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# SUPREME COURT OF THE UNITED STATES.

MONDAY, OCTOBER 3, 1921.

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Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Van Devanter, Mr. Justice Pitney, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Clarke.

William Paul Allen, of New York City; James V. Oxtoby, of Detroit, Mich.; James N. Linton, of Columbus, Ohio; Ripley B. Brower, of St. Cloud, Minn.; George E. Walker, of Charlottesville, Va.; W. L. Dunn, of Oakley, Idaho; W. H. Comley, of Bridgeport, Conn.; John C. Sullivan, of Baltimore, Md.; J. Wallace Bryan, of Baltimore, Md.; Mary Campbell Johnson, of Rome, Ga.; Mabel Wake Willebrandt, of Los Angeles, Calif.; Ralph Munden, of Chicago, Ill.; H. Stanley Hinrichs, of Washington, D. C.; Thomas Jefferson Randolph, of Charlottesville, Va.; Glenn C. Gillespie, of Pontiac, Mich.; Walbridge S. Taft, of New York City; Ransom E. Walker, of Chicago, Ill.; Joseph C. Slaughter, of New York City; T. Catesby Jones, of New York City; John L. Cable, of Lima, Ohio; Elbert Ottinger, of New York City; John W. H. Crim, of New York City; William R. Wilder, of New York City; Rufus P. Roope, of Chandler, Okla.; Edward L. Craig, of Columbia, S. C.; George H. Shaw, of Fort Collins, Colo.; Carl J. Skinner, of Clinton, Iowa; Neil T. Currie, of Hattiesburg, Miss.; J. W. Cassedy, of Brookhaven, Miss.; William Q. Davidson, of Port Chester, N. Y.; Walter F. Meier, of Seattle, Wash.; Burt W. Henry, of New Orleans, La.; Paul W. Lee, of Fort Collins, Colo.; and William C. Lankford, of Douglas, Ga., were admitted to practice.

Mr. Justice McKenna said:

“GENTLEMEN OF THE BAR: Since the last adjournment of the court, the President has appointed William Howard Taft Chief Justice of the United States. His commission has been received, and the clerk will read it.”

The clerk then read the commission, and immediately thereafter the oath of office was administered by Mr. Justice McKenna, and Mr. Chief Justice Taft took the seat of the Chief Justice.

Mr. Attorney General Daugherty presented Mr. James M. Beck, of New Jersey, as Solicitor General of the United States, and it was ordered that his commission be recorded.

The Chief Justice announced that all motions noticed for to-day would be heard to-morrow, and the court would then commence the call of the docket pursuant to the twenty-sixth rule.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, October 4, will be as follows: Nos. 171, 1, 2, 3, 4, 6, 7 (and 8), 9, 10, and 11.

# SUPREME COURT OF THE UNITED STATES.

TUESDAY, OCTOBER 4, 1921.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Van Devanter, Mr. Justice Pitney, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Clarke.

James F. Brady, of New York City; Harry E. Tincher, of Louisville, Ky.; John J. Curtin, of New York City; Joseph R. Cash, of Bonesteel, S. Dak.; Harry H. Hollander, of Washington, D. C.; W. F. Magill, of Portland, Oreg.; Phil D. Brewer, of Oklahoma City, Okla.; W. Gilmer Dunn, of Charlottesville, Va.; Paul Reiss, of Oklahoma City, Okla.; and Samuel Russell, of Salt Lake City, Utah, were admitted to practice.

The Chief Justice said:

“Mr. Maher, the clerk of this court, in whose name the office has been administered since his death, died just at the adjournment of court, so that no successor was appointed.

“The office continued in his name under the statute, by his deputy, H. C. McKenney. During the summer Mr. McKenney died, and the administration of the office was continued by the acting deputy, William R. Stansbury.

“The court has now appointed William R. Stansbury to be clerk of the court. He will qualify by giving the bond required and taking the oath.”

## ORDER.

It is ordered that William Riley Stansbury be appointed clerk of this court in the place of James D. Maher, deceased, and that he forthwith take the oath of office and give bond conditioned according to law.

No. 24, original. The State of Texas, complainant, *v.* The Interstate Commerce Commission et al. Motion on behalf of the Railroad Labor Board to dismiss submitted by Mr. Solicitor General Beck in that behalf.

No. 67. The United States, appellant, *v.* Henry W. Volk, as Trustee, etc. Motion to hold appeal in abeyance submitted by Mr. Solicitor General Beck for the appellant.

No. 162. Chanslor-Canfield Midway Oil Company et al., appellants, *v.* The United States of America. Joint motion to remand with instructions, etc., submitted by Mr. Solicitor General Beck in that behalf.

No. 256. The United States of America, appellant, *v.* The Western Union Telegraph Company. Motion for extension of time within which to file supplemental briefs submitted by Mr. Solicitor General Beck for the appellant.

No. 392. The Territory of Alaska et al., appellants, *v.* John W. Troy, collector of customs for the district of Alaska. Motion to advance submitted by Mr. Solicitor General Beck for the appellants.

No. 535. John D. Rockefeller, plaintiff in error, *v.* The United States of America, and

No. 536. The New York Trust Company et al., plaintiffs in error, *v.* William H. Edwards, collector, etc. Advanced, to be heard with No. 260, on motion of Mr. Solicitor General Beck for the defendants in error.

No. 355. United States Shipping Board Emergency Fleet Corporation, petitioner, *v.* John E. Sullivan. Petition for a writ of certiorari to the Supreme Court of the State of Pennsylvania submitted by Mr. Solicitor General Beck for the petitioner.

No. 526. United States Shipping Board Emergency Fleet Corporation, etc., petitioner, *v.* Roger B. Wood, trustee, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Solicitor General Beck, Mr. Guy D. Goff, and Mr. Abram F. Myers for the petitioner, and by Mr. Godfrey Goldmark for the respondent.

No. 508. Oregon Eilers Music House, petitioner, *v.* H. W. Sitton, as trustee, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Will R. King, Mr. Thomas Mannix, and Mr. C. A. A. McGee for the petitioner, and by Mr. William C. Bristol for the respondent.

No. 509. Oregon Eilers Music House, petitioner, *v.* H. W. Sitton, as trustee, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit, submitted by Mr. Will R. King, Mr. Thomas Mannix, and Mr. C. A. A. McGee for the petitioner, and by Mr. William C. Bristol for the respondent.

No. —, original. *Ex parte* In the matter of Oregon Eilers Music House, petitioner. Motion for leave to file petition for a writ of prohibition herein submitted by Mr. Will R. King, Mr. Thomas Mannix, and Mr. C. A. A. McGee for the petitioner in support of the motion, and by Mr. Levi Cooke and Mr. William C. Bristol for the respondent in opposition thereto.

No. 428. William H. Bryan, appellant, *v.* Joshua W. Miles, collector, etc. Motion to advance submitted by Mr. Julian S. Jones and Mr. Elliott W. Major for the appellant.

No. 54. John Armstrong Chaloner, plaintiff in error, *v.* W. Gilmer Dunn. Motion for injunction and motion that injunction remain in force until hearing of case on merits, submitted Mr. Hollins N. Randolph for the plaintiff in error. Motion to quash injunction and motion to dismiss writ of error submitted by Mr. W. Gwynn Gardiner for the defendant in error with leave to counsel to the plaintiff in error to file reply.

No. 477. Globe & Rutgers Fire Insurance Company, petitioner, *v.* Walker D. Hines, as Agent, etc. Leave granted to file brief herein as *amicus curiae*, on motion of Mr. C. I. Clarke in that behalf.

No. 12, original. The State of North Dakota, complainant, *v.* The State of Minnesota; and

No. 13, original. The State of South Dakota, complainant, *v.* The State of Minnesota. Motion to consolidate submitted by Mr. Montreville J. Brown for the defendant.

No. 25, original. The State of North Dakota ex rel. William Lemke, Attorney General, complainant, *v.* Chicago & North Western Railway Company et al. Motion for leave to file motion to dismiss submitted by Mr. Willard Saulsbury for the defendant.

No. 24, original. The State of Texas, complainant, *v.* The Interstate Commerce Commission et al. Motion for leave to file motion to dismiss on behalf of the Interstate Commerce Commission submitted by Mr. P. J. Farrell for the Interstate Commerce Commission.

No. 353. Louisiana Railway & Navigation Company, plaintiff in error, *v.* R. E. Williams. Motion to dismiss or affirm submitted by Mr. S. P. Jones for the defendant in error in support of the motion.

No. 409. John H. Martene et al., petitioners, *v.* Twin Falls-Oakley Land & Water Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Frank K. Nebeker for the petitioner, and by Mr. James H. Richards and Mr. Oliver O. Haga for the respondent.

No. 343. Ward & Gow, plaintiff in error, *v.* Himan Krimskey et al. Motion to advance submitted by Mr. W. L. Chambers in that behalf.

No. 444. John William Henry, 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. Daniel Thew Wright for the petitioner, and by Mr. Solicitor General Beck and Mr. Roy C. McHenry for the respondent.

No. 348. John Ewen, petitioner, *v.* American Fidelity Company. Petition for a writ of certiorari to the United States Circuit Court

of Appeals for the Second Circuit submitted by Mr. Henry E. Davis for the petitioner, and by Mr. Abram I. Elkus for the respondent.

No. 17, original. The Commonwealth of Pennsylvania, complainant, *v.* The State of West Virginia; and

No. 18, original. The State of Ohio, complainant, *v.* The State of West Virginia. Report of commissioner filed on motion of Mr. Levi Cooke in that behalf.

No. 19, original. The State of New Mexico, complainant, *v.* The State of Colorado. Motion to strike out parts of the answer submitted by Mr. Jay Turley in behalf of Mr. Frank W. Clancy for the complainant.

No. 257. Charles D. Newton, as Attorney General, etc., et al., appellants, *v.* Consolidated Gas Company of New York;

No. 258. Consolidated Gas Company of New York, appellant, *v.* Charles D. Newton, Attorney General, etc., et al.; and

No. 288. Consolidated Gas Company of New York, appellant, *v.* Charles D. Newton, as Attorney General, etc., et al. Motion to consolidate and to reassign for argument submitted by Mr. John A. Garver for the appellees and by Mr. W. L. Chambers for the appellants.

No. 295. Charles D. Newton, as Attorney General, etc., et al., appellants, *v.* The Kings County Lighting Company. Motion to reassign submitted by Mr. John A. Garver for the appellee and by Mr. W. L. Chambers for the appellants.

No. 296. Charles D. Newton, as Attorney General, etc., et al., appellants, *v.* New York & Queens Gas Company. Motion to reassign submitted by Mr. John A. Garver for the appellee and by Mr. W. L. Chambers for appellants.

No. 387. Fred L. Lezinsky et al., petitioners, *v.* Mason Malt Whiskey Distilling Company, etc., et al. Petition for a writ of certiorari to the Supreme Court of the State of California submitted by Mr. Robert T. Lang, in behalf of Mr. Percy V. Long, Mr. Theodore A. Bell, and Mr. William Sea, jr., for the petitioners, and by Mr. George J. Hatfield for the respondents.

No. 520. Henry Conlin, petitioner, *v.* Emma Rose et al. Petition for a writ of certiorari to the District Court of Appeal, First Appellate District, of the State of California, submitted by Mr. Jesse C. Adkins, Mr. Charles W. Cobb, and Mr. Edgar C. Chapman for the petitioner, and by Mr. Garret W. McEnerney for the respondents.

No. 6. Luella Swartwood, as sole administratrix, etc., plaintiff in error, *v.* Lehigh Valley Railroad Company. Passed, per stipulation, to be restored to the call pursuant to section 9, rule 26, on motion of Mr. Jesse C. Adkins in that behalf.

No. —, original. *Ex parte* In the matter of Mary Ellen Bain, petitioner. Motion for leave to file a petition for a writ of mandamus herein submitted by Mr. Samuel Russell for the petitioner. Leave granted Mr. Assistant Attorney General Nebeker to file brief in opposition within five days.

No. 324. The American Railway Express Company, plaintiff in error, *v.* The Commonwealth of Kentucky. Motion for writ of certiorari in diminution of the record submitted by Mr. Charles W. Stockton for the petitioner.

No. 388. Colonial Beach Company, owner, etc., petitioner, *v.* Que-mahoning Coal Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. Hugh H. Obear and Mr. Paul Dulaney for the petitioner.

No. 236. Union Trust Company of San Francisco et al., executors, etc., plaintiffs in error, *v.* Justus S. Wardell, U. S. collector, etc., et al.; and

No. 303. Harriet L. Levy et al., plaintiffs in error, *v.* Justus S. Wardell, U. S. collector, etc., et al. Motion to advance submitted by Mr. E. S. Heller, Mr. Edward F. Treadwell, and Mr. Garret W. McEnerney for the plaintiffs in error.

No. 316. P. E. Hunter, 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. Wade H. Ellis and Mr. Challen B. Ellis for the petitioner, and by Mr. Assistant Attorney General Stewart and Mr. Hugh A. Fisher for the respondent.

No. 529. Southern Pacific Company, petitioner, *v.* Industrial Accident Commission of California et al. Petition for a writ of certiorari to the Supreme Court of the State of California submitted by Mr. Charles H. Bates, Mr. Henley C. Booth, and Mr. W. F. Herrin for the petitioner, and by Mr. Warren H. Pillsbury for the respondents.

No. 371. Frank H. Hereford, petitioner, *v.* Edwin A. Meserve. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Charles H. Bates and Mr. John H. Campbell for the petitioner, and by Mr. Paul H. McPherrin for the respondent.

No. 158. Cornelia G. Goodrich et al., plaintiffs in error, *v.* West Lumber Company. Motion to dismiss or affirm submitted by Mr. Charles H. Bates in behalf of counsel for the defendant in error in support of the motion.

No. 455. Galveston Electric Company, appellant, *v.* City of Galveston et al. Motion to advance submitted by Mr. William E. Tucker for the appellant.

No. 312. Minna Lombard Crichton, appellant, *v.* Maggie L. Wingfield. Motion to advance submitted by Mr. S. P. Freeling in that behalf.

No. 3, original. The State of Wyoming, complainant, *v.* The State of Colorado. Motion to set case for hearing and as to filing briefs submitted by Mr. Victor E. Keyes for the defendant.

No. 3. Adelbert A. Weiland, as State engineer, etc., et al., appellants, *v.* The Pioneer Irrigation Company. Passed, to be heard immediately following No. 3, original, on motion of Mr. Victor E. Keyes for the appellants.

No. 19, original. The State of New Mexico, complainant, *v.* The State of Colorado. Motion for leave to make oral argument on complainant's motion to strike out parts of answer submitted by Mr. Victor E. Keyes for the defendant.

No. 19, original. The State of New Mexico, complainant, *v.* The State of Colorado. Leave granted counsel for the complainant to file additional brief within 60 days, on motion of Jay Turley for the complainant.

No. 283. The State of New York et al., appellants, *v.* The United States et al. Motion to reassign submitted by Mr. A. P. Thom in behalf of the railroad companies.

No. 24, original. The State of Texas, complainant, *v.* The Interstate Commerce Commission et al. Motion for leave to file brief herein as *amici curiae* and to make oral argument submitted by Mr. A. P. Thom in behalf of certain railroad companies.

No. 259. Western Union Telegraph Company, plaintiff in error, *v.* Louisville & Nashville Railroad Company. Motion to advance submitted by Mr. William Marshall Bullitt for the defendant in error.

No. 39. William R. Begg et al., receivers, appellants, *v.* The City of New York et al. Passed temporarily, per stipulation, and on motion of Mr. Frederic D. McKenney in that behalf.

No. 461. Wabash Railway Company, petitioner, *v.* Henry D. Stewart. Petition for a writ of certiorari to the Supreme Court of the State of Nebraska submitted by Mr. Frederic D. McKenney in behalf of Mr. John Lee Webster for the petitioner.

No. 483. Landis Tool Company et al., petitioners, *v.* Arthur H. Ingle. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Frederic D. McKenney and Mr. E. W. Bradford for the petitioner, and by Mr. Clyde L. Rogers for the respondent.

No. 436. The Central Railroad Company of New Jersey et al., appellants, *v.* The United States of America et al. Motion for an order of temporarily suspending the operation of the order of the



Interstate Commerce Commission submitted by Mr. Frederic D. McKenney, in behalf of Mr. Henry Wolf Bikle, Mr. Charles E. Miller and Mr. Alexander H. Elder for the appellants in support of the motion, and by Mr. Solicitor General Beck and Mr. Blackburn Esterline for the appellees in opposition thereto.

No. 436. The Central Railroad Company of New Jersey et al., appellants, *v.* The United States of America et al. Motion to advance submitted by Mr. Frederic D. McKenney in behalf of Henry Wolf Bikle, Mr. Charles E. Miller and Mr. Alexander H. Elder for the appellants, and by Mr. P. J. Farrell and Mr. Walter McFarland for the Interstate Commerce Commission.

No. 25, original. The State of North Dakota ex rel. William Lemke, Attorney General, complainant, *v.* Chicago & North Western Railway Company et al. Motion for interlocutory injunction submitted by Mr. Karl Knox Gartner for the complainant.

No. 25, original. The State of North Dakota ex rel. William Lemke, Attorney General, complainant, *v.* Chicago & North Western Railway Company et al. Motion for leave to further amend the original bill submitted by Mr. Karl Knox Gartner for the complainant.

No. 20, original. The State of Oklahoma, complainant, *v.* The State of Texas. Motion in behalf of Placer Mining Association for certain relief in respect to the administration by the receiver submitted by Mr. Thomas P. Gore in that behalf.

No. 206. Railroad Commission of Wisconsin et al., appellants, *v.* Chicago, Burlington & Quincy Railroad Company. Motion for leave to file brief herein as *amicus curiae* submitted by Mr. John E. Benton in that behalf.

No. 300. The State of Ohio ex rel. Allen J. Seney, Prosecuting Attorney, etc., applicant, *v.* Swift & Company et al. Petition for a writ of certiorari herein submitted by Mr. Charles S. Northup for the appellant in support of the petition, and by Mr. Harold W. Fraser for the appellee in opposition thereto.

No. 314. Dharandas Tulsidas et al., petitioners, *v.* The Insular Collector of Customs. Petition for a writ of certiorari to the Supreme Court of the Philippine Islands submitted by Mr. Adam C. Carson for the petitioners, and by Mr. Grant T. Trent and Mr. Logan N. Rock for the respondent.

No. 320. The Upjohn Company, petitioner, *v.* The William S. Merrell Chemical Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Fred L. Chappell for the petitioner, and by Mr. Walter F. Murray for the respondent.

No. 327. James C. Davis, Director General, plaintiff in error, *v.* J. J. Smith, jr., Administrator, etc. Petition for a writ of certiorari herein submitted by Mr. H. O'B. Cooper, Mr. J. Blanc Monroe, Mr. Monte M. Lemann, Mr. A. S. Bozeman, Mr. S. R. Prince, and Mr. L. E. Jeffries for the plaintiff in error in support of the petition.

No. 331. Garfield Prioleau, petitioner, *v.* The United States. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia submitted by Mr. Jacob Mooser and Mr. Joseph H. Stewart for the petitioner.

No. 337. Kissel Motor Car Company, petitioner, *v.* T. L. Walker et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Samuel B. Dabney for the petitioner.

No. 341. J. K. Armsby Company, petitioner, *v.* Steamship *Esrom*, her engines, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. D. Roger Englar for the petitioner, and by Mr. Roscoe H. Hupper for the respondent.

No. 342. Oliver J. Olson, Owner, et al., petitioners, *v.* Charles F. Adams et al., Trustees. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. Leon T. Seawell for the petitioners, and by Mr. Edward E. Blodgett, Mr. Floyd Hughes, and Mr. Albert T. Gould for the respondents.

No. 349. First National Bank of Philadelphia, petitioner, *v.* J. Walter Farrell et al., etc.; and

No. 419. J. Walter Farrell et al., etc., petitioners, *v.* First National Bank of Philadelphia. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Joseph S. Clark and Mr. Owen J. Roberts for the petitioner, and by Mr. Henry A. Rubino for the respondent in No. 349; and by Mr. Henry A. Rubino for the petitioners, and by Mr. Joseph S. Clark and Mr. Owen J. Roberts for the respondent in No. 419.

No. 351. Sidney S. McConnell, as Receiver, etc., petitioner, *v.* Walter C. Hubbard et al., etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Archibald R. Watson for the petitioner, and by Mr. Edward H. Blanc and Mr. Henry Craft for the respondents.

No. 360. Panhandle Grain & Elevator Company, petitioner, *v.* Cromwell Brothers. 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. John W. Scothorn for the respondent.

No. 361. Morse Dry Dock & Repair Company, petitioner, *v.* Steamship *Nord Alexis*, her engines, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Pierre M. Brown for the petitioner, and by Mr. Chauncey F. Clark for the respondent.

No. 375. William J. Crittenden, petitioner, *v.* Dora Widrevitz, as Administratrix, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. A. Gordon Murray for the petitioner.

No. 379. Minnesota Commercial Men's Association, petitioner, *v.* Minnie Mae Benn, as Executrix, etc. Petition for a writ of certiorari to the Supreme Court of the State of Minnesota submitted by Mr. David F. Simpson, Mr. A. V. Ricke, and Mr. William A. Lancaster for the petitioner.

No. 382. Charles McKelvey 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 Ninth Circuit submitted by Mr. Ralph W. Adair for the petitioners, and by Mr. Assistant Attorney General Riter and Mr. Assistant Attorney General Underwood for the respondent.

No. 384. Erie Railroad Company, petitioner, *v.* Ida Cott, as Administratrix, etc.; and

No. 385. Erie Railroad Company, as Lessee, etc., et al., petitioners, *v.* Ida Cott, as Administratrix, etc. Petition for writs of certiorari to the Supreme Court of the State of New York submitted by Mr. John W. Ryan for the petitioner in No. 384, by Mr. Lyman M. Bass for the petitioner in No. 385, and by Mr. Hamilton Ward for the respondent.

No. 386. Regal Drug Corporation, petitioner, *v.* Justus S. Wardell, as U. S. Collector, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. John W. Preston for the petitioner.

No. 391. The New York Central and Hudson River Railroad Company, petitioner, *v.* John W. Kinney. Petition for a writ of certiorari to the Supreme Court of the State of New York submitted by Mr. Maurice C. Spratt for the petitioner.

No. 400. Ed. Slocum, as Trustee, etc., petitioner, *v.* Anna Halliday et al., etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Charles J. Pretzman for the petitioner, and by Mr. Smith W. Bennett for the respondent.

No. 404. Harry Lefkowitz 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 Second Circuit submitted by Mr. John J. Curtin, Mr. Herbert C. Smyth, and Mr. Elijah N. Zoline for the petitioners, Mr. Solicitor General Beck and Mr. Harry S. Ridgely for the respondent.

No. 405. American Mills Company, petitioner, *v.* American Surety Company of New York. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Henry Uttal for the petitioner, and by Mr. Henry C. Willcox for the respondent.

No. 412. Verde Water and Power Company, petitioner, *v.* Salt River Valley Water Users Association et al. Petition for a writ of certiorari to the Supreme Court of the State of Arizona submitted by Mr. Alexander Britton and Mr. Francis W. Clements for the petitioners.

No. 414. Strick Line, Ltd., as Owner, etc., petitioner, *v.* A. Suna, Master, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. William H. McGrann and Mr. John M. Woolsey for the petitioner, and by Mr. George Forbes for the respondent.

No. 415. City of Dallas et al., petitioners, *v.* Dallas Telephone Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. James J. Collins for the petitioners, and by Mr. Henry C. Coke, Mr. D. A. Frank, and Mr. J. D. Frank for the respondent.

No. 421. Philadelphia and Reading Railway Company, petitioner, *v.* Carl A. Berg. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. William Clarke Mason for the petitioner.

No. 425. Catherine Ryan, petitioner, *v.* Ætna Life Insurance Company, of Hartford, Connecticut. Petition for a writ of certiorari to the United States Circuit Court of Appeals submitted by Mr. Thomas J. O'Neill for the petitioner, and by Mr. John Vernon Bouvier, jr., for the respondent.

No. 426. Champlain Realty Company, petitioner, *v.* Town of Brattleboro. Petition for a writ of certiorari to the Supreme Court of the State of Vermont submitted by Mr. William C. Cannon for the petitioner.

No. 427. Osaka Shosen Kaisha et al., petitioners, *v.* Pacific Export Lumber Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. William H. Hayden for the petitioner.

No. 430. Guayaquil et al., petitioners, *v.* New York and Cuba Mail Steamship Company. Petition for a writ of certiorari to the United

States Circuit Court of Appeals for the Second Circuit submitted by Mr. John Thomas Smith for the petitioner, and by Mr. Roscoe H. Hupper for the respondent.

No. 431. Frederick M. Kilmer, Trustee, etc., petitioner, *v.* Charles H. Keith, Trustee, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit submitted by Mr. Elbridge R. Anderson for the petitioner.

No. 433. Director General of Railroads, petitioner, *v.* Helen Buschalewski, as administrator, etc. Petition for a writ of certiorari to the Supreme Court of the State of New York submitted by Mr. Maurice C. Spratt for the petitioner.

No. 438. Pang Hing, petitioner, *v.* Edward White, Commissioner of Immigration, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Jackson H. Ralston and Mr. George W. Hott for the petitioner, and by Mr. Harry S. Ridgely for the respondent.

No. 439. James C. Davis, Director General of Railroads, etc., petitioner, *v.* Mrs. Maude E. Green, administratrix, etc. Petition for a writ of certiorari to the Supreme Court of the State of Mississippi submitted by Mr. B. E. Eaton and Mr. T. J. Wills for the petitioner.

No. 440. Grinnell Overland Company, petitioner, *v.* Merchants National Bank et al. Petition for a writ of certiorari to the Supreme Court of the State of Iowa submitted by Mr. Liston McMillen for the petitioner.

No. 441. James J. O'Brien, petitioner, *v.* Walter B. Lashar et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. James J. O'Brien, p. p., and by Mr. Arthur M. Marsh and Mr. William H. O'Hara for the respondents.

No. 442. James J. O'Brien, petitioner, *v.* Percy P. Anderson et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. James J. O'Brien, p. p., and by Mr. Arthur M. Marsh and Mr. William H. O'Hara for the respondents.

No. 447. Gertrude E. Fonda et al., plaintiffs in error, *v.* City of St. Albans. Petition for a writ of certiorari herein submitted by Mr. Marvelle C. Webber for the plaintiffs in error in support of the petition.

No. 449. Peninsula Portland Cement Company, petitioner, *v.* Consolidated Coal Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Theodore K. Bryant for the petitioner.

No. 451. American Railway Express Company, petitioner, *v.* A. J. Lindenburg. Petition for a writ of certiorari to the Supreme Court

of Appeals of the State of West Virginia submitted by Mr. D. C. T. Davis, jr., for the petitioner.

No. 454. John Barton Payne, Director General, etc., petitioner, *v.* A. E. Stevens et al. Petition for a writ of certiorari to the Supreme Court of the State of Mississippi submitted by Mr. Gregory L. Smith for the petitioner.

No. 457. Edward Kelley et al., petitioners, *v.* West Braddock Bridge Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Charles Koonce, jr., for the petitioners, and by Mr. Edwin W. Smith for the respondent.

No. 461. Wabash Railway Company, petitioner, *v.* Henry D. Stewart. Petition for a writ of certiorari to the Supreme Court of the State of Nebraska submitted by Mr. John Lee Webster for the petitioner.

No. 462. Hyman Katz 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 First Circuit submitted by Mr. Asa P. French and Mr. David R. Radovsky for the petitioners, and by Mr. Solicitor General Beck and Mr. William C. Herron for the respondent.

No. 463. The Kansas City Southern Railway Company, petitioner, *v.* Elizabeth Van Zant. Petition for a writ of certiorari to the Supreme Court of the State of Missouri submitted by Mr. Cyrus Crane for the petitioner, and by Mr. Charles N. Montgomery for the respondent.

No. 471. James C. Davis, Director General, etc., petitioner, *v.* State Industrial Commission et al. Petition for a writ of certiorari to the Circuit Court of Sangamon County, State of Illinois, submitted by Mr. William L. Patton and Mr. Silas H. Strawn for the petitioner.

No. 473. George Moorehead 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. William H. Watkins for the petitioner, and by Mr. Assistant General Cox for the respondent.

No. 474. John A. Savage, 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 H. Dickson for the petitioner.

No. 475. A. C. Townley et al., petitioners, *v.* The State of Minnesota. Petition for a writ of certiorari to the Supreme Court of the State of Minnesota submitted by Mr. George Nordlin for the petitioners.

No. 476. George H. McFadden Brothers Agency et al., petitioners, *v.* Standard Warehouse & Compress Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. J. Blanc Monroe, Mr. Monte M. Lemann, and Mr. Walter J. Suthon, jr., for the petitioners.

No. 477. Globe and Rutgers Fire Insurance Company, petitioner, *v.* Walker D. Hines, as agent, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Pierre M. Brown for the petitioner.

No. 481. Great Northern Railway Company, petitioner, *v.* Vivian H. Steinke et al. Petition for a writ of certiorari to the Supreme Court of the State of North Dakota submitted by Mr. M. L. Countryman and Mr. C. J. Murphy for the petitioner.

No. 482. Fred W. Weitzel, 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. A. E. Stricklett for the petitioner, and by Mr. Solicitor General Beck and Mr. William C. Herron for the respondent.

No. 486. Moritz Loewenthal, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. John A. Cline for the petitioner, and by Mr. Solicitor General Beck and Mr. Harry S. Ridgely for the respondent.

No. 489. Mexico North Western Railway Company, petitioner, *v.* F. L. Williams. Petition for a writ of certiorari to the Supreme Court of the State of Texas submitted by Mr. Alexander Britton and Mr. A. H. Culwell, for the petitioner.

No. 490. Dunkley Company, petitioner, *v.* California Packing Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Fred L. Chappell for the petitioner, and by Mr. E. S. Pillsbury, Mr. Alfred S. Sutro, Mr. H. D. Pillsbury, and Mr. Oscar Sutro for the respondent.

No. 493. Rockford Palace Furniture Company, petitioner, *v.* Robert D. Paden. Petition for a writ of certiorari to the Appellate Court, Second District, State of Illinois, submitted by Mr. Roy F. Hall for the petitioner, and by Mr. Harry B. North for the respondent.

No. 497. Gould & Curry Mining Company, petitioner, *v.* W. G. Douglas. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. W. E. F. Dale for the petitioner, and by Mr. George Springmeyer for the respondent.

No. 504. Alvin M. Muck et ux., petitioners, *v.* Weyerhaeuser Timber Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Charles R. Pierce and Mr. John M. Sutton for the petitioners.

No. 507. Erath County, Texas, et al., petitioners, *v.* Powell, Garrard and Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. George Thompson and Mr. J. H. Barwise, jr., for the petitioners.

No. 514. Texas Rangers Producing & Refining Company, petitioners, *v.* E. T. Robinson. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Cecil H. Smith and Mr. H. O. Head for the petitioners, and by Mr. J. D. Wilkinson for the respondent.

No. 516. Leopold Harris, 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. Roger B. Wood for the petitioner, and by Mr. Solicitor General Beck and Mr. William C. Herron for the respondent.

No. 519. Arminius Chemical Company, petitioner, *v.* Acme Manufacturing Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. C. V. Meredith for the petitioner, and by Mr. T. D. Savage for the respondent.

No. 522. Hector H. Elwell, 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. Roy D. Keehn for the petitioner, and by Mr. Charles F. Clyne and Mr. William W. Wheelock for the respondent.

No. 523. C. W. Anderson et al., petitioners, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Otto Christensen for the petitioners, and by Mr. Solicitor General Beck and Mr. Harry S. Ridgely for the respondent.

No. 529. Southern Pacific Company, petitioner, *v.* Industrial Accident Commission of California et al. Petition for a writ of certiorari to the Supreme Court of the State of California submitted by Mr. Henley C. Booth and Mr. W. F. Herrin for the petitioner.

No. 531. Henry S. DeRees, petitioner, *v.* David Costaguta et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Marion Erwin and Mr. Frederick M. Czaki for the petitioner.

No. 534. City and County of San Francisco, petitioner, *v.* Postal Telegraph Cable Company. Petition for a writ of certiorari to the



District Court of Appeals, First Appellate District, State of California, submitted by Mr. George Lull, Mr. Charles S. Peery, and Mr. Maurice T. Dooling, jr., for the petitioner, and by Mr. Delger Trowbridge and Mr. J. A. Van Arsdale for the respondent.

No. 357. Dermott Land and Lumber Company, petitioner, *v.* Walter A. Zelnicke Supply Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Shepard Barclay for the petitioner.

No. 551. Powell, Garard & Company, petitioner, *v.* Erath 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. R. V. Davidson for the petitioner.

No. 358. The Studebaker Corporation, petitioner, *v.* Gear Grinding Machine Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Frederick P. Fish and Mr. Edward Rector for the petitioner.

No. 495. Perlman Rim Corporation, petitioner, *v.* Louis de F. Munger. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Melville Church and Mr. John Thomas Smith for the petitioner, and by Mr. William B. Gray for the respondent.

No. 350. Silas Williams, Trustee, etc., petitioner, *v.* The National Discount Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. J. W. Thompson and Mr. Paul Campbell for the petitioner, and by Mr. Austin V. Cannon for the respondent.

No. 488. James A. Baker, Receiver, etc., et al., plaintiffs in error, *v.* Karl L. Druedow, Tax Collector, etc., et al. Petition for a writ of certiorari herein submitted by Mr. Samuel B. Dabney for plaintiffs in error in support of the petition.

No. 104. The People of the State of Michigan ex rel. Alex. J. Groesbeck, Attorney General, etc., plaintiff in error, *v.* Detroit United Railway. Petition for a writ of certiorari herein submitted by Mr. Merlin Riley, Mr. Clare Raton, and Mr. S. F. Master for the plaintiff in error in support of the petition, and by Mr. Elliott C. Stevenson and Mr. William L. Carpenter for the defendant in error in opposition thereto.

No. 453. The Detroit Edison Company, petitioner, *v.* Jewett, Bigelow & Brooks. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. J. O. Murfin for the petitioner, and by Mr. Hal H. Smith for the respondent.

No. 437. A. Klipstein & Company, petitioner, *v.* Garbiss Dilsizian et al., etc. Petition for a writ of certiorari to the United States Cir-

cuit Court of Appeals for the Second Circuit submitted by Mr. John J. Schwartz for the petitioner, and by Mr. Henry J. Bingham for the respondent.

No. 362. Krauss Brothers Lumber Company, plaintiff in error, *v.* Board of Assessors for the Parish of Orleans et al. Petition for a writ of certiorari herein submitted by Mr. Burt W. Henry for the plaintiff in error in support of the petition.

No. 406. H. L. and R. V. Grayson, 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. Samuel Bosworth Smith for the petitioners, and by Mr. Solicitor General Beck for the respondent.

No. 458. Margaret Ford, as administratrix, etc., petitioner, *v.* James C. Davis, Director General, etc. Petition for a writ of certiorari to the Supreme Court of the State of New York submitted by Mr. Thomas A. Sullivan for the petitioner, and by Mr. Halsey Sayles for the respondent.

No. 339. Charles Vincenti et al., petitioners, *v.* The United States of America. Petition for a writ of certiorari submitted by Mr. Levi H. David for the petitioners.

No. 22. Iowa Gas & Electric Company, appellant, *v.* City of Mt. Pleasant, Iowa, et al. Appeal from the District Court of the United States for the Southern District of Iowa. Dismissed with costs, on motion of counsel for the appellant.

No. 129. Copper Queen Consolidated Mining Company, plaintiff in error, *v.* Joseph C. Mayne. In error to the District Court of the United States for the District of Arizona. Dismissed with costs, per stipulation of counsel.

No. 181. Carlos Carmelo Garcia, appellant, *v.* James B. Holohan, U. S. Marshal etc., et al. Appeal from the District Court of the United States for the Northern District of California. Dismissed with costs, on motion of counsel for the appellant.

No. 197. J. D. Cole et al., appellants, *v.* James W. Sullinger, U. S. Attorney etc. 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. 227. The Pullman Company, plaintiff in error, *v.* The State of Minnesota. Dismissed with costs, per stipulation of counsel.

No. 243. Julius N. Heldman, petitioner, *v.* Central Trust Company of Illinois. On petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Petition for writ of certiorari dismissed upon authority of the petitioner.

No. 301. Charles O'Connor et al., plaintiffs in error, *v.* John Slacker, Administrator, et al. Motion to dismiss or affirm submitted by Mr. Henry H. Wilson, Mr. Elmer J. Burkett, and Mr. W. T. Thompson for the defendants in error in support of the motion, and by Mr. James M. Johnson for the plaintiffs in error in opposition thereto.

No. 356. I. T. S. Rubber Company, appellant, *v.* Essex Rubber Company. Appeal from the District Court of the United States for the District of Massachusetts. Dismissed with costs, on motion of counsel for the appellant.

No. 389. S. C. Crookshank, appellant, *v.* Charles H. Stone, Chief of Police, etc. Appeal from the District Court of the United States for the Southern District of California. Dismissed with costs, on motion of counsel for the appellant.

No. 1. Associated Billposters and Distributors of The United States and Canada et al., appellants, *v.* The United States. Passed, pursuant to the twenty-sixth rule, on motion of Mr. Solicitor General Beck for the appellee.

No. 4. Takao Azawa *v.* The United States. Passed, pursuant to the twenty-sixth rule, on motion of Mr. Solicitor General Beck for the appellee.

No. 7. The United States of America, appellant, *v.* Keystone Watch Case Company; and

No. 8. Keystone Watch Case Company, appellant, *v.* The United States of America. Appeals from the District Court of the United States for the Eastern District of Pennsylvania. Dismissed, on motion of Mr. Solicitor General Beck for The United States.

No. 9. John C. Robinson et al., plaintiffs in error, *v.* The United States of America ex rel. Brown-Ketcham Iron Works et al. In error to the United States Circuit Court of Appeals for the Second Circuit. Dismissed, per stipulation of counsel.

No. 171. R. D. Langdon et al., plaintiffs in error, *v.* The City of Louisville. Argued by Mr. John Bryce Baskin for the plaintiffs in error, and by Mr. Harry E. Tincher for the defendant in error.

No. 2. American Steel Foundries, petitioner, *v.* Tri-City Central Trades Council et al. Reargument commenced by Mr. Max Pam for the petitioner, and continued by Mr. Frank C. Smith for the respondent.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, October 5, will be as follows: Nos. 2, 10, 11, 12, 13, 14, 15, 16, 17, and 18.

# SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, OCTOBER 5, 1921.

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Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Van Devanter, Mr. Justice Pitney, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Clarke.

Weymouth Kirkland, of Chicago, Ill.; Guy W. Selby, of Flint, Mich.; and John B. Pew, of Kansas City, Mo., were admitted to practice.

The Chief Justice announced an order as to the clerk's bond.

No. 20, Original. The State of Oklahoma, complainant, *v.* The State of Texas et al. It is ordered that the interveners herein claiming under or through The State of Texas be permitted to appear before the commissioner now taking evidence respecting the true boundary line along the south bank of Red River and to present evidence bearing on that question and in support of their claims; and the evidence so presented shall be subject to rebuttal in the same way and at the same time as that presented by The State of Texas.

No. 20, Original. The State of Oklahoma, complainant, *v.* The State of Texas et al. The time for the hearing herein as to certain special issues and claims heretofore fixed for the 17th day of October, 1921, is postponed and changed to the 5th day of December, 1921.

No. 20, Original. The State of Oklahoma, complainant, *v.* The State of Texas et al. Leave granted Mr. R. H. Ward to file answers to certain motions within two weeks.

No. 14. Edward F. Jackman, plaintiff in error, *v.* The Rosenbaum Company. Passed, pursuant to the 26th rule.

No. 16. The Atherton Mills, appellant, *v.* Eugene T. Johnston et al. Passed, pursuant to the 26th rule, on motion of Mr. Solicitor General Beck in that behalf.

No. 18. James R. Ward, plaintiff in error, *v.* The People of the State of Illinois ex rel. Chicago Bar Association. Passed, pursuant to the 26th rule.

No. 2. American Steel Foundries, petitioner, *v.* The Tri-City Central Trades Council et al. Reargument continued by Mr. Frank C. Smith for the respondent and concluded by Mr. Max Pam for the petitioner.

No. 10. Joseph W. Nicholas, appellant, *v.* The United States; and

No. 11. Wilson Scott Norris, appellant, *v.* The United States. Argued as one case, on motion of Mr. William E. Russell for the appellant. Argued by Mr. William E. Russell for the appellants, and by Mr. Assistant Attorney General Riter for the appellee.

No. 12. Louis H. Eberlein, appellant, *v.* The United States. Argued by Mr. William E. Russell for the appellant, and submitted by Mr. Assistant Attorney General Davis and Mr. William D. Harris for the appellee.

No. 13. William Truax et al., etc., plaintiffs in error, *v.* Michael Corrigan et al. Reargument commenced by Mr. Clifton Mathews for the plaintiffs in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, October 6, will be as follows: Nos. 13, 15, 17, 19, 20, 21, 23, 24, 25, and 26.

# SUPREME COURT OF THE UNITED STATES.

THURSDAY, OCTOBER 6, 1921.

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Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Van Devanter, Mr. Justice Pitney, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Clarke.

Charles J. McDermott, of New York City; James A. Watson, of Washington, D. C.; Fred C. Gilchrist, of Lawrence, Iowa; Ambrose L. O'Shea, of New York City; Charles S. Bell, of Cincinnati, Ohio; Louis H. Capelle, of Cincinnati, Ohio; Robert W. Shultice, of Norfolk, Va.; F. B. Swank, of Norman, Okla.; and Morgan G. Sanders, of Canton, Tex., were admitted to practice.

No. 27. John M. Anderson, plaintiff in error, *v.* Peter W. Durr, as former Auditor, et al. Death of John M. Anderson, the plaintiff in error herein, suggested, and the Citizens National Bank of Cincinnati, administrator with the will annexed of the estate of John M. Anderson, deceased, substituted as the party plaintiff in error, on motion of Mr. Murray Seasongood for the plaintiff in error.

No. 20, original. The State of Oklahoma, complainant, *v.* The State of Texas. Motion of Francis Chanate and others for leave to intervene submitted by Mr. Henry E. Asp in that behalf.

No. 20, original. The State of Oklahoma, complainant, *v.* The State of Texas. Motion to set petition in intervention of D. D. Brunson for hearing submitted by Mr. D. D. Brunson in that behalf.

