.

No. 993. Henry F. Long, Commissioner of Corporations and Taxation of the Commonwealth of Massachusetts, petitioner, *v.* George I. Rockwood. Petition for a writ of certiorari to the Superior Court for the County of Worcester, State of Massachusetts, submitted by Mr. F. Delano Putnam and Mr. Alex Lincoln for the petitioner, and by Mr. Thomas Hovey Gage for the respondent.

No. 994. Henry F. Long, Commissioner of Corporations and Taxation of the Commonwealth of Massachusetts, petitioner, *v.* George I. Rockwood. Petitioner for a writ of certiorari to the Superior Court

for the County of Worcester, State of Massachusetts, submitted by Mr. F. Delano Putnam and Mr. Alex Lincoln for the petitioner, and by Mr. Thomas Hovey Gage for the respondent.

No. 995. First National Bank in St. Louis and Joseph D. Bascom, petitioners, *v.* Wm. Buder, as Assessor of the City of St. Louis, etc., et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. P. Taylor Bryan, Mr. Frank Sullivan, and Mr. Sam B. Jeffries for the petitioners, and by Mr. E. W. Foristel, Mr. Oliver Senti, Mr. North T. Gentry, Mr. Charles P. Williams, Mr. James T. Blair, and Mr. Julius T. Muench for the respondents.

No. 1001. The United States of America, petitioner, *v.* Amalia Manzi. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit submitted by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Luhning, and Mr. Harry S. Ridgely for the petitioner.

No. 1008. Federal Trade Commission, petitioner, *v.* Millers' National Federation et al. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia, submitted by Mr. Solicitor General Mitchell, Mr. Bayard T. Hainer, and Mr. Adrien F. Busick for the petitioner, and by Mr. Edward S. Rogers, Mr. Stephen A. Foster, and Mr. Karl D. Loos for the respondents.

No. 257. The United States *ex rel.* Skinner and Eddy Corporation, petitioner, *v.* J. R. McCarl, Comptroller General of the United States. Argument continued by Mr. Gardner P. Lloyd for the respondent and concluded by Mr. Louis Titus for the petitioner.

No. 263. H. W. Hess, plaintiff in error, *v.* Leo Pawloski, a minor, proceeding by his next friend, Stanislaw Pawloski. Argument commenced by Mr. George Gowen Parry for the plaintiff in error. The Court declined to hear further argument.

No. 271. Baltimore Steamship Company and United States Shipping Board Emergency Fleet Corporation, petitioners, *v.* Vernon Phillips, an infant, by his guardian *ad litem*. Argued by Mr. Arthur M. Boal for the petitioner, and by Mr. Edgar J. Treacy for the respondent.

No. 272. The State of Ohio *ex rel.* James Clarke, plaintiff in error, *v.* Alfred F. Deckebach, as Auditor of the City of Cincinnati. Argument commenced by Mr. George S. Hawke for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, April 19, will be as follows: Nos. 272, 275, 278, 279, 549, 691, 894, 815, 280, and 283.

## SUPREME COURT OF THE UNITED STATES

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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.

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Myron H. Avery, of Luber, Me.; Jerry C. Massey, of Washington, D. C.; Henry D. Rummel, of Charleston, W. Va.; Georgia Hare, of Groton, N. Y.; Gustav Lange, jr., of New York City; Alton W. Luck, of Harrisburg, Pa.; Albert Levitt, of Lexington, Va.; George Baillie Springston, of Washington, D. C.; Donald O. Blagg, of Charleston, W. Va.; S. Sidney Stein, of Chicago, Ill.; and William Davis Conrad, of New York City, were admitted to practice.

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No. 187. Oklahoma Natural Gas Co., plaintiff in error, *v.* State of Oklahoma et al. Motion to substitute Thomas W. Phillips, jr., H. J. Crawford, J. V. Ritts et al. as members of the board of directors of the Oklahoma Natural Gas Company as the party plaintiff in error in this case submitted by Mr. C. B. Ames and Mr. C. B. Cochran for the plaintiff in error, and substitution consented to by Mr. Edwin Denby, Mr. E. S. Ratliff, and Mr. J. D. Lydick for the defendants in error.

No. 280. Andrew W. Mellon, as Director General of Railroads, petitioner, *v.* Leah M. Gray, Administratrix of the Estate of Glen E. Gray. Submitted by Mr. Merrill Shurtliff for the petitioner and by Mr. Hollis R. Bailey for the respondent.

No. 272. State of Ohio *ex rel.* James Clarke, plaintiff in error, *v.* Alfred F. Deckebach, as Auditor of the City of Cincinnati. Argument continued by Mr. George S. Hawkes for the plaintiff in error, by Mr. J. D. Ellis for the defendant in error, and concluded by Mr. George S. Hawkes for the plaintiff in error.

No. 275. Benjamin H. Clark and Charles Riggs, a partnership, etc., appellants, *v.* George T. Poore et al., constituting the Public Utilities Commission of Ohio. Argued by Mr. Murray Seasongood for the appellants, and by Mr. Albert M. Calland and Mr. John W. Bricker for the appellees.

No. 278. Schuman Brothers, a Copartnership, etc., plaintiffs in error, *v.* First National Bank of Skiatook. Argument commenced by Mr. C. L. Yancey for the plaintiffs in error. The Court declined to hear further argument.

No. 279. Federal Trade Commission, petitioner, *v.* American Tobacco Company. Argument commenced by Mr. Adrien F. Busick for the petitioner and continued by Mr. Edward S. Rogers for the respondent.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, April 20, will be as follows: Nos. 279, 549, 691, 894, 815, 283, 285, 289, 290, and 291.

## SUPREME COURT OF THE UNITED STATES

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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.

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Frank Parker Davis, of Chicago, Ill.; Walter Lewis Moll, of Washington, D. C.; Milton Tibbetts, of Detroit, Mich.; Clarence S. Walker, of Malden, Mass.; Merrill S. June, of Worcester, Mass.; William Robert Walsh, of Port Huron, Mich.; George Lee Basye, of Lincoln, Nebr.; Herbert A. Friedlich, of Chicago, Ill.; and Sam T. Swansen, of Milwaukee, Wis., were admitted to practice.

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No. 279. Federal Trade Commission, petitioner, *v.* American Tobacco Company. Argument continued by Mr. Edward S. Rogers for the respondent and concluded by Mr. Adrien F. Busick for the petitioner.

No. 549. Arkansas Railroad Commission and W. H. Donham, as Prosecuting Attorney, etc., appellants, *v.* Chicago, Rock Island & Pacific R. R. Co. Argued by Mr. Edward A. Haid for the appellants and by Mr. Thomas S. Buzbee for the appellee.

No. 691. Quaker City Cab Company, plaintiff in error, *v.* Commonwealth of Pennsylvania. Argued by Mr. Owen J. Roberts for the plaintiff in error and by Mr. John Robert Jones for the defendant in error. Leave granted defendant in error to file brief within one week.

No. 894. J. F. Lawrence, C. C. Taylor, et al., etc., appellants, *v.* St. Louis-San Francisco Railway Company. Argument commenced by Mr. C. B. Ames for the appellants and continued by Mr. C. B. Stuart for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, April 21, will be as follows: Nos. 894, 815, 283, 285, 289, 290, 291, 292, 293, and 294.



SUPREME COURT OF THE UNITED STATES

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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.

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George H. Muckley, of Washington, D. C.; James R. Bell, of Washington, D. C.; Anthony F. McCue, of Clarksburg, W. Va.; Clarence A. Shuey, of San Francisco, Calif.; Warner M. Pomerene, of Coshocton, Ohio; James M. Gorman, of New York City; and Ernest B. Fowler, of Denver, Colo., were admitted to practice.

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No. 297. David W. Phillips, Collector of Internal Revenue, etc., petitioner, *v.* International Salt Company. Leave granted to file brief of George E. Holmes and Randolph E. Paul as *amici curiae* on motion of Mr. Elmont B. Hazard in that behalf.

No. 894. J. F. Lawrence et al., appellants, *v.* St. Louis-San Francisco Railway Company. Argument concluded by Mr. C. B. Stuart for the appellee.

No. 815. Hope Natural Gas Company, plaintiff in error, *v.* Grant P. Hall, State Tax Commissioner of West Virginia, et al. Argued by Mr. John W. Davis for the plaintiff in error and by Mr. Fred O. Blue for the defendants in error.

No. 283. Gould-Mersereau Company, petitioner, *v.* Williams Bros. Aircraft Corporation. Argument commenced by Mr. William S. Pritchard for the petitioner. The Court declined to hear further argument.

No. 283. Gould-Mersereau Company, petitioner, *v.* Williams Bros. Aircraft Corporation. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. The decree of the Circuit Court of Appeals is reversed upon the authority of *Alexander Milbourne Company v. Davis-Bournonville Company*, 270 U. S. 390, and the cause is remanded to that court for reconsideration with special regard to the decision in that case.

No. 285. Overland Motor Company *v.* Packard Motor Car Company and Wire Wheel Corporation of America. Argued by Mr. Melville Church for the Overland Motor Company and by Mr.

Frank Parker Davis for the Packard Motor Car Company and Wire Wheel Corporation of America.

No. 289. The United States, petitioner, *v.* Charles A. Ludy. Argument commenced by Mr. T. L. Lewis, jr., for the petitioner and continued by Mr. Wayne Johnson for the respondent.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, April 22, will be as follows: Nos. 289, 290, 291, 292, 293, 294, 295, 297, 298, and 300.

## SUPREME COURT OF THE UNITED STATES

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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.

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Herman Dehnke, of Harrisville, Mich., was admitted to practice.

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No. 294. Henry Clay Pierce, plaintiff in error, *v.* W. J. Barker, J. W. Tartar and Industrial Commission of Wisconsin. Leave granted to file brief of plaintiff in error when received and to submit case on his behalf when reached on motion of Mr. Roger Shale in that behalf.

No. 289. The United States, petitioner, *v.* Charles A. Ludy. Argument continued by Mr. Wayne Johnson for the respondent and concluded by Mr. T. L. Lewis, jr., for the petitioner.

No. 290. James Stewart & Company, plaintiff in error, *v.* Dominick Rivara. Argued by Mr. John M. Woolsey and Mr. Harrington Putnam for the plaintiff in error, and by Mr. James M. Gorman for the defendant in error.

No. 291. The United States, petitioner, *v.* The S. S. White Dental Manufacturing Company of Pennsylvania. Argued by Mr. Assistant Attorney General Galloway for the petitioner and by Mr. John Hampton Barnes and Mr. John F. McCarron for the respondent.

No. 292. Carrie Buck, by R. G. Shelton, her guardian and next friend, plaintiff in error, *v.* J. H. Bell, Superintendent. Argued by Mr. I. P. Whitehead for the plaintiff in error and by Mr. A. E. Strode for the defendant in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, April 25, will be as follows: Nos. 293, 294, 295, 297, 298, 300, 14 original, 375, 794, 656, 844, 851, 864, 880 (881 and 882), 583, 983, 992, and 363.

## SUPREME COURT OF THE UNITED STATES

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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.

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P. Nicholas Petrocelli, of Boston, Mass.; Israel B. Greene, of Newark, N. J.; Thomas J. Lanshe, of Philadelphia, Pa.; Jean S. Breitenstein, of Denver, Colo.; Robert A. Hutchison, of Manassas, Va.; N. Louis Paladeau, jr., of Jersey City, N. J.; Joseph J. Carissimi, of Jersey City, N. J.; Eugene Davis Saunders, of New Orleans, La.; T. Semmes Walmsley, of New Orleans, La.; E. G. Potter, of Smethport, Pa.; James J. Lenihan, of Washington, D. C.; Robert Neill Maxey, of Tulsa, Okla.; Paul Pinson, of Muskogee, Okla.; and Allan G. Carson, of Salem, Oreg., were admitted to practice.

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No. 101. James Duignan, appellant, *v.* The United States of America and Pall Mall Realty Corporation. Appeal from the United States Circuit Court of Appeals for the Second Circuit. Decree affirmed. Opinion by Mr. Justice Stone.

No. 6, original. The State of Oklahoma, complainant, *v.* The State of Texas, defendant, The United States of America, intervener. On consideration of the fourth report of the commissioners heretofore selected to run, locate, and mark portions of the boundary between the States of Texas and Oklahoma along the south bank of the Red River, showing that they have run, located, and marked particular portions of such boundary between the eastern limit of Lamar County, Texas, and the eastern boundary of the State of Oklahoma, which fourth report was presented herein February 21, 1927;

And no objection or exception to such report being presented, although the time therefor has expired;

It is now adjudged, ordered, and decreed as follows:

1. The said report is in all respects confirmed.
2. The boundary line delineated and set forth in the said report and on the accompanying maps is established and declared to be the true boundary between the States of Texas and Oklahoma along the Red River at the several places designated in such report, subject, however, to such changes as hereafter may be wrought by the natural

and gradual processes known as erosion and accretion as specified in the second, third, and fourth paragraphs of the decree rendered herein March 12, 1923 (261 U. S. 340).

3. The clerk of this Court shall transmit to the chief magistrates of the States of Texas and Oklahoma copies of this decree, duly authenticated under the seal of this Court, together with copies of the said fourth report and of the accompanying maps.

4. As it appears that the commissioners appointed to run, locate, and mark portions of the boundary along the south bank of the Red River have completed their work conformably to the decree of March 12, 1923, the said commissioners are hereby discharged.

5. The clerk of this Court shall distribute and deliver to the chief magistrates of the States of Texas and Oklahoma and the Secretary of the Interior all copies of the first, second, third, and fourth boundary reports made by the commissioners, with the accompanying maps, now in the clerk's hands, save that he shall retain 15 copies of each for purposes of certification and other needs that may arise in his office.

6. Except as otherwise specially ordered by this Court, the costs in this cause pertaining to the adjudication and settlement of the boundary between the two States along the Red River shall be borne in equal parts by the State of Oklahoma, the State of Texas, and the United States. Decree announced by Mr. Justice Van Devanter.

#### ORDER

State of Oklahoma, *complainant*,

v.

State of Texas, *defendant*,

United States, *intervener*.

The report filed herein March 14, 1927, by the boundary commissioners showing the work done, time employed and expenses incurred in the survey, marking and mapping of particular portions of the boundary between the States of Texas and Oklahoma along the south bank of the Red River, from the eastern limit of Lamar County, Texas, to the eastern boundary of the State of Oklahoma, pursuant to the decree of March 12, 1923 (261 U. S. 340), is approved and adopted. The compensation of the commissioners for the work done by them, as shown in such report, is fixed at \$8,937.50 for Arthur D. Kidder, and at \$11,525.00 for Arthur A. Stiles. The expenses incurred, as shown in the report, and the compensation here allowed shall be charged as part of the costs in this cause and shall be borne and paid by the three parties to the cause in the proportions specified

in said decree of March 12, 1923. The parties severally shall be credited with the amounts advanced by them, as shown in the report; and they shall advance additional amounts to pay the compensation of the commissioners, as here allowed, and the balance of \$694.25 due to Arthur D. Kidder for expenses paid by him, as shown in the report.

Order announced by Mr. Justice Van Devanter.

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The Chief Justice announced the following orders of the Court:

No. 872. Atlantic Coast Line Railroad Company, petitioner, *v.* Standard Oil Company of Kentucky; and

No. 873. Standard Oil Company, Incorporated in Kentucky, petitioner, *v.* Atlantic Coast Line Railroad Company. The motion to advance these cases is granted and the cases are assigned for argument on Monday, October 3 next, after the cases heretofore assigned for that day.

No. 187. Oklahoma Natural Gas Company, a Corporation, plaintiff in error, *v.* The State of Oklahoma, The Corporation Commission of the State of Oklahoma, et al. The motion to substitute Thomas W. Phillips, jr., et al: as members of and constituting the board of directors and trustees of the Oklahoma Gas Company, a dissolved corporation, as the party plaintiff in error in this case is granted.

No. 280. Andrew W. Mellon, as Director General of Railroads, petitioner, *v.* Leah M. Gray, Administratrix of the Estate of Glen E. Gray. On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit. *Per curiam*: Reversed on the authority of Reading Company *v.* John L. Koons, Administrator, 271 U. S. 58.

No. 278. Schuman Brothers, a copartnership, consisting of Morris Schuman and Joseph M. Schuman, plaintiffs in error, *v.* The First National Bank of Skiatook. In error to the Supreme Court of the State of Oklahoma. *Per curiam*: Writ of error dismissed under section 237 of the Judicial Code as amended by the act of February 13, 1925, 43 Stat. 936, and the writ treated as an application herein for a writ of certiorari is also denied.

No. 980. Agustin Segurolo and Manuel Santiago, petitioners, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit granted.

No. 981. The People of Sioux County, Nebraska, petitioner, *v.* National Surety Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit granted.

No. 988. Geo. O. Richardson Machinery Company, petitioner, *v.* Mrs. Annie Scott, Administratrix of the Estate of John A. Scott, Deceased. Petition for a writ of certiorari to the Supreme Court of the State of Oklahoma granted.