No. 20. The Standard Fashion Company, petitioner, *v.* Magrane-Houston Company. Passed, pursuant to the twenty-sixth rule.

No. 24. Charlotte Harbor & Northern Railway Company, plaintiff in error, *v.* W. G. Welles et al., etc. Passed, pursuant to the twenty-sixth rule.

No. 25. Albert Rennie, plaintiff in error, *v.* John W. Gibson. Submitted by Mr. John A. McClure for the plaintiff in error, and by Mr. R. B. Brown for the defendant in error.

No. 13. William Truax et al., etc., plaintiffs in error, *v.* Michael Corrigan et al. Argument continued by Mr. Jackson H. Ralston for the defendants in error and concluded by Mr. Clifton Mathews for the plaintiff in error.

No. 15. The Yazoo & Mississippi Valley Railroad Company et al., plaintiffs in error, *v.* The City of Clarksdale. Argued by Mr. H. D. Minor for the plaintiffs in error, and by Mr. Gerald Fitz Gerald for the defendant in error.

No. 17. Edward C. Ward, plaintiff in error, *v.* The State of Washington et al. Argued by Mr. W. F. Magill for the plaintiff in error, and by Mr. L. L. Thompson for the defendant in error.

No. 19. The Chicago, Rock Island & Pacific Railway Company, plaintiff in error, *v.* Daniel J. Perry. Reargued by Mr. Phil D. Brewer for the defendant in error, and submitted by Mr. C. O. Blake, Mr. W. R. Bleakman, Mr. John W. Willmott, Mr. R. J. Roberts, Mr. Thomas P. Littlepage, and Mr. S. F. Taliaferro, for the plaintiff in error.

No. 21. Beter Wilson, plaintiff in error, *v.* Republic Iron & Steel Company. Argument commenced by Mr. W. A. Denson for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, October 7, will be as follows: Nos. 21, 23, 26, 27, 28, 30, 32, 33, 34, and 36.

# SUPREME COURT OF THE UNITED STATES.

FRIDAY, OCTOBER 7, 1921.

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Present: The Chief Justice, Mr. McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Van Devanter, Mr. Justice Pitney, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Clarke.

Clara Friedman Brode, of Memphis, Tenn.; May Warner, of Indianapolis, Ind.; Ruth Levey, of New York City; William Klein, of San Francisco, Calif.; Jacob H. Corn, of New York City; Harry T. Klein, of Cincinnati, Ohio; Ralph A. Kreimer, of Cincinnati, Ohio; Abb L. Landis, of Nashville, Tenn.; Hope Thompson, of Chicago, Ill.; and Redmond S. Brennan, of Kansas City, Mo., were admitted to practice.

No. 40. Charles D. Newton, Attorney General, etc., et al., appellants, *v.* The Brooklynd Union Gas Company. Passed, pursuant to the 26th rule, on motion of Mr. Harry Herzoff, for the appellants.

No. 34. Hannah T. Willson, plaintiff in error, *v.* Curtis C. McDonnell. In error to the Court of Appeals of the District of Columbia. Dismissed with costs on motion of Mr. Henry E. Davis, for the plaintiff in error.

No. 21. Beter Wilson, plaintiff in error, *v.* Republic Iron and Steel Company et al. Argument concluded by Mr. W. A. Denson for the plaintiff in error and case submitted by Mr. Augustus Benners, for the defendants in error.

No. 23. William Breiholz et al., plaintiffs in error, *v.* The Board of Supervisors of Pocahontas County, Iowa, et al. Argument commenced by Mr. Denis M. Kelleher, for the plaintiffs in error, continued by Mr. F. C. Gilchrist and Mr. Robert Healy, for the defendants in error, and concluded by Mr. Denis M. Kelleher, for the plaintiffs in error.

No. 26. John Horstmann Company, appellant, *v.* The United States; and

No. 32. Natron Soda Company, appellant, *v.* The United States. Motion to consolidate, etc., submitted by Mr. Solicitor General Beck, for the appellee. Motion to remand No. 32 submitted by Mr. Frank



S. Bright, for the appellant. Argued by Mr. Solicitor General Beck, for The United States, and submitted by Mr. Edward M. Cleary and Mr. Thomas A. Allen, for the appellant in No. 26, and by Mr. Frank S. Bright and Mr. H. Stanley Hinrichs, for the appellant in No. 32.

No. 27. John M. Anderson, plaintiff in error, *v.* Peter W. Durr, as former Auditor, et al. Argued by Mr. Murray Seasongood, for the plaintiff in error, and by Mr. Charles S. Bell, for the defendants in error.

No. 28. Western Fuel Company *v.* Antone Garcia, as Administrator, etc. Argument commenced by Mr. Joseph F. Murray, for Western Fuel Company.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, October 10, will be as follows: Nos. 28, 30, 33, 36, 257, 174 (and 175), 260, 535, 536, 71, 210, 126, 138 (and 140 and 142), 283, 285 (and 286 and 287), 295, 296, 298, 214, 255 (and 276), 291, and 268.

# SUPREME COURT OF THE UNITED STATES.

MONDAY, OCTOBER 10, 1921.

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Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Van Devanter, Mr. Justice Pitney, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Clarke.

Thomas B. Snead, of Richmond, Va.; Rose M. Palmer, of Brooklyn, N. Y.; Grattan G. McVay, of Ardmore, Okla.; Stacy H. Myers, of Washington, D. C.; Jesse R. Langley, of Pittsburgh, Pa.; Harold C. Lowe, of Pittsburgh, Pa.; George M. Napier, of Atlanta, Ga.; Stanley H. Fischer, of Washington, D. C.; Jacob H. Goetz, of New York City; John C. Donnally, of Charleston, W. Va.; R. G. Altizer, of Charleston, W. Va.; Warren H. Van Kirk, of Pittsburgh, Pa.; Harrison Tweed, of New York City; Frank H. Moore, of Kansas City, Mo.; Stark B. Ferriss, of New York City; James I. Cuff, of New York City; Henry Ward Beer, of Brooklyn, N. Y.; Loren M. Gensman, of Lawton, Okla.; Joseph T. Dillard, of Waurika, Okla.; William R. Willcox, of New York City; Stanley C. Fowler, of New York City; and Grant Hoerner, of New York City, were admitted to practice.

The Chief Justice announced the following orders of the court:

## ORDER.

On the application of the clerk, pursuant to section 221 of the Judicial Code, it is ordered that Philander R. Stansbury be, and he is hereby, appointed a deputy clerk of this court.

## ORDER.

On the application of the clerk, pursuant to section 221 of the Judicial Code, it is ordered that C. Elmore Cropley be, and he is hereby, appointed an additional deputy clerk of this court.

No. —, original. *Ex parte* In the matter of Mary Ellen Bain, petitioner. Motion for leave to file petition for writ of mandamus herein denied.

No. 162. Chanslor-Canfield Midway Oil Company et al., appellants, *v.* The United States of America. Joint motion to remand with instructions, etc., granted.

No. 54. John Armstrong Chaloner, plaintiff in error, *v.* W. Gilmer Dunn. In error to the District Court of the United States for the District of West Virginia. Dismissed for the want of jurisdiction.

No. 12, original. The State of North Dakota, complainant, *v.* The State of Minnesota; and

No. 13, original. The State of South Dakota, complainant, *v.* The State of Minnesota. Motion to consolidate postponed to be considered when the cases are reached.

No. 19, original. The State of New Mexico, complainant, *v.* The State of Colorado. Motion to strike out parts of the answer denied without prejudice to its being presented when the case is reached on the merits.

No. 3, original. The State of Wyoming, complainant, *v.* The State of Colorado et al. Motion to set case for hearing granted, and case assigned for Tuesday, January 3 next.

No. 436. The Central Railroad Company of New Jersey et al., appellants, *v.* The United States of America et al. Motion to advance granted, and cause assigned for argument on Monday, November 14 next.

No. 25, original. The State of North Dakota ex rel. William Lemke, Attorney General, complainant, *v.* Chicago & North Western Railway Company et al. Motion for interlocutory injunction denied. Motion to further amend original bill granted.

No. 236. Union Trust Company of San Francisco et al., Executors, etc., plaintiffs in error, *v.* Justus S. Wardell, United States Collector, etc., et al. Motion to advance granted, and cause assigned for argument on Monday, December 5 next, after the cases heretofore assigned for that day.

No. 303. Harriet L. Levy et al., plaintiffs in error, *v.* Justus S. Wardell, United States Collector, etc., et al. Motion to advance granted, and cause assigned for argument on Monday, December 5 next, after the cases heretofore assigned for that day.

No. 343. Ward and Gow, plaintiff in error, *v.* Himan Krinskry et al. Motion to advance granted, and cause assigned for argument on Monday, December 5 next, after the cases heretofore assigned for that day.

No. 392. The Territory of Alaska et al., appellants, *v.* John W. Troy, Collector of Customs, etc. Motion to advance granted, and cause assigned for argument on Monday, December 5 next, after the cases heretofore assigned for that day.

No. 428. William H. Bryan, appellant, *v.* Joshua W. Miles, Collector of Internal Revenue, etc., et al. Motion to advance granted, and cause assigned for argument on Monday, December 5 next, after the cases heretofore assigned for that day.

No. 455. Galveston Electric Company, appellant, *v.* The City of Galveston et al. Motion to advance granted, and cause assigned for argument on Monday, December 5 next, after the cases heretofore assigned for that day.

No. 259. Western Union Telegraph Company, plaintiff in error, *v.* Louisville & Nashville Railroad Company. Motion to advance granted, and cause assigned for argument on Tuesday, January 3 next, after the cases heretofore assigned for that day.

No. 104. The People of the State of Michigan ex rel. Alex. J. Groesbeck, Attorney General, etc., plaintiff in error, *v.* Detroit United Railway. In error to the Supreme Court of the State of Michigan. *Per curiam*: Dismissed for the want of jurisdiction upon the authority of *Pawhuska v. Pawhuska Oil Co.*, 250 U. S., 394.

No. 158. Cornelia G. Goodrich et al., plaintiffs in error, *v.* West Lumber Company. In error to the Supreme Court of the State of Texas. *Per curiam*: Dismissed for want of jurisdiction upon the ground that there is no federal question presented in the record. *Gasquet v. La Peyre*, 242 U. S., 367, 369-370.

No. 301. Charles O'Connor et al., plaintiffs in error, *v.* John Slaker, Acting Administrator de bonis non of the Estate of John O'Connor, deceased, et al. In error to the Supreme Court of the State of Nebraska. *Per curiam*: Dismissed for want of jurisdiction on the ground that there is no federal question presented in the record. *Gasquet v. La Peyre*, 242 U. S., 367, 369-370.

No. 353. Louisiana Railway and Navigation Company, plaintiff in error, *v.* R. E. Williams. In error to the United States Circuit Court of Appeals for the Fifth Circuit. *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; *Sugarman v. United States*, 249 U. S., 182, 184; with imposition of 5 per cent penalty under the twenty-third rule.

No. 257. Charles D. Newton, as Attorney General, etc., et al., appellants *v.* Consolidated Gas Company of New York;

No. 258. Consolidated Gas Company of New York, appellant, *v.* Charles D. Newton, Attorney General, etc., et al., and

No. 288. Consolidated Gas Company of New York, appellant, *v.* Charles D. Newton, as Attorney General, etc., et al. Motions to consolidate and reassign granted, and cases reassigned for argument on Monday, November 14 next, after the cases heretofore assigned for that day.

No. 295. Charles D. Newton, as Attorney General, et al., appellants, *v.* The Kings County Lighting Company;

No. 296. Charles D. Newton, as Attorney General,\* etc., et al., appellants, *v.* New York & Queens Gas Company. Motions to reassign granted, and cases reassigned for argument on Monday, November 14 next, after the cases heretofore assigned for that day.

No. 324. The American Railway Express Company, plaintiff in error, *v.* The Commonwealth of Kentucky. Motion for writ of certiorari upon suggestion of diminution of the record granted, and the matter presented with the petition to stand as a return to the writ.

No. —. Ex parte Paige. Motion for leave to proceed *in forma pauperis* denied.

No. —. Ex parte Herrick. Motion for leave to proceed *in forma pauperis* denied.

No. —. Ex parte Orbsby. Motion for leave to proceed *in forma pauperis* denied.

No. 314. Dharandas Tulsidas et al., petitioners, *v.* The Insular Collector of Customs. Petition for a writ of certiorari to the Supreme Court of the Philippine Islands granted.

No. 327. James C. Davis, Director General, etc., plaintiff in error, *v.* J. J. Smith, Jr., Administrator, etc. Petition for a writ of certiorari herein granted.

No. 348. John Ewen, petitioner, *v.* American Fidelity Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 379. Minnesota Commercial Men's Association, petitioner. *v.* Minnie Mae Benn, as Executrix, etc. Petition for a writ of certiorari to the Supreme Court of the State of Minnesota granted.

No. 382. Charles McKelvey 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 granted.

No. 386. Regal Drug Corporation, petitioner, *v.* Justus S. Wardell, as United States Collector of Internal Revenue, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted.

No. 388. Colonial Beach Company, Owner, etc., petitioner, *v.* Quemahoning Coal Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit granted.

No. 391. The New York Central and Hudson River Railroad Company, petitioner, *v.* John W. Kinney. Petition for a writ of certiorari to the Supreme Court of the State of New York granted.

No. 405. American Mills Company, petitioner, *v.* American Surety Company of New York. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 300. The State of Ohio *ex rel.* Allen J. Seney, Prosecuting Attorney, etc., appellant, *v.* Swift & Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 316. P. E. Hunter, 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. 331. Garfield Prioleau, petitioner, *v.* The United States. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 337. Kissel Motor Car Company, petitioner, *v.* T. L. Walker et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 339. Charles Vincenti 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 Fourth Circuit denied.

No. 341. J. K. Armsby Company, petitioner, *v.* Steamship "Esrom," her engines, etc., Aktieselskabet Dampskibet Island. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 342. Oliver J. Olson, Owner, et al., petitioners, *v.* Charles F. Adams et al., Trustees, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 349. First National Bank of Philadelphia *v.* J. Walter Farrell et al., etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 419. J. Walter Farrell et al., petitioners, *v.* First National Bank of Philadelphia. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 350. Silas Williams, Trustee, etc., petitioner, *v.* The National Discount Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 351. Sidney S. McConnell, as Receiver, etc., petitioner, *v.* Walter C. Hubbard et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 354. Salvatore Lauria, 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. 360. Panhandle Grain & Elevator Company, petitioner, *v.* Cromwell Brothers. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 361. Morse Dry Dock & Repair Company, petitioner, *v.* Steamship "Nord Alexis," etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 362. Krauss Brothers Lumber Company, plaintiff in error, *v.* Board of Assessors for the Parish of Orleans et al. Petition for a writ of certiorari to the Supreme Court of the State of Louisiana denied.

No. 371. Frank H. Hereford, petitioner, *v.* Edwin A. Meserve. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 375. William J. Crittenden, petitioner, *v.* Dora Widrevitz, as Administratrix, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 384. Erie Railroad Company, petitioner, *v.* Ida Cott, as Administratrix, etc. Petition for a writ of certiorari to the Supreme Court of the State of New York denied.

No. 385. Erie Railroad Company, as Lessee, etc., Petitioner, *v.* Ida Cott, as Administratrix, etc. Petition for a writ of certiorari to the Supreme Court of the State of New York denied.

No. 387. Fred L. Lezinsky et al., petitioners, *v.* Mason Malt Whiskey Distilling Company, etc., et al. Petition for a writ of certiorari to the Supreme Court of the State of California denied.

No. 400. Ed. Slocum, as Trustee, etc., petitioner, *v.* Anna Halliday et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 404. Harry Lefkowitz 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 Second Circuit denied.

No. 406. H. L. and R. V. Grayson, 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. 409. John H. Martens et al., petitioners, *v.* Twin Falls-Oakley Land & Water Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

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No. 333. Federal Trade Commission, petitioner, *v.* Winsted Hosiery Company. Motion to advance submitted by Mr. Solicitor General Beck for the petitioner.

No. 533. Federal Trade Commission, petitioner, *v.* Fruit Growers' Express, Inc. Petition for a writ of certiorari to the United States

Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Solicitor General Beck for the petitioner.

No. 540. Julius F. Smietanka, as Collector, etc., petitioner, *v.* First Trust & Savings Bank, Trustee, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Solicitor General Beck for the petitioners and by Mr. John P. Wilson for the respondent.

No. 549. Lorraine de la Montanya Crittenden et al., petitioners, *v.* Narcissus Augustus Dorn et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. George F. Williams in behalf of Mr. Frank R. Wehe for the petitioners.

No. 563. The State of Texas et al., appellants, *v.* The United States. Advanced, to be heard with No. 298, on motion of Mr. T. L. Beauchamp for the appellants.

No. 166. Arthur J. Dahn, petitioner, *v.* John Barton Payne, Director General of Railroads of the United States. James C. Davis, Director General of Railroads, substituted as the party respondent herein, in place of John Barton Payne, on motion of Mr. J. W. Latimer for the petitioner.

No. 215. Mutual Life Insurance Company of New York, plaintiff in error, *v.* Mary S. Liebing. Motion to dismiss or affirm submitted by Mr. Frederic D. McKenney in behalf of Mr. James J. O'Donohoe for the defendant in error in support of the motion.

No. 359. Louis Brownlow et al., plaintiffs in error, *v.* Mollie Schwartz. Motion to dismiss submitted by Mr. W. Gwynn Gardiner for the defendant in error in support of the motion, with leave to Mr. F. H. Stephens to file brief in opposition thereto.

No. 475. A. C. Townley et al., petitioners, *v.* The State of Minnesota. Leave granted to file brief in opposition to petition for writ of certiorari, on motion of Mr. James E. Markham in that behalf.

No. 71. American Column & Lumber Company et al., appellants, *v.* The United States. Leave granted to file brief herein as *amicus curiae*, on motion of Mr. William J. Mathews and Mr. Hugh T. Martin in that behalf.

No. 576. Nichols Field Wilson et al., petitioners, *v.* The United States. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. John M. Coleman, Mr. Stanley C. Fowler, and Grant Hoerner for the petitioners.



No. 576. Nichols Field Wilson et al., petitioners, *v.* The United States of America. Leave granted to file brief herein as *amicus curiae*, on motion of Mr. William R. Wilcox in that behalf.

No. 268. John C. Heald et al., Committee, etc., plaintiffs in error, *v.* The District of Columbia. Death of Eugene Peters, one of the plaintiffs in error herein, suggested, and Augustus S. Worthington and John C. Heald, executors of the will of Eugene Peters, deceased, substituted as parties plaintiffs in error, on motion of Mr. Vernon E. West for the plaintiffs in error. Case passed per stipulation.

No. 298. The State of Texas, appellant, *v.* Eastern Texas Railroad Company et al.; and

No. 563. The State of Texas, etc., appellant, *v.* The United States of America et al. Reassigned for November 14 next, on motion of Mr. Daniel Upthegrove in that behalf.

No. 138. James J. Rafferty, Collector, etc., petitioner, *v.* Smith, Bell & Company, Limited;

No. 140. James J. Rafferty, as Collector, etc., petitioner, *v.* Compania General de Tabacos de Filipinas; and

No. 142. James J. Rafferty, as Collector, etc., petitioner, *v.* Visayan Refining Company. Nos. 140 and 142 consolidated, on motion of Mr. Clarence B. Miller for the respondents, and cases reassigned for argument at the foot of the call.

No. 558. J. N. Pharr & Sons, Limited, petitioner, *v.* C. D. Kenney Company. Leave granted to file brief herein as *amici curiae*, on motion of Mr. Frederick T. Saussy and Mr. Edgar Watkins in that behalf.

No. 330. Traylor Engineering & Manufacturing Company, petitioner, *v.* Ephraim Lederer, Collector, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Worth E. Caylor for the petitioner, and by Mr. Solicitor General Beck and Mr. Robert P. Reeder for the respondent.

No. 515. J. Herman Dierkes, 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. Frederick W. Schmitz for the petitioner, and by Mr. Solicitor General Beck and Mr. H. S. Ridgely for the respondent.

No. 517. L. W. Wineman et al., etc., petitioners, *v.* Anderson-Tully Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Percy Bell for the petitioners, and by Mr. Allen Hughes for the respondents.

No. 547. Joe Dubman, 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. P. H. Cullen for the petitioner.

No. 558. J. N. Pharr & Sons, Limited, petitioner, *v.* C. D. Kenney Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. R. E. Milling for the petitioner.

No. 559. Walker D. Hines, Director General, etc., petitioner, *v.* Anthony Kowalski. Petition for a writ of certiorari to the Supreme Court of the State of New Jersey submitted by Mr. Albert C. Wall, Mr. John A. Hartpence, and Mr. Frederic D. McKenney for the petitioner.

No. 229. Tennessee, Alabama & Georgia Railroad Company, plaintiff in error, *v.* W. M. Drake. Motion to dismiss submitted by Mr. George Westmoreland for the defendant in error in support of the motion, and by Mr. Samuel Bosworth Smith and Mr. George E. Maddox for the plaintiff in error in opposition thereto.

No. 174. Charles Corneli, appellant, *v.* George H. Moore, Collector of Internal Revenue; and

No. 175. George J. Ghio, appellant, *v.* George H. Moore, Collector of Internal Revenue. Reassigned for December 5 next on motion of Mr. Solicitor General Beck for the appellee.

No. 283. The State of New York et al., appellants, *v.* The United States et al. Passed pursuant to the twenty-sixth rule.

No. 285. Edgar A. Levy Leasing Company, Inc., plaintiff in error, *v.* Jerome Siegel. Passed pursuant to the twenty-sixth rule.

No. 286. The People of the State of New York ex rel. Brixton Operating Corporation, plaintiff in error, *v.* Edward B. La Fetra, a Justice, etc. In error to the Supreme Court of the State of New York. Dismissed with costs on motion of counsel for the plaintiff in error.

No. 287. 810 West End Avenue, Inc., plaintiff in error, *v.* Henry R. Stern. Passed pursuant to the twenty-sixth rule.

No. 28. Western Fuel Company *v.* Antone Garcia, as Administrator, etc. Reargument continued by Mr. Joseph F. Murray for Western Fuel Company, and concluded by Mr. Henry Heidelberg for Antone Garcia, as administrator, etc.

No. 30. Dahnke-Walker Milling Company, plaintiff in error, *v.* C. T. Bondurant. Reargued by Mr. John C. Doolan for the plaintiff in error, and submitted by Mr. M. Walton Hendry for the defendant in error.

No. 33. J. W. Hurley, appellant, *v.* The Commission of Fisheries of Virginia et al. Argument commenced by Mr. Thomas B. Snead for the appellant, and continued by Mr. Robert W. Shultice for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, October 11, will be as follows: Nos. 33, 36, 260, 535, 536, 71, 210, 126, 214, 255, 276, 291, 138, and 140 (and 142).

# SUPREME COURT OF THE UNITED STATES.

TUESDAY, OCTOBER 11, 1921.

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Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Van Devanter, Mr. Justice Pitney, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Clarke.

James H. Hayes, of New York City, and William Lawrence Underwood, of Patchogue, N. Y., were admitted to practice.

No. 33. *J. W. Hurley, appellant, v. The Commission of Fisheries of Virginia et al.* Argument continued by Mr. Robert W. Shultice for the appellees, and concluded by Mr. S. S. P. Patteson for the appellant.

No. 36. *Daniel Boyle et al., appellants, v. A. M. Holter Hardware Company et al.* Passed, for settlement.

No. 260. *The United States, appellant, v. C. W. Phellis.* Argument commenced by Mr. Solicitor General Beck for the appellant, continued by Mr. William A. Glasgow, jr., and Mr. Frank S. Bright for the appellee, and concluded by Mr. Solicitor General Beck for the appellant.

No. 535. *John D. Rockefeller, plaintiff in error, v. The United States of America; and*

No. 536. *The New York Trust Company et al., Executors etc., plaintiffs in error, v. William H. Edwards, Collector of United States Internal Revenue, etc.* Argument commenced by Mr. George Wellwood Murray for the plaintiffs in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, October 12, will be as follows: Nos. 535 (and 536), 71, 210, 126, 214, 255, 276, 291, 138, and 140 (and 142).

69667—21—10

## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, OCTOBER 12, 1921.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Van Devanter, Mr. Justice Pitney, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Clarke.

William J. Conway, of Wisconsin Rapids, Wis.; Joseph A. Albrecht, of Buffalo, N. Y.; and Benjamin B. Pettus, of Washington, D. C., were admitted to practice.

No. 16, original. The State of Georgia, complainant, *v.* The State of South Carolina. Case set for argument on January 3, 1921, on motion of Mr. George M. Napier in that behalf.

No. 535. John D. Rockefeller, plaintiff in error, *v.* The United States of America; and

No. 536. The New York Trust Company et al., Executors, etc., plaintiffs in error, *v.* William H. Edwards, Collector of United States Internal Revenue, etc. Argument continued by Mr. George Wellwood Murray for the plaintiffs in error, and by Mr. Solicitor General Beck for the defendants in error, and concluded by Mr. George Wellwood Murray for the plaintiffs in error.

No. 71. American Column & Lumber Company et al., appellants, *v.* The United States of America. Four hours allowed for the reargument of this case on motion of Mr. Solicitor General Beck for the appellee. Reargument commenced by Mr. Louis Claire Boyle for the appellants, and continued by Mr. James A. Fowler for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, October 13, will be as follows: Nos. 71, 210, 126, 214, 255, 276, 291, 138, 140 (and 142), and 37.

69667—21—11

# SUPREME COURT OF THE UNITED STATES.

THURSDAY, OCTOBER 13, 1921.

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Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Van Devanter, Mr. Justice Pitney, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Clarke.

M. M. Joyce, of Minneapolis, Minn.; George A. Neal, of Kansas City, Mo.; Charles Powell, of Fairmont, W. Va.; Kemble White, of Fairmont, W. Va.; and Hugh C. Dorworth, of Oil City, Pa., were admitted to practice.

No. 37. Oklahoma Natural Gas Company, plaintiff in error, *v.* The State of Oklahoma et al. Passed, per stipulation, pursuant to the twenty-sixth rule, on motion of Mr. S. P. Freeling for the defendants in error.

No. 71. American Column & Lumber Company et al., appellants, *v.* The United States of America. Reargument continued by Mr. James A. Fowler and Mr. Solicitor General Beck for the appellee, and concluded by Mr. G. Carroll Todd for the appellants.

No. 210. Pennsylvania Railroad Company, plaintiff in error, *v.* Isaac C. Weber, Surviving Partner, etc., et al. Argued by Mr. Henry Wolfe Bikle for the plaintiff in error, and by Mr. William A. Glasgow, jr., for the defendants in error.

No. 126. The Texas Company, appellant, *v.* J. J. Brown, Individually, etc., et al. Argument commenced by Mr. John M. Slaton for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, October 14, will be as follows: Nos. 126, 214, 255, 276, 291, 138, 140 (and 142), 38, 41, and 42.

# SUPREME COURT OF THE UNITED STATES.

FRIDAY, OCTOBER 14, 1921.

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Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Van Devanter, Mr. Justice Pitney, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Clarke.

Howard Ames, of Chicago, Ill.; Charles R. Fowler, of Minneapolis, Minn.; Harvey G. Combs, of Little Rock, Ark.; John W. Bennett, of Waycross, Ga.; and Irving L. Evans, of New York City, were admitted to practice.

No. 255. The Eureka Pipe Line Company, plaintiff in error, *v.* Walter S. Hallanan, State Tax Commissioner, et al.; and

No. 276. United Fuel Gas Company, plaintiff in error, *v.* Walter S. Hallanan, State Tax Commissioner, etc., et al. Reassigned for November 7 next, on motion of Mr. James M. Beck in behalf of counsel.

No. 126. The Texas Company, appellant, *v.* J. J. Brown, individually, etc., et al. Argument continued by Mr. John M. Slaton for the appellant, by Mr. Mark Bolling for the appellees, and concluded by Mr. Harry T. Klein for the appellant.

No. 214. Julius F. Smietanka, Collector, etc., *v.* Indiana Steel Company. Argued by Mr. Assistant Attorney General Ottinger for the collector, and by Mr. William Beye for Indiana Steel Company.

No. 291. Louisiana & Pine Bluff Railway Company, appellant, *v.* The United States of America. Argument commenced by Mr. Luther M. Walter for the appellant, and continued by Mr. Blackburn Esterline for the United States, and by Mr. W. R. McFarland for the Interstate Commerce Commission, and concluded by Mr. Luther M. Walter for the appellant.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, October 17, will be as follows: Nos. 138, 140 (and 142), 38, 41, 42, 43, 44, 45, 283, and 46.

69667—21—13

# SUPREME COURT OF THE UNITED STATES.

MONDAY, OCTOBER 17, 1921.

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Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Van Devanter, Mr. Justice Pitney, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Clarke.

J. Emmet Wolfe, of Miami, Fla.; Bayard Lacey Catron, of Springfield, Ill.; Oscar A. Stumpe, of New York City; Claude R. Branch, of Providence, R. I.; John B. Files, of Shreveport, La.; Daniel A. Roberts, of Chicago, Ill.; and James W. Breen, of Chicago, Ill., were admitted to practice.

The Chief Justice announced the following orders of the court:

No. 20, original. The State of Oklahoma, complainant, *v.* The State of Texas. Upon the motion of Francis Chanate and others claiming under Indian allotments, they are granted leave to intervene herein and to file the petition of intervention tendered with such motion.

No. 20, original. The State of Oklahoma, complainant, *v.* The State of Texas. Upon the motion of D. D. Brunson, an intervener, his petition for intervention is assigned for hearing and submission with the issues heretofore assigned for hearing on December 5, 1921.

No. 20, original. The State of Oklahoma, complainant, *v.* The State of Texas. The motion of the Melish Consolidated Placer Mining Association for a modification of the order of June 1, 1921, in so far as it relates to the Burke-Senator well is denied without prejudice to a renewal of such motion if in the further progress of this cause it becomes necessary or proper to renew the same.

No. 20, original. The State of Oklahoma, complainant, *v.* The State of Texas. The motion of the Melish Consolidated Placer Mining Association for the return of wells Nos. 152, 153, and 160 to the custody of the receiver is denied without prejudice to a renewal of such motion if in the further progress of this cause it becomes necessary or proper to renew the same.

No. 3. Adelbert A. Weiland, as State Engineer, etc., et al., petitioner, *v.* The Pioneer Irrigation Company. Ordered that this cause be assigned for hearing immediately following case No. 3, original, Wyoming *v.* Colorado, now set for Tuesday, January 3, 1922.



No. 424. George Washington Pace, appellant, *v.* Fred G. Zerbst, Warden, etc. Motion for leave to proceed in forma pauperis herein denied.

No. 215. Mutual Life Insurance Company of New York, plaintiff in error, *v.* Mary S. Liebing. Consideration of the motion to dismiss or affirm postponed to the hearing on the merits.

No. 322. F. A. Gillespie, plaintiff in error, *v.* The State of Oklahoma. Motion to advance granted and cause assigned for argument on Monday, December 5 next, after the cases heretofore assigned for that day.

No. 333. Federal Trade Commission, petitioner, *v.* Winsted Hosiery Company. Motion to advance granted, and cause assigned for argument on Monday, December 5 next, after the cases heretofore assigned for that day.

No. 426. Champlain Realty Company, petitioner, *v.* Town of Brattleboro. Petition for a writ of certiorari to the Supreme Court of the State of Vermont granted.

No. 427. Osaka Shosen Kaisha et al., petitioners, *v.* Pacific Export Lumber Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted.

No. 439. James C. Davis, Director General of Railroads, etc., petitioner, *v.* Mrs. Maude E. Green, Administratrix, etc. Petition for a writ of certiorari to the Supreme Court of the State of Mississippi granted.

No. 451. American Railway Express Company, petitioner *v.* A. J. Lindenburg. Petition for a writ of certiorari to the Supreme Court of Appeals of the State of West Virginia granted.

No. 463. The Kansas City Southern Railway Company, petitioner, *v.* Elizabeth Van Zant. Petition for a writ of certiorari to the Supreme Court of the State of Missouri granted.

No. 320. The Upjohn Company, petitioner, *v.* The William S. Merrell Chemical Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 330. Traylor Engineering & Manufacturing Company, petitioner *v.* Ephraim Lederer, Collector, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 414. Strick Line, Limited, as Owner, etc., petitioner, *v.* A. Suna, Master, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 415. City of Dallas et al., petitioners, *v.* Dallas Telephone Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 421. Philadelphia and Reading Railway Company, petitioner, *v.* Carl A. Berg. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 425. Catherine Ryan, petitioner, *v.* Aetna Life Insurance Company of Hartford, Connecticut. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 431. Frederick M. Kilmer, Trustee, etc., petitioner, *v.* Charles H. Keith, Trustee, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 433. Director General of Railroads, petitioner, *v.* Helen Buschalewski, as Administratrix, etc. Petition for a writ of certiorari to the Supreme Court of the State of New York denied.

No. 437. A. Klipstein and Company, petitioner. *v.* Garbiss Dilizian et al., copartners, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 438. Pang Hing, petitioner, *v.* Edward White, Commissioner of Immigration, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 440. Grinnell Overland Company, petitioner, *v.* Merchants National Bank et al. Petition for a writ of certiorari to the Supreme Court of the State of Iowa denied.

No. 441. James J. O'Brien, petitioner, *v.* Walter B. Lashar et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 442. James J. O'Brien, petitioner, *v.* Percy P. Anderson et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 444. John William Henry, 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. 447. Gertrude E. Fonda et al., plaintiffs in error, *v.* City of St. Albans. Petition for a writ of certiorari herein denied.

No. 449. Peninsular Portland Cement Company, petitioner, *v.* Consolidation Coal Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 453. The Detroit Edison Company, petitioner, *v.* Jewett Bigelow & Brooks. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 457. Edward Kelley et al., petitioners, *v.* West Braddock Bridge Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 458. Margaret Ford, as Administratrix, etc., petitioner, *v.* James C. Davis, Director General of Railroads, etc. Petition for a writ of certiorari to the Supreme Court of the State of New York denied.

No. 461. Wabash Railway Company, petitioner, *v.* Henry D. Stewart. Petition for a writ of certiorari to the Supreme Court of the State of Nebraska denied.

No. 462. Hyman Katz 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 First Circuit denied.

No. 471. James C. Davis, Director General of Railroads, etc., petitioner, *v.* State Industrial Commission et al. Petition for a writ of certiorari to the Circuit Court of Sangamon County, State of Illinois, denied.

No. 474. John A. Savage, 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. 430. Guayaquil and Quito Railroad Company, petitioner, *v.* New York and Cuba Mail Steamship Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit dismissed for failure to file the petition within the statutory time.

No. 454. John Barton Payne, Director General of Railroads etc., petitioner, *v.* A. E. Stevens et al. Petition for a writ of certiorari to the Supreme Court of the State of Mississippi dismissed for failure to file the petition within the statutory time.

No. 473. George Moorehead 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 dismissed for failure to file the petition within the statutory time.

No. 25. Albert Rennie, plaintiff in error, *v.* John W. Gibson. In error to the Supreme Court of the State of Oklahoma. Per curiam: Dismissed for want of jurisdiction. Section 237 of the Judicial Code, as amended by the act of September 6, 1916, c. 448, sec. 2, 39 Stat. 726; *Jett Bros. Distilling Co. v. City of Carrollton*, 252 U. S. 1, 5-6.

No. 17. Edward C. Ward, plaintiff in error, *v.* The State of Washington and the board of law examiners of the State of Washington. In error to the Supreme Court of the State of Washington. Per curiam: Dismissed for want of jurisdiction upon the authority of *Gasquet v. La Peyre*, 242 U. S. 367, 369-370.

No. 171. R. D. Langan et al., plaintiffs in error, *v.* City of Louisville. In error to the Court of Appeals of the State of Kentucky. Per curiam: Dismissed for want of jurisdiction upon the authority of *Manhattan Life Ins. Co. v. Cohen*, 234 U. S. 123, 136; *Consolidated Turnpike v. Norfolk, etc., Ry. Co.*, 228 U. S. 596, 600.

No. 229. Tennessee, Alabama & Georgia Railroad Company, plaintiff in error, *v.* W. M. Drake. In error to the United States Circuit Court of Appeals for the Fifth Circuit. Per curiam: Dismissed for want of jurisdiction upon the authority of (1) *Delaware, Lackawanna & Western R. R. Co. v. Yurkonis*, 238 U. S. 439, 444; (2) Section 3, act of September 6, 1916, c. 448, 39 Stat. 726, 727.

No. 236. Union Trust Company of San Francisco et al., Executors, etc., plaintiffs in error, *v.* Justus S. Wardell, United States Collector, etc., et al.; and

No. 303. Harriet L. Levy et al., plaintiffs in error, *v.* Justus S. Wardell, United States Collector, etc., et al. Ordered that these cases be reassigned for argument immediately after the case of Victor E. Shwab, Executor, etc., plaintiff in error, *v.* Emanuel J. Doyle, United States Collector, etc., No. 200, October term, 1921.

The Chief Justice also announced that the court will take a recess from Monday, 24th instant, to Monday, November 7, next.

No. 68. The United States, appellant, *v.* Emil Schoyen, as Administrator, etc., et al. Ordered that the appeal to this court heretofore made by the United States be held in abeyance, on motion of Mr. Solicitor General Beck and Mr. Assistant Attorney General Lovett, for the appellant.

No. 456. William Lemke, as Attorney General of North Dakota, et al., appellants, *v.* The Farmers Grain Company of Embden, North Dakota. Motion to vacate stay and to advance submitted by Mr. David F. Simpson, for the appellee.

No. ——. William Lemke, as Attorney General of North Dakota, et al., appellants, *v.* The Farmers Grain Company of Embden, North Dakota. Motion to vacate stay and supplemental statement submitted by Mr. David F. Simpson, for the appellee.

No. 456. William Lemke, as Attorney General of North Dakota, et al., appellants, *v.* The Farmers Grain Company of Embden, North Dakota. Leave granted appellants to file brief in opposition to motion to vacate stay, within 10 days, on motion of Mr. Karl K. Gartner, for the appellants.

No. —. William Lemke, as Attorney General of North Dakota, et al., appellants, *v.* The Farmers Grain Company of Embden, North Dakota. Leave granted appellants to file brief in opposition to motion to vacate stay, within 10 days, on motion of Mr. Karl K. Gartner, for the appellants.

No. 25, original. The State of North Dakota ex rel. William Lemke, Attorney General, complainant, *v.* Chicago & Northwestern Railway Company et al. Motion to set for argument on motion to dismiss submitted to Mr. Karl K. Gartner for the complainant.

No. 138. James J. Rafferty, Collector, etc., petitioner, *v.* Smith, Bell & Company, Limited;

No. 140. James J. Rafferty, as Collector, etc., petitioner, *v.* Compania General de Tabacos de Filipinas; and

No. 142. James J. Rafferty, as Collector, etc., petitioner, *v.* Visayan Refining Company. Passed, pursuant to the 26th rule, on motion of Mr. Charles Marvin in that behalf.

No. 46. Springfield Gas & Electric Company, plaintiff in error, *v.* The City of Springfield. Leave granted to file brief herein for the defendant in error, on motion of Mr. B. L. Catron for the defendant in error.

No. 206. Railroad Commission of Wisconsin et al., appellants, *v.* Chicago, Burlington & Quincy Railroad Company. Leave granted to file additional brief herein for the appellee, on motion of Mr. Bruce Scott for the appellee.

No. 218. Royal Baking Powder Company, appellant, *v.* George W. Emerson, Prosecuting Attorney, etc. Motion to dismiss or affirm submitted by Mr. Richard D. Daniels in behalf of Mr. James Love Hopkins for the appellee in support of the motion, and by Mr. Archibald Cox and Mr. S. W. Fordyce for the appellant in opposition thereto.

No. 322. F. A. Gillespie, plaintiff in error, *v.* The State of Oklahoma. Petition for a writ of certiorari herein submitted by Mr. James P. Gilmore for the plaintiff in error in support of the motion.

No. 365. Virginia Railway & Power Company et al., etc., petitioners, *v.* Bankers Trust Company, Executor, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. Henry W. Anderson and Mr. Thomas B. Gay for the petitioner, and by Mr. James Mann for the respondent.

No. 366. Virginia Railway & Power Company et al., etc., petitioners, *v.* Thomas O'Connor et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. Henry W. Anderson and Mr. Thomas B. Gay for the petitioners, and by Mr. James Mann for the respondent.

No. 532. Seth Geddy's et al., a partnership, etc., petitioners, *v.* Silvan Newburger et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. W. A. Ledbetter, Mr. H. L. Stuart, and Mr. R. R. Bell for the petitioners, and by Mr. Bernard Titcher, Mr. Henry E. Asp, and Mr. Henry G. Snyder for the respondents.

No. 539. E. Luther Melin, petitioner, *v.* Northland Pine Company et al. Petition for a writ of certiorari to the Supreme Court of the State of Minnesota submitted by Mr. E. Luther Melin pro se.

No. 545. Takuji Yamashita et al., petitioners, *v.* J. Grant Hinkle, as Secretary of State of the State of Washington. Petition for a writ of certiorari to the Supreme Court of the State of Washington submitted by Mr. Corwin S. Shank for the petitioners.

No. 550. Eibel Process Company, petitioner, *v.* Minnesota & Ontario Paper Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit submitted by Mr. Frederick P. Fish, Mr. Guy Cunningham, and Mr. Harrison F. Lyman for the petitioner, and by Mr. Amasa C. Paul and Mr. Livingston Gifford for the respondent.

No. 557. Metallic Rubber Tire Company, petitioner, *v.* The Hartford Rubber Works Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Henry F. Parmelee and Mr. George D. Watrous for the petitioner, and by Mr. Livingston Gifford and Mr. Charles S. Jones for respondent.

No. 251. Capitol Life Insurance Company, plaintiff in error, *v.* Mary C. Ross. Motion to dismiss or affirm submitted by Mr. James M. Johnson for the defendant in error in support of the motion, and by Mr. Jules C. Rosenberger and Mr. James C. Jones for the plaintiff in error in opposition thereto.

No. 370. Lehigh Valley Railroad Company, plaintiff in error, *v.* John Lysaght, Limited. Motion to dismiss or affirm submitted by Mr. W. Kintzing Post for the defendant in error in support of the motion, and by Mr. Charles A. Boston, Mr. Edgar H. Boles, Mr. George S. Hobart, and Mr. Lindley M. Garrison for the plaintiff in error in opposition thereto.