No. 990. The Lakewood Engineering Company and Edward G. Carr, petitioners, *v.* A. W. French & Co., Alfred W. French, Edwin A. Allen, et al., etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted.

No. 993. Henry F. Long, Commissioner of Corporations and Taxation of the Commonwealth of Massachusetts, petitioner, *v.* George I. Rockwood. Petition for a writ of certiorari to the Superior Court for the County of Worcester, State of Massachusetts, granted.

No. 994. Henry F. Long, Commissioner of Corporations and Taxation of the Commonwealth of Massachusetts, petitioner, *v.* George I. Rockwood. Petition for a writ of certiorari to the Superior Court for the County of Worcester, State of Massachusetts, granted.

No. 1001. The United States of America, petitioner, *v.* Amalia Manzi. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit granted.

No. 970. National Spiritualists Association, petitioner, *v.* Sarah A. Vestal, Robert Ingersol Jackson, Wm. A. Jackson, et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 971. Maggie Kemmerer, as Administratrix, etc., petitioner, *v.* Reading Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 972. Magnetic Manufacturing Company and John P. Bethke, petitioners, *v.* Dings Magnetic Separator Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 973. Redondo Steamship Company, Inc., petitioner, *v.* The Archibald McNeil & Sons Co. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 974. State Board of Equalization of the State of Wyoming, Maurice Groshon, E. J. Carroll, petitioners, *v.* North Side Canal Company, Limited, and 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. 975. State Board of Equalization of the State of Wyoming, Maurice Groshon, E. J. Carroll, petitioners, *v.* Twin Falls Canal Company and 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. 976. State Board of Equalization of the State of Wyoming, Maurice Groshon, E. J. Carroll, petitioners, *v.* North Side Canal Company, Limited, and 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. 977. State Board of Equalization of the State of Wyoming, Maurice Groshon, E. J. Carroll, petitioners, *v.* Twin Falls Canal Company and 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. 978. Continental Securities Company, petitioner, *v.* The Michigan Central Railroad Company and The New York Central Railroad Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 979. Alamo Foods Company, petitioner, *v.* Alexander S. Walker, Formerly Collector of Internal Revenue. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 984. Shur-On Optical Company, Inc., and Shur-On Standard Optical Company, Inc., petitioners, *v.* American Optical Company and Channing M. Wells, et al., etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 985. Kirstein Optical Company, Inc., and Shur-On Standard Optical Company, Inc., petitioners, *v.* American Optical Company and Channing M. Wells, et al., etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 951. J. H. Lane & Company, petitioner, *v.* The United States. Petition for a writ of certiorari to the Court of Claims denied.

No. 956. Charles Bossio and Tony Bossio, 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. 987. John O'Fallon, 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. 995. First National Bank in St. Louis and Joseph D. Bascom, petitioners, *v.* Wm. Buder, as Assessor of the City of St. Louis, et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.



No. 1008. Federal Trade Commission, petitioner, *v.* Millers' National Federation et al. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 991. Walter S. Hooper, petitioner, *v.* The United States of America. The petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit in this case is denied for failure to file the petition within the time prescribed by the statute.

#### ORDER

No. 969. Barber Asphalt Paving Company, petitioner, *v.* Standard Asphalt & Rubber Company; and

No. 990. The Lakewood Engineering Company and Edward G. Carr, petitioners, *v.* A. W. French & Co., Alfred W. French, Edwin A. Allen et al., etc. It is now ordered by this Court that these cases be, and they are hereby, advanced and assigned for argument on Monday, October 3 next, after the cases heretofore assigned for that day, to be heard upon the question of the action of the court below in so far as it dismissed the appeals because the transcripts of records did not comply with Equity Rule 75.

It is further ordered by this Court that no other questions involved in these cases will be heard at that time. Counsel may govern themselves accordingly in respect to printing here.

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No. 398. Manassas Battlefield Confederate Park, Inc., et al., plaintiffs, in error, *v.* B. Lynn Robertson, W. E. Trussler, et al. Motion to dismiss submitted by Mr. Morgan H. Beach for the defendants in error in support of the motion and by Mr. E. W. R. Ewing and Mr. Charles A. Douglas for the plaintiffs in error in opposition thereto.

No. 293. Investors Syndicate, plaintiff in error, *v.* Adam McMullen, as Governor, etc., et al., Clarence G. Bliss, as secretary of the Department of Trade and Commerce of the State of Nebraska, substituted as a party defendant in error in the place of Kirk Griggs, formerly secretary of the Department of Trade and Commerce of the State of Nebraska, on motion of Mr. A. C. Spencer for the plaintiff in error per stipulation of counsel.

No. 1018. T. H. Smallwood et al., petitioner, *v.* Juan G. Gallardo, Treasurer of Porto Rico;

No. 1019. Adolfo Valdes Ordonez et al., petitioners, *v.* Juan G. Gallardo, Treasurer of Porto Rico;

No. 1020. Insular Motor Corporations, petitioner, *v.* Juan G. Gallardo, Treasurer of Porto Rico;

No. 1021. Adolfo Valdes et al., petitioners, *v.* Juan G. Gallardo, Treasurer of Porto Rico;

No. 1022. Finlay, Waymouth & Lee, Inc., petitioner, *v.* Juan G. Gallardo, Treasurer of Porto Rico; and

No. 1023. Angel Abarca Portilla et al., petitioners, *v.* Juan G. Gallardo, Treasurer of Porto Rico. Leave granted to file brief for the respondent within nine days from this date on motion of Mr. William B. Pistole in that behalf.

No. 656. George R. Dale, plaintiff in error, *v.* The State of Indiana. In error to the Supreme Court of the State of Indiana. Dismissed with costs on motion of Mr. Moses E. Clapp for the plaintiff in error.

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No. 986. Robert P. Scripps, as Executor of the Last Will and Testament of E. W. Scripps, Deceased, petitioner, *v.* Robert Moran. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Charles F. Consaul and Mr. Charles C. Heltman for the petitioner, and by Mr. Robert A. Hulbert and Mr. Oscar Lawler for the respondent.

No. 997. Leroy Allebach and D. N. Mohler, petitioners, *v.* S. B. Thomas, Trustee in Bankruptcy for H. G. Nicholson. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. R. Kemp Morton for the petitioners and by Mr. T. C. Townsend for the respondent.

No. 998. Francesco Lidonnici, Serverio Desiderio, Giovanni Candiotti et al., petitioners, *v.* James J. Davis, Secretary of Labor et al. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia submitted by Mr. Robert H. McNeill for the petitioners, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Luhring, and Mr. Harry S. Ridgely for the respondents.

No. 1005. George Appell, 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. Ellwood P. Morey for the petitioner, and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, and Mr. John J. Byrne for the respondent.

No. 1007. Charles I. Daniels, 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. R. P. Henshall for the petitioner, and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, and Mr. John J. Byrne for the respondent.

No. 1010. Great Western Power Company, petitioner, *v.* Nippon Yusen Kabushiki Kaisha. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Ira S. Lilliek for the petitioner, and by Mr. F. D. Madison, Mr. Alfred Sutro, Mr. H. D. Pillsbury, and Mr. Oscar Sutro for the respondent.

No. 1012. Robert G. Martin, Executor of the Last Will and Testament of Jacob Rahn, Deceased, petitioner, *v.* George Ahrens, German Consul General of Germany, etc., et al. Petition for a writ of certiorari to the Supreme Court of the State of Missouri submitted by Mr. William A. Franken for the petitioner, and by Mr. William H. Davies for the respondent.

No. 1016. David H. Blair, Commissioner of Internal Revenue, petitioner, *v.* Oesterlein Machine Company. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia submitted by Mr. Solicitor General Mitchell, Mr. A. W. Gregg, and Mr. Charles T. Hendler for the petitioner, and by Mr. John J. Hamilton and Mr. Robert N. Miller for the respondent.

No. 1056. Fannie E. Untermeyer, as Executrix of Edward D. Untermeyer, petitioner, *v.* Charles W. Anderson, as Collector of Internal Revenue, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Louis Marshall for the petitioner, and by Mr. Solicitor General Mitchell for the respondent.

No. 154. W. T. Phillips, Jr., et al., etc., substituted for Oklahoma Natural Gas Company, plaintiff in error, *v.* The State of Oklahoma. Petition for writ of certiorari to the Supreme Court of the State of Oklahoma under section 237-c of the Judicial Code as amended by the act of February 13, 1925, submitted by Mr. Streeter B. Flynn, Mr. Robert M. Rainey, Mr. David A. Richardson, and Mr. Samuel W. Hayes for the plaintiffs in error in support of the petition, and by Mr. Edwin D. Dabney and Mr. E. S. Ratliff for the defendant in error in opposition thereto.

No. 344. T. H. Deal and United States Fidelity & Guaranty Company of Baltimore, petitioners, *v.* The United States of America. Submitted pursuant to the twenty-third rule by Mr. Louis S. Beedy for the petitioners, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Letts, Mr. J. Kennedy White, and Mr. Gardner P. Lloyd for the respondent.

No. 799. S. M. Gorieb, petitioner, *v.* Charles D. Fox et al., Members of the City Council of Roanoke, Virginia, et al. Submitted pursuant to the twenty-third rule by Mr. G. A. Wingfield for the petitioner, and by Mr. Charles D. Fox for the respondents.

No. 864. James Willos, plaintiff in error, *v.* State of Oregon. Motion to dismiss pursuant to the nineteenth rule submitted by Mr. Allan G. Carson for the defendant in error, and consideration of the motion postponed until the case is reached in its regular order on the call.

No. 583. Gilliland Oil Company, plaintiff in error, *v.* The State of Arkansas *ex rel.* H. W. Applegate, Attorney General of the State of Arkansas. Submitted by Mr. G. W. Hendricks for the plaintiff in error, and by Mr. H. W. Applegate, Mr. J. S. Utley, and Mr. William T. Hammock for the defendant in error.

No. 14, original. State of New York, complainant, *v.* State of Illinois and Sanitary District of Chicago. Argued on the motion to strike out Paragraph III of the bill of complaint of the State of New York by Mr. James M. Beck for the defendant, Sanitary District of Chicago, in support of the motion, and by Mr. Randall J. LeBoeuf, jr., for the complainant in opposition thereto.

No. 293. Investors Syndicate, plaintiff in error, *v.* Adam McMullen, as Governor, etc., et al. Argument commenced by Mr. Arthur C. Spencer for the plaintiff in error. The Court declined to hear further argument.

No. 294. Henry Clay Pierce, plaintiff in error, *v.* W. J. Barker et al., etc. Argued by Mr. T. L. McIntosh for the defendants in error, and case submitted by Mr. James A. Fowler for the plaintiff in error.

No. 295. Fort Worth & Denver City Railway Company, plaintiff in error, *v.* The State of Texas. Argument commenced by Mr. Rush H. Holland for the plaintiff in error. The Court declined to hear further argument.

No. 297. David W. Phillips, Collector, etc., petitioner, *v.* International Salt Company. Argued by Assistant Attorney General Willebrandt for the petitioner, and by Mr. Henry B. Twombly for the respondent.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, April 26, will be as follows: Nos. 298, 300, 375, 794, 844, 851, 864, 880 (881 and 882), 983, 992, and 363.

## SUPREME COURT OF THE UNITED STATES

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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.

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Faber J. Drukenbrod, of Canton, Ohio; Everett L. Mills, of Canton, Ohio; Clarence V. S. Mitchell, of New York City; Charles Garside, of New York City; Thomas D. Walton, of Washington, D. C.; Clarence Alvin Warren, of Boston, Mass.; and Henry W. Harter, jr., of Canton, Ohio, were admitted to practice.

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No. 844. The United States of America, plaintiff in error, *v.* John R. Hanby and F. J. Sullivan. In error to the District Court of the United States for the Eastern District of North Carolina. Dismissed on motion of Mr. Alfred A. Wheat in behalf of counsel for the plaintiff in error.

No. 298. U. Sherman Joines, petitioner, *v.* William M. Patterson et al. Argued by Mr. William G. Davisson for the petitioner. No brief filed for the respondent. Leave granted to file reply brief on behalf of the petitioner within one week after brief for the respondent has been received on motion of Mr. William G. Davisson in that behalf.

No. 300. Independent Coal and Coke Company and Carbon County Land Company, petitioners, *v.* The United States and Carbon County. Argued by Mr. Mahlon E. Wilson for petitioner, Independent Coal and Coke Company; by Mr. Alfred A. Wheat for respondent, the United States of America: and by Mr. Frank K. Nebeker for petitioner, Carbon County Land Company.

No. 375. W. A. Frost, doing business under the name of Mitchell Gin Company, appellant, *v.* Corporation Commission of the State of Oklahoma et al. Argument commenced by Mr. R. M. Rainey for the appellants and continued by Mr. E. S. Ratliff for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, April 27, will be as follows: Nos. 375, 794, 851, 864, 880 (881 and 882), 983, 992, 353, 301 (and 302), and 304.

## SUPREME COURT OF THE UNITED STATES

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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.

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Thomas R. Keith, of Fairfax, Va.; George H. Fernald, jr., of Boston, Mass.; and Fred Horowitz, of Los Angeles, Calif., were admitted to practice.

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No. 398. Manassas Battlefield Confederate Park, Inc., et al., plaintiffs in error, *v.* B. Lynn Robertson et al. Leave granted to file brief for the plaintiff in error in opposition to the motion to dismiss on motion of Mr. E. W. R. Ewing for the plaintiff in error.

No. 375. W. A. Frost, doing business under the name of Mitchell Gin Company, appellant, *v.* Corporation Commission of the State of Oklahoma et al. C. C. Childress as a member of the Corporation Commission of the State of Oklahoma and Edwin B. Dabney, as Attorney General of the State of Oklahoma, substituted in the places of E. R. Hughes, formerly a member of the Corporation Commission of the State of Oklahoma, and George F. Short, formerly Attorney General of the State of Oklahoma, as parties appellees, on motion of Mr. Streeter B. Flynn in that behalf.

No. 375. W. A. Frost, doing business under the name of Mitchell Gin Company, appellant, *v.* Corporation Commission of the State of Oklahoma et al. Argument continued by Mr. E. S. Ratliff for the appellees and concluded by Mr. Streeter B. Flynn for the appellant.

No. 794. Will Norris, plaintiff in error, *v.* The State of Louisiana. Submitted by Mr. A. Owsley Stanley and Mr. George Wesley Smith for the plaintiff in error. Leave granted to file brief for the defendant in error within five days from this date on motion of Mr. M. M. Irwin for the defendant in error.

No. 851. The United States of America, petitioner, *v.* Manly S. Sullivan. Leave granted to Mr. Frederick W. Aley to appear and present oral argument for the respondent, *pro hoc vice* in this case on motion of Assistant Attorney General Willebrandt in that behalf.

No. 851. The United States of America, petitioner, *v.* Manly S. Sullivan. Argued by Assistant Attorney General Willebrandt for

the petitioner, and by Mr. Frederick W. Aley, *pro hac vice* for the respondent.

No. 864. James Willos, plaintiff in error, *v.* State of Oregon. Motion to pass case submitted by Mr. Theodore B. Benson in behalf of counsel for the plaintiff in error and motion denied. Argued by Mr. Allan G. Carson for the defendant in error, and leave granted to counsel for the plaintiff in error to file brief within 20 days from to-day in support of his assignments of errors.

No. 880. Joseph B. Fife and Walter W. Fife, plaintiffs in error, *v.* Louisiana State Board of Medical Examiners;

No. 881. Joseph B. Fife and Walter W. Fife, plaintiffs in error, *v.* State of Louisiana; and

No. 882. Joseph B. Fife and Walter W. Fife, plaintiffs in error, *v.* State of Louisiana. Argument commenced by Mr. Donelson Cafery for the plaintiffs in error, and continued by Mr. M. M. Irwin, by Mr. E. D. Saunders, and by Mr. T. Semmes Walmsley for the defendants in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, April 28, will be as follows: Nos. 880 (and 881, and 882), 983, 992, 363, 301 (and 302), 304, 308, 313, 318, and 319.

## SUPREME COURT OF THE UNITED STATES

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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.

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Yale L. Schekter, of Philadelphia, Pa.; Robert W. Hardie, of Fanwood, N. J.; and William R. Montgomery, of Edinburg, Tex., were admitted to practice.

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No. 317. Bissell Lumber Company, plaintiff in error, *v.* Theodore Fehrman. Submitted by Mr. Theodore W. Brazeau and Mr. B. R. Goggins for the plaintiff in error, and by Mr. F. J. Smith for the defendant in error.

No. 880. Joseph B. Fife and Walter W. Fife, plaintiffs in error, *v.* Louisiana State Board of Medical Examiners;

No. 881. Joseph B. Fife and Walter W. Fife, plaintiffs in error, *v.* State of Louisiana; and

No. 882. Joseph B. Fife and Walter W. Fife, plaintiffs in error, *v.* State of Louisiana. Argument concluded by Mr. Donelson Caffery for the plaintiffs in error.

No. 983. The United States of America, plaintiff in error, *v.* D. J. Alford. Argued by Mr. R. W. Williams for the plaintiff in error. No brief filed for the defendant in error.