No. 525. J. E. Martineau, Chancellor, et al., petitioners, *v.* The State of Arkansas ex rel. Attorney General, et al. On petition for a writ of certiorari to the Supreme Court of the State of Arkansas. Dismissed with costs, on motion of counsel for the petitioners.

No. 43. Philadelphia & Reading Railway Company, petitioner, *v.* Amy Smith. Submitted by Mr. George Gowen Parry for the petitioner, and by Mr. Roscoe R. Koch for the respondent.

No. 38. Charles F. Hunt, Executor, etc., appellant, *v.* The United States. Argument commenced by Mr. Albert Chester Travis for the appellant, continued by Mr. Assistant Attorney General Lovett for the appellee, and concluded by Mr. Burt E. Barlow for the appellant.

No. 41. Crescent Cotton Oil Company, plaintiff in error, *v.* The State of Mississippi. Argued by Mr. J. B. Harris for the plaintiff in error, and by Mr. Frank Roberson for the defendant in error.

No. 42. Edward R. Cunningham, plaintiff in error, *v.* James Linn Rodgers et al. Argument commenced by Mr. Clinton Robb for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, October 18, will be as follows: Nos. 42, 44, 45, 46, 283, 47, 48, 49, 50, and 51.

## SUPREME COURT OF THE UNITED STATES.

TUESDAY, OCTOBER 18, 1921.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Van Devanter, Mr. Justice Pitney, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Clarke.

Lloyd L. Evans, of Washington, D. C.; John D. McLeran, of Washington, D. C.; Hannis Taylor, jr., of Washington, D. C.; and F. A. Rittenhouse, of Oklahoma City, Oklahoma, were admitted to practice.

No. 47. Federal Trade Commission, petitioner, *v.* Beech-Nut Packing Company. Passed, pursuant to the twenty-sixth rule, on motion of Mr. Blackburn Esterline on behalf of counsel.

No. 42. Edward R. Cunningham, plaintiff in error, *v.* James Linn Rodgers et al. Argument continued by Mr. Clinton Robb for the plaintiff in error and by Mr. William C. Herron for the defendant in error, and concluded by Mr. George F. Curtis for the plaintiff in error.

No. 44. Abdul Samad, appellant, *v.* Henry Behrandt, United States Marshal, etc., et al. Argued by Mr. Hannis Taylor for the appellant, and by Mr. William C. Herron for the appellee.

No. 45. Marine Railway & Coal Co. (Inc.), plaintiff in error, *v.* United States. Argued by Mr. James R. Caton for the plaintiff in error, and by Mr. H. H. Glassie for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, October 19, will be as follows: Nos. 46, 283, 48, 49, 50, 51, 52, 53 (89 and 196), 55, and 56.

69667—21—15



## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, OCTOBER 19, 1921.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Van Devanter, Mr. Justice Pitney, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Clarke.

Benjamin W. Scandrett, of St. Paul, Minn.; Simeon Nash, of Columbus, Ohio; and Leo J. Brumleve, jr., of Cincinnati, Ohio, were admitted to practice.

No. 53. John Connors, plaintiff in error, *v.* The People of the State of Illinois;

No. 89. William Taglia, plaintiff in error, *v.* The People of the State of Illinois; and

No. 196. Abe Schaffner, plaintiff in error, *v.* The People of the State of Illinois. Passed, per stipulation.

No. 46. Springfield Gas & Electric Company, plaintiff in error, *v.* City of Springfield. Argument commenced by Mr. Philip Barton Warren for the plaintiff in error, continued by Mr. Bayard Lacey Catron for the defendant in error, and concluded by Mr. Joseph S. Clark for the plaintiff in error.

No. 283. The State of New York et al., appellants, *v.* The United States et al. Two counsel allowed to argue for the railroad companies, on motion of Mr. Alfred P. Thom in that behalf. Four hours allowed for the argument in this case, on motion of Mr. Edward G. Griffin for the appellants. Argument commenced by Mr. Edward G. Griffin for the appellants, continued by Mr. Walter C. Noyes for the railroad companies, by Mr. John E. Benton for the appellants, and by Mr. Patrick J. Farrell for the Interstate Commerce Commission.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, October 20, will be as follows: Nos. 283, 48, 49, 50, 51, 52, 55, 56, 57, and 58.

69667—21—16

## SUPREME COURT OF THE UNITED STATES.

THURSDAY, OCTOBER 20, 1921.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Van Devanter, Mr. Justice Pitney, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Clarke.

Charles M. Stillwill, of Sioux City, Iowa; George H. Wark, of Caney, Kans.; and Alfred G. Armstrong, of Independence, Kans., were admitted to practice.

No. 52. Otto H. Kahn et al., as Executors, etc., appellants, *v.* The United States. Passed, pursuant to the twenty-sixth rule, on motion of Mr. Solicitor General Beck for the appellee.

No. 283. The State of New York et al., appellants, *v.* The United States et al. Argument continued by Mr. Patrick J. Farrell for the Interstate Commerce Commission; by Mr. Alfred P. Thom for the railroad companies; by Mr. Solicitor General Beck for the United States; and concluded by Mr. Edward G. Griffin for the appellants.

No. 48. The United States of America, plaintiff in error, *v.* Paul Sacks; and

No. 49. The United States of America, plaintiff in error, *v.* Herman Janowitz et al. Argued by Mr. William C. Herron for the plaintiff in error, and submitted by Mr. Joseph A. Seidman for the defendant in error in No. 48, and by Mr. Jonah J. Goldstein for the defendant in error in No. 49.

No. 50. Kern River Company et al., appellants, *v.* The United States of America. Argument commenced by Mr. James A. Gibson for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, October 21, will be as follows: Nos. 50, 51, 55, 56, 57, 58, 59, 60, 61, and 62.

69687—21—17

## SUPREME COURT OF THE UNITED STATES.

FRIDAY, OCTOBER 21, 1921.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Van Devanter, Mr. Justice Pitney, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Clarke.

Robert J. Selzer, of Cleveland, Ohio; Lewis E. Dadmun, of San Diego, Calif.; Baxter D. McClain, of Iola, Kans.; Francis W. Parker, jr., of Chicago, Ill.; Leslie Monroe Parker, of Chicago, Ill.; James A. McDermott, of Winfield, Kans.; George O. Ray, of Washington, D. C.; Hiram F. Lively, of Dallas, Tex.; and Gilbert Newton Harrison, of Brownwood, Tex., were admitted to practice.

No. 62. Joe Ali et al., appellants, *v.* David Lehrhaupt, Immigration Inspector, etc. Passed, to await the disposition of case No. 44, on motion of Mr. Assistant Attorney General Riter for the appellee.

No. 60. Southern Pacific Railroad Company, appellant, *v.* Albert B. Fall, Secretary of the Interior, et al. Submitted by Mr. C. F. R. Ogilby for the appellant and by Mr. Solicitor General Beck, Mr. Assistant Attorney General Riter, and Mr. H. L. Underwood for the appellees.

No. 50. Kern River Company et al., appellants, *v.* The United States of America. Argument continued by Mr. James A. Gibson for the appellants and concluded by Mr. Assistant Attorney General Riter for the appellee.

No. 51. Herbert L. Hildreth, petitioner, *v.* Jim M. Mastoras. Argued by Mr. George P. Dike for the petitioner and submitted by Mr. Joseph L. Atkins for the respondent.

No. 55. Alabama and Vicksburg Railway Company, plaintiff in error, *v.* Smith Journey. Argued by Mr. J. Blanc Monroe for the plaintiff in error and submitted by Mr. Robert B. Mayes for the defendant in error.

Adjourned until Monday next at 12 o'clock.

69667—21—18

## SUPREME COURT OF THE UNITED STATES.

MONDAY, OCTOBER 24, 1921.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Van Devanter, Mr. Justice Pitney, Mr. Justice Brandeis, and Mr. Justice Clarke.

Alfred E. Jones, of Uniontown, Pa.; James R. Cray, of Uniontown, Pa.; E. D. Brown, of Uniontown, Pa.; John E. Fetzer, of New Rochelle, N. Y.; Joseph J. Baer, of Uniontown, Pa.; William W. Parrshall, of Uniontown, Pa.; Harvey F. Carr, of Camden, N. J.; Bernard S. Barron, of New York City; Edward H. Chandler, of Tulsa, Okla.; John B. Clayton Stiver, of Des Moines, Iowa; and Elisha P. Morcom, of Woodburn, Oreg., were admitted to practice.

No. 29, original, October term, 1920. *Ex parte* In the matter of Lincoln Gas & Electric Light Company, petitioner. Petition for rehearing allowed to be filed, and petition denied. Opinion by Mr. Justice Pitney.

No. 214. Julius F. Smietanka, Collector, etc., *v.* Indiana Steel Company. On a certificate from the United States Circuit Court of Appeals for the Seventh Circuit. Questions certified answered in the negative. Opinion by Mr. Justice Holmes. Dissenting: Mr. Justice McKenna and Mr. Justice Clarke.

The Chief Justice announced the following orders of the court:

No. 25, original. The State of North Dakota *ex rel.* William Lemke, Attorney General, complainant, *v.* Chicago & Northwestern Railway Company et al. Motion to set cause for argument on motion to dismiss granted, and cause assigned for argument on Tuesday, January 3, 1922, after the cases heretofore assigned for that day.

No. —, original. *Ex parte* In the matter of Oregon Eilers Music House, petitioner. Motion for leave to file petition for a writ of prohibition herein denied.

No. —, original. *Ex parte* Vaughn. Motion for leave to proceed *in forma pauperis* herein denied.

No. —, original. *Ex parte* McKeown. Motion for leave to proceed *in forma pauperis* herein denied.

No. 218. Royal Baking Powder Company, appellant, *v.* George W. Emerson, Prosecuting Attorney, etc. Consideration of the motion to dismiss or affirm postponed until the hearing on the merits.

No. 251. Capitol Life Insurance Company, plaintiff in error, *v.* Mary C. Ross. Consideration of the motion to dismiss or affirm postponed until the hearing on the merits.

No. 359. Louis Brownlow et al., etc., et al., plaintiffs in error, *v.* Mollie Schwartz. Consideration of the motion to dismiss or affirm postponed until the hearing on the merits.

No. 370. Lehigh Valley Railroad Company, plaintiff in error, *v.* John Lysaght, Limited. In error to the United States Circuit Court of Appeals for the Second Circuit. *Per curiam*: Dismissed for lack of jurisdiction in this court upon the authority of Southern Pacific Co. *v.* Stewart, 245 U. S., 359.

No. 526. United States Shipping Board Emergency Fleet Corporation, etc., petitioner, *v.* Roger B. Wood, Trustee, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 533. Federal Trade Commission, petitioner, *v.* Fruit Growers' Express, Inc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted.

No. 540. Julius F. Smietanka, Collector of Internal Revenue, etc., petitioner, *v.* First Trust & Savings Bank, Trustee, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted.

No. 545. Takuji Yamashita et al., petitioners, *v.* J. Grant Hinkle, as Secretary of State of the State of Washington. Petition for a writ of certiorari to the Supreme Court of the State of Washington granted.

No. 550. Eibel Process Company, petitioner, *v.* Minnesota & Ontario Paper Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit granted.

No. 412. Verde Water and Power Company, petitioner, *v.* Salt River Valley Water Users' Association et al. Petition for a writ of certiorari to the Supreme Court of the State of Arizona denied.

No. 475. A. C. Townley et al., petitioners, *v.* The State of Minnesota. Petition for a writ of certiorari to the Supreme Court of the State of Minnesota denied.

No. 476. George H. McFadden Bros. Agency et al., petitioners, *v.* Standard Warehouse & Compress Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 477. Globe and Rutgers Fire Insurance Company, petitioner, *v.* Walker D. Hines, as Agent, etc. Petition for a writ of certiorari

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

No. 482. Fred W. Weitzel, 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. 483. Landis Tool Company et al., petitioners, *v.* Arthur H. Ingle. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 486. Moritz Loewenthal, 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. 489. Mexico North Western Railway Company, petitioner, *v.* F. L. Williams. Petition for a writ of certiorari to the Supreme Court of the State of Texas denied.

No. 490. Dunkley Company, petitioner, *v.* California Packing Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 493. Rockford Palace Furniture Company, petitioner, *v.* Robert D. Paden. Petition for a writ of certiorari to the Appellate Court, Second District, of the State of Illinois denied.

No. 495. Perlman Rim Corporation, petitioner, *v.* Louis deF. Munger. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 497. Gould & Curry Mining Company, petitioner, *v.* W. G. Douglas. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 504. Alvin M. Muck et al., petitioners, *v.* Weyerhaeuser Timber Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 507. Erath County, Texas, et al., petitioners, *v.* Powell, Garard & Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 551. Powell, Garard & Company, petitioner, *v.* Erath County, Texas, et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 508. Oregon Eilers Music House, petitioner, *v.* H. W. Sitton, as Trustee, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 509. Oregon Eilers Music House, petitioner, *v.* H. W. Sitton, as Trustee, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 514. Texas Ranger Producing & Refining Company, petitioner, *v.* E. T. Robinson. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 515. J. Herman Dierkes, 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. 516. Leopold Harris, 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. 517. L. W. Wineman et al., etc., petitioners, *v.* Anderson-Tully Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 519. Arminius Chemical Company, petitioner, *v.* Acme Manufacturing Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 520. Henry Conlin, petitioner, *v.* Emma Rose et al. Petition for a writ of certiorari to the District Court of Appeals, First Appellate District, of the State of California, denied.

No. 522. Hector H. Elwell, 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. 523. C. W. Anderson 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 denied.

No. 529. Southern Pacific Company, petitioner, *v.* Industrial Accident Commission of California et al. Petition for a writ of certiorari to the Supreme Court of the State of California denied.

No. 531. Henry S. DeRees, petitioner, *v.* David Costaguta et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 534. City and County of San Francisco, petitioner, *v.* Postal Telegraph Cable Company. Petition for a writ of certiorari to the District Court of Appeal, First Appellate District, of the State of California, denied.

No. 537. Dermott Land and Lumber Company, petitioner, *v.* Walter A. Zelnicker Supply Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 549. Lorraine de la Montanya Crittenden et al., petitioners, *v.* Narcissus Augustus Dorn et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 558. J. N. Pharr & Sons, Limited, petitioner, *v.* C. D. Kenny Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 559. Walker D. Hines, Director General of Railroads, Agent, petitioner, *v.* Anthony Kowalski. Petition for a writ of certiorari to the Supreme Court of the State of New Jersey denied.

No. 576. Nichols Field Wilson 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 Second Circuit denied.

No. 365. Virginia Railway and Power Company et al., petitioners, *v.* Bankers Trust Company, Executor, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 366. Virginia Railway and Power Company et al., petitioners, *v.* Thomas O'Connor et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 532. Seth Gettys et al., petitioners, *v.* Silvan Newburger et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 557. Metallic Rubber Tire Company, petitioner, *v.* The Hartford Rubber Works Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 539. E. Luther Melin, petitioner, *v.* Northland Pine Company et al. Petition for a writ of certiorari to the Supreme Court of the State of Minnesota dismissed for failure to file the petition within the statutory time.

No. 547. Joe Dubman, 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 dismissed for failure to file the petition within the statutory time.

No. 319. Rosalyn Zucht, etc., petitioner, *v.* W. A. King et al. Petition for a writ of certiorari to the Court of Civil Appeals for the Fourth Supreme Judicial District of the State of Texas dismissed for failure to submit petition in open court on the motion day as required by rule 37.

No. 332. Charles E. Schaff, Receiver, etc., petitioner, *v.* Maurice Miller. Petition for a writ of certiorari to the Supreme Court of the State of Missouri dismissed for failure to submit petition in open court on the motion day as required by rule 37.

No. 334. McLane Tilton, appellant, *v.* Felix M. Drennen, as Receiver, etc. Petition for a writ of certiorari to the United States



Circuit Court of Appeals for the Fifth Circuit dismissed for failure to submit petition in open court on the motion day as required by rule 237.

No. 367. Liberty Oil Company, petitioner, *v.* The Condon National Bank. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit dismissed for failure to submit petition in open court on the motion day as required by rule 37.

No. 377. Ole Tolo, petitioner, *v.* Steamship Hannah Nielson, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit dismissed for failure to submit petition in open court on the motion day as required by rule 37.

No. 381. Sioux City Bridge Company, petitioner, *v.* Dakota County, Nebraska. Petition for a writ of certiorari to the Supreme Court of the State of Nebraska dismissed for failure to submit petition in open court on the motion day as required by rule 37.

No. 434. Doo Fook, 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 dismissed for failure to submit petition in open court on the motion day as required by rule 37.

No. 435. Chan Wy Sheung, 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 dismissed for failure to submit petition in open court on the motion day as required by rule 37.

No. 322. F. A. Gillespie, plaintiff in error, *v.* The State of Oklahoma. Petition for a writ of certiorari herein postponed until the case is reached for hearing upon the writ of error.

No. 488. James A. Baker, Receiver, etc., et al., plaintiffs in error, *v.* Karl L. Druessedow, Tax Collector, etc. Petition for a writ of certiorari herein postponed until the case is reached for hearing upon the writ of error.

No. 206. Railroad Commission of Wisconsin et al., appellants, *v.* Chicago, Burlington & Quincy Railroad Company. Reargument ordered in this case and case set for hearing on December 5, 1921, as the first case upon the call for that day.

#### ORDER OF ALLOTMENT OF JUSTICES.

There having been a Chief Justice of this court appointed since the adjournment of the last term,

*It is ordered,* That the following allotment be made of the Chief Justice and Associate Justices of this court among the circuits, agreeably to the act of Congress in such case made and provided, and that such allotment be entered of record, viz:

For the First Circuit, Oliver Wendell Holmes, Associate Justice.

For the Second Circuit, Louis D. Brandeis, Associate Justice.

For the Third Circuit, Mahlon Pitney, Associate Justice.

For the Fourth Circuit, Willim H. Taft, Chief Justice.

For the Fifth Circuit, J. C. McReynolds, Associate Justice.

For the Sixth Circuit, William R. Day, Associate Justice.

For the Seventh Circuit, John H. Clarke, Associate Justice.

For the Eight Circuit, Willis Van Devanter, Associate Justice.

For the Ninth Circuit, Joseph McKenna, Associate Justice.

No. 111. Julia Boylan et al., plaintiffs in error, *v.* The United States of America. Motion to dismiss submitted by Mr. Solicitor General Beck and Mr. Assistant Attorney General Riter for the defendant in error in support of the motion.

No. 577. The United States of America, petitioner, *v.* A. C. Loucks et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Solicitor General Beck and Mr. Assistant Attorney General Riter for the petitioner.

No. 20, original. The State of Oklahoma, complainant, *v.* The State of Texas. Time within which to take testimony extended to November 29 next, on motion of Mr. Assistant Attorney General Riter for The United States.

No. 575. A. Bourjois & Company, Inc., petitioner, *v.* Anna Katzel. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Hans v. Briesen and Mr. William A. Redding for the petitioner, and by Mr. Manton M. Wyvell for the respondent.

No. 575. A. Bourjois & Company, Inc., petitioner, *v.* Anna Katzel. Leave granted to file brief as amicus curiae herein, on motion of Mr. Hans v. Briesen on behalf of Mr. Lindley M. Garrison.

No. 506. Charles S. Davis, plaintiff in error, *v.* Rena Cooksey et al. In error to the Court of Appeals of the District of Columbia. Reversed with costs, on confession of error, on motion of Mr. J. S. G. Gallagher for the defendants in error.

No. 456. William Lemke, as Attorney General of North Dakota et al., appellants, *v.* The Farmers Grain Company of Embden, North Dakota. Motion to advance submitted by Mr. Karl K. Gartner and Mr. William Lemke for the appellants.

No. 510. Donald M. Hill et al., petitioners, *v.* Charles S. Smith. Petition for a writ of certiorari to the Superior Court of the State of Massachusetts submitted by Mr. Edward E. Blodgett for the petitioner.

No. 511. John Barton Payne, Director General of Railroads and as Agent, petitioner, *v.* Leila Shotwell, as Administratrix, etc. 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. 538. James Cox Davis, Director General of Railroads and as Agent, petitioner, *v.* Edward O. Colvin. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. P. H. Van Alstine and Mr. H. J. Killilea for the petitioner.

No. 588. John Barton Payne, Director General of Railroads for the Baltimore & Ohio Railroad Company, etc., petitioner, *v.* Catherine Lind, Administratrix, etc. Petition for a writ of certiorari to the Court of Appeals of Hamilton County, Ohio, submitted by Mr. George Hoadly, Mr. Edward Colston, and Mr. Judson Harmon for the petitioner, and by Mr. Edward M. Ballard for the respondent.

No. 589. John Barton Payne, Director General of Railroads, etc., petitioner, *v.* Catherine Lind, Administratrix, etc. Petition for a writ of certiorari to the Court of Appeals of Hamilton County, Ohio, submitted by Mr. George Hoadly, Mr. Edward Colston, and Mr. Judson Harmon for the petitioner, and by Mr. Edward M. Ballard for the respondent.

No. 447. Gertrude E. Fonda et al., etc., et al., plaintiffs in error, *v.* City of St. Albans. In error to the Supreme Court of the State of Vermont. Dismissed with costs, on motion of counsel for the plaintiffs in error.

Adjourned until Monday, November 7 next, at 12 o'clock. The day call for Monday, November 7, will be as follows: Nos. 56, 57, 58, 59, 61, 255, 276, 63, 138, and 140 (and 142).

## SUPREME COURT OF THE UNITED STATES.

MONDAY, NOVEMBER 7, 1921.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Van Devanter, Mr. Justice Pitney, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Clarke.

Lincoln L. Eyre, of Philadelphia, Pa.; Francis J. Maneely, of Philadelphia, Pa.; John P. O'Brien, of New York City; William E. C. Mayer, of New York City; Edgar J. Kohler, of New York City; Frederic C. Rupp, of Buffalo, N. Y.; Louis S. Carpenter, of New York City; Bart. A. Riley, of Miami, Fla.; Earle N. Genzberger, of Butte, Mont.; George L. Record, of Jersey City, N. J.; Richard Francis Jones, of Newark, N. J.; Benjamin Cianciarulo, of Providence, R. I.; Henry A. Bundschu, of Kansas City, Mo.; Francis A. Silver, of Butte, Mont.; Charles E. Kelley, of New York City; Arthur C. Minning, of Washington, D. C.; George Reed, of Fayetteville, Ark.; Robert J. Moore, of Niagara Falls, N. Y.; Nathaniel Vigran, of Cincinnati, Ohio; Bertram Winthrop, of New York City; and Charles Morris Roberson, of Shreveport, La., were admitted to practice.

No. 23. William Breiholz et al., plaintiffs in error, *v.* The Board of Supervisors of Pocahontas County, Iowa, et al. In error to the Supreme Court of the State of Iowa. Judgment affirmed with costs. Opinion by Mr. Justice Clarke. (Mr. Justice McReynolds concurs in the result.)

No. 38. Charles F. Hunt, Executor, etc., appellant, *v.* The United States. Appeal from the Court of Claims. Judgment reversed; and cause remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Clarke.

No. 55. Alabama & Vicksburg Railway Company et al., plaintiffs in error, *v.* Smith Journey. In error to the Supreme Court of the State of Mississippi. Writ of error dismissed for the want of jurisdiction. Petition for writ of certiorari herein granted. Judgment reversed with costs; and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Brandeis.

No. 291. Louisiana & Pine Bluff Railway Company, appellant, *v.* The United States of America. Appeal from the District Court of the United States for the Western District of Arkansas. Judgment affirmed. Opinion by Mr. Justice Brandeis.

No. 27. Citizens National Bank of Cincinnati, administrator with the will annexed of the estate of John M. Anderson, deceased, plaintiff in error, *v.* Peter W. Durr, as former auditor, et al. In error to the Supreme Court of the State of Ohio. Writ of error dismissed for the want of jurisdiction. Petition for writ of certiorari herein granted. Judgment affirmed with costs. Opinion by Mr. Justice Pitney. Additional opinion by Mr. Justice Holmes, concurred in by Mr. Justice Van Devanter and Mr. Justice McReynolds.

No. 21. Beter Wilson, plaintiff in error, *v.* Republic Iron & Steel Company et al. In error to the District Court of the United States for the Northern District of Alabama. Judgment affirmed with costs. Opinion by Mr. Justice Van Devanter.

No. 10. Joseph W. Nicholas, appellant, *v.* The United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Day.

No. 11. Wilson Scott Norris, appellant, *v.* The United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Day.

No. 12. Louis H. Eberlein, appellant, *v.* The United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Day.

No. 210. Pennsylvania Railroad Company, plaintiff in error, *v.* Isaac C. Weber, surviving partner, etc., et al. In error to the United States Circuit Court of Appeals for the Third Circuit. Judgment affirmed with costs; and cause remanded to the District Court of the United States for the Eastern District of Pennsylvania. Opinion by Mr. Justice Day.

No. 45. Marine Railway & Coal Company, Inc., plaintiff in error, *v.* The United States of America. In error to the Court of Appeals of the District of Columbia. Judgment affirmed. Opinion by Mr. Justice Holmes.

No. 46. Springfield Gas & Electric Company, plaintiff in error, *v.* City of Springfield. In error to the Supreme Court of the State of Illinois. Judgment affirmed with costs. Opinion by Mr. Justice Holmes.

No. 48. The United States of America, plaintiff in error, *v.* Paul Sacks. In error to the District Court of the United States for the Southern District of New York. Judgment reversed and cause remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice McKenna.

No. 49. The United States of America, plaintiff in error, *v.* Herman Janowitz et al. In error to the District Court of the United States for the Southern District of New York. Judgment reversed and cause remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice McKenna.

No. 15. The Yazoo & Mississippi Valley Railroad Company et al., plaintiffs in error, *v.* The City of Clarksdale. In error to the Supreme Court of the State of Mississippi. Writ of error dismissed for the want of jurisdiction. Petition for writ of certiorari herein granted. Judgment reversed with costs and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Chief Justice Taft.

No. 51. Herbert L. Hildreth, petitioner, *v.* Jim M. Mastoras. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Decree of the United States Circuit Court of Appeals for the Ninth Circuit reversed with costs and judgment of the District Court of the United States for the District of Oregon affirmed with costs. Opinion by Mr. Chief Justice Taft.

The Chief Justice also announced the following orders of the Court:

No. 367. Liberty Oil Company, petitioner, *v.* The Condon National Bank et al.;

No. 377. Ole Tolo, petitioner, *v.* Steamship *Hannah Nielson*, her engines, etc.;

No. 381. Sioux City Bridge Company, petitioner, *v.* Dakota County, Nebraska;

No. 434. Doo Fook, petitioner, *v.* The United States of America; and

No. 435. Chan Wy Sheung, petitioner, *v.* The United States of America.

These were petitions for a rehearing of the dismissal of petitions for certiorari which were not submitted to the Court in accordance with the provision of Rule 37, par. 4, that "An application for a writ of certiorari will be deemed in time when the petition therefor, accompanied by the printed record and brief, is filed within the period prescribed by law, provided this is followed by submitting the petition in open court on some motion day not later than the first one which follows a period of four weeks after such filing." It has been made to appear to the satisfaction of the court that the

failure to submit these petitions at the proper time was due to a misunderstanding as to the effect of the rule and an unwarranted reliance upon the assumed practice of the clerk of his own motion to present such petitions. The authority given by the rule to the clerk to present the petitions at the request of counsel was for the purpose of relieving counsel of the necessity of coming to court, frequently from long distances, to make a formal motion. It was not, however, intended to relax the requirement adopted to facilitate dispatch of business, that the petition should be presented on the motion day fixed by the rule. By granting these motions the court does not intend to relax the requirements of the rule, and suggests that hereafter to avoid question requests made to the clerk to present such petitions should be in writing. The applications in the foregoing cases are severally granted, and the petitions will be restored to the docket for consideration on their merits and considered as submitted.

No. 456. William Lemke, as Attorney General of North Dakota, et al., appellants, *v.* The Farmers Grain Company of Embden, North Dakota; and

No. 604. William Lemke, as Attorney General of the State of North Dakota, et al., appellants, *v.* The Homer Farmers Elevator Company et al. Motions to vacate stay postponed to the hearing on the merits. Motion to advance granted, and cases assigned for hearing on Monday, November 14th, next, at the head of the call for that day.

No. 481. Great Northern Railway Company, petitioner, *v.* Vivian H. Steinke et al. Petition for a writ of certiorari to the Supreme Court of the State of North Dakota granted.

No. 510. Donald M. Hill et al., etc., petitioners, *v.* Charles S. Smith. Petition for a writ of certiorari to the Superior Court of the State of Massachusetts granted.

No. 575. A. Bourjois & Company, Inc., petitioner, *v.* Anna Katzel. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 577. The United States of America, petitioner, *v.* A. C. Loucks et al. Petition for writ of certiorari to the United States Circuit Court of appeals for the Fifth Circuit granted.

No. 538. James Cox Davis, Director General of Railroads, etc., petitioner, *v.* Edward O. Colvin. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 588. John Barton Payne, Director General of Railroads, etc., petitioner, *v.* Catherine Lind, administratrix, etc. Petition for a writ of certiorari to the Court of Appeals of Hamilton County, Ohio, denied, because prematurely filed.

No. 589. John Barton Payne, Director General of Railroads, etc., petitioner, *v.* Catherine Lind, administratrix, etc. Petition for a writ of certiorari to the Court of Appeals of Hamilton County, Ohio, denied, because prematurely filed.

No. 355. United States Shipping Board Emergency Fleet Corporation, plaintiff in error, *v.* John E. Sullivan. Further consideration of the petition for a writ of certiorari herein postponed to the hearing on the writ of error.

No. —. *In re* Whitehead. Petition for leave to proceed in forma pauperis herein, on appeal from an order of the District Court of the United States for the Southern District of New York refusing a writ of habeas corpus, denied for lack of jurisdiction to entertain the appeal.

No. 43. Philadelphia & Reading Railway Company, petitioner, *v.* Amy Smith. On writ of certiorari to the Supreme Court of the State of Pennsylvania. *Per curiam*: Reversed with costs upon authority of Philadelphia & Reading Ry. Co. *v.* Di Donato, decided May 16, 1921.

No. 44. Abdul Samad, appellant, *v.* Henry Behrandt, U. S. Marshal, etc. Appeal from the District Court of the United States for the Eastern District of Michigan. *Per curiam*: Dismissed for want of jurisdiction upon the authority of *Brolan v. The United States* (236 U. S. 216, 217-218); *Sugarman v. United States* (249 U. S. 182, 185).

No. 111. Julia Boylan et al., plaintiffs in error, *v.* The United States of America. In error to the United States Circuit Court of Appeals for the Second Circuit. *Per curiam*: Dismissed for want of jurisdiction, due to failure to apply for writ of error within the statutory period which began with the date of the entry of the final judgment of the Circuit Court of Appeals to which the writ of error issued, and not with date of the entry of the judgment in the District Court under the mandate of the Circuit Court of Appeals. Act of September 6, 1916 (ch. 448, sec. 6, 39 Stat. 276, 727).

No. 608. The United States of America, appellant, *v.* G. M. Caster et al. Appeal from the United States Circuit Court of Appeals for the Eighth Circuit. Dismissed on motion of Mr. Solicitor General Beck for the appellant and mandate granted.

No. 119. United Shoe Machinery Corporation et al., appellants, *v.* The United States of America. Advanced and assigned for argument on Monday, January 3 next, on motion of Mr. Solicitor General Beck for the appellee.

No. 410. The United States, appellant, *v.* Mason & Hanger Company. Motion for an order on the Court of Claims to make and



certify specific finding of fact submitted by Mr. Solicitor General Beck, Mr. Assistant Attorney General Lovett and Mr. John E. Hoover for the appellant in support of the motion.

No. 410. The United States, appellant, *v.* Mason & Hanger Company. Petition for a writ of certiorari and suggestion of diminution of the record submitted by Mr. Solicitor General Beck, Mr. Assistant Attorney General Lovett, and Mr. John E. Hoover for the appellant in support of the motion, and by Mr. William B. King, Mr. George A. King, and Mr. George R. Shields for the appellee in opposition thereto.

No. 592. The City of Louisville *v.* Louisville Railway Company. Motion to advance submitted by Mr. Richard P. Ernst in behalf of counsel.

No. 553. Oscar Leser et al., plaintiffs in error, *v.* J. Mercer Garnett et al., etc., et al. Motion to advance submitted by Mr. William L. Marbury for the plaintiffs in error.

No. 148. Charles S. Fairchild, appellant, *v.* Charles E. Hughes, Secretary of State, et al. Motion to advance submitted by Mr. William L. Marbury for the appellant. Motion to hold consideration of motion to advance in abeyance submitted by Mr. Solicitor General Beck for the appellees.

No. 93. Tom J. Terral, as Secretary of State of Arkansas, appellant, *v.* Burke Construction Company. Motion to amend record submitted by Mr. Kenneph McKellar in that behalf.

No. 607. Board of Public Utility Commissioners of the State of New Jersey, appellant, *v.* Public Service Railway Company. Motion for an order staying operation of preliminary injunction submitted by Mr. Thomas F. McCran for the appellant. with leave to make oral argument thereon.

No. —, original. Ex parte In the matter of Brady W. Warner, petitioner. Motion for leave to file petition for a writ of mandamus herein submitted by Mr. Frans E. Lindquist for the petitioner.

No. 416. Joshua W. Miles, Collector of Internal Revenue, etc., plaintiff in error, *v.* The Safe Deposit and Trust Company of Baltimore, guardian, etc. Motion to advance submitted by Mr. Arthur W. Machen, jr., for the defendant in error.

Nos. 508 and 509. Oregon Eilers Music House, petitioner, *v.* H. W. Sitton, as trustee, etc.; and

No. —, original. Ex parte: In the matter of Oregon Eilers Music House, petitioner. Motion that there issue forthwith certified copies of orders denying petition for writs of certiorari and of motion for leave to file petition for writ of prohibition, submitted by Mr. Levi Cooke for the petitioner and by Mr. Will R. King for the respondent in opposition thereto.

No. 20, original. The State of Oklahoma, complainant, *v.* The State of Texas. Report of Special Master filed, on motion of Mr. Frederick S. Tyler in that behalf.

No. 20, original. The State of Oklahoma, complainant, *v.* The State of Texas. Report of Commissioner filed, on motion of Mr. Frederick S. Tyler in that behalf.

No. 20, original. The State of Oklahoma, complainant, *v.* The State of Texas. Sixth report of Receiver filed, on motion of Mr. John S. Flannery of counsel for the Receiver.

No. 329. John Barton Payne, Director General, etc., et al., appellants, *v.* George Wallace et al. James C. Davis, Director General of Railroads, substituted as a party appellant herein instead of John Barton Payne, on motion of Mr. Alexander Britton in behalf of counsel. Motion to advance submitted by Mr. Alexander Britton in behalf of counsel.

No. 25, original. The State of North Dakota *ex rel.* William Lemke, Attorney General, complainant, *v.* Chicago & Northwestern Railway Company et al. Motion that order setting case for hearing on January 3, 1922, be canceled, that case be submitted on briefs, and that the motion to dismiss herein be denied, submitted by Mr. Karl K. Gartner for the complainant, with leave to counsel for the defendants to file brief in opposition thereto.

No. 369. Lehigh Valley Railroad Company, plaintiff in error, *v.* Allied Machinery Company of America. Motion to dismiss or affirm submitted by Mr. Hartwell Cabell for the defendant in error in support of the motion, and by Mr. Edgar H. Boles, Mr. Charles A. Boston, Mr. George S. Hobart, and Mr. Lindley M. Garrison for the plaintiff in error in opposition thereto.

No. 61. The City of Chicago, plaintiff in error, *v.* Chicago Railways Company et al. Motion for leave to file brief of James L. Quackenbush as *amicus curiae* herein submitted by Mr. Louis S. Carpenter in that behalf. Motion for leave to reply thereto on behalf of the City of New York submitted by Mr. Hiram W. Johnson in that behalf.

No. 282. James S. McKee et al., petitioners, *v.* Benjamin Gratz. Leave granted to file brief herein as *amicus curiae*, on motion of Mr. Frank M. Swacker in that behalf.

No. 283. The State of New York et al., appellants, *v.* The United States et al. Motion for leave to file supplemental brief herein submitted by Mr. John H. Benton for the appellants.

No. 256. The United States of America, appellant, *v.* The Western Union Telegraph Company. Extension of time of one month within which to file briefs in this cause granted, on motion of Mr. Paul E. Lesh for the appellee.

No. 553. Oscar Leser et al., plaintiffs in error, *v. J. Mercer Garnett et al., etc., et al.* Petition for a writ of certiorari herein submitted by Mr. William L. Marbury for the plaintiff in error in support of the petition, and by Mr. Alexander Armstrong for the defendant in error in opposition thereto.

No. 565. Carlos L. Byron 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. William Robert Andrews, Mr. S. H. Piles, and Mr. C. A. Keigwin for the petitioners, and by Mr. Solicitor General Beck, Mr. Assistant Attorney General Crim, and Mr. Wm. C. Herron for the respondent.

No. 567. Robert H. Davis, petitioner, *v. American Engineering Company et al., etc.* Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Robert H. McCarter for the petitioner, and by Mr. Alfred T. Davison and Mr. Oscar A. Lewis for the respondents.

No. 568. The City of New York, petitioner, *v. Title Guarantee and Trust Company, Trustee, etc., et al.* Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. John F. O'Brien for the petitioner, and by Mr. Alfred T. Davison and Mr. Oscar A. Lewis for the respondents.

No. 580. Farmers Life Insurance Company, petitioner, *v. Foster Building and Realty Company et al.* Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Lewis R. Bryan, Mr. Henry A. Hicks, and Mr. B. D. Tarlson for the petitioner, and by Mr. C. M. McWilliams for the respondents.

No. 581. Farmers Life Insurance Company, petitioner, *v. Foster Building and Realty Company.* Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Lewis R. Bryan, Mr. Henry A. Hicks, and Mr. B. D. Tarlson for the petitioner, and by Mr. C. M. McWilliams for the respondent.

No. 584. Star Company, petitioner, *v. The Wheeler Syndicate (Inc.).* Petition for a writ of certiorari to the Supreme Court of the State of New York submitted by Mr. William A. De Ford and Mr. Nathan Burkan for the petitioner, and by Mr. Charles E. Kelley for the respondent.

No. 585. Star Company, petitioner, *v. Harry C. Fisher.* Petition for a writ of certiorari to the Supreme Court of the State of New York submitted by Mr. William A. De Ford and Mr. Nathan Burkan for the petitioner, and by Mr. Charles E. Kelley for the respondent.

No. 36. Daniel Boyle et al., appellants, *v. A. M. Holter Hardware Company et al.* Appeal from the District Court of the

United States for the District of Montana. Dismissed with costs, per stipulation.

No. 58. John W. Davidge, petitioner, *v.* Leo Simmons. Passed until No. 79 is reached.

No. 63. North Pacific Steamship Company, appellant, *v.* William T. Soley. Submitted by Mr. Ernest Clewe and Mr. Frank W. Aitken for the appellant, and by Mr. Christopher M. Bradley for the appellee.

No. 56. The Robert Mitchell Furniture Company, plaintiff in error, *v.* Selden Breck Construction Company. Argued by Mr. Leo J. Brumleve for the plaintiff in error, and by Mr. Simeon Nash for the defendant in error.

No. 607. Board of Public Utility Commissioners of the State of New Jersey, appellant, *v.* Public Service Railway Company. Twenty minutes allowed each side for the argument of the motion for stay of preliminary injunction. Argued by Mr. Thomas F. McCran and Mr. L. Edward Herrmann for the appellant, and by Mr. Robert H. McCarter for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, November 8, will be as follows: Nos. 57, 59, 61, 255, 276, 138, 140 (and 142), 47, 52, and 64.

# SUPREME COURT OF THE UNITED STATES.

TUESDAY, NOVEMBER 8, 1921.

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Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Van Devanter, Mr. Justice Pitney, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Clarke.

Arthur E. Young, of Pittsburgh, Pa.; Joel M. Dickey, of St. Paul, Minn.; Albert C. Hindman, of Ancon, Canal Zone; and John T. Simms, of Charleston, W. Va.; were admitted to practice.

No. 92. The United States of America *ex rel.* Robert A. Widenmann, plaintiff in error, *v.* Bainbridge Colby, as Secretary of State, etc. Charles E. Hughes, present Secretary of State, substituted as the party defendant in error herein in place of Bainbridge Colby, former Secretary of State, on motion of Mr. Richard S. Harvey in that behalf. Appearance of Richard S. Harvey as counsel for the plaintiff in error herein withdrawn, and appearance of George W. Tucker substituted, on motion of Mr. Richard S. Harvey in that behalf.

No. 340. International Railway Company, appellant, *v.* George G. Davidson, Individually and as Collector, etc., et al.; and

No. 368. Thomas Snyder, on behalf of himself and all others similarly situated, appellant, *v.* George G. Davidson, Jr., Individually, etc., et al. Motion to advance and consolidate these cases submitted by Mr. George F. Snyder in that behalf.

No. 340. International Railway Company, appellant, *v.* George G. Davidson, Individually and as Collector, etc., et al. Petition for a writ of certiorari herein submitted by Mr. George F. Snyder in behalf of Mr. Basil Robillard for the appellant in support of the petition.

No. 57. John Simmons Company, petitioner, *v.* The Grier Brothers Company. Argued by Mr. James Q. Rice for the petitioner, and by Mr. C. B. Byrnes and Mr. David A. Reed for the respondent.

No. 59. C. E. Miller, plaintiff in error, *v.* American Bonding Company. Argued by Mr. James G. Glessner for the plaintiff in error, and by Mr. Francis B. Bracken for the defendant in error.

No. 61. The City of Chicago, plaintiff in error, *v.* Chicago Railways Company et al. Motion for leave to file briefs herein as amici curiae, heretofore submitted, denied. Argument commenced by Mr. Chester E. Cleveland for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, November 9, will be as follows: Nos. 61, 255, 276, 138, 140 (and 142), 47, 52, 64, 65, and 66.

# SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, NOVEMBER 9, 1921.

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Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Van Devanter, Mr. Justice Pitney, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Clarke.

Elias V. Rosenkranz, of Los Angeles, Calif., was admitted to practice.

No. 61. The city of Chicago, plaintiff in error, *v.* Chicago Railways Company et al. Argument continued by Mr. Harry P. Weber for the defendants in error, and concluded by Mr. Chester E. Cleveland for the plaintiff in error.

No. 255. The Eureka Pipe Line Company, plaintiff in error, *v.* Walter S. Hallanan, State Tax Commissioner, et al. Argued by Mr. Frank L. Crawford for the plaintiff in error, and by Mr. F. O. Blue and Mr. S. B. Avis for the defendants in error.