No. 992. David Atkins, plaintiff in error, *v.* The State of Ohio. Argument commenced by Mr. E. L. Mills for the plaintiff in error. The Court declined to hear further argument.

No. 363. Juan Posados, Jr., as Collector of Internal Revenue, Ben F. Wright, etc., et al., petitioners, *v.* The City of Manila. Leave granted O. R. McGuire to appear and present oral argument for the petitioners, pro hac vice in this case, on motion of Mr. William C. Rigby in that behalf.

No. 363. Juan Posados, Jr., as Collector of Internal Revenue, Ben F. Wright, etc., et al., petitioners, *v.* The City of Manila. Argued by Mr. O. R. McGuire and Mr. William C. Rigby for the petitioners, and by Mr. G. B. Guevara for the respondent.



No. **301**. Edward C. Twist, petitioner, *v.* Prairie Oil & Gas Company; and

No. **302**. Edward C. Twist, Albert T. Twist, and Jessie L. Payne, nee Twist, petitioners, *v.* Prairie Oil & Gas Company. Argument commenced by Mr. Paul Pinson for the petitioners, and continued by Mr. Preston C. West for the respondent.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, April 29, will be as follows: Nos. **301** (and **302**), **304, 308, 313, 318, 319, 322, 323, 325, and 326**.

## SUPREME COURT OF THE UNITED STATES

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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.

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L. W. Crawhall, of Minneapolis, Minn.; J. M. Wells, jr., of Winston-Salem, N. C.; and Ralph F. Colin, of New York City, were admitted to practice.

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No. 1005. George Appell, petitioner, *v.* The United States of America; and

No. 1007. Charles I. Daniels, petitioner, *v.* The United States of America. Leave granted to file memorandum on behalf of the petitioner in No. 1005, provided the same is presented to-day on motion of Mr. E. P. Morey in that behalf.

No. 880. Joseph B. Fife and Walter W. Fife, plaintiffs in error, *v.* Louisiana State Board of Medical Examiners;

No. 881. Joseph B. Fife and Walter W. Fife, plaintiffs in error, *v.* State of Louisiana; and

No. 882. Joseph B. Fife and Walter W. Fife, plaintiffs in error, *v.* State of Louisiana. Motion for leave to file additional brief on behalf of the plaintiffs in error submitted by Mr. Ellsworth Alvord in behalf of Mr. Donelson Caffery and the motion denied.

No. 301. Edward C. Twist, petitioner, *v.* Prairie Oil & Gas Company; and

No. 302. Edward C. Twist, Albert T. Twist, and Jessie L. Payne, née Twist, petitioner, *v.* Prairie Oil & Gas Company. Argument continued by Mr. Preston C. West for the respondents and concluded by Mr. Paul Pinson for the petitioners.

No. 304. Foster Cline, as District Attorney for the City and County of Denver, State of Colorado, appellant, *v.* Frink Dairy Company et al. Argued by Mr. Jean S. Breitenstein for the appellant, and by Mr. Hudson Moore and Mr. Ernest B. Fowler for the appellees.

No. 308. Midland Oil Company, plaintiff in error, *v.* Benjamin Ball. Argument commenced by Mr. S. N. Hawkes for the plaintiff in error. The Court declined to hear further argument.

**No. 313.** Real Silk Hosiery Mills *v.* City of Piedmont et al. Argued by Mr. John G. Milburn for the Real Silk Hosiery Mills, and by Mr. E. C. Brandenburg for the City of Piedmont et al., with leave to counsel to file brief on behalf of the City of Piedmont within five days from this date.

**No. 318.** Empire Trust Company, petitioner, *v.* Charles Hazlitt Cahan. Argued by Mr. Van Vechten Veeder for the petitioner, and by Mr. Charles E. Hughes, jr., for the respondent.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, May 2, will be as follows: No. **771**.

## SUPREME COURT OF THE UNITED STATES

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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.

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C. Blake McDowell, of Akron, Ohio; Edwin W. Brouse, of Akron, Ohio; Elisha Hanson, of Washington, D. C.; Fred H. Aldrich, of Detroit, Mich.; Ethel K. Childers, of Arkansas City, Kans.; Dorothy Marie Rehfeld, of Aberdeen, S. Dak.; Frederic Newburgh, of Washington, D. C.; Edgar L. Burchell, of Providence, R. I.; Elton W. Stanley, of Washington, D. C.; and Charles L. Black, of Austin Tex., were admitted to practice.

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No. 362. Liggett and Myers Tobacco Company, 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 Butler.

No. 705. Robert David Kercheval, etc., petitioner, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Judgment reversed and cause remanded to the District Court of the United States for the Western District of Arkansas, for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Butler. Concurring: Mr. Justice Stone.

No. 227. Burnrite Coal Briquette Company, petitioner, *v.* Edward G. Riggs, Alfred L. Kirby, and John P. Duffy, Receivers, etc. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Decree affirmed with costs and cause remanded to the District Court of the United States for the District of New Jersey. Opinion by Mr. Justice Brandeis.

No. 292. Carrie Buck, by R. G. Shelton, her Guardian and Next Friend, Plaintiff in Error, *v.* J. H. Bell, Superintendent of the State Colony for Epileptics and Feeble Minded. In error to the Supreme Court of Appeals of the State of Virginia. Judgment affirmed with costs. Opinion by Mr. Justice Holmes. Dissenting: Mr. Justice Butler.

## ORDER

No. 2, original. The State of New Mexico, complainant, *v.* The State of Texas. On consideration of the report of Charles Warren, Esq., the special master herein, respecting the services rendered by him as such special master;

It is ordered and decreed by the Court that the amount of the compensation of such special master for his services rendered herein be fixed at the sum of thirty-five hundred dollars, and that one-half of the same be paid by each of the parties hereto.

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No. 398. Manassas Battlefield Confederate Park, Inc., E. W. R. Ewing, its President, etc., et al., plaintiffs in error, *v.* B. Lynn Robertson, W. E. Trussler, et al., etc., et al. In error to the Supreme Court of Appeals of the State of Virginia. *Per curiam*: Writ of error dismissed for want of a final judgment in the Supreme Court of Appeals of Virginia under section 237 of the Judicial Code as amended by the act of February 13, 1925, 43 Stat. 936, and on the authority of *Missouri & Kansas Interurban Railway v. City of Olathe*, 222 U. S. 185.

No. —, original. *Ex parte*: Joseph G. Saunders. The motion for leave to file petition for a writ of *mandamus* herein is denied without prejudice to a petition for a writ of certiorari to be filed within the limitation of the statute.

No. 583. Gilliland Oil Company, plaintiff in error, *v.* The State of Arkansas *ex rel.* H. W. Applegate, Attorney General of the State of Arkansas. In error to the Supreme Court of the State of Arkansas. *Per curiam*: Affirmed on the authority of *Roberts & Schaefer Co. v. Emmerson*, Secretary, 271 U. S. 50; *St. Louis Southwestern Ry. Co. v. State of Arkansas*, 235 U. S. 350; *Harris v. Bell*, 254 U. S. 103.

No. 293. Investors Syndicate, plaintiff in error, *v.* Adam McMullen, as Governor of the State of Nebraska, and Clarence G. Bliss, as Secretary of the Department of Trade & Commerce, etc. In error to the Supreme Court of the State of Nebraska. *Per curiam*: Affirmed on the authority of *Bank of Augusta v. Earle*, 13 Peters 519; *Paul v. Virginia*, 8 Wall. 168; and *Pembina Consolidated Silver Mining & Milling Co. v. Pennsylvania*, 125 U. S. 181.

No. 294. Henry Clay Pierce, plaintiff in error, *v.* W. J. Barker, J. W. Tartar, and Industrial Commission of Wisconsin. In error to the Supreme Court of the State of Wisconsin. *Per curiam*: Affirmed on the authority of *Booth Fisheries Co. v. Industrial Commission of the State of Wisconsin*, 271 U. S. 208.

No. 295. Fort Worth & Denver City Railway, plaintiff in error, *v.* The State of Texas. In error to the Court of Civil Appeals, Sev-

enth Supreme Judicial District, State of Texas. *Per curiam*: Dismissed as 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; and *Seaboard Air Line v. Padgett*, 236 U. S. 668, 671.

No. 297. David W. Phillips, Collector of Internal Revenue for the Twelfth Pennsylvania District, petitioner, *v. International Salt Company*. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. *Per curiam*: Reversed on the authority of *Edwards v. Chile Copper Co.*, 270 U. S. 452.

No. 375. W. A. Frost, doing business under the name of Mitchell Gin Company, appellant, *v. Corporation Commission of the State of Oklahoma, Fred Caphaw, et al., etc., et al.* Appeal from the District Court of the United States for the Western District of Oklahoma. *Per curiam*: Affirmed on the authority of *Chicago Great Western Railway Company v. Kendall*, 266 U. S. 94, 100.

No. 794. Will Norris, plaintiff in error, *v. The State of Louisiana*. In error to the Supreme Court of the State of Louisiana. *Per curiam*: Dismissed on the authority of (1) *Hebert v. Louisiana*, 272 U. S. 312, and (2) *Farrell v. O'Brien*, 199 U. S. 89, 100; *Toop v. Ulysses Land Company*, 237 U. S. 580, 583; *Piedmont Power & Light Company v. Town of Graham*, 253 U. S. 193, 195; *Seaboard Air Line v. Padgett*, 236 U. S. 668, 671.

No. 880. Joseph B. Fife and Walter W. Fife, plaintiffs in error, *v. Louisiana State Board of Medical Examiners*;

No. 881. Joseph B. Fife and Walter W. Fife, plaintiffs in error, *v. State of Louisiana*; and

No. 882. Joseph B. Fife and Walter W. Fife, plaintiffs in error, *v. State of Louisiana*. In error to the Supreme Court of the State of Louisiana. *Per curiam*: Affirmed on the authority of *Dent v. West Virginia*, 129 U. S. 114; *Douglas v. Noble*, 261 U. S. 165; and *Graves v. Minnesota*, No. 320, October Term, 1926, November 22, 1926.

No. 317. Bissell Lumber Company, plaintiff in error, *v. Theodore Fehrman*. In error to the Circuit Court of Lincoln County, State of Wisconsin. *Per curiam*: Dismissed on the authority of (1) *Pizitz Dry Goods Company v. Yeldell*, No. 171, October Term 1926, April 11, 1927, and (2) *Farrell v. O'Brien*, 199 U. S. 89, 100; *Toop v. Ulysses Land Company*, 237 U. S. 580, 583; *Piedmont Power & Light Company v. Town of Graham*, 253 U. S. 193, 195; and *Seaboard Air Line v. Padgett*, 236 U. S. 668, 671.

No. 992. David Atkins, plaintiff in error, *v. The State of Ohio*. In error to the Supreme Court of the State of Ohio. *Per curiam*: 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, certiorari is denied.

No. 308. Midland Oil Company, plaintiff in error, *v.* Benjamin Ball. In error to the Supreme Court of the State of Oklahoma. *Per curiam*: Writ of error dismissed for want of a federal question on the authority of *Shulthis v. MacDougal*, 225 U. S. 561, 569; *Hull v. Burr*, 234 U. S. 712, 720; and *Norton v. Whiteside*, 239 U. S. 144, 147.

No. 154. W. T. Phillips, Jr., et al., etc., substituted for Oklahoma Natural Gas Company, plaintiff in error, *v.* The State of Oklahoma. In error to the Supreme Court of the State of Oklahoma. *Per curiam*: 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 writ of certiorari, certiorari is denied.

No. 1016. David H. Blair, Commissioner of Internal Revenue, petitioner, *v.* Oesterlein Machine Company. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia granted.

No. 1056. Fannie E. Untermeyer, as Executrix, etc., petitioner, *v.* Charles W. Anderson, as Collector, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 986. Robert P. Scripps, as Executor of the Last Will and Testament of E. W. Scripps, deceased, petitioner, *v.* Robert Moran. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 997. Leroy Allebach and D. N. Mohler, petitioner, *v.* S. B. Thomas, Trustee in Bankruptcy for H. G. Nicholson. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 998. Francesco Lidonnici, Serverio Desiderio, et al., petitioners, *v.* James J. Davis, Secretary of Labor, and W. W. Husband, Commissioner of Immigration, U. S. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 1005. George Appell, petitioner, *v.* The United States of America; and

No. 1007. Charles I. Daniels, petitioner, *v.* The United States of America. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 1010. Great Western Power Company, petitioner, *v.* Nippon Yusen Kabushiki Kaisha. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 1012. Robert G. Martin, Executor of the Last Will and Testament of Jacob Rahn, deceased, petitioner, *v.* George Ahrens, German Consul General of Germany at St. Louis, Missouri, et al. Petition for a writ of certiorari to the Supreme Court of the State of Missouri denied.

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ORDER

It is now here ordered by this Court that the Court will adjourn for the term on Monday, June 6 next.

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ORDER

It is ordered that rules 30 and 31 of this Court be amended so that they shall read as follows:

30

REHEARING

A petition for rehearing may be filed with the clerk, in term time or in vacation, within twenty-five days after judgment is entered, but not later, and must be printed, briefly and distinctly state its grounds, and be supported by a certificate of counsel to the effect that it is presented in good faith and not for delay. Such a petition is not subject to oral argument, and will not be granted unless a Justice who concurred in the judgment desires it and a majority of the Court so determines.

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31

MANDATES

Mandates shall issue as of course after the expiration of twenty-five days from the date the judgment is entered, irrespective of the filing of a petition for rehearing, unless the time is shortened or enlarged by order of the Court, or of a justice when the Court is not in session. See rule 29, Paragraph 5.

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This amendment shall take effect and be enforced on and after October 3, 1927.

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No. 771. W. I. Biddle, as Warden, etc., *v.* Vuco Perovich. Thomas B. White, as Warden, etc., substituted in the place of W. I. Biddle, formerly Warden, etc., on motion of Mr. Solicitor General Mitchell in that behalf.



No. 579. 103 Park Avenue Company, Plaintiff in Error, *v.* The Exchange Buffet Corporation et al. Motion to dismiss or affirm submitted by Mr. Melville D. Church in behalf of Mr. Clifton V. Edwards, Mr. George P. Nicholson, and Mr. J. Joseph Lilly for the defendant in error, in support of the motion, and by Mr. James R. Deering for the plaintiff in error, in opposition thereto.

No. 234. Seaboard Air Line Railway, Appellant, *v.* The United States. Leave granted to file a petition for rehearing, on motion of Mr. Benjamin Carter for the appellant. Motion to grant appellant time to print evidence supporting a motion for rehearing submitted by Mr. Benjamin Carter for the appellant and the motion denied.

No. 966. George McNeir, Petitioner, *v.* Charles W. Anderson, U. S. Collector, etc. Motion to advance submitted by Mr. Russell L. Bradford for the petitioner.

No. —. Harry B. Stilz, Petitioner, *v.* The United States. Motion for leave to file in the Court of Claims a petition in the nature of a bill of review, submitted by Mr. Harry B. Stilz, *pro se.*

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No. 955. Eaton, Brown & Simpson, Inc., petitioner, *v.* The United States. Petition for a writ of certiorari to the Court of Claims submitted by Mr. Raymond N. Beebe, Mr. Joseph E. Davies, and Mr. Franklin D. Jones for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Galloway, and Mr. Percy M. Cox for the respondent.

No. 1013. The Texas Company et al. *v.* Rosenthal-Brown Fur Company, Inc., and Charles W. Brown. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. A. P. Pujo, Mr. Hampden Story, and Mr. Fred L. Williams for the petitioners.

No. 1014. Edward A. McLaughlin, Trustee, petitioner, *v.* Leon M. Prince. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit submitted by Mr. Edward A. McLaughlin the petitioner, *pro se*, and by Mr. Arthur M. Boal for the respondent.

No. 1015. V. L. Highland, petitioner, *v.* Russell Car & Snow Plow Company. Petition for a writ of certiorari to the Supreme Court of the State of Pennsylvania submitted by Mr. Ira Jewell Williams for the petitioner.

No. 1018. T. H. Smallwood, W. F. Smallwood, et al., etc., petitioners, *v.* Juan G. Gallardo, Treasurer of Porto Rico.

No. 1019. Adolfo Valdes Ordonez, Salvador Garcia, et al., etc., petitioners, *v.* Juan G. Gallardo, Treasurer of Porto Rico; and

No. 1020. Insular Motor Corporation, petitioner, *v.* Juan G. Gallardo, Treasurer of Porto Rico. Petition for writs of certiorari to the United States Circuit Court of Appeals for the First Circuit submitted by Mr. Francis G. Caffey for the petitioners.

No. 1021. Adolfo Valdes, Pio Perez, et al., petitioners, *v.* Juan G. Gallardo, Treasurer of Porto Rico;

No. 1022. Finlay, Waymouth & Lee, Inc., petitioner, *v.* Juan G. Gallardo, Treasurer of Porto Rico; and

No. 1023. Angel Abarca Portilla. Rafael Abarca Portilla, et al., etc., *v.* Juan G. Gallardo, Treasurer of Porto Rico. Petition for writs of certiorari to the United States Circuit Court of Appeals for the First Circuit submitted by Mr. Carroll G. Walter for the petitioners.