No. 276. United Fuel Gas Company, plaintiff in error, *v.* Walter S. Hallanan, State Tax Commissioner, etc., et al. Argument commenced by Mr. Malcolm Jackson for the plaintiff in error, and continued by Mr. William Gordon Mathews for the defendants in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, November 10, will be as follows: Nos. 276, 138, 140 (and 142), 47, 52, 64, 65, 66, 69, and 70.

# SUPREME COURT OF THE UNITED STATES.

· THURSDAY, NOVEMBER 10, 1921.

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Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Van Devanter, Mr. Justice Pitney, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Clarke.

William A. Needham, of Providence, R. I.; F. Gwynn Gardiner, of Washington, D. C.; Raymond J. Mawhinney, of Washington, D. C.; William Jennings Coyle, of Seattle, Wash.; Cicero F. Hogan, of Portland, Oreg.; and Ernest O. Thompson, of Amarillo, Tex., were admitted to practice.

No. 70. Essanay Film Manufacturing Company, appellant, *v.* William R. Kane. Submitted by Mr. William M. Seabury for the appellant. No appearance for the appellee.

No. 276. United Fuel Gas Company, plaintiff in error, *v.* Walter S. Hallanan, State Tax Commissioner, etc., et al. Argument continued by Mr. William Gordon Mathews for the defendants in error, and concluded by Mr. Malcolm Jackson for the plaintiff in error.

No. 138. James J. Rafferty, Collector, etc., petitioner, *v.* Smith, Bell & Company, Limited;

No. 140. James J. Rafferty, as Collector, etc., petitioner, *v.* Compania General de Tabacos de Filipinas; and

No. 142. James J. Rafferty, as Collector, etc., petitioner, *v.* Visayan Refining Company. Argued by Mr. Grant T. Trent for the petitioner, and by Mr. C. B. Miller for the respondents.

No. 47. Federal Trade Commission, petitioner, *v.* Beech-Nut Packing Company. Argument commenced by Mr. Solicitor General Beck for the petitioner.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, November 14, will be as follows: Nos. 47, 456, 604, 52, 64, 65, 66, 69, 436, 257, 258, 288, 295, 296, 298, and 563.



# SUPREME COURT OF THE UNITED STATES.

MONDAY, NOVEMBER 14, 1921.

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Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Van Devanter, Mr. Justice Pitney, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Clarke.

J. B. Moore, of Ardmore, Okla.; Ralph H. Higgins, of Seattle, Wash.; Edmund W. Wakelee, of Newark, N. J.; Samuel Meyers, of New York City; Wallace Hawkins, of Austin, Tex.; Frank A. Harrison, of Lincoln, Nebr.; Ewell D. Moore, of San Francisco, Calif.; Seth W. Richardson, of Fargo, N. Dak.; Wendell Johnson, of Oklahoma City, Okla.; M. Maldwin Fertig, of New York City; Courtland M. Feuquay, of Chandler, Okla.; Clarence R. Cummings, of White Plains, N. Y.; Samuel F. Moran, of New York City; and William L. Ransom, of New York City, were admitted to practice.

No. 41. Crescent Cotton Oil Company, plaintiff in error, *v.* The State of Mississippi. In error to the Supreme Court of the State of Mississippi. Judgment affirmed with costs. Opinion by Mr. Justice Clarke. (Mr. Justice Holmes and Mr. Justice McReynolds concur in the result.)

The Chief Justice announced the following orders of the Court:

No.—, original. *Ex parte* In the matter of Brady W. Warner, petitioner. Motion for leave to file petition for a writ of mandamus herein denied.

No. 410. The United States, appellant, *v.* Mason & Hanger Company. Motion for an order on the Court of Claims to make and certify specific finding of fact herein denied.

No. 93. Tom J. Terral, as Secretary of State of the State of Arkansas, appellant, *v.* Burke Construction Company. Motion to amend the record herein granted.

No. 25, original. The State of North Dakota *ex rel.* William Lemke, Attorney General, complainant, *v.* Chicago & Northwestern Railway Company et al. Motion that order heretofore entered setting this case for hearing be canceled, and that case be submitted on briefs, and that motion to dismiss be denied herein, denied.

No. 607. Board of Public Utility Commissioners of the State of New Jersey, appellant, *v.* Public Service Railway Company. Motion for stay of injunction herein denied.

No. 369. Lehigh Valley Railroad Company, plaintiff in error, *v.* Allied Machinery Company of America. In error to the United States Circuit Court of Appeals for the Second Circuit. *Per curiam*: Dismissed for want of jurisdiction upon the authority of *Shulthis v. McDougal*, 225 U. S. 561; *Hull v. Burr*, 234 U. S. 712, 720; *St. Anthony's Church v. Pennsylvania R. R. Co.*, 237 U. S. 575, 577, 578.

No. 148. Charles S. Fairchild, appellant, *v.* Charles E. Hughes, Secretary of State, et al.;

No. 416. Joshua W. Miles, Collector of Internal Revenue, etc., plaintiff in error, *v.* The Safe Deposit & Trust Company of Baltimore, guardian, etc.;

No. 329. James C. Davis, Director General, etc., et al., appellants, *v.* George Wallace, et al.;

No. 553. Oscar Leser, et al., plaintiffs in error, *v.* J. Mercer Garnett, et al., etc., et al.;

No. 592. The City of Louisville *v.* Louisville Railway Company. Motions to advance granted and cases assigned for argument on Monday, December 5 next, after the cases heretofore assigned for that day; Nos. 148 and 553 to be heard together and motion to dismiss to be heard at the same time.

No. 340. International Railway Company, appellant, *v.* George G. Davidson, Individually and as Collector, etc., et al.; and

No. 368. Thomas Snyder, on behalf of himself, etc., appellant, *v.* George G. Davidson, jr., Individually, etc., et al. Motion to advance granted and cases consolidated for hearing and assigned for argument on Monday, December 5 next, after the cases heretofore assigned for that day.

No. 367. Liberty Oil Company, petitioner, *v.* The Condon National Bank et. al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit granted.

No. 381. Sioux City Bridge Company, petitioner, *v.* Dakota County, Nebraska. Petition for a writ of certiorari to the Supreme Court of the State of Nebraska granted.

No. 358. The Studebaker Corporation, petitioner, *v.* Gear Grinding Machine Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 511. John Barton Payne, Director General of Railroads, etc., petitioner, *v.* Leila Shotwell, as Administratrix, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 377. Ole Tolo, petitioner, *v.* Steamship "Hannah Neilson," etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 565. Carlos L. Byron et al., petitioners, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 567. Robert H. Davis, petitioner, *v.* American Engineering Company et al., etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 568. The City of New York, petitioner, *v.* Title Guarantee & Trust Company, Trustee, etc., et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 580. Farmers Life Insurance Company, petitioner, *v.* Foster Building & Realty Company et al.; and

No. 581. Farmers Life Insurance Company, petitioner, *v.* Foster Building & Realty Company. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 584. Star Company, petitioner, *v.* The Wheeler Syndicate, Inc. Petition for a writ of certiorari to the Supreme Court of the State of New York denied.

No. 585. Star Company, petitioner, *v.* Harry C. Fisher. Petition for a writ of certiorari to the Supreme Court of the State of New York denied.

No. 340. International Railway Company, appellant, *v.* George G. Davidson, Individually and as Collector, etc., et al. Further consideration of the petition for a writ of certiorari herein postponed until the hearing on the appeal.

No. 553. Oscar Leser et al., plaintiffs in error, *v.* J. Mercer Garnett et al., etc., et al. Further consideration of the petition for a writ of certiorari herein postponed until the hearing on the writ of error.

No. 410. The United States, appellant, *v.* Mason & Hanger Company. Motion for writ of certiorari upon suggestion of diminution of the record herein denied.

The Chief Justice also announced that the court will take a recess from Monday, the 21st instant, until Monday, December 5, next.

No. 376. Astoria Marine Iron Works, plaintiff in error, *v.* United States Shipping Board Emergency Fleet Corporation. Motion to advance submitted by Mr. Solicitor General Beck for the defendant in error.

No. 20, original. The State of Oklahoma, complainant, *v.* The State of Texas. Leave granted to file amendment to amended petition of intervention of A. E. Pearson et al., on motion of Mr. W. A. Ledbetter in that behalf.

No. 548. Walter A. Eastes, appellant, *v.* George F. Crutchley, Collector, etc., et al. Motion to advance for hearing with cases Nos. 174, 175, and 428, heretofore assigned for Monday, December 5 next, submitted by Mr. Frans E. Lindquist in that behalf.

No. 206. Railroad Commission of Wisconsin et al., appellants, *v.* Chicago, Burlington & Quincy Railroad Company. Leave granted to file brief herein as *amicus curiae*, on motion of Mr. Karl K. Gartner for the State of North Dakota, with leave to opposing parties to file reply.

No. —, original. The Texas Cherokees, complainant, *v.* the State of Texas. Motion for leave to file a bill of complaint herein submitted by Mr. William Sulzer for the complainant.

No. 47. Federal Trade Commission, petitioner, *v.* Beech-Nut Packing Company. Argument continued by Mr. Charles W. Dunn for the respondent, and concluded by Mr. Solicitor General Beck for the petitioner.

No. 456. William Lemke, as Attorney General of North Dakota, et al., appellants, *v.* The Farmers Grain Company of Embden, North Dakota. Argued by Mr. Seth W. Richardson for the appellants, and by Mr. David F. Simpson for the appellee.

No. 604. William Lemke, as Attorney General of the State of North Dakota, et al., appellants, *v.* The Homer Farmers Elevator Company et al. Submitted by Mr. William Lemke, Mr. Karl K. Gartner, and Mr. Seth W. Richardson for the appellants, and by Mr. William A. Lancaster, Mr. David F. Simpson, and Mr. Harold G. Simpson for the appellees. Leave granted to file further briefs hereafter.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, November 15, will be as follows: Nos. 52, 64, 298, 563, 66, 69, 436, 257, 258, 288, 295, 296, and 65.

## SUPREME COURT OF THE UNITED STATES.

TUESDAY, NOVEMBER 15, 1921.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Van Devanter, Mr. Justice Pitney, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Clarke.

Edward A. Stockwell, of Providence, R. I., was admitted to practice.

No. 616. John Hill, jr., et al., appellants, *v.* Henry C. Wallace, Secretary of Agriculture, et al. Motion to advance and for an order preserving the status quo submitted by Mr. Henry S. Robbins for the appellants.

No. 38. Charles F. Hunt, executor, etc., appellant, *v.* The United States. Mandate granted on motion of Mr. Burt E. Barlow for the appellant.

No. 52. Otto H. Kahn et al., as executors, etc., appellants, *v.* The United States. Argued by Mr. H. T. Newcomb for the appellants and by Mr. Assistant Attorney General Ottinger for the appellee.

No. 64. Leopold Sternberger et al., plaintiffs in error, *v.* The Continental Mines, Power & Reduction Company. Submitted by Mr. Norton Montgomery for the plaintiffs in error and by Mr. Morrison Shafroth for the defendant in error.

No. 298. The State of Texas, appellant, *v.* Eastern Texas Railroad Company et al.; and

No. 563. The State of Texas et al., appellants, *v.* The United States of America et al. Four hours allowed for the argument of these cases. Argument commenced by Mr. Tom L. Beauchamp for the appellants, continued by Mr. E. B. Perkins for the appellees railroad companies, by Mr. Solicitor General Beck for the appellee The United States, and by Mr. Walter McFarland for appellee the Interstate Commerce Commission.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, November 16, will be as follows: Nos. 298 (and 563), 66, 69, 436, 257, 258, 288, 295, 296, and 65.

69667—21—26.

# SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, NOVEMBER 16, 1921.

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Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Van Devanter, Mr. Justice Pitney, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Clarke.

I. Faerber Goldenhorn, of Jersey City, N. J.; James Smith Ross, of Oklahoma City, Okla.; Solomon P. Roderick, of Chicago, Ill.; Michael B. Roderick, of Chicago, Ill.; John Christenson, of Cicero, Ill.; and Nicholas M. Greenberger, of Akron, Ohio, were admitted to practice.

No. 298. The State of Texas, appellant, *v.* Eastern Texas Railroad Company et al.; and

No. 563. The State of Texas, appellant, *v.* The United States of America et al. Leave granted to file brief within one week, on motion of Mr. Solicitor General Beck for the United States.

No. 24, Original. The State of Texas, complainant, *v.* The Interstate Commerce Commission et al. Motion to set case for hearing granted, and case assigned for hearing on Monday, December 5, next, immediately after No. 206, on motion of Mr. Solicitor General Beck for the United States.

No. 20, Original. The State of Oklahoma, complainant, *v.* The State of Texas. Motion to reassign hearing on certain interventions herein, and request that the case be reset following hearing on the main boundary case, submitted by Mr. S. P. Freeling for the complainant.

No. 298. The State of Texas, appellant, *v.* Eastern Texas Railroad Company et al.; and

No. 563. The State of Texas, appellant, *v.* The United States of America et al. Argument continued by Mr. Walter McFarland for the appellee, the Interstate Commerce Commission, and concluded by Mr. Tom L. Beauchamp for the appellant.

No. 66. Cornelius C. Watts et al., plaintiffs in error, *v.* The State of Arizona ex rel. Ignatius Burgoon, Treasurer, etc. Argument commenced by Mr. Samuel L. Kingan for the plaintiffs in error, con-

tinued by Mr. Leslie C. Hardy for the defendant in error, and concluded by Mr. Joseph W. Bailey for the plaintiffs in error.

No. 69. Rensselaer L. Curtis, Receiver, etc., appellant, *v.* John J. Connly et al. Argument commenced by Mr. E. F. McClennen for the appellant, and continued by Mr. William W. Moss for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, November 17, will be as follows: Nos. 69, 436, 257 (and 258 and 288), 295, 296, 65, 268, 72, 73, and 74.

# SUPREME COURT OF THE UNITED STATES.

THURSDAY, NOVEMBER 17, 1921.

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Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Van Devanter, Mr. Justice Pitney, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Clarke.

Felix Hebert, of Providence, R. I.; Asher Blum, of New York City; and John L. Stivers, of Montrose, Colo., were admitted to practice.

No. 72. Eastman Jones, a minor, etc., plaintiff in error, *v.* H. O. Seiffert et al. Submitted by Mr. W. F. Semple and Mr. W. E. Utterback for the plaintiff in error, and by Mr. W. Y. Dilley and Mr. C. S. Arnold for the defendants in error.

No. 69. Rensselaer L. Curtis, Receiver, etc., appellant, *v.* John J. Connly et al. Argument continued by Mr. William W. Moss for the appellees, and concluded by Mr. Arthur M. Allen for the appellees.

No. 436. The Central Railroad Company of New Jersey et al., appellants, *v.* The United States of America et al. Argument commenced by Mr. Henry Wolfe Biklé for the appellants, continued by Mr. Blackburn Esterline for The United States, by Mr. Walter McFarland for The Interstate Commerce Commission, and concluded by Mr. Alexander H. Elder for the appellants.

No. 257. Charles D. Newton, as Attorney General, etc., et al., appellants, *v.* Consolidated Gas Company of New York;

No. 258. Consolidated Gas Company of New York, appellant, *v.* Charles D. Newton, Attorney General, etc., et al.; and

No. 288. Consolidated Gas Company of New York, appellant, *v.* Charles D. Newton, as Attorney General, etc., et al. Five and one-half hours allowed for the oral argument. Argument commenced by Mr. John A. Garver for the Consolidated Gas Company.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, November 18, will be as follows: Nos. 257 (and 258 and 288), 295, 296, 65, 268, 73, 74, 75, 76, and 77.



## SUPREME COURT OF THE UNITED STATES.

FRIDAY, NOVEMBER 18, 1921.

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Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Van Devanter, Mr. Justice Pitney, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Clarke.

John G. O'Reilly, of New York City; Roger O'Donnell, of Washington, D. C.; Walter H. Walne, of Houston, Tex.; Eugene Ferry Smith, of San Diego, Calif.; and Travis H. Whitney, of New York City, were admitted to practice.

No. 257. Charles D. Newton, as Attorney General, etc., et al., appellants, *v.* Consolidated Gas Company of New York;

No. 258. Consolidated Gas Company of New York, appellant, *v.* Charles D. Newton, Attorney General, etc., et al.; and

No. 288. Consolidated Gas Company of New York, appellant, *v.* Charles D. Newton, as Attorney General, etc., et al. Argument continued by Mr. Wilbur W. Chambers for Newton, attorney general; by Mr. John P. O'Brien for Swann, district attorney, etc.; and concluded by Mr. William L. Ransom for the Consolidated Gas Company.

Adjourned until Monday next at 12 o'clock.

69667—21—29

# SUPREME COURT OF THE UNITED STATES.

MONDAY, NOVEMBER 21, 1921.

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Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Van Devanter, Mr. Justice Pitney, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Clarke.

Robert Ash, of Washington, D. C.; Russell Cornell Leffingwell, of New York City; Ellis Ames Ballard, of Philadelphia, Pa.; George M. Dowe, of New York City; Harry T. Dewhirst, of Benton Harbor, Mich.; Tilman B. Parks, of Hope, Ark.; Edward F. McFaddin, of Hope, Ark.; Alfred M. Caldwell, of Newport, Ky.; George W. Dalzell, of Washington, D. C.; W. D. Stewart, of Pittsburgh, Pa.; Edward F. Unger, of New York City; Albert T. Morgan, of Pittsburgh, Pa.; J. Hawkins Napier, of Reedsport, Oreg.; Greer McInnis Maréchal, of Dayton, Ohio; Joseph Matthew Rault, of New Orleans, La.; and John S. Macbeth, of Denver, Colo., were admitted to practice.

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No. 260. *The United States, appellant, v. C. W. Phellis.* Appeal from the Court of Claims. Judgment reversed, and cause remanded with directions to dismiss the suit. Opinion by Mr. Justice Pitney. Dissenting: Mr. Justice McReynolds and Mr. Justice Van Devanter.

No. 535. *John D. Rockefeller, plaintiff in error, v. The United States.* In error to the District Court of the United States for the Southern District of New York. Judgment affirmed. Opinion by Mr. Justice Pitney. Dissenting: Mr. Justice McReynolds and Mr. Justice Van Devanter.

No. 536. *The New York Trust Company et al., Executors, etc., plaintiffs in error, v. William H. Edwards, Collector of United States Internal Revenue for the Second District of New York.* In error to the District Court of the United States for the Southern District of New York. Judgment affirmed with costs. Opinion by Mr. Justice Pitney. Dissenting: Mr. Justice McReynolds and Mr. Justice Van Devanter.

No. 50. *Kern River Company et al., appellants, v. The United States of America.* Appeal from the United States Circuit Court of Appeals for the Ninth Circuit. Decree modified and affirmed; and

cause remanded to the District Court of the United States for the Southern District of California. Opinion by Mr. Justice Van Devanter.

No. 26. John Horstmann Company, appellant, *v.* The United States; and

No. 32. Natron Soda Company, appellant, *v.* The United States. Appeals from the Court of Claims. Judgments affirmed. Opinion by Mr. Justice McKenna.

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The Chief Justice announced the following orders of the court:

No. 295. Charles D. Newton, as Attorney General, etc., et al., appellants, *v.* The Kings County Lighting Company; and

No. 296. Charles D. Newton, as Attorney General, etc., et al., appellants, *v.* New York & Queens Gas Company. Ordered that these cases be reassigned for argument on Tuesday, January 3 next, after the cases heretofore assigned for that day.

No. 508. Oregon Eilers Music House, petitioner, *v.* H. W. Sitton, as Trustee, etc.;

No. 509. Oregon Eilers Music House, petitioner, *v.* H. W. Sitton, as Trustee, etc.; and

No. —, original. *Ex parte* In the matter of Oregon Eilers Music House, petitioner. Motion that certified copies of orders denying petitions for writs of certiorari and motion for leave to file petition for writs of prohibition issue at once granted.

No. 456. William Lemke, as Attorney General of North Dakota, et al., appellants, *v.* The Farmers Grain Company of Embden, North Dakota; and

No. 604. William Lemke, as Attorney General of the State of North Dakota, et al., appellants, *v.* The Homer Farmers Elevator Company et al. Motion to vacate stay and supersedeas granted in both cases without prejudice.

No. 548. Walter A. Eastes, appellant, *v.* George F. Crutchley, Collector, etc., et al. Motion to advance granted, and case assigned for argument on Monday, December 5 next, to be heard with Nos. 174, 175, and 428 as one case.

No. —, original. The Texas-Cherokees and Associate Bands, complainant, *v.* The State of Texas. *Per curiam*: The motion for leave to file an original bill of complaint in this case is denied upon authority of *Cherokee Nation v. State of Georgia*, 5 Pet. 1.

No. 616. John Hill, jr., et al., appellants, *v.* Henry C. Wallace, Secretary of Agriculture, etc., et al.

ORDER.—Motion to advance herein is granted, and the case is set for January 3, 1922, after the cases specially set for that day; and it is ordered, the appellees not objecting, that the Board of Trade of

the City of Chicago and its directors, appellees, are restrained from seeking or accepting from the Secretary of Agriculture a designation of said board of trade as a "contract market" under the act of Congress approved August 24, 1921, entitled "The future trading act," or from admitting to membership in said board any representative of any cooperative association of producers as required by said act, or from modifying its rules or by-laws, as required by said future trading act, in order to entitle said board of trade to be designated as a "contract market," and from otherwise complying with the terms of said act prior to the final judgment of the court herein.

Also, that during the pendency of said cause in this court and for twenty (20) days after final judgment herein the appellees, Henry C. Wallace, Secretary of Agriculture of the United States; David H. Blair, Commissioner of Internal Revenue of the United States; Charles F. Clyne, United States district attorney for the northern district of Illinois; and John C. Cannon, collector of internal revenue for the first district of Illinois, and each of their successors in office, are restrained from collecting, or attempting to collect, by suit, criminal prosecution, or otherwise, from appellants, or any other member of said board of trade, any tax or penalty which may have accrued or been incurred under said future trading act, or from taking during said period any other steps against said board of trade or any of its members to enforce or compel their compliance with, or punish for noncompliance with, any of the provisions of said trading act.

This order is made upon condition that within ten (10) days herefrom the appellants execute unto the appellees herein and file in this cause a good and sufficient bond in the sum of twenty-five thousand dollars (\$25,000), with sureties to be approved by the clerk of this court, and conditioned that the appellants will promptly pay any and all damages which may be suffered by the appellees herein, or any of them, by reason of the granting or continuance of this order, if it is ultimately adjudged that the said future trading act is a valid act in whole or in part.

No. 20, original. The State of Oklahoma, complainant, *v.* The State of Texas. Motion to reassign case as to interveners, and that case be reset to follow main boundary case, denied.

No. 20, original. The State of Oklahoma, complainant, *v.* The State of Texas.

#### ORDER.

The receiver is hereby authorized to make the following payments and to charge the same as expenses of the receivership:

To Nagel & Kirby the sum of six thousand dollars as compensation for services rendered by them between December 6, 1920, and this date;

To McKinney & Flannery the sum of fifteen thousand dollars as compensation for services rendered by them for the year following December 6, 1920;

And to Frederic A. Delano the sum of thirty-five thousand dollars on account of his services as receiver.

No. 434. Doo Fook, 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. 435. Chan Wy Sheung, 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. 61. The City of Chicago, plaintiff in error, *v.* Chicago Railways Company et al. In error to the Supreme Court of the State of Illinois. Per curiam: Dismissed for want of jurisdiction upon the authority of *Pawhuska v. Pawhuska Oil Co.* (250 U. S., 394); *City of Chicago et al. v. Dempcy* (250 U. S., 651).

No. 64. Leopold Sternberger et al., plaintiffs in error, *v.* The Continental Mines, Power & Reduction Company. In error to the Supreme Court of the State of Colorado. Per curiam: Dismissed for want of jurisdiction upon the authority of *Farrell v. O'Brien*, 199 U. S., 89, 100; *Toop v. Ulysses Land Company*, 237 U. S., 580, 582, 583; *Piedmont Power & Light Co. v. Town of Graham*, 253 U. S., 193, 195.

No. 66. Cornelius C. Watts et al., plaintiffs in error, *v.* The State of Arizona at the relation, etc., of Ignatius Burgoon, Treasurer, etc. In error to the Supreme Court of the State of Arizona. Per curiam: Dismissed for want of jurisdiction. (Section 237 of the Judicial Code, as amended by the act of Sept. 6, 1916, c. 448, sec. 2, 39 Stat., 726; *Jett Bros. Distilling Co. v. City of Carrollton*, 252 U. S., 1, 5-6.)

No. 72. Eastman Jones, a minor, etc., plaintiff in error, *v.* H. O. Seiffert et al. In error to the Supreme Court of the State of Oklahoma. Per curiam: Dismissed for want of jurisdiction. (Section 237 of the Judicial Code, as amended by the act of Sept. 6, 1916, c. 448, sec. 2, 39 Stat., 726; *Jett Bros. Distilling Co. v. City of Carrollton*, 252 U. S., 1, 5-6.)

No. 148. Charles S. Fairchild, appellant, *v.* Charles E. Hughes, Secretary of State, et al.; and

No. 553. Oscar Leser et al., plaintiffs in error, *v.* J. Mercer Garnett et al. Reassigned for argument on January 3, 1922, on motion of Mr. Solicitor General Beck in that behalf.

No. 20, original. The State of Oklahoma, complainant, *v.* The State of Texas. Hearing on main issue, heretofore assigned for Tuesday, January 9, 1922, reassigned for Monday, March 6, 1922, on motion of Mr. Thomas W. Gregory in that behalf.

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No. 540. Julius F. Smietanka, Collector of Internal Revenue, etc., petitioner, *v.* First Trust & Savings Bank, Trustee, etc. Motion to advance submitted by Mr. S. W. Swayze in that behalf.

No. 120. Exchange Oil Company, appellant, *v.* F. C. Carter, as State Auditor, etc., et al.;

No. 121. Exchange Oil Company, plaintiff in error, *v.* F. C. Carter, as State Auditor, etc.;

No. 122. Exchange Oil Company, plaintiff in error, *v.* F. C. Carter, as State Auditor, etc.; and

No. 123. Exchange Oil Company, plaintiff in error, *v.* F. C. Carter, as State Auditor, etc. Continued on motion of Mr. Levi Cooke in behalf of counsel for the appellant and plaintiff in error.

No. 206. Railroad Commission of Wisconsin et al., appellants, *v.* Chicago, Burlington & Quincy Railroad Company. Motion for leave to file brief herein and to take part in the oral argument as amici curiae submitted by Mr. John E. Benton in behalf of 42 States.

No. 606. Barber & Company (Inc.), petitioner, *v.* Wilhelm Wilhelmsen et al. Motion for leave to file brief herein as amicus curiae submitted by Mr. R. C. Hayden for the Strong Steamship Company.

No. 362. Krauss Brothers Lumber Company, plaintiff in error, *v.* Board of Assessors for the Parish of Orleans et al. Motion to dismiss or affirm submitted by Mr. Harry P. Sneed for the defendants in error in support of the motion, and by Mr. Burt W. Henry for the plaintiff in error in opposition thereto.

No. 603. P. B. Cross, petitioner, *v.* Ramdullah. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Oscar W. Lange in behalf of and Mr. John S. Partridge for the petitioner, and by Mr. John W. Preston for the respondent.

No. 593. Ashton F. Embry et al., 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. Charles A. Douglas, Mr. Arthur Peter, Mr. Frank J. Hogan, and Mr. Hugh H. Obear for the petitioners, with leave to counsel for the respondent to file opposition within five days, if so advised.

No. 606. Barber & Company (Inc.), petitioner, *v.* Wilhelm Wilhelmsen et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. D. Roger Englar and Mr. Dix W. Noel for the petitioner, and by Mr. Charles S. Haight and Mr. John W. Griffin for the Gans Steamship Line and Mr. Charles C. Burlingham and Roscoe H. Hupper for Wilhelm Wilhelmsen et al., respondents.

No. 612. Joseph B. Rose, 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. F. B. Kavanaugh and Mr. Frank F. Gentsch for the petitioner, and by Mr. Solicitor General Beck and Assistant Attorney General Willebrandt for respondent.

No. 149. Prudential Insurance Company of America, plaintiff in error, *v.* Robert T. Cheek. Motion to dismiss submitted by Mr. Frederick H. Bacon for the defendant in error, in support of the motion, and by Mr. S. W. Fordyce, Mr. John H. Holliday, Mr. W. H. Woodward, Mr. Thomas W. White, and Mr. W. R. Mayne for the plaintiff in error in opposition thereto.

Adjourned until Monday, December 5 next, at 12 o'clock.

The day call for Monday, December 5, will be as follows: Nos. 206, 24 original, 17 original, 18 original, 20 original, 343, 392, 428 (and 174, 175, and 548), 455, 322, 333, 416, 329, 592, and 340 (and 368).

# SUPREME COURT OF THE UNITED STATES.

MONDAY, DECEMBER 5, 1921.

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Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Van Devanter, Mr. Justice Pitney, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Clarke.

Russell Honore Pray, of Los Angeles, Calif.; William A. McVey, of La Porte, Ind.; Henry B. Floyd, of Chicago, Ill.; Ashley M. Van Duzer, of Cleveland, Ohio; William H. Duls, of Dallas, Tex.; Nathan Ottinger, of New York City; George Elias Alter, of Harrisburg, Pa.; Glendy B. Arnold, of St. Louis, Mo.; Alexander T. Sokolow, of Los Angeles, Calif.; Fred L. Crabbe, of Topeka, Kans.; Charles N. Runyan, of Vermilion, S. Dak.; Marcus H. Holcomb, of Southington, Conn.; Frank S. Anderson, of Galveston, Tex.; Newton W. Gore, of Oklahoma City, Okla.; Boyd P. Doty, of Boston, Mass.; Carlos S. Holcomb, of Torrington, Conn.; Bernard N. Hicks, of Milwaukee, Wis.; Fred W. Kraft, of Chicago, Ill.; A. T. Boys, of Oklahoma City, Okla.; G. Rowland Munroe, of Newark, N. J.; Orville S. Poland, of New York City; Edward J. Quinn, of Chicago, Ill.; Eugene D. Sewall, of Washington, D. C.; Ike Lanier, of Danville, Ky.; S. Michael Cohen, of New York City; Charles H. Woods, of Chicago, Ill.; James W. Wayman, of Galveston, Tex.; Robert L. Cole, of Houston, Tex.; Clarence E. Gilmore, of Austin, Tex.; Robert Allan Ritchie, of Dallas, Tex.; Hector S. Young, of Marion, Ohio; Albert B. Enoch, of Chicago, Ill.; George M. Porter, of McAlisterville, Okla.; J. Edward Tyler, jr., of Baltimore, Md.; Joseph Townsend England, of Baltimore, Md.; and William J. Driver, of Osceola, Ark., were admitted to practice.

No. 52. Otto H. Kahn and Henri P. Wertheim Van Heikelom, as Executors, etc., appellants, *v.* The United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Brandeis.

No. 436. The Central Railroad Company of New Jersey et al., appellants, *v.* The United States of America et al. Appeal from the District Court of the United States for the District of New Jersey.



Decree reversed, and cause remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Brandeis.

No. 33. J. W. Hurley, appellant, *v.* The Commission of Fisheries of Virginia et al. Appeal from the District Court of the United States for the Eastern District of Virginia. Decree affirmed with costs. Opinion by Mr. Justice McReynolds. (Mr. Justice Clarke concurs in the result.)

No. 138. James J. Rafferty, Collector of Internal Revenue for the Philippine Islands, petitioner, *v.* Smith, Bell & Company, Ltd.;

No. 140. James J. Rafferty, Collector of Internal Revenue for the Philippine Islands, petitioner, *v.* Compania General de Tabacos de Filipinas; and

No. 142. James J. Rafferty, as Collector of Internal Revenue for the Philippine Islands, petitioner, *v.* Visayan Refining Company. On writs of certiorari to the Supreme Court of the Philippine Islands. Judgments reversed with costs, and cause remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice McReynolds. (Mr. Justice Clarke concurs in the result.)

No. 28. Western Fuel Company, petitioner, *v.* Antone Garcia, as Administrator of the Estate of Manuel Souza, deceased. On a certificate from and writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Decree reversed with costs, and cause remanded to the District Court of the United States for the Northern District of California with instructions to dismiss the libel. Opinion by Mr. Justice McReynolds.

No. 63. North Pacific Steamship Company, appellant, *v.* William T. Soley. Appeal from the District Court of the United States for the Northern District of California. Decree affirmed with costs. Opinion by Mr. Justice Day.

No. 56. The Robert Mitchell Furniture Company, plaintiff in error, *v.* Selden Breck Construction Company. In error to the District Court of the United States for the Southern District of Ohio. Judgment affirmed with costs. Opinion by Mr. Justice Holmes.

No. 2. American Steel Foundries, petitioner, *v.* The Tri-City Central Trades Council et al. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Decree of the Circuit Court of Appeals reversed in part and affirmed in part; and cause remanded to the District Court of the United States for the Southern District of Illinois for modification of its decree in conformity with the opinion of this court. Opinion by Mr. Chief Justice Taft. (Mr. Justice Brandeis concurs, in substance, in the opinion and judgment of the court.) Dissenting: Mr. Justice Clark.

The Chief Justice also announced the following orders of the court:

No. —, original. *Ex parte* In the matter of George F. Ormsby, appellant. Application for leave to proceed in forma pauperis herein denied.

No. 540. Julius F. Smietanka, Collector of Internal Revenue, etc., petitioner, *v.* First Trust & Savings Bank, Trustee, etc. Motion to advance granted, and cause assigned for argument on Tuesday, January 3 next, after the cases heretofore assigned for that day.

No. 206. Railroad Commission of Wisconsin et al., appellants, *v.* Chicago, Burlington & Quincy Railroad Company. Motion for leave to file brief and participate in the oral argument as amici curiae granted.

No. 606. Barber & Company, Inc., petitioner, *v.* Wilhelm Wilhelmsen et al., etc., et al. Motion for leave to file brief as amicus curiae denied.

No. 362. Krauss Brothers Lumber Company, plaintiff in error, *v.* Board of Assessors for the Parish of Orleans et al. In error to the Supreme Court of the State of Louisiana. *Per curiam*: Dismissed for want of jurisdiction upon the authority of (1) *Equitable Life Assurance Co. v. Brown* (187 U. S., 308, 314); *Consolidated Turnpike Co. v. Norfolk, etc., Ry. Co.* (228 U. S., 596, 600); *Contributors to the Pennsylvania Hospital v. City of Philadelphia* (245 U. S., 20, 24); (2) *Brown v. Houston* (114 U. S., 622); *Coe v. Errol* (116 U. S., 517); *American Steel & Wire Co.* (192 U. S., 500); *Bacon v. Illinois* (227 U. S., 504, 514).

No. 149. Prudential Insurance Company of America, plaintiff in error, *v.* Robert T. Cheek. Motion to dismiss postponed to the hearing of the case on the merits.

No. 593. Ashton F. Embry et al., 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. 603. P. B. Cross, petitioner, *v.* Ramdullah. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 606. Barber & Company, Inc., petitioner, *v.* Wilhelm Wilhelmsen et al., etc., et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 612. Joseph B. Rose, 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.

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No. 256. The United States of America, appellant, *v.* The Western Union Telegraph Company. Time within which to file briefs herein extended on motion of Mr. Solicitor General Beck in that behalf.

No. 333. Federal Trade Commission, petitioner, *v.* Winsted Hosiery Company. Reassigned for January 9, 1922, on motion of Mr. Solicitor General Beck for the petitioner.

No. 607. Board of Public Utility Commissioners of the State of New Jersey, appellant, *v.* Public Service Railway Company. Motion to advance submitted by Mr. Thomas McCran for the appellant.

No. 609. Continental Insurance Company et al., appellants, *v.* The United States of America et al.; and

No. 610. Seward Prosser et al., etc., appellants, *v.* The United States of America et al. Motion to advance submitted by Mr. Thomas P. Littlepage in that behalf.

No. 512. Blamberg Brothers, appellant, *v.* The United States of America. Motion to advance submitted by Mr. Joseph Townsend England in that behalf.

No. 115. Missouri Pacific Railroad Company, plaintiff in error, *v.* Iazard County Highway Improvement District No. 1; and

No. 141. Commissioners of Road Improvement, District No. 2, of Lafayette County, Arkansas, petitioner, *v.* St. Louis Southwestern Railway Company. Motion to consolidate submitted by Mr. Daniel Upthegrove in that behalf.

No. 24, original. The State of Texas, complainant, *v.* The Interstate Commerce Commission et al. Leave granted to file brief herein as amicus curiæ on motion of Mr. Daniel Upthegrove in behalf of St. Louis Southwestern Railway Company of Texas.

No. 24, original. The State of Texas, complainant, *v.* The Interstate Commerce Commission et al. Leave granted to file brief herein as amicus curiæ, and participate in the oral argument of this cause, on motion of Mr. Alfred P. Thom in that behalf.

No. 625. The State Industrial Commission of the State of New York, petitioner, *v.* Nordenholt Corporation et al. Petition for a writ of certiorari to the Supreme Court of the State of New York submitted by Mr. E. Clarence Aiken for the petitioner.

No. 416. Joshua W. Miles, Collector of Internal Revenue, etc., plaintiff in error, *v.* The Safe Deposit & Trust Company of Baltimore, Guardian, etc. Leave granted to file brief herein as amicus curiæ, on motion of Mr. Arthur M. Marsh in that behalf.

No. 20, original. The State of Oklahoma, complainant, *v.* The State of Texas. Motion of intervener, Melish Consolidated Placer Oil Mining Association, for leave to amend its bill of intervention submitted by Mr. Thomas P. Gore in that behalf.

No. 20, original. The State of Oklahoma, complainant, *v.* The State of Texas. Motion of Joe Clark, receiver of the Melish Consolidated Placer Oil Mining Association, to be joined as party complainant in the bill of intervention herein, submitted by Mr. Thomas P. Gore in that behalf.

No. 611. Theodore Bowen, petitioner, *v.* Seth Hickey. Petition for a writ of certiorari to the District Court of Appeal, Second Appellate District, of the State of California, submitted by Mr. C. C. Calhoun for the petitioner and by Mr. Ira M. Flocker for the respondent.

No. 597. Louisa Pickens et al., petitioners, *v.* J. H. Merriam et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Louisa Pickens and Johanna Schutt *pro se* for the petitioners, and by Mr. William J. Hunsaker, Mr. E. W. Britt, Mr. T. B. Cosgrove, and Mr. Robert B. Murphy for the respondents.

No. 598. Henry E. Stevens, jr., petitioner, *v.* Arthur S. Arnold et al. 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.

No. 613. Sherman Billingsley, 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 F. Connolly for the petitioner, and by Mr. Solicitor General Beck and Assistant Attorney General Willebrandt for the respondent.

No. 614. Orrie Billingsley, 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 F. Connolly for the petitioner, and by Mr. Solicitor General Beck and Assistant Attorney General Willebrandt for the respondent.

No. 622. Lawrence F. Connolly, administrator, etc., et al., petitioners, *v.* Celia Diamond et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Charles W. Beale for the petitioners.

No. 627. Robert Grogan, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. William J. Fallon for the petitioner.

No. 560. Township of Avon et al., plaintiffs in error, *v.* Detroit United Railway. Motion to dismiss or affirm submitted by Mr. Elliott G. Stevenson and Mr. William L. Carpenter for the defendant in error in support of the motion, and by Mr. Glenn C. Gillespie for the plaintiffs in error in opposition thereto.

No. 546. Oklahoma Gas & Electric Company, appellant, *v.* Corporation Commission of the State of Oklahoma et al. Appeal from the District Court of the United States for the Western District of Oklahoma. Dismissed with costs, on motion of counsel for the appellant.

No. 616. John Hill, jr., et al., appellants, *v.* Henry C. Wallace, Secretary of Agriculture, etc., et al. Argued on the motion to modify the restraining order by Mr. Henry S. Robbins for the appellants and by Mr. Solicitor General Beck for the appellees.

No. 206. Railroad Commission of Wisconsin et al., appellants, *v.* Chicago, Burlington & Quincy Railroad Company. Nine hours allowed for the reargument of this case, on motion of Mr. M. B. Olbrich in that behalf. Reargument commenced by Mr. M. B. Olbrich for the appellants and continued by Mr. Bruce Scott for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, December 6, will be as follows: Nos. 206; 24, original; 17, original; 18, original; 20, original; 343; 392; 174 (and 175, 428, and 548); 455; 322; 416; 329; 592; and 340 (and 368).

## SUPREME COURT OF THE UNITED STATES.

TUESDAY, DECEMBER 6, 1921.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Van Devanter, Mr. Justice Pitney, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Clarke.

George P. McLean, of Simsbury, Conn.; Henry C. Keene, of Washington, D. C.; William H. Swiggart, jr., of Union City, Tenn.; Hugh LaMaster, of Tecumseh, Nebr.; George B. Hayes, of New York City; and J. C. Flournoy, of Washington, D. C., were admitted to practice.

No. 20, original. The State of Oklahoma, complainant, *v.* The State of Texas. Leave granted to file report of commissioner, on motion of Mr. Frederick S. Tyler in that behalf.

No. 206. Railroad Commission of Wisconsin et al., appellants, *v.* Chicago, Burlington & Quincy Railroad Company. Argument continued by Mr. Bruce Scott for the appellee, by Mr. John E. Benton for forty-five States, as amici curiæ, and by Mr. Alfred P. Thom for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, December 7, will be as follows: Nos. 206, 24 (original), 17 (original), 18 (original), 20 (original), 343, 392, 174 (and 175, 428, and 548), 455, 322, 416, 329, 592, and 340 (and 368).

69667—21—32

# SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, DECEMBER 7, 1921.

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Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Van Devanter, Mr. Justice Pitney, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Clarke.

Max J. Kuhl, of San Francisco, Calif.; M. Q. Macdonald, of Washington, D. C.; and Harry W. Meneley, of Chicago, Ill., were admitted to practice.

No. 174. Charles Corneli, appellant, *v.* George H. Moore, Collector of Internal Revenue;

No. 175. George J. Ghio, appellant, *v.* George H. Moore, Collector of Internal Revenue; and

No. 428. William H. Bryan, appellant, *v.* Joshua W. Miles, Collector, etc., et al. Leave granted to file brief of Wayne B. Wheeler as amicus curiae in this cause, on motion of Mrs. Mabel Walker Willebrandt in that behalf.