No. 1024. The Bullman Company, petitioner, *v.* Paul Montimore. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. J. M. McCormick for the petitioner, and by Mr. Perry J. Leurs and Mr. H. C. Carter for the respondent.

No. 1025. Thompson-Starrett Company, petitioner, *v.* LaBelle Iron Works. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Charles H. Tuttle and Mr. Charles E. Hughes for the petitioner, and by Mr. Louis Marshall and Mr. W. D. Stewart for the respondent.

No. 1026. Beaver County, petitioner, *v.* South Utah Mines & Smelters. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Wm. A. Hilton for the petitioner, and by Mr. A. C. Ellis, jr., Mr. C. C. Parsons, and Mr. L. F. Adamson for the respondent.

No. 1027. The Galveston, Harrisburg & San Antonio Railway Company, petitioner, *v.* Gilbert J. Contois. Petition for a writ of certiorari to the Supreme Court of the State of Texas submitted by Mr. Sidney J. Brooks and Mr. Walter P. Napier for the petitioner, and by Mr. Perry J. Lewis and Mr. H. C. Carter for the respondent.

No. 1028. The Texas & Pacific Railway Company, petitioner, *v.* Barrett Gibson, administrator. Petition for a writ of certiorari to the Supreme Court of the State of Texas submitted by Mr. T. H. Prendergast for the petitioner.

No. 1029. Harry Levy, Bankrupt, petitioner, *v.* Industrial Finance Corporation et al. Petition for a writ of certiorari to the United States Court of Appeals for the Fourth Circuit submitted by Mr. S. M. Brandt for the petitioner.

No. 1030. Guy K. Mitchell, Executor of Annie W. Mitchell, petitioner, *v.* Norman T. Nelson, Trustee in Bankruptcy, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. Charles S. Hayden for the petitioner.

No. 1031. The Liberty National Bank of Roanoke, petitioner, *v.* James A. Bear, Trustee in Bankruptcy of W. L. Becker & Company, et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. James D. Johnston for the petitioner.

No. 1034. Mabel Ludlam, petitioner, *v.* Leigh Arey Channon, Executrix, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Samuel Topliff, Mr. Homer H. Cooper, and Mr. Wm. H. Wherry for the petitioner, and by Mr. Edwin H. Cassels and Mr. Ralph F. Potter for the respondent.

No. 1035. D. B. Heiner, Collector of Internal Revenue, etc., petitioner, *v.* The Colonial Trust Company, Executor of the Will of Glenn T. Braden, deceased; and

No. 1036. C. G. Lewellyn, Former Collector of Internal Revenue etc., petitioner, *v.* The Colonial Trust Company, Executor of the Will of Glenn T. Braden, deceased. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Solicitor General Mitchell and Mr. A. W. Gregg for the petitioners, and by Mr. R. C. Allen, Mr. I. J. Underwood, Mr. Charles Alvin Jones, and Mr. M. W. Acheson, jr., for the respondent.

No. 1049. Dinshah P. Ghadiali, 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. Dinshah P. Ghadiali the petitioner, *pro se*, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Luhring, and Mr. Harry S. Ridgely for the respondent.

No. 1091. Frank White, petitioner, *v.* The United States of America. Motion for leave to proceed *in forma pauperis* submitted by Mr. Frank White *pro se*.

No. 1092. George Nancy et al., petitioners, *v.* The United States of America. Motion for leave to proceed *in forma pauperis* submitted by Mr. George Nancy *pro se*.

No. 771. Thomas B. White, as Warden, etc., *v.* Vuco Perovich. Argued by Mr. Solicitor General Mitchell for White, as Warden, and by Mr. George T. McDermott for Perovich.

Adjourned until Monday, May 16, at 12 o'clock.

## SUPREME COURT OF THE UNITED STATES

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

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Louis L. Boehmen, of St. Louis, Mo.; Edward Dinkelspiel, of New Orleans, La.; J. Paul Schmidt, of Baltimore, Md.; Edwin D. Detwiler, of Washington, D. C.; Harry Miles Keyser, of East Falls Church, Va.; Henry Wise Kelly, of Fairfax, Va.; Willard Brooks, of Wichita, Kans.; David Ernst Hudson, of New York City, N. Y.; Karl T. Frederick, of New York City, N. Y.; Livingston E. Osborne, of Chicago, Ill.; Harold Baxter, of Phoenix, Ariz.; Otilia A. Betschart, of St. Louis, Mo.; William B. Wright, of Cherrydale, Va.; Robert E. Church, of Atlanta, Ga.; William W. Stewart, of Washington, D. C.; W. S. Welch, of Laurel, Miss.; E. C. Marianelli, of McAlester, Okla.; Frank Schwartz, of Detroit, Mich.; Louis R. Kupfer, of Washington, D. C.; Landgon H. Larwill, of Denver, Colo.; Alfred J. Schweppe, of Seattle, Wash.; Claude L. Smith, of Charleston, W. Va.; Gustave L. Goldstein, of Newark, N. J.; and Harry Steiner, of Newark, N. J., were admitted to practice.

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No. 269. Fort Smith Light and Traction Company, plaintiff in error, *v.* Board of Improvement of Paving District No. 16 of the City of Fort Smith, Arkansas. In error to the Supreme Court of the State of Arkansas. Judgment affirmed with costs. Opinion by Mr. Justice Stone.

No. 272. The State of Ohio *ex rel.* James Clarke, plaintiff in error, *v.* Alfred F. Deckebach, as Auditor of the City of Cincinnati. In error to the Supreme Court of the State of Ohio. Judgment affirmed with costs. Opinion by Mr. Justice Stone.

No. 291. The United States, petitioner, *v.* The S. S. White Dental Manufacturing Company of Pennsylvania. On writ of certiorari to the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Stone.

No. 198. Joseph Seeman, Sigel W. Seeman, Sylvan L. Stix, et al., etc., petitioners, *v.* Philadelphia Warehouse Co. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Decree affirmed with costs and cause remanded to the District Court of the United States for the Southern District of New York. Opinion by Mr. Justice Stone.

No. 3. Charlotte Anita Whitney, plaintiff in error, *v.* The People of the State of California. In error to the District Court of Appeal, First Appellate District, Division 1, of the State of California. Judgment affirmed with costs. Opinion by Mr. Justice Sanford. Concurring: Mr. Justice Brandeis and Mr. Justice Holmes.

No. 48. Harold B. Fiske, plaintiff in error, *v.* The State of Kansas. In error 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 Sanford.

No. 135. William Burns, plaintiff in error, *v.* The United States of America. In error to the District Court of the United States for the Northern District of California. Judgment affirmed. Opinion by Mr. Justice Butler. Dissenting: Mr. Justice Brandeis.

No. 531. Charles H. Phelps, as surviving partner of Howard Phelps and Charles H. Phelps, copartners, trading under the firm name, etc., petitioners, *v.* The United States. On writ of certiorari to the Court of Claims. Judgment reversed; and the cause remanded to the Court of Claims for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Butler.

No. 242. Chicago, Milwaukee & St. Paul Railway Company, Great Northern Railway Company, Northern Pacific Railway Company, and Spokane International Railway Company, petitioners, *v.* Public Utilities Commission of the State of Idaho. On writ of certiorari to the Supreme Court of the State of Idaho. Decree reversed with costs; and the cause remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Butler.

No. 263. H. W. Hess, plaintiff in error, *v.* Leo Pawloski, Minor, proceeding by his father and next friend, Stanislaw Pawloski. In error to the Superior Court of Worcester County, State of Massachusetts. Judgment affirmed with costs. Opinion by Mr. Justice Butler.

No. 271. Baltimore Steamship Company and United States Shipping Board Emergency Fleet Corporation, petitioners, *v.* Vernon Phillips, an infant, by Vernon Phillips, his Guardian *ad litem*. 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 Eastern District of New York for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Sutherland. Concurring: Mr. Justice Stone.

No. 196. Hector N. Zahn and A. W. Ross, plaintiffs in error, *v.* Board of Public Works of the City of Los Angeles, Charles H. Treat, Hugh McGuire, and E. J. Delorey, etc. In error to the Su-

preme Court of the State of California. Judgment affirmed with costs. Opinion by Mr. Justice Sutherland.

No. 289. The United States, petitioner, *v.* Charles-A. Ludey. On writ of certiorari to the Court of Claims. Judgment reversed, and the cause remanded for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Brandeis.

No. 577. St. Louis and San Francisco Railroad Company and St. Louis-San Francisco Railway Company, petitioners, *v.* E. B. Spiller. On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Decree affirmed in part and reversed in part, and the 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 Brandeis.

No. 200. The United States of America, appellant, *v.* Sisal Sales Corporation, Charles D. Orth, Alvin W. Krech, et al. Appeal from, the District Court of the United States for the Southern District of New York. Decree reversed, and the cause remanded for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice McReynolds. Mr. Justice Stone took no part in the consideration or decision of this case.

No. 344. T. H. Deal and United States Fidelity & Guaranty Company of Baltimore, petitioners, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgment reversed, and the cause remanded to the District Court of the United States for the District of Alaska for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice McReynolds.

No. 815. Hope Natural Gas Company, plaintiff in error, *v.* Grant P. Hall, State Tax Commissioner of West Virginia, and Howard B. Lee, Attorney General of West Virginia. In error to the Supreme Court of Appeals of the State of West Virginia. Judgment affirmed with costs. Opinion by Mr. Justice McReynolds. Mr. Chief Justice Taft took no part in the consideration or decision of this case.

No. 898. Harry R. Alston *v.* The United States of America. On certificate from the United States Circuit Court of Appeals for the Eighth Circuit. Judgment of the District Court of the United States for the Southern District of Iowa affirmed, and the cause remanded to the said District Court. Opinion by Mr. Justice McReynolds.

No. 180. Leopold Zimmermann, Louis J. Rees, Maryan H. Hauser, John S. Scully, et al., etc., appellants, *v.* Howard Sutherland, as Alien Property Custodian of the United States; Frank White, as Treasurer of the United States; and the Wiener Bank-Verein of

Vienna, Austria. Appeal from the United States Circuit Court of Appeals for the Second Circuit. Decree affirmed with costs and cause remanded to the District Court of the United States for the Southern District of New York. Opinion by Mr. Justice Holmes.

No. 766. C. O. Westfall *v.* The United States of America. On certificate from the United States Circuit Court of Appeals for the Sixth Circuit. Question answered in the affirmative. Opinion by Mr. Justice Holmes.

No. 851. The United States of America, petitioner, *v.* Manly S. Sullivan. On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit. Judgment reversed, 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 Holmes.

No. 983. The United States of America, plaintiff in error, *v.* D. J. Alford. In error to the District Court of the United States for the Northern District of Florida. 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 Holmes.

No. 150. The United States, petitioner, *v.* Stone & Downer Co. and Lowe, Donald & Co. On writ of certiorari to the United States Court of Customs Appeals. Judgment reversed in part and affirmed in part, and the cause remanded for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Chief Justice Taft. Dissenting: Mr. Justice McReynolds. Mr. Justice Stone took no part in the consideration or decision of this case.

No. 15, original. Thomas Contreras, petitioner, *v.* The United States of America. The motion for leave to file amended petition for a writ of *mandamus* herein is denied.

No. 579. 103 Park Avenue Company, plaintiff in error, *v.* Exchange Buffet Corporation, the City of New York, and Charles L. Craig, as Comptroller of the City of New York. In error to the Supreme Court of the State of New York. *Per curiam*: Dismissed for lack of a Federal question on the authority of *Shulthis v. MacDougal*, 225 U. S. 561, 569; *Hull v. Burr*, 234 U. S. 712, 720; *Norton v. Whiteside*, 239 U. S. 144, 147.

No. 966. George McNeir, petitioner, *v.* Charles W. Anderson, United States Collector of Internal Revenue for the Third District of New York. The motion to advance this case is denied, with leave to counsel to file brief as *amicus curiae* in the case of No. 779, *Blodgett v. Holden*, Collector, heretofore assigned for argument on Monday, October 3 next.

No. —, original. *Ex parte*: In the matter of Harry B. Stiliz, petitioner. The motion for leave to file in the Court of Claims a petition in the nature of a bill of review is denied.

No. —, Thomas Desmond, Sheriff of Pierce County, Washington, petitioner, *v.* Milo Eggers. The motion for a stay of execution in this case is denied.

No. —, original. *Ex parte*: In the matter of Joseph Y. Saunders, petitioner. The motion for leave to file petition for writ of *habeas corpus* is denied without prejudice to the filing of a petition for writ of *habeas corpus* in the District Court of the United States for the District of Georgia.

No. 1091. Frank White, petitioner, *v.* The United States of America; and

No. 1092. George Nancy and Charles Zahn, petitioners, *v.* The United States of America. On petitions for writs of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. 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 can find no grounds for the issuance of writs of certiorari, applications for which are 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. 864. James Willos, plaintiff in error, *v.* State of Oregon. In error to the Supreme Court of the State of Oregon. *Per curiam*: Dismissed for lack of a Federal question on the authority of Ellsworth Kelley *v.* State of Oregon, No. 827, October term, 1926, decided April 11, 1927.

No. 313. Real Silk Hosiery Mills *v.* City of Piedmont, Oliver Ellsworth, Mayor of the City of Piedmont, G. N. Richardson, City Attorney, etc., et al. On certificate from the United States Circuit Court of Appeals for the Ninth Circuit. *Per curiam*: Question No. 1 is answered yes on the authority of Real Silk Hosiery *v.* City of Portland, 268 U. S. 335. Mr. Justice Brandeis and Mr. Justice Sanford dissent. In view of the answer to the first question, the second question needs none.

No. 1015. V. L. Highland, petitioner, *v.* Russell Car & Snow Plow Company. Petition for a writ of certiorari to the Supreme Court of the State of Pennsylvania granted.

No. 1028. The Texas & Pacific Railway Company, petitioner, *v.* Barrett Gibson, Administrator. Petition for a writ of certiorari to the Supreme Court of the State of Texas granted.

No. 1029. Harry Levy, Bankrupt, petitioner, *v.* Industrial Finance Corporation et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit granted.



No. 1031. The Liberty National Bank of Roanoke, Virginia, petitioner, *v.* James A. Bear, Trustee in Bankruptcy of W. L. Becker & Company, et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit granted.

No. 1035. D. B. Heiner, Collector of Internal Revenue for the Twenty-third District of Pennsylvania, petitioner, *v.* The Colonial Trust Company, Executor, etc.; and

No. 1036. C. G. Lewellyn, Former Collector of Internal Revenue for the Twenty-third District of Pennsylvania, petitioner, *v.* The Colonial Trust Company, Executor, etc. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Third Circuit granted.

No. 1018. T. H. Smallwood, W. F. Smallwood, et al., etc., petitioners, *v.* Juan G. Gallardo, Treasurer of Porto Rico;

No. 1019. Adolfo Valdes Ordonez, Salvador Garcia, et al., etc., petitioners, *v.* Juan G. Gallardo, Treasurer of Porto Rico; and

No. 1020. Insular Motor Corporation, petitioner, *v.* Juan G. Gallardo, Treasurer of Porto Rico. The petition for writs of certiorari in these cases is granted and the cases are set for hearing on the first day of next term, Monday, October 3 next, after the cases heretofore assigned for that day, on the sole question whether they have become moot by virtue of the act of March 4, 1927, amending section 48 of the organic act of Porto Rico.

No. 1021. Adolfo Valdes, Pio Perez, Luis C. Cuyar, petitioners, *v.* Juan G. Gallardo, Treasurer of Porto Rico;

No. 1022. Finlay, Waymouth & Lee, Inc., Petitioner, *v.* Juan G. Gallardo, Treasurer of Porto Rico; and

No. 1023. Angel Abarca Portilla, Rafael Abarca Portilla, et al., etc., petitioners, *v.* Juan G. Gallardo, Treasurer of Porto Rico. The petition for writs of certiorari in these cases is granted and the cases are set for hearing on the first day of next term, Monday, October 3 next, after the cases heretofore assigned for that day, on the sole question whether they have become moot by virtue of the act of March 4, 1927, amending section 48 of the organic act of Porto Rico.

No. 955. Eaton, Brown & Simpson, Inc., petitioner, *v.* The United States. Petition for a writ of certiorari to the Court of Claims denied.

No. 1013. The Texas Company and the Orange-Cameron Land Company, petitioners, *v.* Rosenthal-Brown Fur Company, Inc., and Charles W. Brown. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 1014. Edward A. McLaughlin, Trustee, petitioner, *v.* Leon M. Prince. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 1024. The Pullman Company, petitioner, *v.* Paul Montimore. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 1026. Beaver County, petitioner, *v.* South Utah Mines & Smelters. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 1027. The Galveston, Harrisburg & San Antonio Railway Company, petitioner, *v.* Gilbert J. Contois. Petition for a writ of certiorari to the Supreme Court of the State of Texas denied.

No. 1030. Guy K. Mitchell, Executor of Annie W. Mitchell, petitioner, *v.* Norman T. Nelson, Trustee in Bankruptcy of the Estate of Frank I. Louckes, Bankrupt, et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 1034. Mabel Ludlam, petitioner, *v.* Leigh Arey Channon, Executrix of the Estate of James H. Channon, deceased. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 1049. Dinshah P. Ghadiali, 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.

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No. 342. C. J. Longest, plaintiff in error, *v.* W. C. Langford et al. Motion to dismiss submitted by Mr. S. R. Bowen and Mr. W. F. Semple for the defendants in error in support of the motion, and by Mr. H. A. Ledbetter for the plaintiff in error in opposition thereto.

No. 996. E. J. Angelo et al., plaintiff in error, *v.* City of Winston-Salem et al. Motion to dismiss or affirm submitted by Mr. Roy L. Deal for the defendants in error, in support of the motion, and by Mr. Oscar O. Efrid, Mr. J. M. Wells, jr., and Mr. G. S. Ferguson, jr., for the plaintiffs in error, in opposition thereto.

No. 1014. Edward A. McLaughlin, Trustee, petitioner, *v.* Leon M. Prince. Motion for leave to file certificate of the clerk of the Circuit Court of Appeals for the First Circuit as to the correctness of the record submitted by Mr. Joseph Stein for the petitioner.

No. 147. James McDonald, Jr., et al., petitioners, *v.* Lawrence Maxwell et al. Mandate granted, on motion of Mr. Charles V. Imlay in that behalf.

No. 948. Southern California Edison Company, petitioner, *v.* Amelia Herminghaus et al. Motion for an order suspending injunction and advancing case submitted by Mr. David Ernst Hudson on behalf of Mr. Edward F. Treadwell, Mr. George E. Trowbridge,

Mr. William M. Conley, and Mr. John W. Davis for the petitioner in support of the motion and by Mr. James F. Peck and Mr. Robert Duncan for the respondents, in opposition thereto.

No. 1056. Fannie E. Untermyer, as Executrix, etc., *v.* Charles W. Anderson, as Collector of Internal Revenue, etc. Motion to advance submitted by Mr. Fulton R. Brylawski in behalf of Mr. Louis Marshall for the petitioner.

No. 969. Barber Asphalt Paving Company, petitioner, *v.* Standard Asphalt Paving and Rubber Company. Motion for an order as to the printing of the record submitted by Mr. Henry M. Paul, Mr. John W. Davis, Mr. Samuel E. Hibben, and Mr. Charles Neave for the petitioner, and by Mr. Alexander F. Reichmann, Mr. Thomas G. Haight, and Mr. William F. Hall for the respondent.

No. 744. Henry Wilson et al., petitioners, *v.* Pacific Mail Steamship Company et al.; and

No. 863. Pacific Mail Steamship Company et al., petitioners, *v.* Henry Wilson et al. Cases consolidated for argument in the time of one case on motion of Mr. F. R. Shearer in that behalf.

No. —, original. *Ex parte*: In the matter of T. L. Smith, petitioner. Motion for leave to file petition for a writ of *mandamus* submitted by Mr. Frederick S. Tyler in behalf of Mr. A. D. Lipscomb for the petitioner.

No. 840. Juan G. Gallardo, Treasurer, appellant, *v.* Santini Fertilizer Company. Motion to transfer case to the United States Circuit Court of Appeals for the First Circuit submitted by Mr. William C. Rigby, in support of the motion, and by Mr. Nelson Grammans for the appellee, in opposition thereto.

No. —, original. *Ex parte*: In the matter of E. L. Burget, petitioner. Motion for leave to file petition for writ of *mandamus* submitted by Mrs. E. L. Burget *pro se*.

No. —. E. L. Burget, petitioner, *v.* E. B. Cranston et al. Motion for change of *venue* submitted by Mrs. E. L. Burget, *pro se*.

No. 1051. John R. Osborne et al., petitioners, *v.* The United States of America. Leave granted to file reply brief on behalf of the petitioner within 10 days from this date on motion of Mr. Hannis Taylor, jr., in behalf of Mr. Maynard F. Stiles for the petitioner.

No. 1100. News Syndicate Company *v.* The New York Central Railroad Company et al. Motion to advance submitted by Mr. Alfred C. J. Farrell in behalf of Mr. Luther M. Walter for News Syndicate Company.

No. 1096. State of Washington on the relation of McPherson Bros. Corporation, plaintiff in error, *v.* Superior Court of the State of Washington, in and for Douglas County, et al.; and

No. 1097. State of Washington on the relation of McPherson Bros. Corporation, plaintiff in error, *v.* Superior Court of the State of Washington, in and for Douglas County, et al. Motions to dismiss submitted by Mr. Charles S. Thomas in behalf of Mr. John P. Hartman for the defendants in error, in support of the motion, and by Mr. Frederic D. McKenney for the plaintiffs in error, in opposition thereto.

No. 679. Hudson Coal Company, plaintiff in error, *v.* The Commonwealth of Pennsylvania. Motion to advance submitted by Mr. John Robert Jones, and Mr. George W. Woodruff for the defendant in error.

No. —, original. *Ex parte:* In the matter of S. A. Moore, Trustee. Motion for leave to file petition for writ of prohibition submitted by Mr. Claude L. Smith and Mr. Wells Goodykoontz for the petitioner.

No. 748. Wabash Railway Company, plaintiff in error, *v.* South Daviess County Drainage District. In error to the United States Circuit Court of Appeals for the Eighth Circuit. Dismissed with costs on motion of Mr. Frederic D. McKenney for the plaintiff in error.

No. 749. The State of Texas, appellant, *v.* David Fasken, A. Fasken, Robert Fasken, et al. Motion to dismiss submitted by Mr. Charles L. Black for the appellees, in support of the motion, and by Mr. Claude Pollard and Mr. D. A. Simmons for the appellant, in opposition thereto, and upon motion by the appellant to transfer this case to the United States Circuit Court of Appeals for the Fifth Circuit in support of the motion and by Mr. Charles L. Black for the appellees in opposition thereto.

No. 903. Anna E. Holloway Nones, Individually and as Executrix, etc., plaintiff in error, *v.* Grace Suzanne Holloway, Infant, et al., etc.;

No. 904. Anna E. Holloway Nones, Individually and as Executrix, etc., plaintiff in error, *v.* Grace Suzanne Holloway, Infant, et al., etc.;

No. 905. Clarence J. Holloway, plaintiff in error, *v.* Grace Suzanne Holloway, Infant, et al., etc.; and

No. 906. Clarence J. Holloway, plaintiff in error, *v.* Grace Suzanne Holloway, Infant, et al., etc. Motion to dismiss or affirm these cases submitted by Mr. Isaac Lobe Straus, Mr. Joseph C. France, Mr. J. Paul Schmidt, and Mr. Charles McHenry Howard for the defendants in error, in support of the motion, and by Mr. E. P. Keech, jr., and Mr. Edgar Allan Poe for the plaintiffs in error, in opposition thereto.

No. 1009. United Railways Company of St. Louis and Rolla Wells, Receiver of United Railways Company of St. Louis, appellants, *v.* Public Service Commission of the State of Missouri, T. J. Brown, Almon Ing, D. F. Calfee, et al., etc., et al. Appeal from the

District Court of the United States for the Western District of Missouri. Dismissed with costs on motion of counsel for the appellants.

No. 1017. Broadway Trust Company, Trustee, appellant, *v.* William L. Dill, Receiver of Hanover Farms Company. Motion to dismiss submitted by Mr. Carl A. Feick for the appellee, in support of the motion.

No. 1072. Burke and James, Inc.; petitioner, *v.* The United States. On petition for a writ of certiorari to the Court of Claims. Dismissed on motion of counsel for the petitioner.

No. 890. Fred M. Butzel, guardian *ad litem* of Agnes Salloum, plaintiff in error, *v.* Anna Schneller and Robert M. Toms, Prosecuting Attorney of the County of Wayne. In error to the Supreme Court of the State of Michigan. Dismissed with costs on motion of counsel for the plaintiff in error.

No. 1032. Charles Frish and Edward Frish, 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 Irene Rutherford O'Crowley for the petitioners, and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, and Mrs. K. L. Campbell for the respondent.

No. 1033. John F. Milliken and Neptune Association, etc., et al. petitioners, *v.* Harlan F. Stone, United States Attorney General, et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. S. B. Axtell for the petitioners, and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, Mr. Lucius H. Beers, and Mr. Allen Evarts Foster for the respondents.

No. 1037. Aaron Drumright, Trustee, et al., petitioners, *v.* Texas Sugarland Company and Grand Lodge Ancient Order of United Workmen of Oklahoma. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. George A. Hill, jr., for the petitioners.

No. 1039. Raymond L. Chase, 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. Irving K. Baxter for the petitioner, and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, and Louise Foster for the respondent.

No. 1040. Robert C. Whitney, 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. Irving K. Baxter for the petitioner, and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, and Mr. John J. Byrne for the respondent.

No. 1041. Ridley Watts, Charles H. Murphy, Arthur R. Johnson, et al., partners, etc., petitioners, *v.* Southern Railway Company. Petition for a writ of certiorari to the Supreme Court of the State of South Carolina submitted by Mr. William F. Stevenson for the petitioners, and by Mr. Charles Clark, Mr. F. G. Tompkins, and Mr. S. R. Prince for the respondent.

No. 1042. Empire Coal Mining Company, petitioner, *v.* Godfrey Updike, as Receiver, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Carroll G. Walter and Mr. Charles D. Francis for the petitioner, and by Mr. Frank M. Swacker and Mr. Isadore Shapiro for the respondent.

No. 1043. B. Frank Wood and J. Leigh Nourse, petitioners, *v.* Henry Cooper, United States Marshal, etc.; and

No. 1044. B. Frank Wood, petitioner, *v.* Henry Cooper, United States Marshal, etc. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Thomas P. Gore, Mr. James A. Reed, and Mr. Thomas H. Owen for the petitioners, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Luhring, and Mr. Harry S. Ridgely for the respondent.

No. 1045. Clara M. Pittman and William T. Pittman, petitioners, *v.* The Lamar Life Insurance Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Alexander W. Spence for the petitioners.

No. 1046. John Pattis, 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. T. C. Coffin for the petitioner, and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, and Mrs. K. L. Campbell for the respondent.

No. 1047. Cornell Steamboat Company, petitioner, *v.* John J. Coughlin et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Robert S. Erskine and Mr. John M. Woolsey for the petitioner, and by Mr. George V. A. McCloskey, Mr. Mark Ash, Mr. Horace L. Cheyney, and Mr. P. M. Brown for the respondents.

No. 1048. Chattanooga Savings Bank, Administrator, etc., petitioner, *v.* L. P. Brewer, Collector of Internal Revenue, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Charles S. Caffey and Mr. P. B. Mayfield for the petitioner, and by Mr. Solicitor General Mitchell and Assistant Attorney General Willebrandt for the respondent.

No. 1051. John R. Osborne and C. C. FitzPatrick, 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. Maynard F. Stiles for the petitioners, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Luh-ring, Mr. Alfred A. Wheat, and Mr. Harry S. Ridgely for the respondent.

No. 1052. The Creek Nation, petitioner, *v.* The United States. Petition for a writ of certiorari to the Court of Claims submitted by Mr. Chester I. Long, Mr. George E. Chamberlain, Mr. Peter Q. Nyce, and Mr. E. J. Van Court for the petitioner and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Galloway, and Mr. George T. Stormont for the respondent.

No. 1053. Henry L. Schwartz, 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 Susan Brandeis for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Luhring, and Mr. Harry S. Ridgely for the respondent.

No. 1054. Percy A. Clarey, 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. Percy A. Clarey, *pro se*, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Luhring, and Mr. Harry S. Ridgely for the respondent.

No. 1055. The United States of America, Owner of the Steamship "Frderich der Grosse," petitioner, *v.* The Texas Company, Owner of the Steamship "Texas." 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. George R. Farnum, and Mr. J. Frank Staley for the petitioner, and by Mr. T. K. Schmuck for the respondent.

No. 1057. Thomas F. Barrett, petitioner, *v.* F. Brady Bigger, Agent, etc. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia submitted by Mr. Robert H. McNeill for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Luhring, and Mr. Harry S. Ridgely for the respondent.

No. 1060. M. O. Danciger and Emerich Oil Company, petitioners, *v.* N. K. Smith. Petition for a writ of certiorari to the Court of Civil Appeals, Fifth Supreme Judicial District, State of Texas, submitted by Mr. W. G. Boatright and Mr. I. J. Ringolsky for the petitioners.

No. 1061. Charles Vere, petitioner, *v.* Francisco Bianchi et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit submitted by Mr. Martin Travieso for the petitioner, and by Mr. Francis G. Caffey for the respondents.

No. 1062. U. T. Hungerford Brass & Copper Company, petitioner, *v.* The Traitel Marble Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Samuel E. Darby for the petitioner, and by Mr. Robert W. Hardie for the respondent.

No. 1063. Missouri Pacific Railroad Company, petitioner, *v.* Birdie Steen, Administratrix of the Estate of C. L. Steen. Petition for a writ of certiorari to the Court of Civil Appeals, Sixth Supreme Judicial District, State of Texas, submitted by Mr. Frank W. Wozencraft, Mr. Joseph D. Frank, and Mr. W. T. Henry for the petitioner, and by Mr. James M. Edwards and Mr. Fred V. Hughes for the respondent.

No. 1064. The United States of America, petitioner, *v.* New York and Cuba Mail Steamship Company, as Owner of the Steamship "Esperanza"; and

No. 1065. The United States of America, as Owner of the Torpedo Boat Destroyer "Conner," petitioner, *v.* Steamship "Esperanza," etc., et al. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Solicitor General Mitchell, Mr. George R. Farnum, and Mr. J. Frank Staley for the petitioners, and by Mr. Chauncey I. Clark and Mr. Eugene Underwood for the respondents.

No. 1066. O. D. Jennings & Company, petitioner, *v.* Mabel G. Reinecke, as Collector of Internal Revenue, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Everett Jennings for the petitioner, and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, and Mr. Sewall Key for the respondent.

No. 1067. H. Plamals, petitioner, *v.* The Steamship "Pinar Del Rio," her engines, boilers, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. S. B. Axtell for the petitioner, and by Mr. Cletus Keating and Mr. Vernon S. Jones for the respondent.

No. 1070. Wallace B. Camp, 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. Benjamin D. Warfield for the petitioner, and by Mr. Solicitor General Mitchell and Assistant Attorney General Willebrandt for the respondent.



No. 1071. Rosario Gambino and Joseph Lima, 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. Irving K. Baxter for the petitioner, and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, and Mr. John J. Byrne for the respondent.

No. 1073. Fred Ostrander, 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. Irving K. Baxter for the petitioner, and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, and Mr. John J. Byrne for the respondent.

No. 1074. Cora B. Beatty, Executrix of the Last Will and Testament of John W. Beatty, deceased, petitioner, *v.* D. B. Heiner, Collector of Internal Revenue, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. W. D. Stewart, Mr. Earl F. Reed, and Mr. W. A. Seifert for the petitioner, and by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, Mr. Sewall Key, Mr. A. W. Gregg, and T. H. Lewis for the respondent.

No. 1076. Ben B. Lindsey, petitioner, *v.* The People of the State of Colorado upon the complaint of Royal R. Graham and Charles L. Laney, et al., etc. Petition for a writ of certiorari to the Supreme Court of the State of Colorado submitted by Mr. Huston Thompson, Mr. James A. Marsh, Mr. Thomas Ward, jr., and Mr. Horace Hawkins for the petitioner, and by Mary F. Lathrop for the respondents.

No. 1078. John MacGregor Grant, Inc., petitioner, *v.* Boris Topas, Anakei Naftanovitch, 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. Bernard Hershkopf, Mr. Isidor J. Kresel, and Mr. John Proctor Clarke for the petitioner, and by Mr. Maurice Leon and Mr. Joseph H. Choate, jr., for the respondent.

No. 1080. Everett Flint Damon, *ex rel.* Kock Tang et al., petitioners, *v.* John P. Johnson, Commissioner of Immigration. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit submitted by Mr. Everett Flint Damon for the petitioners, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Luhring, and Mr. Harry S. Ridgely for the respondent.

Adjourned until Tuesday, May 31 next, at 12 o'clock.

## SUPREME COURT OF THE UNITED STATES

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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.

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William H. Douglass, of St. Louis, Mo.; John T. Sullivan, of Waterloo, Iowa; Oliver B. James, of New York City; George Gray Zabriskie, of New York City; Talma L. Smith, of Washington, D. C.; Patrick J. Flannery, of Washington, D. C.; Elmer L. Beach, of Washington, D. C.; Harold H. Simms, of Rochester, N. Y.; Philip E. Siggers, of Washington, D. C.; Ed. M. Hooper, of Oshkosh, Wis.; Wm. P. Bartel, of Washington, D. C.; Lewis A. Wright, of Detroit, Mich.; Arthur J. Hudson, of Cleveland, Ohio; Ferris D. Stone, of Detroit, Mich.; William J. Shaw, of Detroit, Mich.; J. Whitla Stinson, of Washington, D. C.; R. H. Porter, of Delray, Fla.; and Daniel F. Hickey, of Washington, D. C., were admitted to practice.