No. 206. Railroad Commission of Wisconsin et al., appellants, *v.* Chicago, Burlington & Quincy Railroad Company. Reargument continued by Mr. Alfred P. Thom for the appellee, by Mr. Patrick J. Farrell for the Interstate Commerce Commission, and concluded by Mr. M. B. Olbrich for the appellants.

No. 24, original. The State of Texas, complainant, *v.* The Interstate Commerce Commission et al. Three and one-half hours allowed for the argument of this case, on motion of Mr. Tom L. Beauchamp for the complainant. Argument commenced by Mr. Tom L. Beauchamp for the complainant.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, December 8, will be as follows: Nos. 24 (original), 17 (original), 18 (original), 20 (original), 343, 392, 174 (and 175, 428, and 548), 455, 322, 416, 329, 592, and 340 (and 368).

## SUPREME COURT OF THE UNITED STATES.

THURSDAY, DECEMBER 8, 1921.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Van Devanter, Mr. Justice Pitney, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Clarke.

George Ross Hull, of Harrisburg, Pa.; Charles J. Moynihan, of Montrose, Colo.; and Paul D. Wollard, of Washington, D. C., were admitted to practice.

No. 24, original. The State of Texas, complainant, *v.* The Interstate Commerce Commission et al. Argument continued by Mr. Solicitor General Beck for the Railroad Labor Board, defendant, by Mr. Patrick J. Farrell for Interstate Commerce Commission, defendant, by Mr. Alfred P. Thom for the Association of Railway Executives as *amicus curiae*, by special leave of court, and concluded by Mr. Tom L. Beauchamp for the complainant.

No. 17, original. The Commonwealth of Pennsylvania, complainant, *v.* The State of West Virginia. Four hours allowed for the oral argument of this case, on motion of Mr. George E. Alter for the complainant. Argument commenced by Mr. George E. Alter for the complainant, continued by Mr. A. Leo Weil for the complainant, and by Mr. George M. Hoffheimer for the defendant.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, December 9, will be as follows: Nos. 17 original, 18 original, 20 original, 343, 392, 174 (and 175, 428, and 548), 455, 322, 416, 329, 592, and 340 (and 368).

69667—21—34



# SUPREME COURT OF THE UNITED STATES.

FRIDAY, DECEMBER 9, 1921.

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Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Van Devanter, Mr. Justice Pitney, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Clarke.

Frank W. Irland, of St. Louis, Mo., and Moses R. Dickey, of Cleveland, Ohio, were admitted to practice.

No. 20, original. The State of Oklahoma, complainant, *v.* The State of Texas. Motion of Grand Oil and Developing Company as to jurisdiction submitted by Mr. Robert L. Cole in that behalf.

No. 17, original. The Commonwealth of Pennsylvania, complainant, *v.* The State of West Virginia. Argument continued by Mr. George M. Hoffheimer for the defendant, and concluded by Mr. A. Leo Weil for the complainant.

No. 18, original. The State of Ohio, complainant, *v.* The State of West Virginia. Argument commenced by Mr. John G. Price for the complainant, continued by Mr. Freeman T. Eagleson for the complainant, by Mr. Fred O. Blue for the defendant, and concluded by Mr. Philip P. Steptoe for the defendant.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, December 12, will be as follows: Nos. 20 (original), 343, 392, 174 (and 175, 428, and 548), 455, 322, 416, 329, 592, and 340 (and 368).

69667—21—35

## SUPREME COURT OF THE UNITED STATES.

MONDAY, DECEMBER 12, 1921.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Van Devanter, Mr. Justice Pitney, Mr. Justice Brandeis, and Mr. Justice Clarke.

Hayes McKinney, of Chicago, Ill.; John Seybert Hansel, of Washington, D. C.; Harry C. Hughes, of Galveston, Tex.; Horace M. Gray, of Yonkers, N. Y.; Quincy H. Hale, of La Crosse, Wis.; Frank L. Pinola, of Pittston, Pa.; John A. Markham, of Independence, Wis.; Frank Clague, of Redwood Falls, Minn.; John M. Schmitt, of Mankato, Minn.; G. Benton Wilson, of Los Angeles, Calif.; James Walton, of Cleveland, Ohio; John A. McManus, of New York City; Roger Howell, of Baltimore, Md.; George Moore Brady, of Baltimore, Md.; Howard Barnes Lee, of Louisville, Ky.; Charles W. Milner, of Louisville, Ky.; David L. Carter, of Ponca City, Okla.; W. H. Kimbrough, of Amarillo, Tex.; and Churchill Humphrey, of Louisville, Ky., were admitted to practice.

No. 30. Dahnke-Walker Milling Company, plaintiff in error, *v.* C. T. Bondurant. In error to the Court of Appeals of the State of Kentucky. Judgment reversed with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Van Devanter. Dissenting: Mr. Justice Brandeis and Mr. Justice Clarke.

No. 59. C. E. Miller, plaintiff in error, *v.* American Bonding Company. In error to the United States Circuit Court of Appeals for the Third Circuit. Judgment affirmed with costs, and cause remanded to the District Court of the United States for the Middle District of Pennsylvania. Opinion by Mr. Justice Van Devanter.

No. 69. Rensselaer L. Curtis, Receiver of the Atlantic National Bank of Providence, R. I., appellant, *v.* John J. Conny, Oscar Swanson, Arthur W. Dennis, et al. Appeal from the United States Circuit Court of Appeals for the First Circuit. Decree affirmed with costs, and cause remanded to the District Court of the United States for the District of Rhode Island. Opinion by Mr. Justice Holmes. (Mr. Justice Brandeis took no part in the decision of this case.)

No. 255. The Eureka Pipe Line Company, plaintiff in error, *v.* Walter S. Hallanan, State Tax Commissioner, and E. T. England, Attorney General of the State of West Virginia. In error to the Supreme Court of Appeals of the State of West Virginia. Petition for writ of certiorari herein denied. Judgment reversed with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court. Dissenting: Mr. Justice Clarke, Mr. Justice Pitney, and Mr. Justice Brandeis.

No. 276. United Fuel Gas Company, plaintiff in error, *v.* Walter S. Hallanan, State Tax Commissioner of the State of West Virginia, and E. T. England, Attorney General of the State of West Virginia. In error to the Supreme Court of Appeals of the State of West Virginia. Petition for writ of certiorari herein denied. Judgment reversed with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Holmes. Dissenting: Mr. Justice Brandeis. Mr. Justice Clarke also dissents as to the jurisdictional question.

The Chief Justice announced the following orders of the court:

No. 334. McLane Tilton, appellant, *v.* Felix M. Drennen, as Receiver, etc. Petition for a rehearing of order denying certiorari under section 4 of rule 37 granted.

No. 376. Astoria Marine Iron Works, plaintiff in error, *v.* United States Shipping Board Emergency Fleet Corporation. Motion to advance granted, and cause assigned for argument on Monday, March 6 next, after the cases heretofore assigned for that day.

No. 512. Blamberg Brothers, appellant, *v.* The United States of America. Motion to advance denied without prejudice to submission on printed briefs.

No. 607. Board of Public Utility Commissioners of the State of New Jersey, appellant, *v.* Public Service Railway Company. Motion to advance denied without prejudice.

No. 609. Continental Insurance Company et al., appellants, *v.* The United States of America et al.; and

No. 610. Seward Prosser et al., appellants, *v.* The United States of America et al. Motion to advance granted, and cases assigned for argument on Monday, January 16 next.

No. 115. Missouri Pacific Railroad Company, plaintiff in error, *v.* Iazard County Highway Improvement District No. 1; and

No. 141. Commissioners of Road Improvement, District No. 2, of Lafayette County, Arkansas, petitioners, *v.* St. Louis Southwestern Railway Company. Motion to consolidate granted, and cases to be heard as one case when No. 115 is reached.

No. 20, original. The State of Oklahoma, complainant, *v.* The State of Texas. Motion of Melish Consolidated Placer Oil Mining Association for leave to amend its bill of intervention in this cause granted.

No. 20, original. The State of Oklahoma, complainant, *v.* The State of Texas. Motion of Clark, receiver, to be joined as a party complainant in this cause granted.

No. 20, original. The State of Oklahoma, complainant, *v.* The State of Texas, defendant; The United States of America, Intervener. Order: The motion of the Grand Oil & Developing Company, submitted December 9, 1921, is granted to the extent that said company is hereby given leave to file a petition in intervention setting up its rights and claims in and to any portion of the territory in dispute by reason of the controversy as to the location of the boundary line between the States of Oklahoma and Texas, without waiver of the right of said company to object to the jurisdiction of this court over the subject matter.

No. 20, original. The State of Oklahoma, complainant, *v.* The State of Texas, defendant; The United States of America, Intervener. Order on claims of J. R. Armstrong et al: Upon consideration of the report of Frederick S. Tyler, special master, respecting the claims of J. R. Armstrong et al., on a certain fund in the hands of the receiver, and derived by him from Receiver's Wells numbered 157, 162, and 170, and it appearing that copies of said report have been mailed to counsel for the respective claimants and that no exceptions or objections thereto have been presented, it is ordered that said report be, and it is hereby, approved, and that the receiver be, and he is hereby, authorized and directed to pay over said fund to the following persons and in the following amounts, to wit:

Wayland H. Sandford, assignee of W. N. Young	\$5,546.56
Painter & Ziegler Tank Company	2,051.73
Ray Compton	222.00
McGee Brothers	3,763.51
W. A. McGrew	120.00
R. A. Worrell	155.52
Universal Supply Company	125.00
Gilmore Lumber Company	1,776.00
Western Oil Corporation	3,247.21
Maunders Trucking Company	1,157.50
C. J. Wall	333.20
J. J. Stultz	400.00
A. M. Nash	182.87
T. P. Roberts	13,333.33
A. H. Brittain	6,667.67
Husted & Tucker	2,856.35
Pope & Company	60.00
James R. Armstrong, the balance of said fund amounting approximately to	6,859.31

with interest upon each of said amounts at the rate of 3 per cent per annum from December 1, 1920: *Provided, however*, That there shall first be deducted from said fund and paid to Frederick S. Tyler the sum of \$1,048.38 to cover in full his services and expenses as such master in connection with said fund and the claims to it, and the amount so paid to him shall be deducted pro rata from the several awards hereby made to the claimants above named.

And it is further ordered that the payment and acceptance of said several awards as herein made shall operate and be taken as a release and discharge of the receiver by such claimants of all claims on and to the fund so disbursed and distributed.

No. 560. Township of Avon et al., plaintiffs in error, *v.* Detroit United Railway. In error to the Supreme Court of the State of Michigan. Per curiam: Dismissed for want of jurisdiction upon the authority of *Pawhuska v. Pawhuska Oil Company*, 250 U. S. 394, 397; *Hunter v. Pittsburgh*, 207 U. S. 161, 178; *Kansas City v. Public Service Commission of Missouri*, 252 U. S. 652; *City of Hillsboro v. Public Service Commission of Oregon*, point (3), 235 U. S. 562; *Groesbeck v. Detroit United Railway*, announced October 10, 1921.

No. 598. Henry E. Stevens, jr., petitioner. *v.* Arthur S. Arnold et al., executors, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit granted.

No. 625. The State Industrial Commission of the State of New York, petitioner, *v.* Nordenholt Corporation et al. Petition for a writ of certiorari to the Supreme Court of the State of New York granted.

No. 597. Louisa Pickens et al., petitioners, *v.* J. H. Merriam et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 611. Theodore Bowen, petitioner, *v.* Seth Hickey. Petition for a writ of certiorari to the District Court of Appeal, Second District of the State of California, denied.

No. 613. Sherman Billingsley, 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. Orrie Billingsley, 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. 622. Lawrence F. Connolly, administrator, etc., et al., petitioners, *v.* Celia Diamond et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 627. Robert Grogan, 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. 616. John Hill, jr., et al., appellants, *v.* Henry C. Wallace, Secretary of Agriculture, etc., et al. Order: The order entered herein, November 21, 1921, so far as it operates to stay proceedings pending the appeal is hereby vacated, and in lieu thereof it is ordered (the appellees not objecting) that during the pendency of said appeal in this court and for 20 days after final decree herein the Board of Trade of the City of Chicago and its directors, appellees, are restrained from admitting to membership in said board any representative of a cooperative association of producers not otherwise admissible to membership under the rules of said board of trade in effect prior to the institution of this suit, and from making and filing or requiring appellants or any other of its members to make and file any report required by any rule or regulation issued by the Secretary of Agriculture under the act of Congress approved August 24, 1921, entitled "The Future Trading Act," and from modifying its rules and by-laws in respect to admitting to membership any representative of any such cooperative association or in respect to the making and filing of such reports, in order to entitle said board of trade to be designated as a "contract market";

And that during the same period the appellee, Henry C. Wallace, Secretary of Agriculture, is restrained from designating the said Chicago Board of Trade as a "contract market" except temporarily for and during said period, and is restrained from requiring said board of trade during said period to comply with the conditions and requirements of section 5 of said act as to the making and filing of reports showing the details and terms of transactions entered into by the board or the members thereof, or as to the keeping by the board or its members of a record showing the details and terms of said transactions, and from requiring the governing board of said Chicago Board of Trade during said period to admit to membership and the privileges thereof any representative of a cooperative association of producers not otherwise admissible to membership under the rules of said board of trade in effect prior to the institution of this suit;

And that the said Henry C. Wallace, Secretary of Agriculture, is authorized to designate the said Board of Trade of the City of Chicago as a "contract market" under the said act of Congress for and during the same period without requiring said board of trade to comply with the conditions and requirements of section 5 of said act in the several respects above mentioned.

This order is made upon condition that within five days hereafter the appellants execute unto the appellees herein and file in this cause a good and sufficient bond in the sum of \$25,000, with sureties to be approved by the clerk of this court, and conditioned that the appellants will promptly pay any and all damages which may be suffered by the appellees herein, or any of them, by reason of the granting or continuance of this order, if it is ultimately adjudged that the said "Future Trading Act" is a valid act in whole or in part.

The Chief Justice also announced that the court will take a recess from Monday, December 19, to Monday, January 3, next.

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No. 92. The United States of America ex rel. Robert A. Widenmann, plaintiff in error, *v.* Charles E. Hughes, as Secretary of State, etc. Motion to dismiss or affirm submitted by Mr. Solicitor General Beck for the defendant in error in support of the motion, and by Mr. George W. Tucker and Mr. Everett V. Abbot for the plaintiff in error in opposition thereto.

No. 155. The United States of America ex rel. Harry S. Mecartney, plaintiff in error, *v.* Bainbridge Colby, Secretary of State, et al. Motion to dismiss or affirm submitted by Mr. Solicitor General Beck for the defendant in error in support of the motion, and by Mr. Harry S. Mecartney for the plaintiff in error in opposition thereto.

No. 313. The United States of America, petitioner, *v.* Wesley L. Sischo. Motion to advance submitted by Mr. Solicitor General Beck for the petitioner.

No. 480. The United States of America, plaintiff in error, *v.* Frank Balint et al. Motion to advance submitted by Mr. Solicitor General Beck for the plaintiff in error.

No. 582. The United States of America, plaintiff in error, *v.* Morris Behrman. Motion to advance submitted by Mr. Solicitor General Beck for the plaintiff in error.

No. 596. Ernest Lipke, appellant, *v.* Ephraim Lederer, Collector, etc. Motion to advance submitted by Mr. Solicitor General Beck for the appellee.

No. 629. The United States of America, petitioner, *v.* Charles Walter Moreland. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia submitted by Mr. Solicitor General Beck for the petitioner.

No. 448. The Valley Farms Company of Yonkers, plaintiff in error, *v.* County of Westchester. Motion to advance submitted by Mr. W. W. Bride in that behalf.

No. 416. Joshua W. Miles, Collector of Internal Revenue, etc., plaintiff in error, *v.* The Safe Deposit and Trust Company of Balti-

more, Guardian, etc. Motion for leave to file brief herein, as amicus curiæ, submitted by Mr. Mansfield Ferry for the Farmers Loan & Trust Company, trustee under trusts created by Archibald D. Russell, deceased.

No. 18. James R. Ward, plaintiff in error, *v.* The People of the State of Illinois ex rel. Chicago Bar Association. In error to the Supreme Court of the State of Illinois. Dismissed with costs, on motion of counsel for the plaintiff in error.

No. 21, original. Ex parte In the matter of The United States, owner of the American Steamship "Western Maid," petitioner;

No. 22, original. Ex parte In the matter of The United States, former requisitioned or chartered owner of the auxiliary schooner "Liberty," petitioner; and

No. 23, original. Ex parte In the matter of The United States, former requisitioned and chartered owner of the American steamship "Carolinian," etc., petitioners. Argument commenced by Mr. Solicitor General Beck for the petitioners, continued by Mr. T. Catesby Jones for the respondent in No. 21, original, by Mr. E. E. Blodgett for the respondent in No. 22, original, and by Mr. Charles S. Haight for the respondent in No. 23, original.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, December 13, will be as follows: Nos. 20, original; 343, 392, 174 (and 175, 428, and 548), 455, 322, 416, 329, 592 and 340 (and 368).



## SUPREME COURT OF THE UNITED STATES.

TUESDAY, DECEMBER 13, 1921.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Van Devanter, Mr. Justice Pitney, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Clarke.

William Durvin Fitzpatrick, of Indianapolis, Ind.; John Tilney Carpenter, of New York City; and Oscar O. McCollum, of Jacksonville, Fla., were admitted to practice.

No. 21, original. Ex parte In the matter of The United States, owner of the American steamship "Western Maid," petitioner;

No. 22, original. Ex parte In the matter of The United States, former requisitioned or chartered owner of the auxiliary schooner "Liberty," petitioner; and

No. 23, original. Ex parte In the matter of The United States, former requisitioned and chartered owner of the American steamship "Carolinian," etc., petitioner. Argument continued by Mr. Charles S. Haight for the respondent in No. 23, original, and concluded by Mr. Solicitor General Beck for the petitioner.

No. 20, original. The State of Oklahoma, complainant, *v.* The State of Texas. Five and one-quarter hours allowed for the argument in this case on motion of Mr. Frank Dale in that behalf. Argument commenced by Mr. Frank Dale for the Burk Divide Oil Company, Consolidated, et al., continued by Mr. T. P. Gore for Melish Consolidated Placer Oil Mining Association et al., by Mr. Jesse B. Roote for Burk Divide Oil Company, Consolidated, et al., by Mr. Henry E. Asp for E. Everett Rowell et al., by Mr. W. A. Ledbetter for A. E. Pearson et al., by Mr. George P. Rowell for E. Everett Rowell et al., by Mr. L. C. Boggs for E. Everett Rowell et al., and by Mr. Solicitor General Beck and Mr. W. W. Dyer for the United States.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, December 14, will be as follows: Nos. 20, original, 343, 392, 174 (and 175, 428, and 548), 455, 322, 416, 329, 592, and 340 (and 368).

## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, DECEMBER 14, 1921.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Van Devanter, Mr. Justice Pitney, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Clarke.

John Leland Merhem, of Battle Creek, Mich., was admitted to practice.

No. 20, original. The State of Oklahoma, complainant, *v.* The State of Texas. Leave granted to file brief herein, on motion of Mr. T. P. Gore for the Burk-Burnett Placer Mining & Oil Company, with leave to Mr. Jesse B. Roote to file reply of Burk Divide Oil Company, Consolidated, et al., within three days thereafter.

No. 20, original. The State of Oklahoma, complainant, *v.* The State of Texas. Argument continued by Mr. W. W. Dyar for The United States, by Mr. George Trice for D. D. Brunson et al., and concluded by Mr. S. P. Freeling for The State of Oklahoma.

No. 343. Ward and Gow, plaintiff in error, *v.* Himan Krinskry et al. Argument commenced by Mr. Herman S. Hertwig for the plaintiff in error, continued by Mr. E. Clarence Aiken for the defendant in error The State Industrial Commission, and concluded by Mr. Herman S. Hertwig for the plaintiff in error.

No. 392. The Territory of Alaska et al., appellants, *v.* John W. Troy, Collector, etc. Argument commenced by Mr. John Rustgard for the appellants, and continued by Mr. Solicitor General Beck for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, December 15, will be as follows: Nos. 392, 174 (and 175, 428 and 548), 455, 592, 416, 329, 322, and 340 (and 368).

# SUPREME COURT OF THE UNITED STATES.

THURSDAY, DECEMBER 15, 1921.

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Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Van Devanter, Mr. Justice Pitney, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Clarke.

Walter E. Ernst, of New York City, and William H. Beckman, of Chicago, Ill., were admitted to practice.

No. 392. The Territory of Alaska et al., appellants, *v.* John W. Troy, Collector, etc. Argument continued by Mr. Solicitor General Beck for the appellee, and concluded by Mr. John Rustgard for the appellants.

No. 174. Charles Corneli, appellant, *v.* George H. Moore, Collector of Internal Revenue;

No. 175. George J. Ghio, appellant, *v.* George H. Moore, Collector of Internal Revenue;

No. 428. William H. Bryan, appellant, *v.* Joshua W. Miles, Collector, etc., et al.; and

No. 548. Walter A. Eastes, appellant, *v.* George B. Crutchley, Collector, etc., et al. Argument commenced by Mr. Elliott W. Major for the appellants in Nos. 174, 175, and 548, continued by Mr. J. S. Jones for the appellant in No. 428, by Mr. Glendy B. Arnold for the appellants in Nos. 174, 175, and 548, by Mr. Solicitor General Beck and Assistant Attorney General Willebrandt for the appellees, and concluded by Mr. J. W. Bryan for the appellant in No. 428.

No. 455. Galveston Electric Company, appellant, *v.* City of Galveston et al. Argument commenced by Mr. William E. Tucker for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, December 16, will be as follows: Nos. 455, 592, 416, 329, 322, 340 (and 368).

## SUPREME COURT OF THE UNITED STATES.

FRIDAY, DECEMBER 16, 1921.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Van Devanter, Mr. Justice Pitney, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Clarke.

Robert A. Taft, of Cincinnati, Ohio; Chalmers M. Parker, of Columbus, Ohio; Israel M. Foster, of Atticus, Ohio; and Raymond S. Williams, of Baltimore, Md., were admitted to practice.

No. 312. Minna Lombard Crichton, appellant, *v.* Maggie L. Wingfield. Advanced and submitted, pursuant to the thirty-second rule, on motion of Mr. Kenneth McKellar, in behalf of Mr. John W. Cutrer and Mr. Thomas B. Felder for the appellant, and by Mr. Louis Marshall and Mr. James Marshall for the appellee.

No. 455. Galveston Electric Company, appellant, *v.* City of Galveston et al. Argument continued by Mr. William E. Tucker for the appellant, by Mr. Frank S. Anderson for the appellees, and concluded by Mr. James W. Wayman for the appellees.

No. 592. The City of Louisville *v.* Louisville Railway Company. Argued by Mr. J. S. Lawton for the city of Louisville, and by Mr. Churchill Humphrey for Louisville Railway Company.

No. 416. Joshua W. Miles, Collector, etc., plaintiff in error, *v.* The Safe Deposit & Trust Company of Baltimore, Guardian, etc. Argued by Mr. William C. Herron for the plaintiff in error, and by Mr. Arthur W. Machen, jr., for the defendant in error.

No. 329. James C. Davis, Director General, etc., et al., appellants, *v.* George Wallace et al. Argued by Mr. C. W. Bunn for the appellants, and Mr. George E. Wallace for the appellees.

Adjourned until Monday next at 12 o'clock.

## SUPREME COURT OF THE UNITED STATES.

MONDAY, DECEMBER 19, 1921.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Van Devanter, Mr. Justice Pitney, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Clarke.

Charles E. Cox, of Indianapolis, Ind.; LeRoy B. Giles, of Orlando, Fla.; Richard C. Beckett, of West Point, Miss.; Marion C. Spicer, of Socorro, N. Mex.; William K. Quinter, of Washington, D. C.; Paul D. Doherty, of Louisville, Ky.; and Grundy Orr McMinimy, of Craigmont, Idaho, were admitted to practice.

No. 13. William Truax et al., etc., plaintiffs in error, *v.* Michael Corrigan et al. In error to the Supreme Court of the State of Arizona. Judgment reversed with costs; and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Chief Justice Taft. Dissenting: Mr. Justice Holmes, Mr. Justice Pitney, Mr. Justice Clarke, and Mr. Justice Brandeis.

No. 71. American Column & Lumber Company et al., appellants, *v.* The United States of America. Appeal from the District Court of the United States for the Western District of Tennessee. Decree affirmed. Opinion by Mr. Justice Clarke. Dissenting: Mr. Justice Holmes, Mr. Justice Brandeis, and Mr. Justice McKenna.

The Chief Justice also announced the following orders of the court:

No. 92. The United States of America ex rel. Robert A. Widemann, plaintiff in error, *v.* Charles E. Hughes, as Secretary of State, etc. In error to the Court of Appeals of the District of Columbia. Per curiam: Affirmed upon the authority of the National Prohibition cases (253 U. S. 350).

No. 155. The United States of America ex rel. Harry S. Mecartney, plaintiff in error, *v.* Bainbridge Colby, Secretary of State. In error to the Court of Appeals of the District of Columbia. *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. 313. The United States of America, petitioner, *v.* Wesley L. Sischo. Motion to advance granted, and cause assigned for argument on Monday, March 6 next, after the cases heretofore assigned for that day.

No. 448. The Valley Farms Company of Yonkers, plaintiff in error, *v.* County of Westchester. Motion to advance denied, without prejudice.

No. 480. The United States of America, plaintiff in error, *v.* Frank Balint et al.; and

No. 582. The United States of America, plaintiff in error, *v.* Morris Behrman. Motion to advance granted, and cases assigned for argument on Monday, March 6 next, after the cases heretofore assigned for that day.

No. 596. Ernest Lipke, appellant, *v.* Ephraim Lederer, Collector, etc. Motion to advance granted, and cause assigned for argument on Monday, March 6 next, after the cases heretofore assigned for that day.

No. 416. Joshua W. Miles, Collector of Internal Revenue, etc., plaintiff in error, *v.* The Safe Deposit & Trust Company, of Baltimore, Guardian, etc. Motion for leave to file brief of Mansfield Ferry herein as *amicus curiæ* granted.

No. 334. McLane Tilton, appellant, *v.* Felix M. Drennen, as Receiver, etc. Petition for a writ of certiorari herein denied.

No. 629. The United States of America, petitioner, *v.* Charles Walter Moreland. Petition for a writ of certiorari to the Court of Appeals for the District of Columbia granted.

No. 592. City of Louisville *v.* Louisville Railway Company. On a certificate from the United States Circuit Court of Appeals for the Sixth Circuit. *Per curiam*: Dismissed for the want of jurisdiction.

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No. 67. The United States, appellant, *v.* Henry W. Volk, as Trustee, etc. Appeal from the Court of Claims. Dismissed and remanded on motion of counsel for the appellant.

No. 68. The United States, appellant, *v.* Emil Schoyen, as Administrator, etc., et al. Appeal from the Court of Claims. Dismissed and remanded on motion of counsel for the appellant.

No. 630. Federal Trade Commission, petitioner, *v.* Sinclair Refining Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Blackburn Esterline, Mr. Solicitor General Beck, Mr. W. H. Fuller, Mr. Adrien F. Busick, and Mr. Eugene W. Burr for the petitioner.

No. 20. Original. The State of Oklahoma, complainant, *v.* The State of Texas. Supplemental report of commissioner filed, on motion of Mr. Frederick S. Tyler in that behalf.

No. 207. Fidelity & Deposit Company of Maryland, appellant, *v.* The United States. Motion to remand to the Court of Claims for further findings submitted by Mr. Simon Lyon for the appellant.

No. 650. Sam Cohen, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Vernon E. West in behalf of Mr. Chester H. Krum for the petitioner, and by Mr. Solicitor General Beck, Mr. Assistant Attorney General Crim, and Mr. Harry S. Ridgely for the respondent.

No. 154. Alexander Howat et al., plaintiffs in error, *v.* The State of Kansas. Motion to dismiss or to advance submitted by Mr. Spencer Gordon in behalf of Mr. Richard J. Hopkins and Mr. Fred S. Jackson for the defendant in error in support of the motion, and by Mr. Redmond S. Brennan and Mr. John F. McCarron for the plaintiffs in error in opposition thereto.

No. 491. Alexander Howat et al., plaintiffs in error, *v.* The State of Kansas. Motion to advance and consolidate submitted by Mr. Spencer Gordon in behalf of Mr. Richard J. Hopkins, Mr. Moorfield Storey, and Mr. Baxter D. McClain for the defendant in error.

No. 632. Henry F. Maresca 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 Second Circuit submitted by Mr. John W. Davis for the petitioners, and by Mr. Solicitor General Beck and Assistant Attorney General Willebrandt for the respondent.

No. 652. James C. Davis, Director General of Railroads, as Agent, etc., petitioner, *v.* L. N. Dantzler Lumber Company. Petition for a writ of certiorari to the Supreme Court of the State of Mississippi submitted by Mr. Carl Fox and Mr. R. C. Beckett for the petitioner.

Adjourned until Tuesday, January 3 next, at 12 o'clock.

The day call for Tuesday, January 3, 1922, will be as follows: Nos. 322, 340 (and 368), 3, original, 3, 259, 16, original, 25, original, 20, 119, 295, 296, 616, and 540.

## SUPREME COURT OF THE UNITED STATES.

TUESDAY, JANUARY 3, 1922.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Van Devanter, Mr. Justice Pitney, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Clarke.

Robert Edwin Brown, of Fort Valley, Ga.; Isma Lee Price, of Swainsboro, Ga.; William Washington Larsen, of Dublin, Ga.; Arthur N. Taylor, of Brooklyn, N. Y.; Samuel James McWilliams, of Kansas City, Mo.; Horace Conwell Stillwell, of Anderson, Ind.; Harry N. Wessel, of New York City; Arthur Ofner, of New York City; Robert L. Searcy, jr., of Lewisville, Ark.; Jay R. Benton, of Belmont, Mass.; Leonard G. Husar, of Los Angeles, Calif.; Thomas F. X. Callahan, of Kansas City, Mo.; Effie Winram Callahan, of Kansas City, Mo.; Edmond O. Fletcher, of Kansas City, Mo.; Frank E. Tyler, of Hattiesburg, Miss.; were admitted to practice.

No. 42. Edward R. Cunningham, plaintiff in error, *v.* James Linn Rodgers et al. In error to the Court of Appeals of the District of Columbia. Judgment affirmed with costs. Opinion by Mr. Justice McReynolds.

No. 35. Grant Smith-Porter Ship Company *v.* Herman F. Rohde. On a certificate from the United States Circuit Court of Appeals for the Ninth Circuit. Questions certified answered in the affirmative. Opinion by Mr. Justice McReynolds.

No. 60. Southern Pacific Railroad Company, appellant, *v.* Albert B. Fall, Secretary of the Interior, and William Spry, Commissioner of the General Land Office. Appeal from the Court of Appeals of the District of Columbia. Decree affirmed with costs. Opinion by Mr. Justice Van Devanter.

No. 47. Federal Trade Commission, petitioner, *v.* Beech-Nut Packing Company. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment reversed with costs; and cause remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Day. Dissenting: Mr. Justice Holmes, Mr. Justice McKenna, and Mr. Justice Brandeis. Mr. Justice McReynolds also dissents.



No. 21, original. Ex parte In the matter of The United States, owner of the American steamship *Western Maid*, petitioner;

No. 22, original. Ex parte In the matter of The United States, former requisitioned or chartered owned of the auxiliary schooner *Liberty*, petitioner; and

No. 23, original. Ex parte In the matter of the United States, former requisitioned and chartered owner of the American steamship *Carolinian*, etc., petitioner. On petitions for writs of prohibition and/or mandamus. Rule to show cause made absolute. Opinion by Mr. Justice Holmes. Dissenting: Mr. Justice McKenna, Mr. Justice Day, and Mr. Justice Clarke. (Mr. Justice McReynolds took no part in the consideration or decision of this case.)

The Chief Justice announced the following orders of the Court:

No. 207. Fidelity & Deposit Company of Maryland, appellant, *v.* The United States. Motion to remand denied without prejudice.

No. 29. United Mine Workers of America et al., petitioners, *v.* Coronado Coal Company et al.; and

No. 31. United Mine Workers of America et al., plaintiffs in error, *v.* Coronado Coal Company et al. These cases restored to the docket for reargument and assigned for hearing on Monday, February 27, next.

No. 154. Alexander Howat et al., plaintiffs in error, *v.* The State of Kansas. Motion to dismiss in this cause postponed to the hearing of the cause on the merits. Motion to advance granted and case assigned for argument on Monday, February 27, next, after case heretofore assigned for that day.

No. 491. Alexander Howat et al., plaintiffs in error, *v.* The State of Kansas. Motion to advance and consolidate granted, and the case advanced and assigned for argument with case No. 154.

No. 630. Federal Trade Commission, petitioner, *v.* Sinclair Refining Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted.

No. 652. James C. Davis, Director General etc., petitioner, *v.* L. N. Dantzler Lumber Company. Petition for a writ of certiorari to the Supreme Court of the State of Mississippi granted.

No. 632. Henry F. Maresca 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 Second Circuit denied.

No. 650. Sam Cohen, 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. 144. Frank H. Schurmann, appellant, *v.* The United States of America. Motion to dismiss submitted by Mr. Solicitor General Beck for the appellee in support of the motion.

No. 657. J. W. Bailey et al., etc., plaintiffs in error, *v.* Drexel Furniture Company; and

No. 590. J. W. Bailey, Collector etc., et al., appellants, *v.* John J. George, etc. Motion to advance for hearing on March 6 next submitted by Mr. Solicitor General Beck in that behalf.

No. 631. Charles Ponzi *v.* Franklin G. Fessenden et al. Motion to advance submitted by Mr. E. A. Abbott in that behalf.

No. —, original. John Doe, demise of the Commonwealth of Massachusetts, plaintiff, and The City of Rochester, a municipal corporation of the State of New York, defendant. Motion for leave to file a declaration in ejectment herein submitted by Mr. E. A. Abbott in behalf of Mr. J. Weston Allen for the plaintiff.

No. —, original. Commonwealth of Massachusetts, plaintiff, *v.* Eugene Van Voorhis et al., Commissioners of Appraisal, defendants. Motion for leave to file a declaration in a suit at law for a writ of prohibition submitted by Mr. E. A. Abbott in behalf of Mr. J. Weston Allen for the plaintiff.

No. 674. Concrete Steel Company, petitioner, *v.* George E. Vandenburg. Motion for stay of execution submitted by Mr. Thomas J. Johnston for the petitioner.

No. 333. Federal Trade Commission, petitioner, *v.* Winsted Hosiery Company. Motion for leave to file brief herein as amici curiae submitted by Mr. Daniel Davenport in behalf of Silk Association of America and others.

No. 340. International Railway Company, appellant, *v.* George G. Davidson, Individually and as Collector, etc., et al.; and

No. 368. Thomas Snyder, on behalf of himself, etc., appellant, *v.* George G. Davidson, Jr., Individually, etc., et al. Leave granted to file brief herein as amicus curiae on motion of Mr. Basil Robillard in behalf of Mr. John W. Beaumont.

No. 669. Toledo Scale Company, petitioner, *v.* The Computing Scale Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Frederick P. Fish, Mr. Edward Rector, and Mr. Robert H. Parkinson for the petitioner.

No. 671. Charles D. Newton, as Attorney General, etc., et al., appellants, *v.* The Brooklyn Union Gas Company. Motion to advance submitted by Mr. Harry Hertzoff in that behalf.

No. 625. The State Industrial Commission of the State of New York, petitioner, *v.* Nordenholt Corporation et al. Motion to advance submitted by Mr. Harry Hertzoff in that behalf.

No. 629. The United States of America, petitioner, *v.* Charles Walter Moreland. Joint motion to advance submitted by Mr. George P. Barse in that behalf.

No. 333. Federal Trade Commission, petitioner, *v.* Winsted Hosiery Company. Motion for leave to file brief herein as amici curiae submitted by Mr. Nelson J. Jouett in behalf of Mr. Frank S. Reed and Mr. Edward S. Rogers.

No. 670. Bulk Oil Transports, petitioner, *v.* T. Langland Thompson. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. William J. Hughes for the petitioner, and by Mr. Roscoe H. Hupper for the respondent.

No. 527. Salmon River Canal Company, Limited, plaintiff in error, *v.* Thomas Sanderson. Motion to dismiss submitted by Mr. E. M. Wolfe for the defendant in error in support of the motion, and by Mr. James H. Richards and Mr. Oliver O. Haga for the plaintiff in error in opposition thereto.

No. 247. Everglades Sugar & Land Company et al., plaintiffs in error, *v.* Frank A. Bryan, clerk, etc., et al. In error to the Supreme Court of the State of Florida. Dismissed with costs on motion of counsel for the plaintiffs in error.

No. 294. Everglades Sugar & Land Company et al., plaintiffs in error, *v.* Frank A. Bryan, clerk, etc., et al. In error to the Supreme Court of the State of Florida. Dismissed with costs on motion of counsel for the plaintiffs in error.

No. 3, Original. The State of Wyoming, complainant, *v.* The State of Colorado et al. Reassigned for argument on Monday, January 9, at the foot of the call, on motion of Mr. Solicitor General Beck in that behalf.

No. 3. Adelbert A. Weiland, as State Engineer, etc., et al., appellants, *v.* The Pioneer Irrigation Company. Reassigned for argument on Monday, January 9, at the foot of the call, on motion of Mr. Solicitor General Beck in that behalf.

No. 20. The Standard Fashion Company, petitioner, *v.* Magrane-Houston Company; and

No. 119. United Shoe Machinery Corporation et al., appellants, *v.* The United States of America. Reassigned for argument at the foot of the call for Friday, January 13, on motion of Mr. Solicitor General Beck in that behalf.

No. 616. John Hill, jr., et al., appellants, *v.* Henry C. Wallace, Secretary of Agriculture, etc., et al. Reassigned for argument at the foot of the call for January 9, on motion of Mr. Solicitor General Beck in that behalf.

No. 322. F. A. Gillespie, plaintiff in error, *v.* The State of Oklahoma. Argued by Mr. James P. Gilmore for the plaintiff in error, and by Mr. C. W. King for the defendant in error.

No. 340. International Railway Company, appellant, *v.* George G. Davidson, Individually and as Collector, etc., et al.; and

No. 368. Thomas Snyder, on behalf of himself, etc., appellant, *v.* George G. Davidson, jr., Individually, etc., et al. Argument commenced by Mr. Basil Robillard for the appellants, and continued by Mr. Assistant Attorney General Ottinger for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, January 4, will be as follows: Nos. 340 (and 368); 259; 16, original; 25, original; 295; 296; and 540.

## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, JANUARY 4, 1922.

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Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Van Devanter, Mr. Justice Pitney, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Clarke.

No. 340. International Railway Company, appellant, *v.* George G. Davidson, individually and as Collector, etc., et al.; and

No. 368. Thomas Snyder, on behalf of himself and all others similarly situated, appellant, *v.* George G. Davidson, jr., individually, etc., et al. Argument continued by Mr. Assistant Attorney General Ottinger for the appellees and concluded by Mr. Basil Robillard for the appellants.

No. 259. Western Union Telegraph Company, plaintiff in error, *v.* Louisville & Nashville Railroad Company. Argument commenced by Mr. Alex. Pope Humphrey for the plaintiff in error, continued by Mr. Helm Bruce for the defendant in error, and concluded by Mr. Rush Taggart for the plaintiff in error.

No. 16, original. The State of Georgia, complainant, *v.* The State of South Carolina. Argument commenced by Mr. Thomas F. Green for the complainant, and continued by Mr. Samuel A. Wolfe for the defendant.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, January 5, will be as follows: Nos. 16 original, 25 original, 295, 296, 540, and 65.

69667—22—43

# SUPREME COURT OF THE UNITED STATES.

THURSDAY, JANUARY 5, 1922.

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Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Van Devanter, Mr. Justice Pitney, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Clarke.

George Wallace Alvord, of Painesville, Ohio, was admitted to practice.

No. 540. Julius F. Smietanka, as Collector etc., petitioner, *v.* First Trust & Savings Bank, Trustee, etc. Reassigned for argument at the foot of the call for January 16, on motion of Mr. S. W. Swayse in that behalf.

No. 16, original. The State of Georgia, complainant, *v.* The State of South Carolina. Argument continued by Mr. Samuel M. Wolfe for the defendant, by Mr. A. M. Lumpkin for the defendant, and concluded by Mr. George M. Napier for the complainant.

No. 25, original. The State of North Dakota, ex. rel. William Lemke, Attorney General, complainant, *v.* Chicago & Northwestern Railway Company et al. Leave granted to file brief of the United States as amicus curiae, on motion of Mr. Blackburn Esterline in that behalf. Leave granted to file additional brief for the complainant within 10 days, on motion of Mr. Karl Knox Gartner in that behalf. Argued, on motion to dismiss, by Mr. C. W. Bunn for the defendants in support of the motion, and by Mr. Karl Knox Gartner for the complainant in opposition thereto.

No. 295. Charles D. Newton, as Attorney General etc., et al., appellants, *v.* The Kings County Lighting Company. Motion for leave to file brief of Harry E. Lewis, as district attorney of the county of Kings, denied. Argument commenced by Mr. Wilbur W. Chambers for the appellants and continued by Mr. Samuel F. Moran for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, January 6, will be as follows: Nos. 295, 296, and 65.

# SUPREME COURT OF THE UNITED STATES.

FRIDAY, JANUARY 6, 1922.

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Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Van Devanter, Mr. Justice Pitney, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Clarke.

Thomas W. Bowers, of Chicago, Ill.; John B. Sullivan, of Des Moines, Iowa; John M. Sayler, of Huntington, Ind.; and Macy E. Watkins, of Roachdale, Ind., were admitted to practice.

No. 295. Charles D. Newton, as Attorney General, etc., et al., appellants, *v.* The Kings County Lighting Company. Argument continued by Mr. S. F. Moran for the appellee, and concluded by Mr. Wilbur W. Chambers for the appellants.

No. 296. Charles D. Newton, as Attorney General, etc., et al., appellants, *v.* New York & Queens Gas Company. Argument commenced by Mr. M. Maldwin Fertig for appellant Wallace, continued by Mr. William L. Ransom for the appellees, and concluded by Mr. Wilbur W. Chambers for the appellants.

No. 65. The Morrisdale Coal Company, appellant, *v.* The United States. Argument commenced by Mr. Gibbs L. Baker for the appellant, and continued by Mr. Assistant Attorney General Riter for the appellee.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, January 9, will be as follows: Nos. 65, 148 (and 553), 333, 3 Original, 3, 616, 73, 74, 75, and 76.