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No. 252. Portneuf-Marsh Valley Canal Company, petitioner, *v.* Howard W. Brown and John R. Chapin, as Trustees. 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 District of Idaho. Opinion by Mr. Justice Stone.

No. 300. Independent Coal and Coke Company and Carbon County Land Company, petitioners, *v.* The United States of America and Carbon County. On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Decree affirmed with costs and cause remanded to the District Court of the United States for the District of Utah. Opinion by Mr. Justice Stone. Dissenting: Mr. Justice McReynolds, Mr. Justice Sutherland, and Mr. Justice Butler.

No. 492. Fox River Paper Company, Patten Paper Company, Limited; Appleton Woolen Mills et al., plaintiffs in error, *v.* Railroad Commission of Wisconsin. In error to the Supreme Court of the State of Wisconsin. Judgment affirmed with costs. Opinion by Mr. Justice Stone.

No. 215. Federal Trade Commission, petitioner, *v.* Eastman Kodak Company, George Eastman, Jules E. Brulatour, et al. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Decree affirmed with costs. Opinion by Mr. Justice Sanford. Dissenting: Mr. Justice Stone and Mr. Justice Brandeis.

No. 214. Merritt & Chapman Derrick & Wrecking Company, plaintiff in error, *v.* The United States of America. In error to the District Court of the United States for the Southern District of New York. Judgment affirmed. Opinion by Mr. Justice Butler.

No. 290. James Stewart & Company, plaintiff in error, *v.* Dominick Rivara. In error to the Supreme Court of the State of New York. Judgment affirmed with costs. Opinion by Mr. Justice Butler.

No. 799. S. M. Gorieb, petitioner, *v.* Charles D. Fox et al., Members of the City Council of Roanoke, Virginia, et al. On writ of certiorari to the Supreme Court of Appeals of the State of Virginia. Judgment affirmed with costs. Opinion by Mr. Justice Sutherland.

No. 275. Benjamin H. Clark and Charles Riggs, a partnership doing business under the firm name of Clark and Riggs, appellants, *v.* George T. Poor, C. C. Marshall, and Frank B. Maullar, Constituting the Public Utilities Commission of Ohio. Appeal from the District Court of the United States for the Southern District of Ohio. Decree affirmed with costs. Opinion by Mr. Justice Brandeis.

No. 752. The United States of America, petitioner, *v.* James M. Lee, *alias* James M. Leach. On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit. Judgment reversed, and the 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 Brandeis.

No. 709. The United States of America and Interstate Commerce Commission, appellants, *v.* Berwind-White Coal Mining Company, Westmoreland Coal Company, New River & Pocahontas Consolidated Coal Company, et al.;

No. 710. The United States of America and Interstate Commerce Commission, appellants, *v.* Bethlehem Steel Company, Bethlehem Mines Corporation, Bethlehem Steel Corporation, et al.;

No. 711. The United States of America and Interstate Commerce Commission, appellants, *v.* Rainey-Wood Coke Company, Seaboard By-Product Coke Company, Chicago By-Product Coke Company, et al.;

No. 712. The United States of America and Interstate Commerce Commission, appellants, *v.* Public Service Electric & Gas Company;

No. 713. Pocahontas Operators' Association, Empire Coal & Coke Company, and Pocahontas Fuel Company, appellants, *v.* Berwind-White Coal Mining Company, Westmoreland Coal Company, New River & Pocahontas Consolidated Coal Company, et al.;

No. 714. Pocahontas Operators' Association, Empire Coal & Coke Company, and Pocahontas Fuel Company, appellants, *v.* Bethlehem Steel Company, Bethlehem Mines Corporation, Bethlehem Steel Corporation, et al.;

No. 715. Pocahontas Operators' Association, Empire Coal & Coke Company, and Pocahontas Fuel Company, appellants, *v.* Rainey-Wood Coke Company, Seaboard By-Product Coke Company, Chicago By-Product Coke Company, et al.;

No. 716. Pocahontas Operators' Association, Empire Coal & Coke Company, and Pocahontas Fuel Company, appellants, *v.* Public Service Electric & Gas Company;

No. 606. United States of America and Interstate Commerce Commission, appellants, *v.* The Akron, Canton & Youngstown Railway, Atlanta & West Point Railroad Company, Atlanta, Birmingham & Atlantic Railway Company, et al.; and

No. 638. Pocahontas Operators' Association, Empire Coal & Coke Company, and Pocahontas Fuel Company, incorporated, appellants, *v.* The Akron, Canton & Youngstown Railway, Atlanta & West Point Railroad Company, Atlanta, Birmingham & Atlantic Railway Company, et al. Appeals from the District Court of the United States for the Eastern District of Pennsylvania. Decrees reversed, and cases remanded for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Brandeis. Dissenting: Mr. Justice McReynolds.

No. 894. J. F. Lawrence, C. C. Taylor, Edwin Dabney, Attorney General, etc., et al., appellants, *v.* St. Louis-San Francisco Railway Company. Appeal from the District Court of the United States for the Northern District of Oklahoma. Decree reversed with costs, and cause remanded for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Brandeis.

No. 549. Arkansas Railroad Commission and W. H. Donham, as Prosecuting Attorney, etc., appellants, *v.* Chicago, Rock Island & Pacific Railroad Company. Appeal from the District Court of the United States for the Eastern District of Arkansas. Decree reversed with costs, and cause remanded for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Brandeis.

No. 88. Malcolm E. Nichols, Collector of Internal Revenue of the United States for the District of Massachusetts, plaintiff in error, *v.* Harold J. Coolidge and Augustus P. Loring, Executors of the will of Julia Coolidge. In error to the District Court of the United

States for the District of Massachusetts. Judgment affirmed with costs. Opinion by Mr. Justice McReynolds. Concurring: Mr. Justice Holmes, Mr. Justice Brandeis, Mr. Justice Sanford, and Mr. Justice Stone.

No. 279. Federal Trade Commission, petitioner, *v.* American Tobacco Company. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Decree affirmed with costs. Opinion by Mr. Justice McReynolds.

No. 298. U. Sherman Joines, petitioner, *v.* William M. Patterson, Doroth A. McFarland, *nee* Patterson, Shelby A. Patterson, et al., etc. On writ of certiorari to the Supreme Court of the State of Oklahoma. Judgment reversed with costs, and the cause remanded to said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice McReynolds.

No. 14, original. The State of New York, complainant, *v.* The State of Illinois and the Sanitary District of Chicago. On consideration of the motion of the defendants to strike out Paragraph III of the bill of complaint. It is ordered that said paragraph be stricken out without prejudice to the right of the plaintiff State, if later on in a position to do so, to litigate the questions which said paragraph is intended to present. Opinion by Mr. Justice Van Devanter.

No. 258. Power Manufacturing Company, plaintiff in error, *v.* Harvey Saunders. In error 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 Van Devanter. Dissenting: Mr. Justice Holmes.

No. 342. C. J. Longest, plaintiff in error, *v.* W. C. Langford and G. N. Puckett. In error to the Supreme Court of the State of Oklahoma. Writ of error dismissed, but treated as petition for certiorari, writ of certiorari granted. Opinion by Mr. Justice Van Devanter.

No. 655. Arthur Maul, petitioner, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Decree affirmed and the cause remanded to the District Court of the United States for the District of Connecticut. Opinion by Mr. Justice Van Devanter. Concurring: Mr. Justice Brandeis and Mr. Justice Holmes.

No. 267. The United States of America, appellant, *v.* Freights, Sub-Freights, Charter Hire, and/or Sub-Charter Hire of The S. S. "Mount Shasta." Appeal from the District Court of the United States for the District of Massachusetts. Decree reversed, and the cause remanded for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Holmes. Dissenting: Mr. Justice McReynolds.

No. 318. Empire Trust Company, petitioner, *v.* Charles Hazlitt Cahan. 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 Holmes.

No. 771. W. I. Biddle, as Warden of the United States Penitentiary at Leavenworth, Kansas, *v.* Vuco Perovich. On certificate from the United States Circuit Court of Appeals for the Eighth Circuit. First question answered in the affirmative. Opinion by Mr. Justice Holmes. Mr. Chief Justice Taft took no part in the consideration or decision of this case.

No. 363. Juan Posados, Jr., as Collector of Internal Revenue; Ben F. Wright, as Insular Auditor; Vincente Carmona, etc., et al., petitioners, *v.* The City of Manila. On writ of certiorari to the Supreme Court of the Philippine Islands. Judgment affirmed with costs. Opinion by Mr. Chief Justice Taft.

No. 285. Overland Motor Company *v.* Packard Motor Car Company and Wire Wheel Corporation of America. On certificate from the United States Circuit Court of Appeals for the Seventh Circuit. Questions answered in the negative. Opinion by Mr. Chief Justice Taft.

No. 202. Robert L. Messel, petitioner, *v.* Foundation Company. On writ of certiorari to the Supreme Court of the State of Louisiana. 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. Chief Justice Taft.

No. 199. William A. Rhea, petitioner, *v.* Thomas C. Smith. On writ of certiorari to the Supreme Court of the State of Missouri. 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. Chief Justice Taft.

No. 304. Foster Cline, as District Attorney for The City and County of Denver, State of Colorado, appellant, *v.* Frink Dairy Company, The Windsor Farm Dairy Company, The Climax Dairy Company. Appeal from the District Court of the United States for the District of Colorado. Decree reversed in part and affirmed in part, and the cause remanded for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Chief Justice Taft.

The Chief Justice announced the following orders of the Court:

No. —, original. *Ex parte*: In the matter of T. L. Smith, petitioner. The motion for leave to file petition for a writ of *mandamus* herein is denied.

No. —, original. *Ex parte*: In the matter of S. A. Moore, Trustee, petitioner. The motion for leave to file petition for a writ of prohibition herein is denied.

No. —, original. *Ex parte*: In the matter of E. L. Burget, petitioner. The motion for leave to file petition for a writ of *mandamus* herein is denied.

No.—. E. L. Burget, petitioner, *v.* E. B. Cranston et al. The motion for a change of *venue* in this case is denied.

No. —. Beatrice Grayson Johnson, petitioner, *v.* Wright Thornburgh, an incompetent, by M. F. Moroney, his guardian, et al. On consideration of the motion to dispense with the printing of the record in this case on petition for certiorari, it is ordered that the abstract and designation filed by counsel shall be printed in lieu of the complete record for the consideration of the application for certiorari in this case.

No. 679. Hudson Coal Company, plaintiff in error, *v.* Commonwealth of Pennsylvania. The motion to advance this case is granted and case assigned for argument on Monday, October 3 next, after the cases heretofore assigned for that day.

No. 1056. Fannie E. Untermeyer, as Executrix, etc., *v.* Charles W. Anderson, as Collector of Internal Revenue, etc. The motion to advance this case is denied, with leave to counsel to file brief as *amicus curiae* in the case of Blodgett *v.* Holden, Collector, No. 779, heretofore assigned for Monday, October 3 next.

No. 1100. News Syndicate Company *v.* The New York Central Railroad Company, The Pennsylvania Railroad Company, et al. The motion to advance this case is granted and case assigned for argument on Monday, October 3 next, after the cases heretofore assigned for that day.

No. 749. The State of Texas, appellant, *v.* David Fasken, A. Fasken, Robert Fasken, et al. Appeal from the District Court of the United States for the Western District of Texas. *Per curiam*: Appeal dismissed for want of jurisdiction under the provisions of the act of February 13, 1925, 43 Stat. 936. Motion of the appellant to transfer the case to the Circuit Court of Appeals for the Fifth Circuit is denied under the same act. The motion in the alternative to docket as an original cause is denied without prejudice.

No. 903. Anna E. Holloway Nones, Individually and as Executrix of Edward Lee Holloway, deceased, plaintiff in error, *v.* Grace Suzanne Holloway, Infant, and Marie Calou, Guardian of the person & estate of Grace Suzanne Holloway, Infant, et al.;

No. 904. Anna E. Holloway Nones, Individually and as Executrix of Edward Lee Holloway, deceased, plaintiff in error, *v.* Grace

Suzanne Holloway, Infant, and Marie Calou, Guardian of the person & estate of Grace Suzanne Holloway, Infant, et al.;

No. 905. Clarence J. Holloway, plaintiff in error, *v.* Grace Suzanne Holloway, Infant, and Marie Calou, Guardian of the person & estate of Grace Suzanne Holloway, Infant, et al.; and

No. 906. Clarence J. Holloway, plaintiff in error, *v.* Grace Suzanne Holloway, Infant, and Marie Calou, Guardian of the person & estate of Grace Suzanne Holloway, Infant, et al. *Per curiam*: Dismissed for want of a Federal question on the authority of *Shulthis v. Macdougall*, 225 U. S. 561, 569; *Hull v. Burr*, 234 U. S. 712, 720; and *Norton v. Whiteside*, 239 U. S. 144, 147.

No. 996. E. J. Angelo, Harry Phillips, and C. E. Wall, trading, etc., et al., plaintiffs in error, *v.* City of Winston-Salem, Thos. Barber, Mayor of the City of Winston-Salem, and J. A. Thomas, etc. *Per curiam*: Affirmed on the authority of *Natal v. Louisiana*, 139 U. S. 621.

No. 1096. State of Washington on the relation of McPherson Bros. Company, plaintiff in error, *v.* Superior Court of the State of Washington, etc., et al.; and

No. 1097. State of Washington on the relation of McPherson Bros. Company, plaintiff in error, *v.* Superior Court of the State of Washington, etc., et al. The motions to dismiss in these cases are passed for consideration and decision on June 6 next, in order that the time within which such motions, under the rules, could properly be submitted, shall have elapsed.

No. 840. Juan G. Gallardo, Treasurer, appellant, *v.* Santini Fertilizer Company. The motion to transfer this case is postponed, and the case directed to be included in the orders heretofore made in cases Nos. 1018 to 1023, inclusive, on May 16, 1927, and the case assigned for argument on Monday, October 3 next, with the limitation specified in the orders herein referred to.

No. 948. Southern California Edison Company, petitioner, *v.* Amelia Herminghaus, Bertha Genevieve Bottoms, etc., et al. The motion to suspend the injunction issued by the State Court in this case is denied, and the motion to advance is granted and the case assigned for argument on Monday, October 3 next, after the cases heretofore assigned for that day.

No. 969. Barber Asphalt Paving Company, petitioner, *v.* Standard Asphalt & Rubber Company. The motion for an order as to the printing of the record in this case is granted.

No. 1014. Edward A. McLaughlin, Trustee, petitioner, *v.* Leon M. Prince. The motion for leave to file a certificate of the Clerk of the Court below as to the correctness of the record in this case is denied,



as the application for a writ of certiorari herein has been heretofore denied.

No. 1028. The Texas & Pacific Railway Company, petitioner, *v.* Barrett Gibson, Administrator. On writ of certiorari to the Supreme Court of the State of Texas. The application for a writ of certiorari in this case was submitted prematurely in advance of the filing of the brief for respondent in opposition to the application and the writ was granted on May 16, 1927. Upon consideration of the brief filed by the respondent, the writ heretofore issued is revoked and the application for a writ of certiorari in this case is denied.

No. 1060. M. O. Danciger and Emerich Oil Company, petitioners, *v.* N. K. Smith. Petition for a writ of certiorari to the Court of Civil Appeals, Fifth Supreme Judicial District, State of Texas, granted.

No. 1067. H. Plamals, petitioner, *v.* The Steamship "Pinar Del Rio," her engines, boilers, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 1071. Rosario Gambino and Joseph Lima, 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 granted.

No. 1074. 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. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit granted. Mr. Chief Justice Taft took no part in the consideration or decision of the application for a writ of certiorari in this case.

No. 1025. Thompson-Starrett Company, petitioner, *v.* LaBelle Iron Works. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 1032. Charles Frish and Edward Frish, 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. 1033. John F. Milliken and Neptune Association of Masters and Mates of Ocean and Coastwise Steam Vessels, Inc., and Alex. Smith, petitioners, *v.* Harlan F. Stone, United States Attorney General, William Hayward, U. S. Attorney, etc., et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 1037. Aaron Drumright, Trustee, R. T. Stuart and R. T. Stuart & Company, petitioners, *v.* Texas Sugarland Company and Grand Lodge Ancient Order of United Workmen of Oklahoma.

Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 1039. Raymond L. Chase, 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. 1040. Robert C. Whitney, 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. 1041. Ridley Watts, Charles H. Murphy, Arthur R. Johnson, et al., partners, etc., petitioners, *v.* Southern Railway Company. Petition for a writ of certiorari to the Supreme Court of the State of South Carolina denied.

No. 1042. Empire Coal Mining Company, petitioner, *v.* Godfrey Updike, as Receiver and Trustee of the Estate of Independent Coal Corporation, Bankrupt. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 1043. B. Frank Wood and J. Leigh Nourse, petitioners, *v.* Henry Cooper, United States Marshal in and for the Eastern District of Oklahoma and the United States of America; and

No. 1044. B. Frank Wood, petitioner, *v.* Henry Cooper, United States Marshal in and for the Eastern District of Oklahoma and the United States of America. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 1045. Clara M. Pittman and William T. Pittman, petitioners, *v.* The Lamar Life Insurance Company. Petitions for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 1046. John Pattis, 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. 1047. Cornell Steamboat Company, petitioner, *v.* John J. Coughlin and J. C. Davis, Director General of Railroads, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 1048. Chattanooga Savings Bank, Administrator of the Estate of John D. Key, deceased, petitioner, *v.* L. P. Brewer, Collector of Internal Revenue of the United States for the District of Tennessee. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 1051. John R. Osborne and C. C. FitzPatrick, 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. 1052. The Creek Nation, petitioner, *v.* The United States. Petition for a writ of certiorari to the Court of Claims denied.

No. 1053. Henry L. Schwartz, 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. 1054. Percy A. Clarey, 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. 1055. The United States of America, Owner of the Steamship "Frederich Der Grosse," petitioner, *v.* The Texas Company, Owner of the Steamship "Texas." Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 1057. Thomas F. Barrett, petitioner, *v.* J. Brady Bigger, Agent of the State of Pennsylvania. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 1061. Charles Vere, petitioner, *v.* Francisco Bianchi, Juan Bianchi, Rosario Bianchi, et al., etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 1062. U. T. Hungerford Brass & Copper Company, petitioner, *v.* The Traitel Marble Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 1063. Missouri Pacific Railroad Company, petitioner, *v.* Birdie Steen, Administratrix of the Estate of C. L. Steen. Petition for a writ of certiorari to the Court of Civil Appeals, Sixth Supreme Judicial District, State of Texas, denied.

No. 1064. The United States of America, petitioner, *v.* New York and Cuba Mail Steamship Company, as Owner of the Steamship "Esperanza," and

No. 1065. The United States of America, as Owner of the Torpedo Boat Destroyer "Conner," petitioner, *v.* Steamship "Esperanza," etc., New York and Cuba Mail Steamship Company. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 1066. O. D. Jennings & Company, petitioner, *v.* Mabel G. Reinecke, as Collector of Internal Revenue, at Chicago, Illinois, for

the First District of Illinois. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 1070. Wallace B. Camp, 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. 1073. Fred Ostrander, 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. 1078. John MacGregor Grant, Inc., petitioner, *v.* Boris Topas, Anakei Naftanovitch, Mochail Topas, et al., copartners, etc., et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 1080. Everett Flint Damon, *ex rel.* Kock Tang et al., petitioners, *v.* John P. Johnson, Commissioner of Immigration. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

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No. —, original. The United States of America, complainant, *v.* The State of Idaho. Motion for leave to file bill of complaint submitted by Mr. Solicitor General Mitchell and Mr. Attorney General Sargent for the complainant.

No. 557. A. W. Duckett & Co., Inc., petitioner, *v.* The United States. On writ of certiorari to the Court of Claims. Judgment reversed, on confession of error, and case remanded to the Court of Claims for further proceedings, and mandate granted on motion of Mr. Solicitor General Mitchell for the respondent.

No. 884. H. E. Taylor, plaintiff in error, *v.* L. F. De Hart et al. Motion to dismiss submitted by Mr. Solicitor General Mitchell for the defendant in error, in support of the motion.

No. 770. F. H. Mason, petitioner, *v.* C. F. Routzahn, Collector of Internal Revenue. Motion to advance submitted by Mr. Solicitor General Mitchell and Assistant Attorney General Willebrandt for the respondent.

No. 791. L. M. Willcutts, Collector of Internal Revenue for the District of Minnesota, petitioner, *v.* Milton Dairy Company. Motion to advance submitted by Mr. Solicitor General Mitchell and Mr. A. W. Gregg for the petitioner.

No. 801. The United States of America, petitioner, *v.* W. A. MacFarland, et al., copartners, etc. Motion to advance submitted by Mr. Solicitor General Mitchell for the petitioner.

No. 850. W. C. Tucker, petitioner, *v.* Acel C. Alexander, Commissioner of Internal Revenue. Motion to advance submitted by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, Mr. Sewall Key, and Mr. A. W. Gregg for the respondent.

No. 869. The United States of America, petitioner, *v.* Ole Berkeness. Motion to advance submitted by Mr. Solicitor General Mitchell, Assistant Attorney General Willebrandt, and Mr. Mahlon D. Keifer for the petitioner.

No. 1016. David H. Blair, Commissioner of Internal Revenue, petitioner, *v.* Oesterlein Machine Company. Motion to advance submitted by Mr. Solicitor General Mitchell and Mr. A. W. Gregg for the petitioner.

No. 1035. D. B. Heiner, Collector of Internal Revenue for the 23d District of Pennsylvania, petitioner, *v.* The Colonial Trust Company, Executor, etc., and

No. 1036. C. G. Lewellyn, Former Collector of Internal Revenue for the 23d District of Pennsylvania, petitioner, *v.* The Colonial Trust Company, Executor, etc. Motion to advance submitted by Mr. Solicitor General Mitchell and Mr. A. W. Gregg for the petitioners.

No. 1108. Brimstone Railroad and Canal Company, appellant, *v.* The United States of America et al. Motion to advance submitted by Mr. Solicitor General Mitchell for the respondents.

No. 1031. The Liberty National Bank of Roanoke, Virginia, petitioner, *v.* James A. Baer, Trustee in Bankruptcy, etc. Joint motion to advance submitted by Mr. James B. Johnston for the petitioner, and by Mr. Harvey B. Apperson for the respondent.

No. 499. J. Mell Brooks et al., plaintiffs in error, *v.* D. H. Blackwood, as State Treasurer of the State of Arkansas. Motion to revive this cause in the name of Ralph Koonce, as State Treasurer of the State of Arkansas, and that the cause be continued and maintained against the said Ralph Koonce, as State Treasurer of the State of Arkansas, granted, on motion of Mr. Jerry C. South in behalf of Mr. C. A. Cunningham for the plaintiff in error.

No. —, original. *Ex parte:* In the matter of Apex Electric Manufacturing Company, petitioner. Motion for leave to file petition for a writ of *mandamus* or prohibition submitted by Mr. Ralph the petitioner.

No. —, original. *Ex parte:* Fairbanks, Morse & Co. and Sheffield Car Company, petitioners. Motion for leave to file petition for a writ of *mandamus* submitted by Mr. Dwight B. Cheever and Mr. Fred L. Chappell for the petitioners.

No. 653. Seaboard Air Line Railway Company, petitioner, *v.* The State of Florida, *ex rel.* R. Hudson Burr et al., etc.; and

No. 654. Atlantic Coast Line Railroad Company, petitioner, *v.* The State of Florida, *ex rel.* R. Hudson Burr et al., etc. Joint motion to advance to be heard immediately following cases Nos. 872 and 873 submitted by Mr. George C. Bedell and Mr. Fred H. Davis for the respondents, with the consent of Mr. James F. Wright, Mr. William Kay, Mr. Thomas B. Adams, Mr. Frank W. Gwathmey, and Mr. Thomas W. Davis for the petitioners.

No. 962. Western Maryland Dairy Company, plaintiff in error, *v.* Harold E. West, Ezra B. Whitman, J. Frank Harper, comprising and constituting the Public Service Commission of Maryland, et al., etc. In error to the Court of Appeals of the State of Maryland. Dismissed with costs on motion of plaintiff in error.

No. 1017. Broadway Trust Company, Trustee, appellant, *v.* William L. Dill, Receiver of Hanover Farms Company. Appeal from the United States Circuit Court of Appeals for the Third Circuit. Dismissed with costs per stipulation of counsel.

No. 1145. James A. Cardigan, petitioner, *v.* Thomas B. White, Warden of the United States Penitentiary at Leavenworth, Kansas. Motion for leave to proceed *in forma pauperis* submitted by Mr. James A. Cardigan *pro se*.

No. 1151. John Carlton Dysart, petitioner, *v.* The United States of America. Motion for leave to proceed *in forma pauperis* submitted by Mr. John Carlton Dysart *pro se*.

No. 1154. The United States *ex rel.* Joseph Y. Saunders, petitioner, *v.* Hon. Walter I. McCoy, Chief Justice, Supreme Court, District of Columbia. Motion for leave to proceed *in forma pauperis* submitted by Mr. Joseph Y. Saunders *pro se*.

No. 1000. New York & Pennsylvania Railway Company, by Howard Cobb et al., Assignees, petitioners, *v.* The United States. Petition for a writ of certiorari to the Court of Claims submitted by Mr. Riley H. Heath for the petitioners, and by Mr. Solicitor General Mitchell and Mr. Assistant Attorney General Galloway for the respondent.

No. 1050. The New York Trust Company, petitioner, *v.* The United States. Petition for a writ of certiorari to the Court of Claims submitted by Mr. William F. Unger for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Galloway, and Mr. Fred K. Dyar for the respondent.

No. 1069. Hammond Lumber Company, petitioner, *v.* Oscar Sandin. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Harold M. Sawyer for the petitioner.

No. 1075. William V. Dwyer and Edward C. Cohron, 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. Nathan Burkan and Mr. Wm. J. Hughes, jr., for the petitioners, and by Mr. Solicitor General Mitchell and Assistant Attorney General Willebrandt for the respondent.

No. 1077. National Life Insurance Company, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the Court of Claims submitted by Mr. J. Harry Covington, Mr. Moorfield Storey, and Mr. George B. Young for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Galloway, Mr. Alfred A. Wheat, and Mr. Alexander H. McCormick for the respondent.

No. 1079. Lucy B. Brooke, petitioner, *v.* City of Norfolk, R. W. Peatross, A. Plummer Pannill, et al. Petition for a writ of certiorari to the Supreme Court of Appeals of the State of Virginia submitted by Mr. Robert B. Tunstall and Mr. Nathaniel T. Green for the petitioner.

No. 1081. Henry Ellison, William R. Ellison et al., petitioners, *v.* Max Koswig, trading as F. F. Koswig. Petition for a writ of certiorari to the Supreme Court of the State of Pennsylvania submitted by Mr. H. Edgar Barnes for the petitioners.

No. 1082. Succession Francisca de los Reyes Correa et al., petitioners, *v.* William P. Kramer. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit submitted by Francisca R. Correa *pro se.*, and by Mr. Solicitor General Mitchell and Mr. William C. Rigby for the respondent.

No. 1083. The Southern Sierras Power Company, petitioner, *v.* Arizona Edison Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Louis H. Chalmers and Mr. Thomas G. Nairn for the petitioner, and by Mr. John Mason Ross and Mr. Everett E. Ellinwood for the respondent.

No. 1084. Charles A. McEuen, petitioner, *v.* The City of Newark, Hugh F. Cook, Margaret Cook, et al., etc.; and

No. 1085. Charles A. McEuen, petitioner, *v.* Hugh F. Cook, Margaret Cook, Paul Burne, et al., etc. Petition for writs of certiorari to the Court of Errors and Appeals of the State of New Jersey submitted by Mr. Cecil H. MacMahon for the petitioner, and by Mr. Robert H. McCarter for the respondents.

No. 1086. E. M. Jeggler, petitioner, *v.* Fred Mansur, as Trustee in Bankruptcy, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by

Mr. Hudson P. Hibbard and Mr. Louis Kleindienst for the petitioner, and by Mr. Fred Mansur and Mr. Byron C. Hanna for the respondent.

No. 1087. Texas and New Orleans Railroad Company, petitioner, *v.* Northside Belt Railway Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. H. M. Garwood and Mr. J. H. Tallichet for the petitioner.

No. 1089. Hidalgo County Water Improvement District Number Five, petitioner, *v.* Western Metal Manufacturing Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Don A. Bliss for the petitioner.

No. 1093. Leonard Van Norden, petitioner, *v.* Chas. R. McCormick Lumber Company of Delaware. 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. 1094. American Wholesale Corporation, petitioner, *v.* Stephen Stone, Trustee in Bankruptcy, etc., bankrupt. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. J. Julius Levy for the petitioner, and by Mr. Clarence A. Fry for the respondent.

No. 1095. C. C. Steen and Edward R. Holmes et al., etc., petitioners, *v.* Viola Le Flore. Petition for a writ of certiorari to the Supreme Court of the State of Oklahoma submitted by Mr. Robert M. Rainey, Mr. Streeter B. Flynn, and Mr. A. A. McDonald for the petitioners.

No. 1099. Morris Druin, petitioner, *v.* The State of New Jersey. Petition for a writ of certiorari to the Court of Errors and Appeals of the State of New Jersey submitted by Mr. Ralph J. Kelly, Mr. Joseph J. Weinberger, and Mr. Harry H. Weinberger for the petitioner, and by Mr. J. Vincent Barnitt for the respondent.

No. 1102. United Dredging Company of New Jersey and Southern Casualty Company of Louisiana, petitioners, *v.* Carl Lindberg and Lawson Lindberg, by their next friend and mother, Mrs. G. Lindberg. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Brantly Harris and Mr. Maco Stewart for the petitioners.

No. 1105. Myra L. Garland, petitioner. Petition for a writ of certiorari to the Supreme Court of Probate of the State of Maine submitted by Mr. Harvey D. Eaton for the petitioner, and by Mr. Edward F. Merrill for the respondent.

No. 1106. Alabama & Vicksburg Railway Company and United States Fidelity & Guaranty Company, petitioners, *v.* Valeere Foun-



tain, Administratrix of Estate of Flex Fountain, deceased. Petition for a writ of certiorari to the Supreme Court of the State of Mississippi submitted by Mr. Charles N. Burch, Mr. H. D. Minor, Mr. R. H. Thompson, Mr. R. L. Dent, Mr. S. L. McLaurin, and Mr. C. H. McKay for the petitioners.

No. 1109. Commercial Union Fire Insurance Company of New York, petitioner, *v.* G. L. Marshall et al.;

No. 1110. Hartford Fire Insurance Company, petitioner, *v.* G. L. Marshall et al.;

No. 1111. Home Fire and Marine Insurance Company of California, petitioner, *v.* G. L. Marshall et al.; and

No. 1112. Commercial Union Assurance Company of London, petitioner, *v.* G. L. Marshall et al. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. R. Lee Bartels for the petitioners, and by Mr. Thos. A. Evans for the respondents.

No. 1114. Jesse C. Adkins, Hugh B. Rowland, Roger B. Whiteford, et al., etc., petitioners, *v.* Ignatius J. Costigan. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia submitted by Mr. Jesse C. Adkins, Mr. Hugh B. Rowland, Mr. Roger B. Whiteford, Mr. M. M. Doyle, and Mr. C. F. R. Ogilby for the petitioners, and by Mr. George P. Hoover and Mr. Morgan H. Beach for the respondent.

No. 1115. J. W. Hampton, Jr., & Co., petitioner, *v.* The United States. Petition for a writ of certiorari to the United States Court of Customs Appeals submitted by Mr. Walter E. Hampton for the petitioner, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Lawrence, and Mr. Marion De Vries for the respondent.

No. 1116. Broadway Trust Company, Trustee, petitioner, *v.* William L. Dill, Receiver of Hanover Farms Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Harvey F. Carr for the petitioner, and by Carl A. Feick for the respondent.

No. 1120. Union Petroleum Steamship Company, as Owner of the S. S. "Westwego," 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. John M. Woolsey and Mr. Delbert M. Tibbetts for the petitioner, and by Mr. Solicitor General Mitchell, Mr. George R. Farnum, and Mr. J. Frank Staley for the respondent.

No. 1126. Compagnie Generale Transatlantique, petitioner, *v.* A. C. Lawrence Leather Company. Petition for a writ of certiorari

to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Joseph P. Nolan for the petitioner and by Mr. E. Curtis Rouse for the respondent.

No. 1130. B. K. Goree, Trustee of the Estate of J. L. Walker, Bankrupt, petitioner, *v.* W. W. Wilkinson, Trustee of the Estate of Walker Grain Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. S. C. Rowe for the petitioner and by Mr. Mark McMahon for the respondent.

No. 1137. Arthur M. Abell, Temporary Administrator of the Estate of Adeline S. Abell, petitioner, *v.* Flora B. Thompson and George W. White, Executors, etc., et al. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia submitted by Mr. Charles L. Frailey for the petitioner.

No. 1139. B. Frank Wood and J. Leigh Nourse, petitioners, *v.* The United States of America; and

No. 1140. B. Frank Wood, 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. T. P. Gore, Mr. James A. Reed, and Mr. Thos. H. Owen for the petitioners, and by Mr. Solicitor General Mitchell, Mr. Assistant Attorney General Luhring, and Mr. Harry S. Ridgely for the respondent.

No. 1142. Colastie Andrus, joined *pro forma* by her husband, Sidney Andrus, et al., petitioners, *v.* F. M. Hutchinson et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Wm. D. Gordon for the petitioners.

No. 1143. Fairbanks, Morse & Co., and Sheffield Car Company, petitioners, *v.* American Valve & Meter Company and Edward E. Johnson. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Dwight B. Cheever and Mr. Fred L. Chappell for the petitioners, and by Mr. Frank A. Whiteley for the respondents.