69667—22—45

# SUPREME COURT OF THE UNITED STATES.

MONDAY, JANUARY 9, 1922.

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Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Van Devanter, Mr. Justice Pitney, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Clarke.

Thomas F. Cadwalader, of Joppa, Md.; George Arnold Frick, of Baltimore, Md.; Wister J. Owens, of Muskogee, Okla.; John F. Heine, of Elizabeth, N. J.; Maxwell Steinhardt, of New York City; and Lyman K. Aughenbaugh, of Waynesboro, Pa., were admitted to practice.

No. 329. James C. Davis, Director General of Railroads, Northern Pacific Railway Company, et al., appellants, *v.* George Wallace et al. Appeal from the District Court of the United States for the District of North Dakota. Decree reversed with costs, and cause remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Van Devanter.

The Chief Justice announced the following orders of the court:

No. 5. The United States of America, appellant, *v.* Southern Pacific Company et al. Ordered that this cause be restored to the docket for reargument and set for hearing on Monday, March 13 next.

No. 657. J. W. Bailey et al., etc., plaintiffs in error, *v.* Drexel Furniture Company; and

No. 590. J. W. Bailey, Collector of Internal Revenue, et al., appellants, *v.* John J. George, trading and doing business as Vivian Cotton Mills, et al. Motion to advance granted, and cases assigned for argument on Monday, March 6 next, after the cases heretofore assigned for that day.

No. 631. Charles Ponzi *v.* Franklin G. Fessenden et al. Motion to advance granted, and cause assigned for argument on Monday, March 6 next, after the cases heretofore assigned for that day.

No. 671. Charles D. Newton, as Attorney General of New York, et al., appellants, *v.* The Brooklyn Union Gas Company. Motion to



advance granted, and cause assigned for argument on Monday, March 6 next, after the cases heretofore assigned for that day.

No. 625. The State Industrial Commission of the State of New York, petitioner, *v.* Nordenholt Corporation. Motion to advance granted, and cause assigned for argument on Monday, March 6 next, after the cases heretofore assigned for that day.

No. 629. The United States of America, petitioner, *v.* Charles Walter Moreland. Motion to advance granted, and cause assigned for argument on Monday, March 6 next, after the cases heretofore assigned for that day.

No. 144. Frank H. Schurmann, appellant, *v.* The United States of America. Consideration of the motion to dismiss this case postponed until proper notice under paragraph 4, rule 6, fixing the time for submission, and proof of service thereof, shall be given.

No. 527. Salmon River Canal Company, Limited, plaintiff in error, *v.* Thomas Sanderson. Motion to dismiss postponed for consideration when case is heard on the merits.

No. —, original. John Doe, demise of the Commonwealth of Massachusetts, plaintiff, *v.* City of Rochester, N. Y. Rule to show cause why motion for leave to file declaration in ejectment herein should not be granted, is granted, and rule ordered to issue against the defendant, returnable on Monday, February 27 next.

No. —, original. Commonwealth of Massachusetts, plaintiff, *v.* Eugene Van Voorhis et al., Commissioners of Appraisal. Rule to show cause why motion for leave to file declaration in a suit at law for a writ of prohibition herein should not be granted, is granted, and rule ordered to issue against the defendants, returnable on Monday, February 27 next.

No. 333. Federal Trade Commission, petitioner, *v.* Winsted Hosiery Company. Motion of Daniel Davenport for leave to file brief on behalf of Silk Association of America et al. as amici curiæ in this cause granted.

No. 333. Federal Trade Commission, petitioner, *v.* Winsted Hosiery Company. Motion of Mr. Nelson J. Jouett on behalf of Messrs. Reed and Rogers for leave to file brief of the Armstrong Cork Company et al. as amici curiæ in this cause granted.

No. 669. Toledo Scale Company, petitioner, *v.* The Computing Scale Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 670. Bulk Oil Transports, petitioner, *v.* T. Langland Thompson. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 17, original. The Commonwealth of Pennsylvania, complainant, *v.* The State of West Virginia; and

No. 18, original. The State of Ohio, complainant, *v.* The State of West Virginia. *Order.*—It is ordered that these cases be restored to the docket for reargument on February 27, with special reference to the questions (1) whether the suit was not prematurely brought as no action has been taken either by the State or by the State commission under the statute, and (2) whether the bill presents a cause justiciable between the two States parties to the action.

No. 368. Thomas Snyder, on behalf of himself and all others similarly situated, appellant, *v.* George G. Davidson, Jr., individually and as Collector of Customs of the Ninth Customs District, et al. Appeal from the District Court of the United States for the Western District of New York. *Per curiam*: Dismissed for want of jurisdiction, upon the authority of *Roman Catholic Church v. Pennsylvania R. R. Co.* (237 U. S., 575, 577-578).

No. 308. Sloan Shipyards Corporation et al., appellants, *v.* United States Shipping Board Emergency Fleet Corporation et al. Motion to advance submitted by Mr. Solicitor General Beck for the appellees.

No. 67. The United States, appellant, *v.* Henry W. Volk, as Trustee etc. Mandate granted, on motion of Mr. Solicitor General Beck for the appellant.

No. 68. The United States, appellant, *v.* Emil Schoyen, as Administrator etc., et al. Mandate granted, on motion of Mr. Solicitor General Beck for the appellant.

No. 654. Jacques Rouso, petitioner, *v.* Reuben E. Barber et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Joshua R. H. Potts for the petitioner.

No. 643. The K. W. Ignition Company, petitioner, *v.* Ford Motor Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Maxwell Steinhardt in behalf of Mr. Emory R. Buckner for the petitioner, and by Mr. Otto F. Barthel, Mr. Edward Rector, and Mr. W. Clyde Jones for the respondent.

No. 25, original. The State of North Dakota ex rel. William Lemke, Attorney General, complainant, *v.* Chicago & Northwestern Railway Company et al. Leave granted to file suggestions in answer to brief of complainant, on motion of Mr. Blackburn Esterline in behalf of Mr. Charles W. Bunn for the defendants.

No. 676. Crown Dye and Tool Company, petitioner, *v.* Nye Tool and Machine Works. Petition for a writ of certiorari to the United

States Circuit Court of Appeals for the Seventh Circuit submitted by Florence King for the petitioner, and by Mr. W. H. Dyrenforth and Mr. George A. Chritton for the respondent.

No. 634. Dora E. Booker et al., petitioners, *v.* Fidelity Trust Company et al. Time within which to submit petition for a writ of certiorari herein extended on motion of Mr. William V. Rooker for the petitioners.

No. 628. H. S. Herrick, petitioner, *v.* A. Basletta. Petition for a writ of certiorari to the District Court of Appeal, First Appellate District, of the State of California, submitted by Mr. H. S. Herrick, *pro se*.

No. 648. Wabash Railway Company, petitioner, *v.* Miles Elliott. Petition for a writ of certiorari to the Supreme Court of the State of Missouri submitted by Mr. Frederic D. McKenney and Mr. N. S. Brown for the petitioner, and by Mr. William Brichholz, Mr. I. B. Kimbrell, and Mr. Martin J. O'Donnell, for the respondent.

No. 656. Walter Matthey, 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. A. G. Bush for the petitioner, and by Mr. Solicitor General Beck, Mr. Assistant Attorney General Crim, and Mr. Harry S. Ridgely for the respondent.

No. 661. James C. Davis, Director General of Railroads etc., petitioners, *v.* E. C. Akins. Petition for a writ of certiorari to the Supreme Court of the State of Kansas, submitted by Mr. Joseph M. Bryson for the petitioners and by Mr. Charles Stephens for the respondent.

No. 662. Walker D. Hines, Director General of Railroads, et al., petitioners, *v.* John H. Butler et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit, submitted by Mr. George Weems Williams for the petitioners, and by Mr. John H. Skeen, Mr. George Forbes, and Mr. J. Purdon Wright for the respondents.

No. 680. William J. Jackson, as Receiver of Chicago & Eastern Illinois Railroad Company, petitioner, *v.* Perry D. White. Petition for a writ of certiorari to the Appellate Court, First Appellate District, of the State of Illinois, submitted by Mr. Edward W. Rawlins and Mr. H. T. Dick for the petitioner.

No. 148. Charles S. Fairchild, appellant, *v.* Charles E. Hughes, Secretary of State, et al.; and

No. 553. Oscar Leser et al., plaintiffs in error, *v.* J. Mercer Garnett et al. Reassigned for January 20, at the foot of the call, on motion of Mr. Solicitor General Beck in that behalf.

No. 333. Federal Trade Commission, petitioner, *v.* Winsted Hosiery Company. Reassigned for March 13 next, on motion of Mr. Solicitor General Beck in that behalf.

No. 65. The Morrisdale Coal Company, appellant, *v.* The United States. Argument continued by Mr. Assistant Attorney General Riter for the appellee, and concluded by Mr. Gibbs L. Baker for the appellant.

No. 3, original. The State of Wyoming, complainant, *v.* The State of Colorado et al. Six hours and twenty minutes allowed for reargument, on motion of Mr. John W. Lacey in that behalf. Reargument commenced by Mr. N. E. Corthell for the complainant, continued by Mr. Victor E. Keys and by Mr. Delph E. Carpenter for the defendants.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, January 10, will be as follows: Nos. 3 original, 3, 616, 73, 74, 75, 76, 77, 78, and 79 (and 58).

## SUPREME COURT OF THE UNITED STATES.

TUESDAY, JANUARY 10, 1922.

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Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Van Devanter, Mr. Justice Pitney, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Clarke.

William W. Ammen, of Philadelphia, Pa., and R. M. Fitzgerald, of Oakland, Calif., were admitted to practice.

No. 3, original. The State of Wyoming, complainant, *v.* The State of Colorado et al. Reargument continued by Mr. Delph E. Carpenter for the defendants, by Mr. Assistant Attorney General Riter for the United States, by Mr. Platt Rogers for the defendants, and concluded by Mr. John W. Lacey for the complainant.

No. 3. Adelbert A. Weiland, as State Engineer, etc., et al., appellants, *v.* The Pioneer Irrigation Company. Reargument commenced by Mr. Victor E. Keyes for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, January 11, will be as follows: Nos. 3, 616, 73, 74, 75, 76, 77, 78, 79 (and 58), and 80.

69667—22—47

## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, JANUARY 11, 1922.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Van Devanter, Mr. Justice Pitney, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Clarke.

John J. McDevitt, jr., of Philadelphia, Pa., and Robert A. Milroy, of Aurora, Ill., were admitted to practice.

No. 86. Alfred F. Smith et al., plaintiffs in error, *v.* The United States. In error to the District Court of the United States for the District of Oregon. Dismissed with costs, per stipulation; and cause remanded for further proceedings and mandate granted, on motion of Mr. Solicitor General Beck in that behalf.

No. 87. Joseph R. Bowles et al., plaintiffs in error, *v.* The United States. In error to the District Court of the United States for the District of Oregon. Dismissed with costs, per stipulation; and cause remanded for further proceedings and mandate granted, on motion of Mr. Solicitor General Beck in that behalf.

No. 3. Adelbert A. Weiland, as State Engineer, etc., et al., appellants, *v.* The Pioneer Irrigation Company. Argument continued by Mr. Edwin H. Park for the appellee, and concluded by Mr. Delph E. Carpenter for the appellant.

No. 616. John Hill, jr., et al., appellants, *v.* Henry C. Wallace, Secretary of Agriculture, et al. Argument commenced by Mr. Henry S. Robbins for the appellants, and continued by Mr. Solicitor General Beck for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, January 12, will be as follows: Nos. 616, 73, 74, 75, 76, 77, 78, 79 (and 58), 80, and 81 (and 82, 83, and 84).

69667—22—48

## SUPREME COURT OF THE UNITED STATES.

THURSDAY, JANUARY 12, 1922.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Van Devanter, Mr. Justice Pitney, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Clarke.

Charles M. Miller, of Kansas City, Mo., was admitted to practice.

No. 79. John W. Davidge, plaintiff in error, *v.* Leo Simmons; and

No. 58. John W. Davidge, petitioner, *v.* Leo Simmons. On writ of error to and petition for writ of certiorari to the Court of Appeals of the District of Columbia. Dismissed with costs, on motion of Mr. Chapin Brown for the plaintiff in error and petitioner.

No. 29. United Mine Workers of America et al., petitioners, *v.* Coronado Coal Company et al.; and

No. 31. United Mine Workers of America et al., plaintiffs in error, *v.* Coronado Coal Company et al. Reassigned for March 20 next, on motion of Mr. William A. Glasgow, jr., in that behalf.

No. 81. Edward O'Donnell, plaintiff in error, *v.* The People of the State of Illinois;

No. 82. Leonard Banks and Frank Bender, plaintiffs in error, *v.* The People of the State of Illinois;

No. 83. Frank Bender, plaintiff in error, *v.* The People of the State of Illinois; and

No. 84. John Boone, plaintiff in error, *v.* The People of the State of Illinois. Passed, to be restored to the call pursuant to section 9, rule 26.

No. 616. John Hill, jr., et al., appellants, *v.* Henry C. Wallace, Secretary of Agriculture, et al. Argument concluded by Mr. Solicitor General Beck for the appellees. Leave granted appellants to file reply brief within 24 hours.

No. 73. First National Bank of Jasper, Florida, petitioner, *v.* State Bank of Rome, Georgia;

No. 74. First National Bank of Jasper, Florida, petitioner, *v.* The First National Bank of Rome, Georgia;

No. 76. The Bank of Jasper, petitioner, *v.* The First National Bank of Rome, Georgia; and

No. 77. The Bank of Jasper, petitioner, *v.* The State Bank of Rome, Georgia. Argument commenced by Mr. F. P. Fleming for the petitioners in Nos. 76 and 77; continued by Mr. Henry C. Clark for the respondents; by Mr. W. E. Kay for the respondents; and concluded by Mr. F. P. Fleming for the petitioners in Nos. 76 and 77. Submitted by Mr. William Wade Hampton for the petitioners in Nos. 73 and 74.

No. 75. Pueblo of Laguna, appellant, *v.* Jose Candelaria et al. Argument commenced by Mr. Francis C. Wilson for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, January 13, will be as follows: Nos. 75, 78, 80, 85, 88, 90, 91, 93, 20, and 119.



## SUPREME COURT OF THE UNITED STATES.

FRIDAY, JANUARY 13, 1922.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Van Devanter, Mr. Justice Pitney, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Clarke.

James C. Collins, of Providence, R. I.; Elwood G. Godman, of Chicago, Ill.; John Strother Boyd, of Chicago, Ill.; Frederic E. Klein, of New York City; Harry Hess, of Cincinnati, Ohio; and Charles A. Affenkraut, of New York City, were admitted to practice.

No. 279. Lee Roy E. Keeley, appellant, *v.* Walter H. Evans, as District Attorney, etc., et al. Appeal from the District Court of the United States for the District of Oregon. Dismissed with costs on motion of counsel for the appellant.

No. 75. Pueblo of Laguna, appellant. *v.* Jose Candelaria et al. Argument continued by Mr. F. C. Wilson for the appellant, and concluded by Mr. Frank W. Clancy for the appellees.

No. 78. Gertrude M. Reed, Administratrix, etc., petitioner, *v.* Director General of Railroads, etc. Argument commenced by Mr. John J. McDevitt, jr., for the petitioner, continued by Mr. William Clarke Mason for the respondent, and concluded by Mr. John J. McDevitt, jr., for the petitioner.

No. 80. The United States, appellant, *v.* Isaac T. Cook, Executor, etc., et al. Argument commenced by Mr. Assistant Attorney General Lovett for the appellant, continued by Mr. William R. Harr for the appellees, and concluded by Mr. Assistant Attorney General Lovett for the appellant.

No. 85. Kansas City Motion Picture Machine Operators, etc., et al., plaintiffs in error. *v.* John E. Hughes et al., etc. Argued by Mr. Charles M. Miller for the defendants in error, and submitted by Mr. William J. Hughes, Mr. Frank P. Walsh, and Mr. Joseph W. Folk for the plaintiffs in error.

No. 88. Edward Johnson, plaintiff in error, *v.* The State of South Carolina. In error to the Supreme Court of the State of South

Carolina. Dismissed with costs on motion of counsel for the plaintiff in error.

No. 90. John Gooch, jr., petitioner, *v.* Oregon Short Line Railroad Company. Argument commenced by Mr. J. H. Peterson for the petitioner.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, January 16, will be as follows: Nos. 90, 91, 93, 20, 119, 285, 287, 609 (and 610), 540, and 94.

# SUPREME COURT OF THE UNITED STATES.

MONDAY, JANUARY 16, 1922.

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Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Van Deventer, Mr. Justice Pitney, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Clarke.

Samuel J. Flickinger, of Washington, D. C.; James Lane Donahue, of Washington, D. C.; Manvel Whittemore, of New York City; Bernard L. Glover, of Kansas City, Mo.; Warren F. Martin, of Philadelphia, Pa.; Lucius Everett Varney, of New York City; and Ray Martin, of Columbus, Ohio, were admitted to practice.

Mr. Attorney General Daugherty presented to the Court the following resolutions:

Edward Douglass White, ninth Chief Justice of the United States, was born in Thibadeaux, Lafourche Parish, State of Louisiana, on the 3d day of November, 1845, and died in the city of Washington on the 19th day of May, 1921.

When but 16 years of age, and yet at school, the Civil War broke out. He thereupon laid aside his books, returned to his home, and, as a private of infantry, espoused the cause of the Confederate States.

After the close of the Civil War, he undertook the study of the law, and in 1868 was admitted to practice at the Bar of the Supreme Court of Louisiana.

In 1874, he was elected to the State Senate, in which body he served for four years, when, by appointment, he became an associate justice of the Supreme Court of Louisiana. He faithfully discharged the duties of that office until the reorganization of the court in 1879, when he resumed the practice of the law. On March 4, 1891, having been elected by the Legislature of Louisiana, he assumed the office of Senator of the United States, which he filled with distinction until February 19, 1894.

By appointment of President Cleveland, and with the immediate and unanimous consent of the Senate, he then became an Associate Justice of the Supreme Court of the United States.

Sixteen years of service as an Associate Justice so firmly established his reputation and character as a jurist that, upon the death

of Chief Justice Fuller, President Taft, himself a lawyer of distinction and of a different political party, commissioned him on December 12, 1910, Chief Justice of the United States.

On December 19, 1910, he assumed the central seat upon that historic Bench, from which, with ability unsurpassed, he fulfilled until his death the duties of his greatest office.

Of his 75 years of life, almost one-half was devoted to the public good, six years in the service of his native State, and 30 years in that of the Nation, which he served with singleness of purpose and intensity of devotion.

As Associate Justice and Chief Justice, together, for 27 years, he labored upon the Bench of this great court, and, by patience, courtesy, and fullness of learning, combined with an exceptional ability to grasp and correlate, not only intricate masses of detail, but divergent systems of law, he constructed for himself, while striving for the benefit of others, a monument as enduring as the court itself.

What he said aptly of his immediate predecessor is applicable precisely to himself: "His labors find an enduring memorial in the reported decisions of the court rendered during the long period of his service. \* \* \* They have become the heritage of his countrymen, for whose good he labored with untiring devotion."

It is accordingly

*Resolved by the members of the Bar of the Supreme Court of the United States here assembled, speaking for the membership of that Bar at large and voicing the grief of their brethren throughout the United States, That the services of the late Chief Justice constitute a notable contribution to the achievements of the great tribunal of which he was so long an illustrious member; that by his modest bearing, his sense of kinship with his fellowmen, his wholesome outlook upon life, and his vigorous support of American institutions and ideals; no less than by the height of his intellect and the depth of his learning, he has left to his countrymen a memory at once an ennobling inspiration and a priceless example: It is further*

*Resolved, That the Attorney General of the United States be requested to present these resolutions to the court and to move their inscription upon its records; and that the chairman of this meeting send a copy of the resolutions to Mrs. White as an expression of the sympathy of the American Bar.*

May it please your honors: There is no higher virtue among any people than the reverence in which it holds the memory of its illustrious dead. To commemorate the life of a man who has spent his days in useful service to his country is not only a just tribute to him but is distinctively an example for those who follow after him.

The richest heritage that any nation can have is the record of the lives and services of its distinguished sons who have devoted themselves unselfishly and faithfully to the cause of their country. Such lives furnish inspiration, give faith, point the way, and stimulate others to useful service. Hence, it is deemed fitting that these resolutions be presented to this court to commemorate the life and public labors of its late Chief Justice, who for 27 years rendered most distinguished and useful service to his country as a Justice of the Supreme Court of the United States.

Edward Douglass White, late Chief Justice of the United States, was born in La Fourche Parish, La., November 3, 1845. He died in the city of Washington at 2 o'clock in the morning on May 19, 1921. He was a soldier in the Confederate Army at the age of 16, entering in 1861; was taken prisoner at the fall of Port Hudson July 6, 1863; received his education at Mount Saint Mary's College, near Emmittsburg, Md.; at the Jesuit College, New Orleans, La., and at Georgetown University, Washington, D. C. He was admitted to the Louisiana bar in 1868 and immediately manifested an active interest in politics. He was elected to the State Senate of Louisiana in 1874, and was later appointed an Associate Justice of the Supreme Court of Louisiana in 1878 at the age of 33. After serving with distinction and ability in this capacity he relinquished public office to resume the practice of law. For a time he was chairman of the board of examiners for admission to the bar of Louisiana and was also a member of the board of administrators of Tulane University, of New Orleans.

The high order of ability which he manifested while associate justice upon the Louisiana supreme bench, and the courageous and able fight which he made for clean government in Louisiana, and especially on account of his efforts against the Louisiana State Lottery, which finally resulted in ridding the State of this evil, so impressed the people of that State that he was elected to a seat in the United States Senate, commencing his term March 4, 1891.

His call, however, was to judicial and not to legislative service, for upon February 19, 1894, in the forty-ninth year of his age, President Cleveland appointed him an Associate Justice of the Supreme Court of the United States, and he took the oath of office on March 12 of that year.

After a service of nearly 17 years as an Associate Justice upon the Supreme Bench, during which time he displayed such marked ability that, as a recognition for eminent attainments and special fitness for this office, he received the crowning reward of all judicial service in this Government and was appointed Chief Justice of the United States by President Taft December 12, 1910, at the age of

65, and took the oath on December 19, 1910, thereby succeeding Chief Justice Fuller as the ninth man to be appointed to this high office. Such, in brief, is the outline of the facts of the life and public service of the late Chief Justice.

Chief Justice White came to the Supreme Court of the United States a profound lawyer, an able jurist and statesman in the prime of life, the then youngest member of that body, with the full measure of physical strength, intellectual and moral endowment, and practical experience both as a lawyer and a statesman in public affairs, and was destined soon to take a leading place upon that bench.

No greater eulogy can be pronounced upon Chief Justice White than to say that as Associate Justice for nearly 17 years, and later as Chief Justice for more than 10 years, he responded in full measure to the requirements of that high office.

To be Chief Justice of the United States is the highest judicial honor in this country—in fact, in many ways it is the crowning honor that can come to any lawyer in the Nation—for in our whole history only 10 men have occupied this position. Chief Justice White received this honor. He served his country well, and his memory is entitled to the reverence of a grateful Nation.

The Supreme Court of the United States occupies a unique position in the political science of the world; in fact, it was our chief original contribution to the science of government. It is not only like the courts of last resort of other nations in that it makes decisions upon juristic questions, but it exercises the additional function of declaring laws, in proper cases, unconstitutional.

Great as is our debt to the fathers who gave us the Constitution, it may still be questioned whether the work of Hamilton, Madison, and other constitutional fathers would have been complete had not that long train of men from Marshall to White interpreted it and told us what it meant.

This court has maintained its place not by force but by the power of logical reasoning, clear thinking, careful analysis, masterly argument, moral rectitude, and statesman-like vision to see and to understand. The people, through the work of this court, have come to realize what their Government is.

The function of the Supreme Court of the United States is of vital importance. It is the anchor which holds us to constitutional government, the ever-watchful guardian of the liberties of the people against transgression by legislative or executive action, the balance wheel holding in equipoise and true relationship the various parts of our complex system. What higher or more noble work has ever been committed to the heart and hand and mind of man?

Chief Justice White was deeply conscious of the great responsibility devolving upon this court. He realized fully the transcendent importance of its function and place in our system of government. He gave unreservedly all the power of his mighty intellect to upholding its dignity, its traditions, and its usefulness.

It has often occurred to me, and especially in studying the life of Chief Justice White, that this court furnishes the most inspiring example of service, full, without stint, unselfishly given to the Nation. In this respect, men far past the age when they might retire steadfastly remain at their posts. Chief Justice White for 27 years labored faithfully in his work and died at his post in the service of his country. In this day, when men dare to scoff at the Constitution, when many prefer ease to the service of their country, when the whole world seems to have lost its balance and is in turmoil, it is indeed an inspiring hope to contemplate the lives and service of the men who have occupied this Bench. They furnish encouragement to those of us who believe in the Constitution, in our country, and in its destiny.

The period of Chief Justice White marked a great era for the Supreme Court of the United States. In the 30 years between the Civil War and the advent of Chief Justice White to the Bench, the Nation, by leaps and bounds, entered upon an era of industrial and commercial development unparalleled in the history of the world. This brought new problems.

As to the opinions written by Chief Justice White it may be said that it would be a very inadequate and therefore futile tribute to him to present in digest form the points decided in a few of the more than 700 masterly opinions that he wrote. Certain common characteristics run through all of these opinions. They bear evidence of a profound legal mind, painstaking investigation, a wealth of knowledge, a statesman-like vision to see the probable consequences resulting from such decision, and, above all, an intense belief in our constitutional system of government.

In all the work of the court during this period Chief Justice White performed his full share. The record of his judicial labors is contained in 103 volumes of the opinions of this court, as found in volumes 153-255, inclusive. During his incumbency upon the Supreme Bench the court disposed of, in one way or another, more than 14,000 cases, and rendered opinions in more than 7,000 cases. Chief Justice White wrote about 700 opinions for the court, 10 concurring opinions, and 33 dissenting opinions. These opinions cover the whole range of the work of the court during this era. He was no specialist in that he confined his labors to any one particular field of work. On the contrary, his range of work was general and covered the main fields of litigation that came before the court.

The first opinion that Chief Justice White wrote on any great constitutional question was a dissent in the case of *Pollock v. Farmers' Loan & Trust Co.* (157 U. S., 429), decided April 8, 1895. This opinion, delivered the first year after he came upon the Bench is a prophecy of the high rank he was to take as a jurist upon that Bench. In this first dissenting opinion he shows the characteristics as a jurist that followed him through his entire judicial career. The question before the court was whether a tax by the Federal Government under the revenue law of 1894 upon certain incomes was a direct tax and therefore repugnant to the provisions of the Constitution requiring direct taxes to be levied according to the rule of apportionment.

A respect for precedent and a firm adherence to the doctrine of *stare decisis* are evidenced in this first opinion. After reviewing the history of all the cases from the beginning of the Government, showing that direct taxes within the meaning of the Constitution included only taxes on land and capitation taxes, he said:

“And now, after a hundred years, after long-continued action by other departments of the Government, and after repeated adjudications of this court, this interpretation is overthrown, and the Congress is declared not to have a power of taxation which may at some time, as it has in the past, prove necessary to the very existence of the Government.” (157 U. S., 637.)

In this case Chief Justice White goes back of juristic arguments and reveals his political philosophy with reference to the doctrine of precedent and the sound reasons and principles upon which it is based. He takes the position that the Supreme Court is intended to be a stabilizing agency in making for certainty, uniformity, and fixedness of judicial decision, and says further that—

“Break down this belief in judicial continuity, and let it be felt that on great constitutional questions this court is to depart from the settled conclusions of its predecessors, and to determine them all according to the mere opinion of those who temporarily fill its bench, and our Constitution will, in my judgment, be bereft of value and become a most dangerous instrument to the rights and liberties of the people.”

This opinion also reveals another favorite method of legal analysis of Chief Justice White; that is, to test the soundness of any decision by following its effect to its logical consequence. This, it may be said with assurance, is one of the highest characteristics that any jurist can have who occupies a place in the Supreme Court of the United States. Again and again, running through the opinions of Chief Justice White is the principle that the statesman-jurist will not plant himself upon a decision that works ill in its



ultimate results if he can find a ground that will work beneficially. On this point in the Pollock case he said:

“The injustice of the conclusion points to the error of adopting it. \* \* \* A rule which works out this result, which, it seems to me, stultifies the Constitution by making it an instrument of the most grievous wrong, should not be adopted, especially when, in order to do so, the decisions of this court, the opinions of the law writers and publicists, tradition, practice, and the settled policy of the Government must be overthrown.” (158 U. S., 712.)

Closely akin to this last characteristic method, his argument on this point is that to limit or to deny to Congress the power of direct taxation, as in this case, would mean that the Nation would no longer be supreme, but would be at the mercy of the State governments. He concludes this point by saying:

“Hence, the decision now rendered, so far as taxing real and personal property and invested wealth is concerned, reduces the Government of the United States to the paralyzed condition which existed under the Confederation, and to remove which the Constitution of the United States was adopted.” (158 U. S., 714-715.)

This opinion also gives the prophecy that Chief Justice White was a nationalist in political theory, believing and advocating that the National Government should be endowed with every power for its own functioning and should not be dependent upon the States to supply funds for conducting the Government. Here we see the soldier of the Confederacy, the idol of his native State, born and reared and steeped in the political philosophy of States rights, developing in majestic splendor, and when the hour came for him under the responsibility of office, with broadening vision, we see him take his place as a worthy successor to Marshall as an apostle of nationalism. He protested against any decision in this case that would enfeeble the National Government and make it a helpless prey to the whim or caprice of the States. He lived to see the triumph of these views. After a lapse of 21 years they became the law of the land by the sixteenth amendment to the Constitution. That he fully realized this is seen from the statement in the case of *Brushaber v. Union Pacific Railroad Company* (240 U. S., 1), in which the income-tax provisions of the tariff act of 1913 were before the court. Rendering the opinion, he said:

“Indeed, in the light of the history which we have given and of the decision in the Pollock Case and the ground upon which the ruling in that case was based, there is no escape from the conclusion that the amendment was drawn for the purpose of doing away for the future with the principle upon which the Pollock Case was decided \* \* \*.” (240 U. S., 18.)

Another opinion especially important in illustrating the characteristics of Chief Justice White as a jurist is that of *Knowlton v. Moore* (178 U. S., 41), decided May 14, 1900. The main question involved in this case was whether a tax upon legacies under the war revenue act of 1898 was a direct tax, and therefore subject to apportionment, or whether indirect, and therefore in violation of the rule of uniformity. Chief Justice White reviewed the inheritance tax laws of Rome and other ancient nations and the modern law of France and other continental countries, as well as those of England and her colonies, and declared that an examination of all shows that—

“Tax laws of this nature in all countries rest in their essence upon the principle that death is the generating source from which the particular taxing power takes its being and that it is the power to transmit, or the transmission from the dead to the living, on which such taxes are more immediately rested.” (178 U. S., 56.)

Hence, the opinion held that the tax levied was upon the right to inherit and not upon the property itself. Being a tax upon the right instead of upon the property, it was in the nature of an excise tax, and hence indirect. For wealth of learning, thorough familiarity with the literature of the subject—economic, historical, and juristic—the discussion of Chief Justice White in this opinion has few superiors in our American jurisprudence. It is a genuine contribution to the jurisprudence of our country on the subject of taxation with reference to the devolution of property by inheritance or will. It fully vindicates and demonstrates the value of the study of comparative jurisprudence. Chief Justice White, profoundly learned in the jurisprudence of ancient and modern times, with a wealth of comparative knowledge of the civil as well as the common law, was able to bring his civil-law knowledge to bear as the handmaid to assist the common law when necessary, but was wise and judicious enough never, in a pedantic way, to force the discussion of the civil law in his opinions unless it was necessary and vitally contributive as an aid to the development of his subject.

Neither the time nor the occasion permits an extended discussion of the insular cases. In working out the problems incident to these cases Chief Justice White made his full contribution of labor, of thought, and of learning. Starting as a dissenter, his views and those of others associated with him finally prevailed and became the rule of law for the court, and in the last of these cases (*Rasmussen v. United States*, 187 U. S., 516) he was able to write the opinion, reaffirming the views that he and his associates had held from the beginning, for the majority of the court.

Among the most famous of the opinions of Chief Justice White are those defining the powers of Congress under the commerce clause

of the Constitution and legislation thereunder, such as the Sherman Antitrust act of July 2, 1890, in which opinions the so-called rule of reason was announced. His position on this subject first occurs in a dissenting opinion in the case of *United States v. Trans-Missouri Freight Association* (166 U. S., 290), delivered in 1896. The court had occasion to consider this subject in other cases during the succeeding 14 years, and the attitude of the court on this question was such that at the end of this interval the Chief Justice was able to write the opinion for the court, in 1910, in the case of *Standard Oil Company v. United States* (221 U. S., 1) and in the case of *United States v. American Tobacco Company* (221 U. S., 106). Speaking for the court, he said:

“Applying the rule of reason to the construction of the statute, it was held in the *Standard Oil* case that as the words ‘restraint of trade’ at common law and in the law of this country at the time of the adoption of the antitrust act only embraced acts or contracts or agreements or combinations which operated to the prejudice of the public interests by unduly restricting competition or unduly obstructing the due course of trade, or which, either because of their inherent nature or effect or because of the evident purpose of the acts, etc., injuriously restrained trade, that the words as used in the statute were designed to have and did have but a like significance.” (221 U. S., 179.)

Chief Justice White never permitted economic theory to dominate his views of constitutional law. This is shown in the *Pollock* case, where he stood for the historic definition of the fathers as to direct taxes rather than to accept the definition as given by the economists in 1895. Likewise, he held his social and political philosophy subordinate to his juristic views of the Constitution. He did not believe that because legislation was desirable it was therefore constitutional. He should not, however, for this reason, be classed as opposed to progress and as opposed to an interpretation of the Constitution as a living vital organism adapted to twentieth century needs. A careful study of the two cases, *Lochner v. New York* (198 U. S., 45) and *Hammer v. Dagenhart* (247 U. S., 251), as types of many other similar cases, will show that his position must be explained upon the theory of constitutional law and not upon any theory of social philosophy. He supported social welfare legislation by the States in the exercise of their police power. He opposed any definite enlarging the power of Congress to regulate commerce or any other power of the Federal Constitution to enact similar legislation, where such legislation, as he thought, was an exercise of the police power reserved to the States.

Closely akin to this subject it may be said that he was no extreme advocate of absolute liberty, either of person or of contract, nor did he believe in the unnecessary extension of governmental control over individuals. In an address before the American Bar Association at Montreal, Canada, in 1913, introducing the lord high chancellor of Great Britain, after epitomizing the experiences of Roman government and the history of the development of jurisprudence as illuminated by the teachings of Christianity, he said:

“When analyzed, these conceptions give the clearest apprehension of the rudimentary truths underlying all constitutional systems of government, and demonstrate that mere questions of municipal law are of minor importance when compared with the fundamental considerations which are at the basis of the preservation of free institutions; that is, the conservatism which is necessary to conserve representative government, the willingness of one to submit to such restraints upon his own conduct as are essential to the preservation of the rights of all. In other words, the power of a free people to restrain themselves in order that freedom may endure.”

Chief Justice White was a believer in the Constitution, yet he saw the dangers resulting from an abuse of the Constitution by those who seek to invoke it through the agency of our judiciary for their own purposes as against the legitimate rights of all the people. In an address delivered before the American Bar Association in this city, in October, 1914, he said:

“There is great danger, it seems to me, to arise from the constant habit which prevails where anything is opposed or objected to, of resorting without rhyme or reason to the Constitution as a means of preventing its accomplishment, thus creating the general impression that the Constitution is but a barrier to progress instead of being the broad highway through which alone true progress may be enjoyed.”

Nature was kind to Chief Justice White. The elements were so mixed in him that he was destined to be one of earth's noblemen. His profound mind in all its manifestations was supplemented by a largeness of personality and of life. He was a man of dignity, yet his dignity was a natural manifestation of a great soul rather than of any conscious effort. He had the modesty, the simplicity, and the tenderness of a child, yet a firmness and courage that made him a power in any cause in which he believed. He was no egotist. In everything that he has written about himself, as well as in his personal demeanor, there is a significant absence of anything that would bear the impress of self-glorification. He was considerateness itself for those about him. To the members of the court, to the members of the bar, to all with whom he came in contact, whether rich or poor or of high or low degree, he manifested a kindly, considerate

spirit. He was courteous and polite, but he was far more than polite. Courtesy and politeness are sometimes formal rules of conduct. In him they were the outward expression of a nature that loved human fellowship. High official position, great learning, raised no impulse of false pride in him. He was deeply conscious of the great obligations that power brought with it. With a keen sense of responsibility he cheerfully set forth for the accomplishment of his work and humbly fashioned his life to render service. He was humble, yet his humility was not that superficial deference that one man formally pays to another. His great mind had penetrated far enough into spiritual things to understand the smallness of man in the infinite purpose of God. Of him it could truly be said that his purpose was to do justice, to love mercy, and to walk humbly with his God. He had the true humanitarian spirit. He loved his fellowman. Those who came in contact with him felt the radiance of his nature, and men everywhere loved him. Such a nature as his must have been the inspiration of Lowell when he wrote those beautiful lines containing life's truest philosophy:

Be noble! and the nobleness that lies  
In other men, sleeping but never dead,  
Will rise in majesty to meet thine own.

All these qualities of personal endowment, together with a tact and skill in his relationship to those about him, rarely equaled, combined to make him a leader of men. As leader of this court he will rank among the great Chief Justices—certainly the equal of any since the days of Marshall.

In closing I can describe this great statesman and gifted jurist in no better way than to use his own eloquent words. Speaking on a similar occasion of one of his colleagues on the Bench—Mr. Justice Lamar—he said:

“O true American and devoted public servant, O cherished friend and faithful comrade, O sweet and noble soul, may it be vouchsafed that the results of your work may endure and fructify for the preservation of the rights of mankind, and may there be given to us who remain, wiping from our eyes the mists begotten of your loss, to see that through the mercy of the inscrutable providence of God you have been called to rest and to your exceeding reward!”

The Chief Justice responded:

Mr. Attorney General, the resolutions of the Bar and the words in which you present them are an appropriate expression of the inestimable loss which the people of this country and the members of the Bar feel in the death of Chief Justice White. Expressions of sympathy and appreciation of his high standing as a jurist be-

fore the world from the lord chancellor of England and the Bar of that country have been forwarded to the court and will be preserved in its records.

Twenty-seven years of service upon this Bench, 16 years as an Associate Justice and 11 years as head of the court, make Chief Justice White's record nearly equal to that of John Marshall. The critical period covered by the span of so many years, beginning early in the last decade of one century and extending into the third of the next, likens itself in importance to that covered by the term of the great interpreter of the Constitution. It embraced two wars and a period of social and business reforms involving substantial and necessary changes in our methods of government, with the application of which this court has had much to do. In the necessary adjustment, the opinions of Chief Justice White were most able and helpful contributions.

The enormous material expansion of the latter half of the nineteenth century developed a corporate power and political control through wealth which threatened the welfare of the Republic, and the abuses then existing led to the enactment of most far-reaching remedial legislation.

The antitrust act directed toward dangerous restraints of trade and monopolies, necessarily couched in words of general import, required the adjudication of this court to interpret its meaning and apply the remedies to the evil which its framers had in mind.

The interpretation of the Sherman Act by Chief Justice White, in his opinion in the Standard Oil case, is monumental and the most satisfactory exposition of its purpose and scope in the books.

Of the same period and responding to the same popular impulse was the income tax, and the great difference of opinion in this court as to its constitutionality was followed by a popular reversal of the judgment of the majority through constitutional means. Mr. Justice White was one of the minority in that case, and it remained for him as Chief Justice, speaking for a unanimous court, to interpret the amendment which made the opinion of the minority the fundamental law.

The capital importance which our railroad system has come to have in the welfare of this country made the judicial construction of the interstate commerce act of critical moment. It is not too much to say that Chief Justice White in construing the measure and its great amendments has had more to do with placing this vital part of our practical government on a useful basis than any other judge. His opinions in the case of the Texas & Pacific Railway Co. v. The Abilene Cotton Oil Co., and the cases which followed it, are models of clear and satisfactory reasoning which gave

to the people, to State legislatures, to Congress, and the courts a much-needed knowledge of the practical functions the Commerce Commission was to discharge, and of how they were to be reconciled to existing governmental machinery, for the vindication of the rights of the public in respect of national transportation. They are a conspicuous instance of his unusual and remarkable power and facility in statesmanlike interpretation of statute law.

The Interstate Commerce Commission was authorized to exercise powers the conferring of which by Congress would have been, perhaps, thought in the earlier years of the Republic to violate the rule that no legislative power can be delegated. But the inevitable progress and exigencies of government and the utter inability of Congress to give the time and attention indispensable to the exercise of these powers in detail forced the modification of the rule. Similar necessity caused Congress to create other bodies with analogous relations to the existing legislative, executive, and judicial machinery of the Federal Government, and these in due course came under the examination of this court. Here was a new field of administrative law which needed a knowledge of government and an experienced understanding of our institutions safely to define and declare. The pioneer work of Chief Justice White in this field entitles him to the gratitude of his countrymen.

The chief question presented by the Spanish War was the application of the Constitution to the new possessions of the Government. We were to administer them for the benefit of their peoples of races alien to ours and with but little understanding of our free institutions. Was there elasticity enough in our governmental structure to permit this to be done with the application of specific constitutional guaranties of liberty sacred to the traditions of our people, but dangerous and impracticable in a society untrained in their use?

After much difference of opinion between the members of the court, the distinction in the rigid application of these guaranties as between territory acquired by the United States and belonging to it, and territory thereafter incorporated by Congress into the Union, originally insisted on by Mr. Justice White, became the settled opinion of the court and the law of the land. It enabled our Government to do a beneficent colonial work for retarded peoples. The once genuine fear of imperialistic tendency from the distinction has faded away.

The enlargement of the national governmental functions by the use of the regulatory power over commerce among the States, in the lottery statute, the pure food act, the white slave act, and other measures, a power which in these forms of exercise had lain dormant since the beginning of the Government, was actively employed to

suppress growing evils. All presented new remedial legislation requiring accurate construction with a view to keeping within the limits fixed by the fundamental law on the one hand, and giving effect to their beneficent purpose on the other. Here, too, the genius of Chief Justice White as a statesman and a jurist shone forth.