No. 1150. Marcelle Smith, 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. Neal E. McNeill 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 next at 12 o'clock.

## SUPREME COURT OF THE UNITED STATES

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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.

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Cecil S. Ackerson, of Keyport, N. J.; Kenelm L. Shirk, of Lancaster, Pa.; Harold G. Ripple, of Lancaster, Pa.; Robert Rupp, of Lancaster, Pa.; Harry L. Raub, jr., of Lancaster, Pa.; J. Andrew Frantz, of Lancaster, Pa.; J. Louis Monarch, of Washington, D. C.; Fred Herrigel, jr., of Newark, N. J.; Harry S. Hartstein, of New York City, N. Y.; Sol A. Herzog, of New York City, N. Y.; Rodowe H. Abeken, of St. Louis, Mo.; C. W. Browning, of Washington, D. C.; Albert G. Redpath, of New York City, N. Y.; Irvine L. Lenroot, of Superior, Ohio; Benjamin Wham, of Chicago, Ill.; William Evans, of San Francisco, Calif.; James C. Wilkes, of Washington, D. C.; Thomas G. Prioleau, of New York City, N. Y.; Rafael V. P. Marchand, of Ponce, P. R.; Louis Kranitz, of St. Joseph, Mo.; Emma Bryan Breen, of Houston, Tex.; Alfred J. O'Brien, of Denver, Colo.; Paul Maynard, of Macon, Ga.; Herbert H. Porter, of Clarendon, Va.; Ernest A. Landman, of Athens, Tex.; William C. Martin, of Washington, D. C.; and Stanley Suydam, of Washington, D. C., were admitted to practice.

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The Chief Justice said:

The Court announces with deep personal sorrow the death of William Riley Stansbury, its clerk, at 5 o'clock on yesterday (Sunday) morning, June 5.

Mr. Stansbury was born May 25, 1856, so that he had reached the age of 71. He was born, and has always lived, in this District, except for a year or two spent in the Signal Service of the United States. He entered this Court as an assistant clerk in August, 1882, and has acted in every capacity as a subordinate in the clerk's office, having succeeded Mr. James D. Maher as clerk in October, 1921, six years ago. He was an accurate, faithful, earnest, and efficient public servant. He was saturated with the traditions of the office and familiar to the last detail with all the duties to be discharged in that important place. He endeared himself in every relation to the members of the Court. He was genial and accommodating and interested for every member of the public, and especially every one

of the bar who had to transact business with the Court. He was a man of the utmost probity and of highest character in every respect.

The Court takes great pride in the history of the maintenance of the traditions of the clerk's office and of the length of service of those who administered it. Mr. Bayard was appointed clerk in 1791 and served until 1800. Mr. Caldwell was appointed in 1800 and served until 1825. Mr. Carroll was appointed in 1827 and served until 1863. Mr. Middleton was appointed in 1863 and served until 1880. Mr. James H. McKenney was appointed in 1880, having been for years the chief assistant of Mr. Middleton, and served until 1913. Mr. James D. Maher, having for many years since boyhood been an assistant in the clerk's office, was appointed clerk in 1913 and served until 1921. Mr. Stansbury having been appointed assistant clerk in 1882, and having served as the head of the office for six years, looked back to a record of forty-five years. Such lengths of service indicate not only fidelity but efficiency, for only by reason of the latter could the incumbents have continued during the term they served.

Because the Court adjourns this morning for the term of 1926, and for more than three months, and because no successor to Mr. Stansbury could be appointed during the vacation, it has been necessary for the Court, in spite of Mr. Stansbury's very recent death, to appoint his successor, in order that the successor may be installed, give his bonds, and begin the administration of his office, which, because of its public obligations, can not be suspended at all.

Mr. Philander Riley Stansbury, the brother of the late Clerk, has been an assistant for more than 30 years and has rendered faithful services. Because of the state of his health he has declined to be considered for the succession.

The Court has appointed as its Clerk, to succeed Mr. Stansbury, Charles Elmore Cropley, of Washington. Mr. Cropley has already served in the Court as Page and Assistant some 18 years, but is still in the prime of life. He has great familiarity with the duties of the office and carries with him to its headship the traditions that have secured such distinguished and useful service by Mr. Stansbury and his predecessors, with the probability of a life of long usefulness.

The members of the court will attend the funeral of Mr. Stansbury in a body, at half past 10 to-morrow (Tuesday) morning, at St. Andrews Episcopal Church, at the corner of Fifteenth and V Streets.

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#### ORDER

It is hereby ordered that Charles Elmore Cropley be appointed Clerk of this Court in the place of William R. Stansbury, deceased, and that he forthwith take the oath of office and give bond conditioned according to law.

## ORDER

On the application of the Clerk, pursuant to Section 221 of the Judicial Code, it is ordered that Reginald C. Dilli be, and he is hereby, appointed a Deputy Clerk of this Court.

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## ORDER

It is now here ordered by this Court that the office of the Clerk of this Court shall be closed one-half day on Saturdays from June 15 to September 15, providing, however, that some representative of the Clerk shall remain in the office during the afternoons of such half days in order to receive any filing.

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No. 254. The United States of America *v.* International Harvester Company, International Harvester Company of America, International Flax Twine Company. Appeal from the District Court of the United States for the District of Minnesota. Decree affirmed. Opinion by Mr. Justice Sanford. Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Stone took no part in the consideration or decision of this case.

No. 301. Edward C. Twist, petitioner, *v.* Prairie Oil & Gas Company; and

No. 302. Edward C. Twist, Albert T. Twist, and Jessie L. Payne, *nee* Twist, petitioners, *v.* Prairie Oil & Gas Company. On writs of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Decrees reversed with costs, and cases remanded to the District Court of the United States for the Eastern District of Oklahoma for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Brandeis.

No. 140. Mayor and Board of Aldermen of the Town of Vidalia, appellants, *v.* Louisia McNeely, Adm'x. of the Estate of S. B. McNeely, deceased; and

No. 163. Louisia McNeely, Adm'x of the Estate of S. B. McNeely, deceased, *v.* Mayor and Board of Aldermen of the Town of Vidalia. Appeal and cross appeal from the District Court of the United States for the Western District of Louisiana. Decree affirmed with costs. Opinion by Mr. Justice Van Devanter.

No. 237. Luther Weedin, Commissioner of Immigration at the Port of Seattle, Washington, petitioner, *v.* Chin Bow. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Decree reversed with costs, and the cause remanded to the District Court of the United States for the Western District of Washington for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Chief Justice Taft.

The Chief Justice announced the following orders of the Court:

No. —, original. The United States of America, complainant, *v.* The State of Idaho. The motion for leave to file bill of complaint is granted and processes is ordered to issue returnable on Monday, October 3, next.

No. —, original. *Ex parte*: In the matter of Apex Electric Manufacturing Company, petitioner. The motion for leave to file petition for a writ of *mandamus* is denied without prejudice to an application for a writ of *mandamus* to the United States Circuit Court of Appeals for the Seventh Circuit.

No. —, original. *Ex parte*: In the matter of Fairbanks, Morse & Co. and Sheffield Car Company, petitioners. The motion for leave to file petition for a writ of *mandamus* is denied.

No. 1145. James A. Cardigan, petitioner, *v.* Thomas B. White, Warden of the United States Penitentiary, at Leavenworth, Kansas. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. 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, can find no ground for the issuance of a writ of certiorari, application for which is 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. 1151. John Carlton Dysart, petitioner, *v.* The United States of America. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. 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, can find no ground for the issuance of a writ of certiorari, application for which is 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. 1154. The United States *ex rel.* Joseph Y. Saunders, petitioner, *v.* Hon. Walter I. McCoy, Chief Justice, Supreme Court, District of Columbia. On petition for writ of certiorari to the Court of Appeals of the District of Columbia. 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, can find no ground for the issuance of a writ of certiorari, application for which is hereby also denied. The costs already incurred herein by the 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. 740. John L. Hicks, petitioner, *v.* The United States of America. The motion to appoint counsel is denied. The motion to withdraw original record is denied without prejudice to application for use of original record upon showing cause of proper need therefor, same to be forwarded by the Clerk of this court to the responsible clerk of the court where the record is desired for use.

No. 884. H. E. Taylor, plaintiff in error, *v.* L. F. DeHart, J. C. Vaughan, and M. C. Wilcox. In error to the District Court of the United States for the Western District of Missouri. *Per curiam*: Dismissed for want of jurisdiction under the act of February 13, 1925, 43 Stat. 936.

No. 1096. State of Washington on the relation of McPherson Bros. Company, plaintiff in error, *v.* Superior Court of the State of Washington in and for Douglas County, and the Okanogan-Douglas Inter-County Bridge Company; and

No. 1097. State of Washington on the relation of McPherson Bros. Company, plaintiff in error, *v.* Superior Court of the State of Washington in and for Okanogan County and C. H. Neal, Judge, et al. In error to the Supreme Court of the State of Washington. *Per curiam*: Dismissed on the authority of Grays Harbor Logging Co. *v.* Coats-Fordney Logging Co., 243 U. S. 251.

No. 653. Seaboard Air Line Railway Company, petitioner, *v.* The State of Florida, *ex rel.* R. Hudson Burr et al., etc.; and

No. 654. Atlantic Coast Line Railroad Company, petitioner, *v.* The State of Florida, *ex rel.* R. Hudson Burr et al., etc. A motion to advance these cases is denied with leave to counsel to file briefs as *amici curiae* in the cases of Nos. 872 and 873.

No. 770. F. H. Mason, petitioner, *v.* C. F. Routzahn, Collector of Internal Revenue;

No. 791. L. M. Willcuts, Collector of Internal Revenue for the District of Minnesota, petitioner, *v.* Milton Dairy Company;

No. 801. The United States of America, petitioner, *v.* W. A. McFarland and J. Norris McFarland, Copartners, trading as Henry Marcus & Son;

No. 850. W. C. Tucker, petitioner, *v.* Acel C. Alexander, Commissioner of Internal Revenue;

No. 1016. David H. Blair, Commissioner of Internal Revenue, petitioner, *v.* Oesterlein Machine Company;

No. 1031. The Liberty National Bank of Roanoke, Virginia, petitioner, *v.* James A. Bear, Trustee in Bankruptcy of W. L. Becker & Company, et al.;

No. 1035. 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;

No. 1036. 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; and

No. 1108. Brimstone Railroad & Canal Company, appellant, *v.* The United States of America, Louisiana Western Railroad Company, et al. The motions to advance these cases are granted and the cases assigned for argument on Monday, October 3 next, after the cases heretofore assigned for that day.

No. 26. Reba Fenwick, plaintiff in error, *v.* Orel J. Myers, Prosecuting Attorney, Darke County, Ohio;

No. 332. 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.;

No. 582. John P. Donnelley *v.* The United States of America;

No. 869. The United States of America, petitioner, *v.* Ole Berkeness;

No. 930. Joseph E. Marron, petitioner, *v.* The United States of America;

No. 980. Agustin Segurola and Manuel Santiago, petitioners, *v.* The United States of America; and

No. 1071. Rosario Gambino and Joseph Lima, petitioners, *v.* The United States of America. It is ordered that these criminal cases upon the docket be, and they are hereby, advanced for argument on Monday, October 3 next, after the cases heretofore assigned for that day.

No. 1077. National Life Insurance Company, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the Court of Claims granted.

No. 1079. Lucy B. Brooke, petitioner, *v.* City of Norfolk, R. W. Peatross, A. Plummer Pennill, et al. Petition for a writ of certiorari to the Supreme Court of Appeals of the State of Virginia granted.

No. 1081. Henry Ellison, William R. Ellison, and Howard B. Ellison, Jr., individually, et al., petitioners, *v.* Max Koswig, trading as F. F. Koswig. Petition for a writ of certiorari to the Supreme Court of the State of Pennsylvania granted.

No. 1087. Texas and New Orleans Railroad Company, petitioner, *v.* Northside Belt Railway Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit granted.

No. 1115. J. W. Hampton, Jr., & Co., petitioner, *v.* The United States. Petition for a writ of certiorari to the United States Court of Customs Appeals granted.



No. 1143. Fairbanks, Morse & Co., and Sheffield Car Company, petitioners, *v.* American Valve & Meter Company and Edward E. Johnson. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted.

No. 1000. New York & Pennsylvania Railway Company, by Howard Cobb and Fordyce A. Cobb, Assignees, petitioners, *v.* The United States. Petition for a writ of certiorari to the Court of Claims denied.

No. 1050. The New York Trust Company, petitioner, *v.* The United States. Petition for a writ of certiorari to the Court of Claims denied.

No. 1069. Hammond Lumber Company, petitioner, *v.* Oscar Sandin. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 1075. William V. Dwyer and Edward C. Cohron, 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. 1076. Ben B. Lindsey, petitioner, *v.* The People of the State of Colorado upon the complaint of Royal R. Graham and Charles L. Laney, et al., etc. Petition for a writ of certiorari to the Supreme Court of the State of Colorado denied.

No. 1082. Succession Francisca de los Reyes, petitioners, *v.* William P. Kramer. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 1083. The Southern Sierras Power Company, petitioner, *v.* Arizona Edison Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 1084. Charles A. McEuen, petitioner, *v.* The City of Newark, Hugh F. Cook, Margaret Cook, et al., etc., and

No. 1085. Charles A. McEuen, petitioner, *v.* Hugh F. Cook, Margaret Cook, Paul Burne, et al., etc. Petition for writs of certiorari to the Court of Errors and Appeals of the State of New Jersey denied.

No. 1086. E. M. Jeggle, petitioner, *v.* Fred Mansur, as Trustee in Bankruptcy for creditors 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. 1089. Hidalgo County Water Improvement, petitioner, *v.* Western Metal Manufacturing Company, et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 1093. Leonard Van Norden, petitioner, *v.* Chas. R. McCormick Lumber Company, of Delaware. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 1094. American Wholesale Corporation, petitioner, *v.* Stephen Stone, Trustee in Bankruptcy of the Estate of Steele Furniture Company, Bankrupt. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 1095. C. C. Steen and Edward R. Holmes and Ralph W. Holmes, partners doing business under the firm name, etc., petitioners, *v.* Viola LeFlore. Petition for a writ of certiorari to the Supreme Court of the State of Oklahoma denied.

No. 1099. Morris Druin, petitioner, *v.* The State of New Jersey. Petition for a writ of certiorari to the Court of Errors and Appeals of the State of New Jersey denied.

No. 1102. United Dredging Company of New Jersey and Southern Casualty Company of Louisiana, petitioners, *v.* Carl Lindberg and Lawson Lindberg, by their next friend and mother Mrs. G. Lindberg. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 1105. Myra L. Garland, petitioner. Petition for a writ of certiorari to the Supreme Court of Probate of the State of Maine denied.

No. 1106. Alabama & Vicksburg Railway Company and United States Fidelity & Guaranty Company, petitioners, *v.* Valeere Fountain, Administratrix of Estate of Flex Fountain, deceased. Petition for a writ of certiorari to the Supreme Court of the State of Mississippi denied.

No. 1109. Commercial Union Fire Insurance Company of New York, petitioner, *v.* G. L. Marshall et al.;

No. 1110. Hartford Fire Insurance Company, petitioner, *v.* G. L. Marshall et al.;

No. 1111. Home Fire and Marine Insurance Company of California, petitioner, *v.* G. L. Marshall et al.; and

No. 1112. Commercial Union Assurance Company of London, petitioner, *v.* G. L. Marshall et al. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 1114. Jesse C. Adkins, Hugh B. Rowland, Roger B. Whiteford, et al., etc., petitioners, *v.* Ignatius J. Costigan. Petition for writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 1116. Broadway Trust Company, Trustee, petitioner, *v.* William L. Dill, Receiver of Hanover Farms Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 1120. Union Petroleum Steamship Company, as Owner of the S. S. "Westwego," 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. 1126. Compagnie Generale Transatlantique, petitioner, *v.* A. C. Lawrence Leather Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 1130. B. K. Goree, Trustee of the Estate of J. L. Walker, Bankrupt, petitioner, *v.* W. W. Wilkinson, Trustee of the Estate of Walker Grain Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 1137. Arthur M. Abell, Temporary Administrator of the Estate of Adeline S. Abell, petitioner, *v.* Flora B. Thompson and George W. White, Executors, etc., et al. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 1139. B. Frank Wood and J. Leigh Nourse, petitioners, *v.* The United States of America; and

No. 1140. B. Frank Wood, 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. 1142. Colastie Andrus, joined *pro forma* by her husband, Sidney Andrus, S. Broussard, Laodis Broussard et al., petitioners, *v.* F. M. Hutchinson et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 1150. Marcelle Smith, 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. 591. Mayor and Board of Aldermen of the City of Natchez, petitioner, *v.* S. B. McNeely. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 637. Mrs. Louisa B. McNeely, Administratrix of the Estate of S. B. McNeely, deceased, petitioner, *v.* The Mayor and Board of Aldermen of the City of Natchez. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

ORDER

It is now here ordered by this Court that all cases on the docket not decided, and all other business of the term not disposed of, be, and the same are hereby, continued to the next term.

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Adjourned to the time and place appointed by law.