In the World War his opinions supporting statutes enacted to enable the Government to carry on the struggle, to mass all its resources of men and money in the country's defense, and to restrain sinister efforts to obstruct it reveal an intense patriotic appreciation of the necessity of vesting full powers in the Nation when its integrity is threatened and of the existence of ample authority to this end in the Constitution. The Chief Justice, in the Selective Draft case, delivered one of his great opinions.

Any association with Chief Justice White left no doubt of the force and strength of his convictions. Massive, dignified, impressive as was his physical mould, his mental structure was like it. There is an indefinable something about a leader of men that we call "personality," difficult to define, but which makes itself felt wherever they are. This quality Chief Justice White had in a marked degree. In the settlement of every issue he had to be reckoned with. With lofty ideals as a statesman, with profound learning, with a love of logical processes and of the manifestation of them in his exposition of his views he drove home his conclusion with a confidence and a convincing assurance that distinguishes his judicial expression.

His capacity for work was enormous. During his service on the bench the court disposed in one way or another of 13,000 cases, and he himself prepared more than 800 opinions for the court. The number of opinions is usually made the measure of a judge's work, but it is only a part of it. The study of cases with a view to their decision in conference is the greater task, and this varies with the individual judge and with his conscience and feeling of responsibility. No one could be more sensitive in this regard than Chief Justice White. He carried for 11 years the additional burden of the executive direction of the court. In his later years he did his work with the burden of growing physical defects entailing obstacle and suffering, which he refused to betray and to which he would not yield. His whole being was absorbed by his anxious concern for the maintenance of the prestige of the court in the preservation of the Constitution and the upholding of its principles. He took infinite pains even in the lesser details of his duties. He regarded his office as a sacred trust, as a Holy Grail, which awakened an intense scrutiny of his own conduct and of that of every member of the court.

Of the story of his life, which began as a soldier of the Confederacy at 16 years, and the quick recognition of his power for usefulness from his early professional beginnings until by noteworthy steps



he reached this Bench, there is not time to speak. His leadership of the long but successful fight against the lottery evil in Louisiana showed how formidable he was in organization and how courageous in action. His power as a speaker was only revealed in later years by the few addresses he was induced reluctantly to make to the American Bar Association. At Montreal and Washington his hearers were captivated by the grace and fluency of his diction, the exquisite charm, dignity, and force of his bearing, and the depth of his expressed conviction. His touching metaphor to illustrate his own change of heart toward "Old Glory," of the fading of the gray of the Confederacy into the blue of the Union, "the invisible blue" as he adapted it from the moving story of the Cricket on the Hearth, will never fade from the memory of those who were privileged to hear him.

Edward Douglass White was the exemplary citizen, the considerate neighbor and friend, and the loving husband. He had a great heart, full of sympathy for mankind. He had an unflinching courtesy and a sweetness of manner which endeared him to all with whom he was associated. The strength and ruggedness and dignity of his character were stamped in his face, and these things but lent a peculiar charm to his gentleness and kindly manner. He was a gentleman of the old school.

Of his personal relations to the members of the court in the intimacy of conference, I can not, of course, speak from personal experience. They are shown in the touching words in which, immediately after his death, the senior Associate Justice of this court, so long a loved and loving comrade in service with Chief Justice White, expressed the affectionate esteem in which the colleagues of this great Chief Justice held him. In closing this response for the court to these resolutions, I can best express their estimate of his judicial work by quoting Mr. Justice McKenna when he said:

"Anticipating the future, I see no shadow on his fame or service. I venture to make comparisons. I make full concession of the recognized and distinguished merit of those who preceded him. I make full admission in assured prophecy of the ability of those who will succeed him, yet considering his qualities, their variety and degree, and estimating them, I dare to say that he will forever keep a distinct eminence among the Chief Justices of the United States."

The resolutions and the accompanying remarks will be entered upon the records of the court.

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The Chief Justice announced the following orders of the court:

No. 308. Sloan Shipyards Corporation et al., appellants, *v.* United States Shipping Board Emergency Fleet Corporation et al. Motion

to advance granted, and cause assigned for argument on Monday, March 6 next, after the cases heretofore assigned for that day.

No. 648. Wabash Railway Company, petitioner, *v.* Miles Elliott. Petition for a writ of certiorari to the Supreme Court of the State of Mississippi granted.

No. 676. Crown Die and Tool Company, petitioner, *v.* Nye Tool and Machine Works. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted.

No. 628. H. S. Herrick, petitioner, *v.* A. Basletta. Petition for a writ of certiorari to the District Court of Appeal, First Appellate District, of the State of California, denied.

No. 643. The K. W. Ignition Company, petitioner, *v.* Ford Motor Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 654. Jacques Rousso, petitioner, *v.* Reuben E. Barber et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 656. Walter Matthey, 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. 661. James C. Davis, Director General of Railroads, etc., petitioner, *v.* E. C. Akins. Petition for a writ of certiorari to the Supreme Court of the State of Kansas denied.

No. 662. Walker D. Hines, Director General of Railroads, et al., petitioners, *v.* John H. Butler et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 680. William J. Jackson, Receiver, etc., petitioner, *v.* Perry D. White. Petition for a writ of certiorari to the Appellate Court, First District, of the State of Illinois, denied.

No. 20, original. The State of Oklahoma, complainant, *v.* The State of Texas. Order: It is ordered that Frederick S. Tyler, the commissioner appointed to take and return testimony in this cause, be, and he is hereby, allowed seven thousand five hundred dollars (\$7,500) compensation for his services as such commissioner, and his expenses, as shown in his report, incurred in the discharge of his duties.

No. 144. Frank H. Schurmann, appellant, *v.* The United States of America. Appeal from the United States Circuit Court of Appeals for the Ninth Circuit. *Per curiam*: Proof of proper notice for motion having now been produced, the motion to dismiss is granted and

the appeal is dismissed upon the authority of *Lau Ow Bew v. The United States*, 144 U. S., 47, 58; *Horn v. Mitchell*, 243 U. S., 247, 249.

No. 85. *Kansas City Motion Picture Machine Operators, etc., et al.*, plaintiffs in error, *v. John E. Hughes et al., etc.* In error to the Supreme Court of the State of Missouri. *Per curiam*: Dismissed for the want of jurisdiction. Section 237 of the Judicial Code, as amended by the act of September 6, 1916, c. 448, sec. 2, 39 Stat., 726; *Jett Bros. Distilling Co. v. City of Carrollton*, 252 U. S., 1, 5-6.

No. 687. *T. B. Stafford et al., copartners, etc., et al.*, appellants, *v. Henry C. Wallace, etc., et al.* Motion to advance submitted by Mr. Solicitor General Beck in that behalf.

No. —, original. *Ex parte* in the matter of *Essex Rubber Company*, petitioner. Motion for leave to file a petition for a writ of prohibition herein submitted by Mr. Thomas J. Johnston and Mr. Lucius E. Varney for the petitioner in support of the motion, and by Mr. Charles A. Brown for the respondent in opposition thereto.

No. 691. *James Eugene Burton et al.*, appellants, *v. Charles F. Clyne, United States District Attorney, etc.* Motion to advance and for stay submitted by Mr. Levy Mayer for the appellants.

No. 94. *Public Service Electric Company et al.*, appellants, *v. The Town of Westfield*. Passed, to be restored to the call pursuant to section 9, rule 26, on motion of Mr. Chauncey G. Parker in that behalf.

No. 133. *Luther M. Nesmith*, plaintiff in error, *v. The State of Ohio*. Motion to dismiss submitted by Mr. Ray Martin in behalf of Mr. John G. Price for the defendant in error in support of the motion, and by Mr. Smith W. Bennett and Mr. Benjamin F. James for the plaintiff in error in opposition thereto.

No. 690. *Thomas G. Watkins, Trustee, et al.*, petitioners, *v. J. H. Sedberry et al.* Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. C. C. Calhoun and Mr. Clarence T. Boyd for the petitioners, and by Mr. Charles S. Lawrence for the respondents.

No. 640. *Joslin Manufacturing Company*, plaintiff in error, *v. Walter L. Clarke, City Treasurer, et al.*;

No. 641. *Scituate Light & Power Company*, plaintiff in error, *v. City of Providence et al.*;

No. 642. *Theresa B. Joslin*, plaintiff in error, *v. City of Providence et al.* Motion to advance and consolidate submitted by Mr. Albert A. Baker for the defendants in error in support of the motion, and by Mr. Robert H. McCarter, Mr. James Harris, Mr. Francis I. McCanna, and Mr. Alfred G. Chaffee for the plaintiffs in error in opposition thereto.

No. 647. Anaheim Sugar Company, petitioner, *v.* T. W. Jenkins & Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Donald Barker for the petitioner.

No. 658. Walter S. Greevy, petitioner, *v.* The Commonwealth of Pennsylvania. Petition for a writ of certiorari to the Supreme Court of the State of Pennsylvania submitted by Mr. Robert A. Henderson for the petitioner.

No. 685. Leigh Ellis & Company, plaintiff in error, *v.* James C. Davis, as Agent, etc. Petition for a writ of certiorari herein submitted by Mr. Edgar Watkins for the plaintiff in error in support of the petition, and by Mr. Walter T. Colquitt and Mr. A. A. McLaughlin for the defendant in error in opposition thereto.

No. 285. Edgar A. Levy Leasing Company, (Inc.), plaintiff in error, *v.* Jerome Siegel; and

No. 287. 810 West End Avenue, (Inc.), plaintiff in error, *v.* Henry R. Stern. Reassigned for Monday, January 23, on motion of Mr. Solicitor General Beck in that behalf.

No. 90. John Gooch, jr., petitioner, *v.* Oregon Short Line Railroad Company. Argument continued by Mr. George H. Smith for the respondent, and concluded by Mr. J. H. Peterson for the petitioner.

No. 91. C. E. Schaff, as Receiver, etc., plaintiff in error, *v.* J. C. Famechon Company. Argued by Mr. C. W. Bunn for the plaintiff in error, and submitted by Mr. Charles Burke Elliott for the defendant in error.

No. 20. The Standard Fashion Company, petitioner, *v.* Magrane-Houston Company. Leave granted Mr. Solicitor General Beck to file brief herein, and to make oral argument, in place of respondent. Reargument commenced by Mr. Herbert Noble for the petitioner, and continued by Mr. Solicitor General Beck (by special leave) for The United States, as *amicus curiae*, and concluded by Mr. Herbert Noble for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, January 17, will be as follows: Nos. 93, 119, 609, (and 610), 540, 95, 96, 97, 98, 99, and 100.

## SUPREME COURT OF THE UNITED STATES.

TUESDAY, JANUARY 17, 1922.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Van Devanter, Mr. Justice Pitney, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Clarke.

Gerald Hill, of Baltimore, Md., and Edward N. Chase, of Concord, Mass., were admitted to practice.

No. 530. Tony Vigliotti, plaintiff in error, *v.* The Commonwealth of Pennsylvania. Motion to advance submitted by Mr. George E. Alter in that behalf.

No. 19, original. The State of New Mexico, complainant, *v.* The State of Colorado. Motion for leave to file stipulation as to taking testimony submitted by Mr. William R. Ramsey in that behalf.

No. 95. Robert Hawes, plaintiff in error, *v.* The State of Georgia. Submitted by Mr. Marion Smith for the plaintiff in error. No brief filed for the defendant in error.

No. 98. Charles L. Burrill, Treasurer, etc., plaintiff in error, *v.* Locomobile Company; and

No. 99. Charles L. Burrill, Treasurer, etc., plaintiff in error, *v.* Russell, Miller Milling Company. Passed, to be restored to the call when No. 113 is reached, on motion of Mr. Frank Davis, jr., in that behalf.

No. 93. Tom J. Terral, as Secretary of State of the State of Arkansas, appellant, *v.* Burke Construction Company. Argument commenced by Mr. William Marshall Bullitt for the appellee. The court declined to hear further argument.

No. 119. United Shoe Machinery Corporation et al., appellants, *v.* The United States of America. Six hours allowed for the argument, on motion of Mr. Charles F. Choate for the appellants. Argument commenced by Mr. Charles F. Choate for the appellants, and continued by Mr. LaRue Brown for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, January 18, will be as follows: Nos. 119, 609 (and 610), 540, 96, 97, 100, 101, 102, 103, and 105.

## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, JANUARY 18, 1922.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Van Devanter, Mr. Justice Pitney, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Clarke.

Wilbur B. Jones, of St. Louis, Mo.; Alfred G. Fox, of Bluefield, W. Va.; Larz A. Whitcomb, of Indianapolis, Ind.; Charles P. Stewart, of Indianapolis, Ind.; and Washington J. McCormick, of Missoula, Mont., were admitted to practice.

No. 105. Fred Leach, doing business as Organo Product Company, appellant, *v.* William B. Carlile, Postmaster. Submitted by Mr. Lee D. Mathias for the appellant, and by Mr. Solicitor General Beck, Mr. Assistant Attorney General Crim, and Mr. Harry S. Ridgely for the appellee.

No. 119. United Shoe Machinery Corporation et al., appellants, *v.* The United States of America. Reargument continued by Mr. LaRue Brown for the appellee, by Mr. Elias Field for the appellee, and concluded by Mr. Frederick P. Fish for the appellants.

No. 609. Continental Insurance Company et al., appellants, *v.* The United States et al.; and

No. 610. Seward Prosser et al., appellants, *v.* The United States et al. Three hours allowed for the argument, on motion of Mr. Alfred A. Cook in that behalf. Argument commenced by Mr. Alfred A. Cook for the appellants in No. 609, and continued by Mr. R. C. Leffingwell for the Reading Company.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, January 19, will be as follows: Nos. 609 (and 610), 540, 96, 97, 100, 101, 102, 103, 106, and 107.

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## SUPREME COURT OF THE UNITED STATES.

THURSDAY, JANUARY 19, 1922.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Clarke.

Walter C. Sheppard, of New York City; Guy M. Boyer, of Kansas City, Mo.; Charles J. Nehrbas, of New York City; Ralph O. Willguss, of New York City; John R. Turney, of St. Louis, Mo.; Ray M. Stanley, of Buffalo, N. Y.; R. E. Minton, of Lufkin, Tex.; Frederick F. Greenman, of New York City; and Allen McCarty, of New York City, were admitted to practice.

No. 106. Atchafalaya Land Company, Limited, et al., plaintiffs in error, *v.* F. B. Williams Cypress Company, Limited. Passed, to be restored to the call pursuant to section 9, rule 26, on motion of Mr. C. F. Consaul in that behalf.

No. 609. Continental Insurance Company et al., appellants, *v.* The United States et al.; and

No. 610. Seward Prosser et al., appellants, *v.* The United States et al. Argument continued by Mr. Ellis Ames Ballard for the appellee Joseph Widener; by Mr. Thomas Raeburn White for the appellees William B. Kurtz et al.; by Mr. George W. Wickersham for Adrian Iselin et al., appellees; and concluded by Mr. Joseph M. Hartfield for the appellants in No. 610.

No. 540. Julius F. Smietanka, as Collector, etc., petitioner, *v.* First Trust & Savings Bank, Trustee, etc. Argued by Mr. Assistant Attorney General Ottinger for the petitioner, and by Mr. John P. Wilson for the respondent.

No. 96. New York, New Haven & Hartford Railroad Company, appellant, *v.* The United States. Argued by Mr. S. S. Ashbaugh for the appellant, and by Mr. Blackburn Esterline for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, January 20, will be as follows: Nos. 97, 100, 101, 102, 103, 107, 108, 109, 112, and 148 (and 553).

## SUPREME COURT OF THE UNITED STATES.

FRIDAY, JANUARY 20, 1922.

Present: The Chief Justice, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Clarke.

Wellington M. Bertolet, of Reading, Pa.; Alfred D. Riess, of Red Bud, Ill.; Samuel G. Mulloy, of Washington, D. C.; Alfred L. Geiger, of Washington, D. C.; James Arthur Phelps, of Pueblo, Colo.; Frederic H. Bernard, of Tucson, Ariz.; and Lazarus S. Davidow, of Detroit, Mich., were admitted to practice.

No. 3, original. The State of Wyoming, complainant, *v.* The State of Colorado et al. Motion of Mr. James Henry Brown for leave to file a brief herein as *amicus curiæ* denied.

No. 97. Mac Arthur Brothers Company, appellant, *v.* The United States. Argued by Mr. William B. King for the appellant, and by Mr. Assistant Attorney General Riter for the appellee.

No. 100. Charles F. Wood et al., etc., appellants, *v.* The United States. Argued by Mr. E. C. Brandenburg for the appellants, and by Mr. Assistant Attorney General Ottinger for the appellee.

No. 101. Pine Hill Coal Company, Inc., appellant, *v.* The United States. Argued by Mr. Henry S. Drinker, jr., for the appellant, and by Mr. Assistant Attorney General Riter for the appellee.

No. 102. Missouri Pacific Railroad Company, plaintiff in error, *v.* Clarendon Boat Oar Company. Argued by Mr. Allan Sholars for the plaintiff in error. No brief filed for the defendant in error.

No. 103. Willard N. Jones, plaintiff in error, *v.* The United States of America. Argued by Mr. Assistant Attorney General Riter for the defendant in error, and submitted by Mr. John H. Hall and Mr. Jay Bowerman for the plaintiff in error.

No. 107. Gertrude Crane, as Administratrix, etc., plaintiff in error, *v.* Louis H. Hahlo et al., as the Board of Revision of Assessments, etc., et al. Argument commenced by Mr. J. M. Harrington for the plaintiff in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, January 23, will be as follows: Nos. 107, 108, 109, 110, 148 (and 553), 285, 287, 112, 113 (and 98 and 99), and 114.



## SUPREME COURT OF THE UNITED STATES.

MONDAY, JANUARY 23, 1922.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Clarke.

William Henry Crowell, of Shelbyville, Tenn.; Charles Luff Favinger, of Boston, Mass.; John Wilson Ross, of Bisbee, Ariz.; George Stewart Brown, of Baltimore, Md.; William Warner Hoppin, of New York City; Samuel Isenschmid, of New York City; Lindsay C. Spencer, of Baltimore, Md.; O. Ellery Edwards, of New York City; Wilbur D. Wilkin, of Cleveland, Ohio; Waldo J. Walsh, of New Haven, Conn.; and Henry J. Calnen, of Hartford, Conn., were admitted to practice.

No. 25, original. State of North Dakota ex rel. William Lemke, Attorney General, complainant, *v.* Chicago & Northwestern Railway Company et al. Bill of complaint dismissed. Opinion by Mr. Justice Holmes.

The Chief Justice announced that the court will take a recess from Monday, the 30th instant, until Monday, February 27 next.

No. 707. U. S. Rubber Reclaiming Works et al., petitioners, *v.* The Philadelphia Rubber Works Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Simon Fleischmann, Mr. Hans von Briesen, and Mr. J. Edgar Bull for the petitioners, and by Mr. Charles Neave and Mr. William G. McKnight for the respondent.

No. 674. Concrete Steel Company, petitioner, *v.* George E. Vandenburg. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Thomas J. Johnston and Mr. L. E. Varney for the petitioner, and by Mr. Carlos P. Griffin, Mr. O. Ellery Edwards, and by Mr. Joseph W. Cox for the respondent.

No. 390. Exporters of Manufacturers' Products (Inc.) *v.* Butterworth-Judson Company. Motion to advance submitted by Mr. Henry M. Ward for the Exporters of Manufacturers' Products (Inc.).

No. 344. King County, plaintiff in error, *v.* Hewitt-Lea Lumber Company. Petition for a writ of certiorari herein submitted by

Mr. John F. Miller in behalf of Mr. Howard A. Hanson for the plaintiff in error in support of the petition.

No. 518. William W. Knights, plaintiff in error, *v.* James Jackson, Treasurer and Receiver General. Motion to advance submitted by Mr. William Harold Hitchcock for the defendant in error.

No. 711. The State of Connecticut, plaintiff in error, *v.* Thomas McAuliffe. Motion to advance submitted by Mr. Hugh M. Alcorn and Mr. Allan K. Smith for the plaintiff in error.

No. 344. King County, plaintiff in error, *v.* Hewitt-Lea Lumber Company. Motion to dismiss submitted by Mr. W. E. Humphreys in behalf of Mr. James B. Howe for the defendant in error in support of the motion, and by Mr. Howard A. Hanson for the plaintiff in error in opposition thereto.

No. 677. Wabash Railway Company, petitioner, *v.* W. Koenig et al., etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Frederic D. McKenney and Mr. Nat S. Brown for the petitioner, and by Mr. Clifford B. Allen for the respondent.

No. 682. Charles H. Rowan, 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. Charles H. Rowan for the petitioner, and by Mr. Solicitor General Beck, Mr. Assistant Attorney General Crim, and Mr. Harry S. Ridgely for the respondent.

No. 694. Electro Bleaching Gas Company, petitioner, *v.* William G. Miller et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Drury W. Cooper and Mr. E. Henry Lacombe for the petitioner, and by Mr. Arthur C. Brown for the respondent.

No. 148. Charles S. Fairchild, appellant, *v.* Charles E. Hughes, Secretary of State, et al.; and

No. 553. Oscar Leser et al., plaintiffs in error, *v.* J. Mercer Garnett et al. Advanced, to be heard after No. 107, on motion of Mr. Solicitor General Beck in that behalf.

No. 107. Gertrude Crane, as Administratrix, etc., plaintiff in error, *v.* Louis H. Hahlo et al., as the Board of Revision of Assessments, etc., et al. Argument continued by Mr. John M. Harrington for the plaintiff in error, and concluded by Mr. Charles J. Nehrbus for the defendant in error.

No. 148. Charles S. Fairchild, appellant, *v.* Charles E. Hughes, Secretary of State, et al. Argument commenced by Mr. William L. Marbury for the appellant, continued by Mr. Solicitor General Beck for the appellees, and concluded by Mr. Thomas F. Cadwalader for the appellant.

No. 553. Oscar Leser et al., plaintiffs in error, *v.* J. Mercer Garnett et al. Leave granted to file brief herein on behalf of the United States as amicus curiae, on motion of Mr. Solicitor General Beck for The United States. Argument commenced by Mr. Thomas F. Cadwalader for the plaintiffs in error, continued by Mr. Alexander Armstrong for the defendants in error, and by Mr. G. M. Brady for Caroline Roberts et al., defendants in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, January 24, will be as follows: Nos. 553, 108, 109, 110, 285 (and 287), 112, 98 (and 99), 113, 114, and 115 (and 141).

## SUPREME COURT OF THE UNITED STATES.

TUESDAY, JANUARY 24, 1922.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Clarke.

Joseph A. Loret, of Baton Rouge, La., was admitted to practice.

No. 110. William Irwin, appellant, *v.* Sam F. Webb, County Treasurer etc., et al. Vernon S. Wright, present county treasurer etc., et al., substituted as the parties appellees herein, on motion of Mr. Patrick H. Loughran in that behalf; and case submitted by Mr. Patrick H. Loughran and Mr. Ernest W. Lewis for the appellant. No brief filed for the appellees.

No. 711. The State of Connecticut, plaintiff in error, *v.* Thomas J. McAuliffe. Opposition to motion to advance submitted by Mr. Henry J. Calnen and Mr. Walter J. Walsh for the defendant in error.

No. 478. City of Dallas et al., appellants, *v.* Dallas Telephone Company. Appeal from the United States Circuit Court of Appeals for the Fifth Circuit. Dismissed with costs, per stipulation of parties for withdrawal of motion of appellee to dismiss and to dismiss appeal.

No. 553. Oscar Leser et al., plaintiffs in error, *v.* J. Mercer Garnett et al. Argument continued by Mr. G. M. Brady for Caroline Roberts et al., defendants in error, and concluded by Mr. William L. Marbury for the plaintiffs in error.

Nos. 108 and 109. Santa Fe Pacific Railroad Company, appellant, *v.* Albert B. Fall, Secretary of the Interior. Argued by Mr. F. W. Clements for the appellant, and by Mr. Assistant Attorney General Riter for the appellee.

No. 285. Edgar A. Levy Leasing Company (Inc.), plaintiff in error, *v.* Jerome Siegel; and

No. 287. 810 West End Avenue (Inc.), plaintiff in error, *v.* Henry R. Stern. Four hours allowed for the argument of these cases, on motion of Mr. Louis Marshall in that behalf. Argument com-

menced by Mr. Louis Marshall for the plaintiffs in error, and continued by Mr. William D. Guthrie for the joint legislative committee on housing of the New York Legislature.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, January 25, will be as follows: Nos. 285 (and 287), 112, 98 (and 99), 113, 114, 115 (and 141), 116 (and 124), 117, 118, and 125.

## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, JANUARY 25, 1922.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Clarke.

Marion B. Pierce, of New York City; Parker McCollester, of New York City; Clifton J. O'Harra, of Carthage, Ill.; Lee Siebenborn, of Carthage, Ill.; Gilbert L. Hall, of Washington, D. C.; Volney McFadden, of Washington, D. C.; Horatio A. Marshall, of Waterloo, N. Y.; and John M. George, of Jersey City, N. J., were admitted to practice.

No. 117. Leon Israel et al., etc., appellants, *v.* Moore & McCormack (Inc.). Appealed from District Court of the United States for the Southern District of New York. Dismissed per stipulation of counsel.

No. 125. Gustavus French Harvey et al., appellants, *v.* The Union Traction Company et al. Submitted by Mr. Gustavus French Harvey for the appellants and by Mr. John J. Jones for the appellees.

No. 285. Edgar A. Levy Leasing Company (Inc.), plaintiff in error, *v.* Jerome Siegel; and

No. 287. 810 West End Avenue (Inc.), plaintiff in error, *v.* Henry R. Stern. Argument continued by Mr. William D. Guthrie and Mr. Julius Henry Cohen for the joint legislative committee on housing of the New York Legislature. and concluded by Mr. Louis Marshall for the plaintiffs in error.

No. 112. P. H. Harris, appellant, *v.* The United States. Argued by Mr. Assistant Attorney General Riter for the appellee, and case submitted by Mr. Charles B. Stuart, Mr. J. E. Sharp, and Mr. M. K. Cruce for the appellant.

No. 98. Charles L. Burrill, treasurer, etc., plaintiff in error, *v.* Locomobile Company; and

No. 99. Charles L. Burrill, treasurer, etc., plaintiff in error, *v.* Russell, Miller Milling Company. Argument commenced by Mr. William Harold Hitchcock for the plaintiff in error and continued by Mr. William P. Evarts for the defendants in error.

Adjourned until to-morrow at 12 o'clock.

Call for Thursday, January 26th, will be as follows: Nos. 98 (and 99), 113, 114, 115 (and 141), 116 (and 124), 118, 127, 128, 130, and 131.

## SUPREME COURT OF THE UNITED STATES.

THURSDAY, JANUARY 26, 1922.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Clarke.

Henry E. Warner, of Boston, Mass., and William F. Kimber, of New York City, were admitted to practice.

No. 180. Robert H. Strahan, appellant, *v.* Howard G. Hanvey et al. Appeal from the District Court of the United States for the Northern District of California. Dismissed with costs, on motion of counsel for the appellant.

No. 127. The United States, appellant, *v.* Bethlehem Steel Company. Passed, per stipulation, to be restored to the call pursuant to section 9 of rule 26, on motion of Mr. Assistant Attorney General Riter in that behalf.

No. 128. The Southern Express Company, plaintiff in error, *v.* P. B. Spigener, as Treasurer of Richland County. In error to the Supreme Court of the State of South Carolina. Dismissed with costs, per stipulation.

No. 98. Charles L. Burrill, Treasurer, etc., plaintiff in error, *v.* Locomobile Company; and

No. 99. Charles L. Burrill, Treasurer, etc., plaintiff in error, *v.* Russell, Miller Milling Company. Argument concluded by Mr. William P. Everts for the defendant in error.

No. 113. John L. Whiting-J. J. Adams Company, plaintiffs in error, *v.* Charles L. Burrill, Treasurer and Receiver General, etc. Argued by Mr. Charles L. Favinger for the plaintiffs in error, and by Mr. William Harold Hitchcock for the defendant in error.

No. 114. The United States, petitioner, *v.* M. Rice & Company et al. Argued by Mr. Assistant Attorney General Hoppin for the petitioner, and by Mr. J. Stuart Tompkins for the respondents.

No. 115. Missouri Pacific Railroad Company, plaintiff in error, *v.* Izard County Highway Improvement District No. 1. Submitted by Mr. Edward J. White, Mr. Thomas B. Pryor, and Mr. Samp Jennings for the plaintiff in error, and by Mr. Joseph S. Utley for the defendant in error.

No. 141. Commissioners of Road Improvement, District No. 2, of Lafayette County, Arkansas, petitioners, *v.* St. Louis Southwestern Railway Company. Argument commenced by Mr. Henry Moore, jr., for the petitioner.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, January 27, will be as follows: Nos. 141, 116 (and 124), 118, 130, 131, 132, 133, 134, 135, and 136.



## SUPREME COURT OF THE UNITED STATES.

FRIDAY, JANUARY 27, 1922.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Clark.

George H. Harris, of Rochester, N. Y.; Adolph William Boyken, of San Francisco, Calif.; George L. Dillaway, of Boston, Mass.; George R. Farnum, of Boston, Mass.; Newton Jenkins, of Chicago, Ill.; and Hunter L. Johnson, of Oklahoma City, Okla., were admitted to practice.

No. 690. Thomas G. Watkins, Trustee, et al., petitioners, *v.* J. H. Sedberry et al. Leave granted to file memorandum for the petitioners, on motion of Mr. C. C. Calhoun for the petitioners.

No. 141. Commissioners of Road Improvement, District No. 2, of Lafayette County, Arkansas, petitioners, *v.* St. Louis Southwestern Railway Company. Argument continued by Mr. J. R. Turney for the respondent, and concluded by Mr. Henry Moore, jr., for the petitioners.

No. 118. Hamilton S. Wallace, appellant, *v.* The United States. Argued by Mr. H. Stanley Hinrichs and Mr. Frank S. Bright for the appellant, and by Mr. Assistant Attorney General Ottinger for the appellee.

No. 130. Keokuk & Hamilton Bridge Company, appellant, *v.* Fred Salm, jr., et al. Argued by Mr. Felix T. Hughes for the appellant, and by Mr. Lee Siebenborn and Mr. Clifton J. O'Hara for the appellees.

No. 131. New Bedford Dry Dock Company, appellant, *v.* Blake G. Purdy, Claimant of the Steamer *Jack-O-Lantern*. Argued by Mr. George R. Farnum for the appellant, and by Mr. George L. Dillaway for the appellee.

Adjourned until Monday next at 12 o'clock.

69667—22—62

# SUPREME COURT OF THE UNITED STATES.

MONDAY, JANUARY 30, 1922.

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Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Clarke.

Clarence O. Wood, of East Orange, N. J.; William E. Carnochan, of New York City; J. Edward Keating, of San Diego, Calif.; A. J. Hardy, of Ardmore, Okla.; Horace H. Hagan, of Tulsa, Okla.; Harwell Goodwin Davis, of Montgomery, Ala.; Andrew T. Smith, of Washington, D. C.; and Vernon S. Jones, of New York City, were admitted to practice.

No. 16, original. The State of Georgia, complainant, *v.* The State of South Carolina. Order for decree. Opinion by Mr. Justice Clarke.

No. 340. International Railway Company, appellant, *v.* George G. Davidson, Individually and as Collector of the Port of Buffalo, et al. Appeal from the United States Circuit Court of Appeals for the Second Circuit. Appeal dismissed and writ of certiorari granted. Decree reversed with costs, and cause remanded to the District Court of the United States for the Western District of New York for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Brandeis.

No. 322. F. A. Gillespie, plaintiff in error, *v.* The State of Oklahoma. In error to the Supreme Court of the State of Oklahoma. Petition for a writ of certiorari herein denied. Judgment reversed with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Holmes. Dissenting: Mr. Justice Pitney, Mr. Justice Brandeis, and Mr. Justice Clarke.

No. 174. Charles Corneli, appellant, *v.* George H. Moore, Collector of Internal Revenue. Appeal from the District Court of the United States for the Eastern District of Missouri;

No. 175. George J. Ghio, appellant, *v.* George H. Moore, Collector of Internal Revenue. Appeal from the District Court of the United States for the Eastern District of Missouri;

No. 428. William H. Bryan, appellant, *v.* Joshua W. Miles, Collector of Internal Revenue of the United States for the District of

Maryland, et al. Appeal from the District Court of the United States for the District of Maryland; and

No. 548. Walter A. Eastes, appellant, *v.* George F. Crutchley, Collector of Internal Revenue for the Sixth District of Missouri, et al. Appeal from the District Court of the United States for the Western District of Missouri. Decrees affirmed with costs. Opinion by Mr. Justice McKenna. Dissenting: Mr. Justice McReynolds.

The Chief Justice announced the following orders of the court:

No. —, original. *Ex parte* In the matter of Essex Rubber Company. Motion for leave to file a petition for a writ of prohibition, and the petition for a writ of certiorari, herein, denied.

No. 19, original. The State of New Mexico, complainant, *v.* The State of Colorado. Motion for leave to file stipulation as to taking testimony herein granted, but with direction that the parties shall nominate a commissioner for approval by the court.

No. 687. T. B. Stafford and S. B. Stafford, copartners etc., et al., appellants, *v.* Henry C. Wallace, etc, et al. Motion to advance granted, and cause assigned for argument on Monday, March 20 next.

No. 691. James Eugene Burton et al., appellants, *v.* Charles F. Clyne, United States District Attorney for the Northern District of Illinois. Motion to advance granted, and cause assigned for argument on Monday, March 20 next, after the case heretofore assigned for that day.

No. 530. Tony Vigliotti, plaintiff in error, *v.* The Commonwealth of Pennsylvania. Motion to advance granted, and cause assigned for argument on Monday, March 13 next, after the cases heretofore assigned for that day.

No. 390. Exporters of Manufacturers Products (Inc.) *v.* Butterworth-Judson Company. Motion to advance granted, and cause assigned for argument on Monday, March 13 next, after the cases heretofore assigned for that day.

No. 711. The State of Connecticut, plaintiff in error, *v.* Thomas McAuliffe. Motion to advance granted and cause assigned for argument on Monday, March 13, next, after the cases heretofore assigned for that day.

No. 518. William W. Knights, plaintiff in error, *v.* James Jackson, Treasurer and Receiver General. Motion to advance granted, and cause assigned for argument on Tuesday, October 3, next.

No. 640. Joslin Manufacturing Company, plaintiff in error, *v.* Walter L. Clarke, City Treasurer, et al.;

No. 641. Scituate Light & Power Company, plaintiff in error, *v.* City of Providence et al.; and

No. 642. Theresa B. Joslin, plaintiff in error, *v.* City of Providence et al. Motion to consolidate granted, and motion to advance denied without prejudice.

No. 133. Luther M. Nesmith, plaintiff in error, *v.* The State of Ohio. In error to the Supreme Court of the State of Ohio. Per curiam: Dismissed for want of jurisdiction 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. 344. King County, plaintiff in error, *v.* Hewitt-Lea Lumber Company. In error to the Supreme Court of the State of Washington. Per curiam: Dismissed for want of jurisdiction upon the authority of *Schlosser v. Hemphill* (198 U. S., 173, 175); *Louisiana Navigation Co. v. Oyster Commission of Louisiana* (226 U. S., 99, 101); *Coe v. Armour Fertilizer Works* (237 U. S., 413, 418, 419); *Gray's Harbor Co. v. Coats-Fordney Co.* (243 U. S., 251, 255); *Bruce v. Tobin* (245 U. S., 18, 19). Writ of certiorari denied upon the same ground.

No. 674. Concrete Steel Company, petitioner, *v.* George E. Vandenburg. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 690. Thomas G. Watkins, Trustee, et al., petitioners, *v.* J. H. Sedberry et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit granted.

No. 647. Anaheim Sugar Company, petitioner, *v.* T. W. Jenkins & Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 658. Walter S. Greevy, petitioner, *v.* The Commonwealth of Pennsylvania. Petition for a writ of certiorari to the Supreme Court of the State of Pennsylvania denied.

No. 685. Leigh Ellis & Company, plaintiff in error, *v.* James C. Davis, as Agent, etc. Petition for a writ of certiorari herein denied.

No. 677. Wabash Railway Company, petitioner, *v.* W. Koenig et al., etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 682. Charles H. Rowan, 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. 694. Electro Bleaching Gas Company, petitioner, *v.* William G. Miller et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 707. U. S. Rubber Reclaiming Works et al., petitioners, *v.* The Philadelphia Rubber Works Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 94. Public Service Company et al., appellants, *v.* The Town of Westfield. Appeal from the District Court of the United States for the District of New Jersey. Dismissed, with costs to be paid by the appellee, per stipulation, on motion of Mr. R. W. Parker in that behalf.

No. 20, original. The State of Oklahoma, complainant, *v.* The State of Texas; The United States, intervener. Reassigned for April 24 next, on motion of Mr. G. Carroll Todd in that behalf.

No. 11, original. The State of Minnesota, complainant, *v.* The State of Wisconsin. Motion for final decree submitted by Mr. A. A. McLaughlin in that behalf.

No. 526. United States Shipping Board Emergency Fleet Corporation, etc., petitioner, *v.* Roger B. Wood, Trustee, etc. Advanced and assigned for Monday, March 6, next, on motion of Mr. Jesse C. Adkins in that behalf.

No. 695. Local Union No. 2 of the International Brotherhood of Electrical Workers et al., petitioners, *v.* Kinloch Telephone Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit, submitted by Mr. J. S. Easby-Smith in behalf of Mr. John P. Leahy for the petitioner, and by Mr. Bruce A. Campbell and Mr. Edward C. Kramer for the respondent.

No. 688. Rhode Island Hospital Trust Company, Administrator, etc., et al., petitioners, *v.* Kate Atwood et al. Petitions for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit submitted by Mr. Clarence Wilson in behalf of Mr. William R. Tillinghast, Mr. Herbert Barry, Mr. Walter F. Angell, and Mr. Eugene A. Kingman for the petitioners, and by Mr. Lyman K. Clark and Mr. Herbert Parsons for the respondents.

No. 420. J. Dan Blackistone, plaintiff in error, *v.* Leonard W. Groomes. Motion to dismiss submitted by Mr. Joseph D. Sullivan for the defendant in error in support of the motion, and by Mr. Raymond M. Hudson for the plaintiff in error in opposition thereto.

No. 313. The United States of America, petitioner, *v.* Wesley L. Sischo. Motion for leave to file brief herein as amicus curiae, submitted by Mr. Vernon S. Jones in behalf of Mr. Cletus Keating for John Reed.

No. 240. Walker D. Hines, Director General of Railroads, et al., plaintiffs in error, *v.* Fred Mauldin. In Error to the Supreme Court

of the State of Arkansas. Judgment reversed, per stipulation, and cause remanded for further proceedings.

No. 666. The Woodrow Parker Company et al., petitioners, *v.* Amos S. Herschberger, by his next friends, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Thomas H. Tracy, Mr. E. J. Marshall, and Mr. Harold W. Fraser for the petitioners, and by Mr. Charles A. Seiders for the respondent.

No. 692. Sarah Schaufefe, as administratrix, etc., petitioner, *v.* John Barton Payne, Director General of Railroads, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Thomas J. O'Neill for the petitioner, and by Mr. Charles E. Miller for the respondent.

No. 693. Union Pacific Railroad Company, petitioner, *v.* Elizabeth Mabel Perrin, Administratrix, etc. Petition for a writ of certiorari to the Supreme Court of the State of Utah submitted by Mr. Henry W. Clark, Mr. N. H. Loomis, and Mr. George H. Smith for the petitioner.

No. 701. Gans Steamship Line, petitioner, *v.* Isles Steamshipping Company, Limited. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. John W. Griffin for the petitioner, and by Mr. John M. Woolsey for the respondent.

No. 702. Gans Steamship Line, petitioner, *v.* George H. Arnot, Master and Claimant, etc., et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. Clarence Bishop Smith for the petitioner, and by Mr. John M. Woolsey for the respondents.

No. 719. Central of Georgia Railway Company, petitioner, *v.* M. J. Newberry. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Jacob A. Walker for the petitioner.

Adjourned until Monday, February 27, next, at 12 o'clock.

The day call for Monday, February 27, will be as follows: Nos. 154 (and 491), 17 original, 18 original, 116 (and 124), 131, 132, 134, 135, 136, and 106.

# SUPREME COURT OF THE UNITED STATES.

MONDAY, FEBRUARY 27, 1922.

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Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Pitney, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Clarke.

Curtis Williams, of Mount Vernon, Ill.; Conrad Schul, of Mount Vernon, Ill.; Arthur E. Sutherland, of Rochester, N. Y.; Archworth Martin, of Pittsburgh, Pa.; W. I. Kinsey, of Steubenville, Ohio; C. William Cramer, of Morgantown, W. Va.; E. M. Everly, of Morgantown, W. Va.; Daniel M. Beach, of Rochester, N. Y.; John G. Egan, of Topeka, Kans.; Boyd B. Haddox, of Columbus, Ohio; Harold S. Davis, of Boston, Mass.; Walter E. Oxtoby, of Detroit, Mich.; J. Walter Farrar, of Kansas City, Mo.; Alexander Wiley, of Chippewa Falls, Wis.; Major J. Lilly, of Moberly, Mo.; Don C. Carter, of Sturgeon, Mo.; David E. Mitchell, of Pittsburgh, Pa.; Charles L. Pierce, of Rochester, N. Y.; Albert L. Shepard, of Rochester, N. Y.; Hamlet J. Barry, of Denver, Colo.; William B. Gobin, of Rocky Ford, Colo.; George C. Manly, of Denver, Colo.; William M. Cake, of Portland, Oreg.; F. E. Allison, of Seattle, Wash.; and John T. Clarkson, of Albia, Iowa, were admitted to practice.

No. 105. Fred Leach, doing business as Organo Product Company, appellant, *v.* William B. Carlile, Postmaster. Appeal from the United States Circuit Court of Appeals for the Seventh Circuit. Decree affirmed with costs, and cause remanded to the District Court of the United States for the Northern District of Illinois. Opinion by Mr. Justice Clarke. Dissenting: Mr. Justice Holmes and Mr. Justice Brandeis.

No. 107. Gertrude Crane, as administratrix, etc., by George W. Sauer, deceased, plaintiff in error, *v.* Louis H. Hahlo, George P. Nicholson, and Jacob A. Cantor as and constituting the board of revision of assessments of the city of New York et al. In error to the Supreme Court, Appellate Division, First Judicial Department, of the State of New York. Judgment affirmed with costs. Opinion by Mr. Justice Clarke.

No. 76. The Bank of Jasper, petitioner, *v.* First National Bank of Rome, Georgia;

No. 73. First National Bank of Jasper, Florida, petitioner, *v.* State Bank of Rome, Georgia;

No. 74. First National Bank of Jasper, Florida, petitioner, *v.* The First National Bank of Rome, Georgia.

No. 77. The Bank of Jasper, petitioner, *v.* The State Bank of Rome, Georgia. On writs of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Judgments affirmed with costs, and causes remanded to the District Court of the United States for the Southern District of Florida. Opinion by Mr. Justice Brandeis.

No. 100. Charles F. Wood et al., appellants, *v.* The United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Brandeis.

No. 130. Keokuk & Hamilton Bridge Company, appellant, *v.* Fred Salm, Jr., et al. Appeal from the District Court of the United States for the Southern District of Illinois. Decree affirmed with costs. Opinion by Mr. Justice Brandeis.

No. 148. Charles S. Fairchild, appellant, *v.* Charles E. Hughes as Secretary of State of the United States et al. Appeal from the Court of Appeals of the District of Columbia. Decree affirmed with costs. Opinion by Mr. Justice Brandeis.

No. 553. Oscar Leser et al., plaintiffs in error, *v.* J. Mercer Garnett et al. In error to the Court of Appeals of the State of Maryland. Judgment affirmed with costs. Opinion by Mr. Justice Brandeis.

No. 78. Gertrude M. Reed, Administratrix of the Estate of Leo C. Reed, deceased, petitioner, *v.* Director General of Railroads, etc. On writ of certiorari to the Supreme Court of the State of Pennsylvania. Judgment reversed with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice McReynolds.

No. 131. New Bedford Dry Dock Company, appellant, *v.* Blake G. Purdy, Claimant of the Steamer *Jack-O-Lantern*. Appeal from the District Court of the United States for the District of Massachusetts. Decree reversed with costs, and cause remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice McReynolds.

No. 392. The Territory of Alaska and Juneau Hardware Company, appellants, *v.* John W. Troy, Collector of Customs for the District of Alaska. Appeal from the District Court of the United States for the District of Alaska, Division No. 1. Decree affirmed with costs. Opinion by Mr. Justice McReynolds.

No. 57. John Simmons Company, petitioner, *v.* The Grier Brothers Company. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Decree of the Circuit Court of



Appeals reversed with costs, and decree of the District Court of the United States for the Western District of Pennsylvania affirmed with costs, and cause remanded to the said district court for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Pitney.

No. 456. William Lemke, as Attorney General of the State of North Dakota, et al., appellants, *v.* The Farmers Grain Company of Embden, North Dakota. Appeal from 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 North Dakota. Opinion by Mr. Justice Day. Dissenting: Mr. Justice Brandeis, Mr. Justice Holmes, and Mr. Justice Clarke.

No. 604. William Lemke, as Attorney General of the State of North Dakota et al., appellants, *v.* The Homer Farmers Elevator Company et al. Appeal from the District Court of the United States for the District of North Dakota. Decree affirmed with costs. Opinion by Mr. Justice Day. Dissenting: Mr. Justice Holmes, Mr. Justice Brandeis, and Mr. Justice Clarke.

No. 312. Minna Lombard Crichton, appellant, *v.* Maggie L. Wingfield. Appeal from the District Court of the United States for the Southern District of New York. Decree affirmed with costs. Opinion by Mr. Justice Day. Concurring: Mr. Justice Pitney.

No. 91. C. E. Schaff, as Receiver of the Missouri, Kansas & Texas Railway Company, plaintiff in error, *v.* J. C. Famechon Company. In error to the Supreme Court of the State of Minnesota. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Day.

No. 90. John Gooch, Jr., petitioner, *v.* Oregon Short Line Railroad Company. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgment affirmed with costs; and cause remanded to the District Court of the United States for the District of Idaho. Opinion by Mr. Justice Holmes. Dissenting: Mr. Justice Clarke, Mr. Chief Justice Taft, and Mr. Justice McKenna. (Mr. Justice Pitney took no part in the consideration or decision of this case.)

No. 96. The New York, New Haven & Hartford Railroad Company, appellant, *v.* The United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Holmes. (Mr. Justice Pitney took no part in the consideration or decision of this case.)

No. 98. Charles L. Burrill, Treasurer and Receiver General of the Commonwealth of Massachusetts, plaintiff in error, *v.* Locomobile Company; and

No. 99. Charles L. Burrill, Treasurer and Receiver General of the Commonwealth of Massachusetts, *v.* Russell, Miller Milling Com-

pany. In error to the District Court of the United States for the District of Massachusetts. Judgments reversed with costs, and causes remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Holmes. (Mr. Justice Pitney took no part in the consideration or decision of these cases.)

No. 113. John L. Whiting-J. J. Adams Company, plaintiffs in error, *v.* Charles L. Burrill, Treasurer and Receiver General of the Commonwealth of Massachusetts. In error to the District Court of the United States for the District of Massachusetts. Judgment affirmed with costs. Opinion by Mr. Justice Holmes. (Mr. Justice Pitney took no part in the consideration or decision of this case.)

No. 103. Willard N. Jones, plaintiff in error, *v.* The United States of America. In error to the United States Circuit Court of Appeals for the Ninth Circuit. Judgment affirmed, and cause remanded to the District Court of the United States for the District of Oregon. Opinion by Mr. Justice Holmes.

No. 95. Robert Hawes, plaintiff in error, *v.* The State of Georgia. In error to the Supreme Court of the State of Georgia. Judgment affirmed with costs. Opinion by Mr. Justice McKenna. (Mr. Justice Pitney took no part in the consideration or decision of this case.)

No. 97. MacArthur Brothers Company, appellant, *v.* The United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice McKenna.

No. 259. Western Union Telegraph Company, plaintiff in error, *v.* Louisville & Nashville Railroad Company. In error to the District Court of the United States for the Western District of Kentucky. Judgment affirmed with costs. Opinion by Mr. Justice McKenna.

No. 80. The United States, appellant, *v.* Isaac T. Cook, Executor of the Estate of William Sylvester Eames, et al. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Chief Justice Taft.

No. 93. Tom J. Terral, as Secretary of State of the State of Arkansas, appellant, *v.* Burke Construction Company. Appeal from the District Court of the United States for the Eastern District of Arkansas. Decree affirmed with costs. Opinion by Mr. Chief Justice Taft.

No. 102. Missouri Pacific Railroad Company, plaintiff in error, *v.* Clarendon Boat Oar Company, Inc. In error to the Court of Appeals, Second Circuit, of the State of Louisiana. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Taft.

No. 114. The United States, petitioner, *v.* M. Rice & Company et al. On writ of certiorari to the United States Court of Customs Appeals. Judgment affirmed. Opinion by Mr. Chief Justice Taft.

No. 118. Hamilton S. Wallace, appellant, *v.* The United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Chief Justice Taft.

No. 141. Commissioners of Road Improvement District No. 2, of Lafayette County, Arkansas, petitioners, *v.* St. Louis Southwestern Railway Company. On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Judgment affirmed with costs, and cause remanded to the District Court of the United States for the Western District of Arkansas. Opinion by Mr. Chief Justice Taft. (Mr. Justice Pitney took no part in the consideration or decision of this case.)

No. 206. Railroad Commission of Wisconsin et al., appellants, *v.* Chicago, Burlington & Quincy Railroad Company. Appeal from the District Court of the United States for the Eastern District of Wisconsin. Decree affirmed with costs. Opinion by Mr. Chief Justice Taft.

No. 283. The State of New York and Charles D. Newton, personally and as Attorney General of the State of New York, appellants, *v.* The United States et al. Appeal from the District Court of the United States for the Northern District of New York. Decree affirmed with costs. Opinion by Mr. Chief Justice Taft.

No. 540. Julius F. Smietanka, as Collector of Internal Revenue, etc., petitioner, *v.* First Trust & Savings Bank, Trustee, etc. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Judgment affirmed with costs, and cause remanded to the District Court of the United States for the Northern District of Illinois. Opinion by Mr. Chief Justice Taft.

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The Chief Justice also announced the following orders of the court:

No. 11, original. The State of Minnesota, complainant, *v.* The State of Wisconsin. Motion for a final decree granted.

No. 313. The United States of America, petitioner, *v.* Wesley L. Sisco. Motion for leave to file brief of Cletus Keating on behalf of John Reed as amicus curiæ in this cause granted, and motion for leave to make oral argument herein denied.

No. 666. The Woodrow-Parker Company et al., petitioners, *v.* Amos S. Herschberger, by his next friends, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 688. Rhode Island Hospital Trust Company, administrator, etc., et al., petitioners, *v.* Kate Atwood et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 692. Sarah Schaufele, as administratrix, etc., petitioner, *v.* John Barton Payne, Director General of Railroads, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 693. Union Pacific Railroad Company, petitioner, *v.* Elizabeth Mabel Perrin, administratrix, etc. Petition for a writ of certiorari to the Supreme Court of the State of Utah denied.

No. 695. Local Union No. 2 of the International Brotherhood of Electrical Workers et al., petitioners, *v.* Kinloch Telephone Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 701. Gans Steamship Line, petitioner, *v.* Isles Steamshipping Company, Ltd. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 702. Gans Steamship Line, petitioner, *v.* George H. Arnot, master, etc., et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 719. Central of Georgia Railway Company, petitioner, *v.* M. J. Newberry. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 609. Continental Insurance Company et al. appellants, *v.* The United States of America et al.; and

No. 610. Seward Prosser et al. appellants, *v.* The United States of America et al. It is ordered that these cases be restored to the docket for reargument, as the first cases for hearing April 10 next, on the question whether the decree in the district court, from which these are appeals, is in conformity with the opinion of this court in *United States v. Reading Company* (253 U. S., 26), and that the Attorney General be advised of this order.

No. 75. Pueblo of Laguna, appellant, *v.* Jose Candelaria et al. Appeal from the District Court of the United States for the District of New Mexico. *Per curiam*: Dismissed for want of jurisdiction upon the authority of *Farrell v. O'Brein* (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. 112. P. H. Harris, appellant, *v.* The United States of America. Appeal from the United States Circuit Court of Appeals for the Eighth Circuit. *Per curiam*: Dismissed for want of jurisdiction upon the authority of *United States v. Krall* (174 U. S., 385, 389-391); *German National Bank v. Speckert* (181 U. S., 405, 409); *United States v. Beatty* (232 U. S., 463, 466).

No. 115. Missouri Pacific Railroad Company, plaintiff in error, *v.* IZard County Highway Improvement District No. 1. In error to

the Supreme Court of the State of Arkansas. *Per curiam*: Dismissed for want of jurisdiction. Section 237 of the Judicial Code, as amended by the act of September 6, 1916, c. 448. sec. 2. 39 Stat. 726; *Jett Bros. Distilling Co. v. City of Carrollton* (252 U. S., 1, 5-6).

No. 125. *Gustavos French Harvey et al., appellants, v. The Union Traction Company*. J. D. Siggins, president. Appeal from the District Court of the United States for the District of Kansas. *Per curiam*: Dismissed for want of jurisdiction upon the authority of *Farrell v. O'Brein* (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. 420. *J. Dan Blackistone, plaintiff in error, v. Leonard W. Groomes*. In error to the Court of Appeals of the District of Columbia. *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).

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No. 615. *John A. Grogan, Collector, etc., appellant, v. Hiram Walker & Sons, Ltd.; and*

No. 639. *The Anchor Line (Henderson Brothers), Ltd., appellant, v. George W. Aldridge, Collector of Customs for the Port of New York*. Motion to advance submitted by Mr. Solicitor General Beck in that behalf.

No. 684. *Interstate Commerce Commission, plaintiff in error, v. The United States of America ex rel. Members of the Waste Merchants' Association of New York, voluntary association*. Motion to advance submitted by Mr. Solicitor General Beck in that behalf.

No. 724. *The United States of America ex rel. John W. French, plaintiff in error, v. John W. Weeks, Secretary of War; and*

No. 725. *The United States of America ex rel. William F. Creary, plaintiff in error, v. John W. Weeks, Secretary of War*. Motion to advance submitted by Mr. Solicitor General Beck in that behalf.

No. 698. *The United States of America, petitioner, v. Various Documents, Papers, and Books, etc.* Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Solicitor General Beck and William C. Heron for the petitioners, and by Mr. William Burry and Mr. Albert L. Hopkins for the respondents.

No. 705. *Justus S. Wardell, as Collector of Internal Revenue, etc., petitioner, v. James A. Blum et al.* Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit

submitted by Mr. Solicitor General Beck, Assistant Attorney General Willebrandt, and Mr. G. Noble Jones for the petitioner, and by Mr. John W. Preston and Mr. John C. Altman for the respondents.

No. 715. Federal Trade Commission, petitioner, *v.* D. A. Winslow et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. Solicitor General Beck, Mr. W. H. Fuller, Mr. Adrien F. Busick, and Mr. Charles S. Moore for the petitioners.

No. 716. Federal Trade Commission, petitioner, *v.* Norden Ship Supply Company, Inc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. Solicitor General Beck, Mr. W. H. Fuller, Mr. Adrien F. Busick, and Mr. Charles S. Moore for the petitioner.

No. 723. The United States of America, petitioner, *v.* James A. Baker, receiver, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Solicitor General Beck and Mr. Blackburn Esterline for the petitioner.

No. 2. American Steel Foundries, petitioner, *v.* The Tri-City Central Trades Council et al. Motion to retax costs submitted by Mr. John A. Reed in behalf of counsel.

No. 152. Borough of Edgewood, plaintiff in error, *v.* Wilksburg & East Pittsburgh Street Railway Company et al.; and

No. 266. Borough of Edgewood, plaintiff in error, *v.* The Public Service Commission of the Commonwealth of Pennsylvania et al. Motion for leave to file brief herein on behalf of Scranton Street Railway Co., as amicus curiæ submitted by Mr. H. B. Gill in that behalf.

No. 752. Charles D. Newton, as Attorney General of the State of New York et al., appellants, *v.* Central Union Gas Company; and

No. 753. Charles D. Newton, as Attorney General of the State of New York, et al., appellants, *v.* Northern Union Gas Company. Motions to advance submitted by Mr. C. A. Vilas in that behalf.

No. 738. The Dayton Brass Castings Company, petitioner, *v.* A. C. Gilligan, U. S. Collector, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Lawrence Maxwell and Mr. J. Sprigg McMahon for the petitioner, and by Mr. Solicitor General Beck, Mr. Assistant Attorney General Ottinger and Mr. Charles H. Weston for the respondent.

No. —, original. Ex parte in the matter of James E. Cantrill et al., petitioners. Motion for leave to file a petition for a writ of mandamus herein submitted by Mr. Chapin Brown and Mr. Raymond M. Hudson for the petitioners.

No. 617. The Bank of America, plaintiff in error, *v.* Whitney Central National Bank. Motion to advance submitted by Mr. John A. Kratz in that behalf.

No. 264. C. E. Schaff, receiver, etc., appellant, *v.* The United States; and

No. 265. The United States, appellant, *v.* C. E. Schaff, receiver, etc. Motion to remand to the Court of Claims for further findings submitted by Mr. F. Carter Pope in behalf of counsel.

No. —, original. *Ex parte* In the matter of James J. O'Brien, petitioner. Motion for leave to file a petition for a writ of mandamus or a writ of certiorari herein submitted by Mr. James J. O'Brien for the petitioner.

No. 675. R. W. Bratton et al., appellants, *v.* William C. Chandler et al. Motion to advance submitted by Mr. M. M. Neill, Mr. F. M. Thompson, and Mr. Nathan William MacChesney in that behalf.

No. —, original. *Ex parte* In the matter of Harley-Davidson Motor Company et al., petitioners. Motion for leave to file a petition for a writ of mandamus herein submitted by Mr. Melville Church, Mr. William S. Hodges, and Mr. Edwin B. H. Tower, jr., for the petitioners.

No. 545. Takuji Yamashita et al., petitioners, *v.* J. Grant Hinkle as Secretary of State of the State of Washington. Motion to advance submitted by Mr. William Marshall Bullitt in that behalf.

No. 780. Western Union Telegraph Company, petitioner, *v.* Laura Hale, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Clarence R. Wilson in behalf of Mr. Joseph L. Egan, Mr. Francis Raymond Stark, and Mr. John E. Hartridge for the petitioner.

No. —, original. *Ex parte* In the matter of Link-Belt Company, petitioner. Motion for leave to file a petition for a writ of mandamus herein submitted by Mr. Henry S. Robbins and Mr. Morris M. Townley for the petitioner.

Nos. 729, 730, 731, and 732. Utah Consolidated Mining Company, petitioner, *v.* Utah Apex Mining Company. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. George Sutherland, Mr. John P. Gray, and Mr. A. C. Ellis, jr., for the petitioner, and by Mr. J. A. Marshall and Mr. William E. Colby for the respondent.

No. 743. Charles L. Craig, petitioner, *v.* Thomas D. McCarthy, U. S. Marshal, etc., et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit, or, in the alternative, a rule to show cause by way of mandamus, submitted by Mr. George Sutherland, Mr. John P. O'Brien, and Mr.

Edmund L. Mooney for the petitioner, with leave to counsel for the respondent to file brief in opposition.

No. 224. Industrial Accident Commission of the State of California, petitioner, *v.* John Barton Payne, as Agent, etc. James C. Davis, as agent, etc., substituted as the party respondent herein, on motion of Mr. Charles H. Bates in that behalf.

No. 561. H. H. Bohning, plaintiff in error, *v.* The State of Ohio; and

No. 562. Emil Pohl, plaintiff in error, *v.* The State of Ohio. Motions to advance submitted by Mr. Frank Davis in that behalf.

No. 191. Sonneborn Brothers, etc., appellants, *v.* C. M. Cureton, Attorney General, etc., et al. Walter A. Keeling, Attorney General, and Lon A. Smith, comptroller of public accounts of the State of Texas, substituted as parties appellees herein on motion of Mr. George H. Lamar in that behalf.

No. 721. Harold D. Boehm, as Administrator, etc., petitioner, *v.* Lehigh Valley Transportation Company, Owner of the Steam Tug *Mahonoy*. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Lewis H. Fisher for the petitioner, and by Mr. D. Roger Englar for the respondent.

No. 424. George Washington Pace, appellant, *v.* Fred G. Zerbst, warden, etc. Appeal from the District Court of the United States for the Northern District of Georgia. Dismissed with costs, on motion of the appellant.

No. 673. Irving National Bank, petitioner, *v.* American Steel Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. John Larkin for the petitioner, and by Mr. John M. Perry for the respondent.

No. 689. John G. Kenedy et al., petitioners, *v.* The State of Texas et al. Petition for a writ of certiorari to the Supreme Court of the State of Texas submitted by Mr. Gordon Boone for the petitioner, and by Mr. R. L. Ball and Mr. A. W. Seeligson for the respondents.

No. 699. Durham Public Service Company, plaintiff in error, *v.* The City of Durham. Petition for a writ of certiorari herein submitted by Mr. James S. Manning for the plaintiff in error in support of the petition.

No. 717. Silas Williams, Trustee in Bankruptcy, etc., petitioner, *v.* H. M. Evans. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. J. B. Sizer and Mr. J. W. Thompson for the petitioner, and by Mr. Nathaniel H. Maxwell and Mr. Frank Spurlock for the respondent.



No. 720. Michael Weisman, 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. Ernest S. Cary for the petitioner, and by Mr. Solicitor General Beck, and Assistant Attorney General Willebrandt for the respondent.

No. 722. Puget Sound Power & Light Company, petitioner, *v.* S. B. Asia et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. James B. Howe and Mr. Frederic D. McKenney for the petitioner, and by Mr. O. B. Thorgrimson, Mr. Harold Preston, and Mr. Maurice McMicken for the respondents.

No. 735. Hartford Life Insurance Company, petitioner, *v.* Frank F. Douds et al., etc. Petition for a writ of certiorari to the Supreme Court of the State of Ohio submitted by Mr. Harry B. Arnold, Mr. James C. Jones, Mr. Frank H. Sullivan, and Mr. James C. Jones, jr., for the petitioner, and by Mr. Smith W. Bennett for the respondent.

No. 739. New York Central Railroad Company, petitioner, *v.* Charles Pless. Petition for a writ of certiorari to the Supreme Court of the State of New York submitted by Mr. Maurice C. Spratt for the petitioner, and by Mr. Hamilton Ward for the respondent.

No. 742. Supreme Council, Catholic Benevolent Legion, petitioner, *v.* Mary J. Gallery. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. James G. Condon and Mr. Edward S. Connolly for the petitioner, and by Mr. Samuel C. Irving for the respondent.

No. 754. Boston Towboat Company, petitioner, *v.* Darrow-Mann Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit submitted by Mr. Edward E. Blodgett and Mr. Foye M. Murphy for the petitioner, and by Mr. Alexander Wheeler for the respondent.

No. 755. Charles F. Adams et al., Trustees, etc., petitioners, *v.* Darrow-Mann Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit submitted by Mr. Edward E. Blodgett and Mr. Foye M. Murphy for the petitioners, and by Mr. Alexander Wheeler for the respondent.

No. 756. Hartford Life Insurance Company, petitioner, *v.* Robert H. Langdale. Petition for a writ of certiorari to the Supreme Court of the State of Ohio submitted by Mr. Harry B. Arnold, Mr. James C. Jones, Mr. Frank H. Sullivan, and Mr. James C. Jones, jr., for the petitioner, and by Mr. Smith W. Bennett for the respondent.

No. 762. Samuel Singer, petitioner, *v.* The United States of America. Petition for a writ of certiorari to the United States Cir-

cuit Court of Appeals for the Third Circuit submitted by Mr. James Mercer Davis for the petitioner, with leave to counsel for the respondent to file brief in opposition on or before Thursday next.

No. 763. Roy Lucas et al., petitioners, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. William H. Dickson for the petitioners, and by Mr. Solicitor General Beck and Assistant Attorney General Willebrandt for the respondent.

No. 765. Baltimore & Ohio Railroad Company, petitioner, *v.* Ralph Sullivan. Petition for a writ of certiorari to the Supreme Court of the State of Pennsylvania submitted by Mr. J. M. Wright for the petitioner, and by Mr. Robert P. Stewart for the respondent.

No. 766. The Bull Insular Line, Inc., petitioner, *v.* Societe Anonyme des Sucrieries de Saint Jean. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit submitted by Mr. John A. McManus for the petitioner, and by Mr. Boyd B. Jones and Mr. Philip N. Jones for the respondent.

No. 771. A. G. Nesbitt, Ancillary Administrator of the Estate of Walter R. Herrod, deceased, petitioner, *v.* Charles H. Clark et al. Petition for a writ of certiorari to the Supreme Court of the State of Pennsylvania submitted by Mr. Harvey A. Miller for the petitioner, and by Mr. John M. Freeman and Mr. W. D. Stewart for the respondents.

No. 773. The Public Service Commission of the State of New York, petitioner, *v.* The New York Central Railroad Company. Petition for a writ of certiorari to the Supreme Court of the State of New York submitted by Mr. Ledyard P. Hale and Mr. Edward S. Griffin for the petitioner.

No. 775. Transportes Maritimos do Estado, Claimant of S. S. *Sao Vincente*, petitioner, *v.* Tietjen and Lang Drydock Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. F. Dudley Kohler for the petitioner, and by Mr. E. Curtis Rouse and Mr. Robert S. Erskine for the respondent.

No. 776. Transportes Maritimos do Estado, Claimant of S. S. *Mur-mugao*, petitioner, *v.* Maxwell Rose, doing business, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. F. Dudley Kohler for the petitioner.

No. 777. Transportes Maritimos do Estado (in personam), petitioner, *v.* Maxwell Rose, doing business, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. F. Dudley Kohler for the petitioner.

No. 778. Transportes Maritimos do Estado, as Claimant of S. S. *Murmugao*, petitioner, *v.* Thomas De Simone. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. F. Dudley Kohler for the petitioner, and by Mr. Frank J. Hogan for the respondent.

No. 779. Transportes Maritimos do Estado (in personam), petitioner, *v.* Thomas De Simone. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. F. Dudley Kohler for the petitioner, and by Mr. Frank J. Hogan for the respondent.

No. —, original. John Doe, demise of the Commonwealth of Massachusetts, plaintiff, *v.* The City of Rochester, N. Y.; and

No. —, original. Commonwealth of Massachusetts, plaintiff, *v.* Eugene Van Voorhis et al., etc. Motions of Ontario Beach Hotel & Amusement Company, Bartholomay Company, Inc., and New York Central Railroad Company, for leave to intervene, submitted by Mr. Arthur E. Sutherland, Mr. Clarence P. Moser, and Mr. Daniel M. Beach, in support of the motions, and by Mr. Charles L. Pierce for The City of Rochester, in opposition thereto; with leave to the Attorney General of the State of New York to file opposition within two weeks.

No. 134. The United States of America, appellant, *v.* North American Oil Consolidated et al. Passed, to be restored to the call pursuant to section 9, rule 26, on motion of Mr. Solicitor General Beck in that behalf.

No. 154. Alexander Howat et al., plaintiffs in error, *v.* The State of Kansas; and

No. 491. Alexander Howat et al., plaintiffs in error, *v.* The State of Kansas. Four hours allowed for the argument in this case, on motion of Mr. Moorfield Storey in that behalf. Argument commenced by Mr. Redmond S. Brennan for the plaintiffs in error, continued by Mr. John G. Egan for the defendant in error, and by Mr. Moorfield Storey for the defendant in error.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, February 28, will be as follows: Nos. 154 (and 491), 17 original, 18 original, 116 (and 124), 132, 135, 136, 137, 106, and 139.

## SUPREME COURT OF THE UNITED STATES.

TUESDAY, FEBRUARY 28, 1922.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Pitney, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Clarke.

Hibbard C. Whitehill, of St. Louis, Mo.; Andrew Jackson, of Chicago, Ill.; Henry C. Walters, of Detroit, Mich.; George C. Adams, of Chicago, Ill.; Charles F. Borah, of New Orleans, La.; Walter J. Burke, of New Iberia, La.; and Arthur C. Johnson, of Denver, Colo., were admitted to practice.

No. 137. Ephraim Lederer, Collector, etc., petitioner, *v.* Alexander J. Stockton, Sole Surviving Trustee, etc. Passed, to be restored to the call pursuant to section 9, rule 26.

No. 154. Alexander Howat et al., plaintiffs in error, *v.* The State of Kansas; and

No. 491. Alexander Howat et al., plaintiffs in error, *v.* The State of Kansas. Argument continued by Mr. Moorfield Storey, and Mr. F. Dumont Smith for the defendant in error, and concluded by Mr. Redmond S. Brennan for the plaintiffs in error.

No. 17, original. The Commonwealth of Pennsylvania, complainant, *v.* The State of West Virginia; and

No. 18, original. The State of Ohio, complainant, *v.* The State of West Virginia. Three hours allowed for the reargument in these cases, on motion of Mr. John G. Price in that behalf. Reargument commenced by Mr. John W. Davis for the complainants, and continued by Mr. Fred O. Blue and Mr. George H. Hoffheimer for the defendant.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, March 1, will be as follows: Nos. 17 original, 18 original, 116 (and 124), 132, 135, 136, 106, 139, 143, and 145.

# SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, MARCH 1, 1922.

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Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Pitney, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Clarke.

Clarence N. Boord, of Springfield, Ill.; Arthur G. Froe, of Welch, W. Va.; Henry Amerman, of New York City; Keyes Winter, of New York City; and William P. Smith, of Lafayette, Tenn., were admitted to practice.

No. 143. Abo Land Company, plaintiff in error, *v.* Roman Tenerio, Sheriff, etc. Submitted by Mr. Bernard S. Rodey for the plaintiff in error. No appearance for the defendant in error.

No. 17, original. The Commonwealth of Pennsylvania, complainant, *v.* The State of West Virginia; and

No. 18, original. The State of Ohio, complainant, *v.* The State of West Virginia. Reargument continued by Mr. George M. Hoffheimer for the defendant, and concluded by Mr. George E. Alter for the complainant in No. 17, original.

No. 116. White Oak Transportation Company, petitioner, *v.* Boston, Cape Cod & New York Canal Company; and

No. 124. Northern Coal Company, petitioner, *v.* Boston, Cape Cod & New York Canal Company. Four hours allowed for the argument in these cases, on motion of Mr. E. E. Blodgett in that behalf. Argument commenced by Mr. E. E. Blodgett for the petitioner in No. 116; continued by Mr. Henry E. Warner for the petitioner in No. 124; and by Mr. T. H. Mahony for the respondent, by Mr. Samuel Park for the T. A. Scott Co. (Inc.), impleaded with respondent, and concluded by Mr. E. E. Blodgett for the petitioner in No. 116.

No. 132. Union Tool Company, petitioner, *v.* Elihu C. Wilson. Argument commenced by Mr. Frederick S. Lyon for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, March 2, will be as follows: Nos. 132, 135, 136, 106, 139, 145, 146, 147, 149, and 150.

## SUPREME COURT OF THE UNITED STATES.

THURSDAY, MARCH 2, 1922.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Van Devanter, Mr. Justice Pitney, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Clarke.

Stephen V. Carey, of Seattle, Wash.; C. M. Clay Buntain, of Kankakee, Ill.; Bernard F. Garvey, of Washington, D. C.; Michael M. Doyle, of Washington, D. C.; Louis R. Bick, of Brooklyn, N. Y.; Charles James Faulkner, Jr., of Chicago, Ill.; William M. P. Bowen, of Providence, R. I.; Frank O. Hanson, of Bloomington, Ill.; and Ralph T. O'Neil, of Topeka, Kans.; were admitted to practice.

No. 376. Astoria Marine Iron Works, plaintiff in error, *v.* United States Shipping Board Emergency Fleet Corporation;

No. 308. Sloan Shipyards Corporation et al., appellants, *v.* United States Shipping Board Emergency Fleet Corporation et al.; and

No. 526. United States Shipping Board Emergency Fleet Corporation, etc., petitioner, *v.* Roger B. Wood, Trustee, etc. Reassigned for argument on March 13, at the foot of the call, on motion of Mr. Solicitor General Beck in that behalf.

No. 150. G. D. Collins et al., appellants, *v.* Colonel J. D. McDonald, Commandant, etc. Submitted by Mr. George D. Collins, pro se, and by Mr. Solicitor General Beck and Mr. Blackburn Esterline for the appellee.

No. 132. Union Tool Company, petitioner, *v.* Elihu C. Wilson. Argument continued by Mr. Frederick S. Lyon for the petitioner, by Mr. G. Benton Wilson for the respondent, and concluded by Mr. Frederick S. Lyon for the petitioner.

No. 135. Bank of Sturgeon, plaintiff in error, *v.* Stanley Palmer. Argued by Mr. Don C. Carter for the plaintiff in error. The court declined to hear counsel for the defendant in error.

No. 136. The First National Bank of Gulfport, Mississippi, petitioner, *v.* Wirt Adams, Revenue Agent, etc. Argued by Mr. W. H. Watkins for the petitioner, and submitted by Mr. J. B. Harris for the respondent.

No. 139. Hump Hairpin Manufacturing Company, plaintiff in error, *v.* Louis L. Emmerson, Secretary of State, etc. Argument commenced by Mr. Colin C. H. Fyffe for the plaintiff in error, and continued by Mr. Clarence N. Boord for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, March 3, will be as follows: Nos. 139, 106, 145, 146, 147, 149, 151, 152 (and 266), 153, and 37.

## SUPREME COURT OF THE UNITED STATES.

FRIDAY, MARCH 3, 1922.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Van Devanter, Mr. Justice Pitney, Mr. Justice McReynolds, and Mr. Justice Brandeis.

William W. Blodgett, of Pawtucket, R. I., W. Cleveland Davis, of Charlotte, N. C., and Campbell B. Fetner, of Charlotte, N. C., were admitted to practice.

No. 151. Victor Hoffman, appellant, *v.* Francis P. Garvan, Alien Property Custodian, et al. Appeal from the District Court of the United States for the Eastern District of Louisiana. Dismissed with costs, pursuant to the tenth rule.

No. 139. Hump Hairpin Manufacturing Company, plaintiff in error, *v.* Louis L. Emmerson, Secretary of State, etc. Argument continued by Mr. Clarence N. Boord for the defendant in error, and concluded by Mr. Colin C. H. Fyffe for the plaintiff in error.

No. 106. Atchafalaya Land Company, Limited, et al., plaintiffs in error, *v.* F. B. Williams Cypress Company, Limited. Argument commenced by Mr. Walter J. Burke for the plaintiffs in error. The court declined to hear further argument.

No. 145. Morris Levinson, appellant, *v.* The United States of America. Leave granted Mr. Blackburn Esterline to file brief herein as *amicus curiae*. Argued by Mr. John A. McManus for the appellant, and by Mr. Henry Amerman for the appellee Johnson.

No. 146. Chicago & Northwestern Railway Company, petitioner, *v.* C. C. Whitnack Produce Company. Argued by Mr. Wymer Dressler for the petitioner, and by Mr. H. H. Wilson for the respondent.

No. 147. The Louisville & Nashville Railroad Company, appellant, *v.* The United States. Argument commenced by Mr. Benjamin Carter for the appellant.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, March 6, will be as follows: Nos. 147, 149, 152 (and 266), 153, 37, 313, 480, 582, 596, 657, 590, 16, 631, 671, 625, and 629.



## SUPREME COURT OF THE UNITED STATES.

MONDAY, MARCH 6, 1922.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Van Devanter, Mr. Justice Pitney, Mr. Justice McReynolds, and Mr. Justice Brandeis.

Emanuel Hertz, of New York City; Samuel Willig, of Philadelphia, Pa.; Harry H. Rumble, of Norfolk, Va.; August G. Gutheim, of Washington, D. C.; Roy G. Bostwick, of Pittsburgh, Pa.; Julius H. Amberg, of Grand Rapids, Mich.; Harry H. Semmes, of Washington, D. C.; Samuel Riker, jr., of New York City; J. Kent Greene, of Chicago, Ill.; and Robert M. McConnell, of Knoxville, Tenn., were admitted to practice.

No. 257. Charles D. Newton, as Attorney General, etc., et al., appellants, *v.* Consolidated Gas Company of New York:

No. 258. Consolidated Gas Company of New York, appellant. *v.* Charles D. Newton, Attorney General, etc., et al., and

No. 288. Consolidated Gas Company of New York, appellant, *v.* Charles D. Newton, as Attorney General, etc., et al. Appeals from the District Court of the United States for the Southern District of New York. Decrees in Nos. 257 and 258 modified and affirmed with costs. Decree in No. 288 affirmed with costs. Opinion by Mr. Justice McReynolds. (Mr. Justice Clarke concurs in the result.)

No. 296. Charles D. Newton, as Attorney General, etc., et al., appellants, *v.* New York & Queens Gas Company. Appeal from the District Court of the United States for the Southern District of New York. Decree affirmed with costs. Opinion by Mr. Justice McReynolds.

No. 295. Charles D. Newton, as Attorney General, etc., et al., appellants, *v.* The Kings County Lighting Company. Appeal from the District Court of the United States for the Southern District of New York. Decree affirmed with costs. Opinion by Mr. Justice McReynolds.

No. 24, original. The State of Texas, complainant, *v.* The Interstate Commerce Commission et al. Bill of complaint dismissed. Opinion by Mr. Justice Van Devanter.

The Chief Justice announced the following orders of the Court:

No. 2. American Steel Foundries, petitioner, *v.* The Tri-City Central Trades Council et al. Motion to retax costs granted; one-half of the costs to be paid by each party.

No. 191. Sonneborn Brothers, etc., appellants, *v.* C. M. Cureton, Attorney General et al.; and

No. 224. Industrial Accident Commission of the State of California, petitioner, *v.* John Barton Payne, as Agent, etc. Motion for substitution of parties granted.

No. 152. Borough of Edgewood, plaintiff in error, *v.* Wilkinsburg & East Pittsburgh Street Railway Company et al.; and

No. 266. Borough of Edgewood, plaintiff in error, *v.* The Public Service Commission of the Commonwealth of Pennsylvania et al. Motion of H. B. Gill for leave to file brief of Scranton Street Railway Company as amicus curiæ in these cases granted, but leave to make oral argument denied.

No. —, original. Ex parte In the matter of James C. Cantril et al., petitioners. Motion for leave to file petition for a writ of mandamus herein denied.

No. 264. C. E. Schaff, Receiver, etc., appellant, *v.* The United States; and

No. 265. The United States, appellant, *v.* C. E. Schaff, Receiver, etc. Motion to remand to the Court of Claims for further findings denied.

No. —, original. Ex parte In the matter of James J. O'Brien, petitioner. Motion for leave to file petition for a writ of mandamus herein denied.

No. —, original. Ex parte In the matter of Harley-Davidson Motor Company et al., petitioners. Motion for leave to file petition for a writ of mandamus herein granted, and rule to show cause ordered to issue returnable Monday, April 10, next.

No. —, original. Ex parte In the matter of Link Belt Company, petitioner. Motion for leave to file petition for a writ of mandamus herein denied.

No. 615. John A. Grogan, Collector, etc., appellant, *v.* Hiram Walker & Sons (Ltd.); and

No. 639. The Anchor Line (Henderson Brothers) (Ltd.), appellant, *v.* George W. Aldridge, Collector, etc. Motion to advance granted, and cases assigned for argument on Monday, April 17, next.

No. 684. Interstate Commerce Commission, plaintiff in error, *v.* The United States of America ex rel. Members of the Waste Merchants' Association of New York, Voluntary Association. Motion

to advance granted, and cause assigned for argument on Monday, October 9, next.

No. 724. The United States of America ex rel. John W. French, plaintiff in error, *v.* John W. Weeks, Secretary of War; and

No. 725. The United States of America ex rel. William F. Creary, plaintiff in error, *v.* John W. Weeks, Secretary of War. Motion to advance granted, and cases assigned for argument on Monday, April 17, next, after the cases heretofore assigned for that day.

No. 752. Charles D. Newton, as Attorney General of the State of New York, et al., appellants, *v.* Central Union Gas Company; and

No. 753. Charles D. Newton, as Attorney General of the State of New York, et al., appellants, *v.* Northern Union Gas Company. Motion to advance granted, and cases assigned for argument on Monday, March 6, after the cases heretofore assigned for that day.

No. 617. The Bank of America, plaintiff in error, *v.* Whitney Central National Bank. Motion to advance denied, without prejudice to the submission of the cause on printed briefs.

No. 675. R. W. Bratton et al., appellants, *v.* William C. Chandler et al., etc. Motion to advance granted, and cause assigned for argument on Monday, October 9, next, after the case heretofore assigned for that day.

No. 545. Takuji Yamashita et al., petitioners, *v.* J. Grant Hinkle, as Secretary of State, etc. Motion to advance granted, and cause assigned for argument on Monday, March 20, next, after the cases heretofore assigned for that day.

No. 561. H. H. Bohning, plaintiff in error, *v.* The State of Ohio; and

No. 562. Emil Pohl, plaintiff in error, *v.* The State of Ohio. Motion to advance granted, and cases assigned for argument on Monday, October 9, next, after the cases heretofore assigned for that day.

No. 735. Hartford Life Insurance Company, petitioner, *v.* Frank F. Douds et al., Executors, etc. Petition for a writ of certiorari to the Supreme Court of the State of Ohio granted.

No. 756. Hartford Life Insurance Company, petitioner, *v.* Robert H. Langdale. Petition for a writ of certiorari to the Supreme Court of the State of Ohio granted.

No. 775. Transportes Maritimos do Estado, Claimant, etc., petitioner, *v.* Tietjen and Lang Drydock Company;

No. 776. Transportes Maritimos do Estado, Claimant, etc., petitioner, *v.* Maxwell Rose, doing business, etc.;

No. 777. Transportes Maritimos do Estado (in personam), petitioner, *v.* Maxwell Rose, doing business, etc.;

No. 778. Transportes Maritimos do Estado, as Claimant, etc., petitioner, *v.* Thomas DeSimone; and

No. 779. Transportes Maritimos do Estado (in personam). petitioner, *v.* Thomas DeSimone. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 743. Charles L. Craig, petitioner, *v.* Thomas D. McCarthy, U. S. Marshal, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied, and alternative motion for a rule to show cause by way of mandamus denied.

No. 673. Irving National Bank, petitioner, *v.* American Steel Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 689. John G. Kenedy et al., petitioners, *v.* the State of Texas et al. Petition for a writ of certiorari to the Supreme Court of the State of Texas denied.

No. 698. The United States of America, petitioner, *v.* Various Documents, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 705. Justus S. Wardell, as Collector, etc., petitioner, *v.* James A. Blum et al., etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 715. Federal Trade Commission, petitioner, *v.* D. A. Winslow et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 716. Federal Trade Commission, petitioner, *v.* Norden Ship Supply Company, Inc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 717. Silas Williams, Trustee in Bankruptcy, etc., petitioner, *v.* H. M. Evans. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 720. Michael Weisman, 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. 721. Harold D. Boehm, as Administrator, etc., petitioner, *v.* Lehigh Valley Transportation Company, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 722. Puget Sound Power & Light Company, petitioner, *v.* S. B. Asia et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 723. The United States of America, petitioner, *v.* James A. Baker, Receiver, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

Nos. 729, 730, 731, and 732. Utah Consolidated Mining Company, petitioner, *v.* Utah Apex Mining Company. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 738. The Dayton Brass Castings Company, petitioner, *v.* A. C. Gilligan, U. S. Collector, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 739. New York Central Railroad Company, petitioner, *v.* Charles Pless. Petition for a writ of certiorari to the Supreme Court of the State of New York denied.

No. 742. Supreme Council, Catholic Benevolent Legion, petitioner, *v.* Mary J. Gallery. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 754. Boston Towboat Company, petitioner, *v.* Darrow-Mann Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 755. Charles F. Adams et al., Trustees, etc., petitioners, *v.* Darrow-Mann Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 762. Samuel Singer, 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. 763. Roy Lucas 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 denied.

No. 765. Baltimore & Ohio Railroad Company, petitioner, *v.* Ralph Sullivan. Petition for a writ of certiorari to the Supreme Court of the State of Pennsylvania denied.

No. 766. The Bull Insular Line (Inc.), petitioner, *v.* Societe Anonyme des Sucreries de Saint Jean. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 771. A. G. Nesbitt, Ancillary Administrator, etc., petitioner, *v.* Charles H. Clark et al. Petition for a writ of certiorari to the Supreme Court of the State of Pennsylvania denied.

No. 780. Western Union Telegraph Company, petitioner, *v.* Laura Hale, joined by her husband William F. Hale. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 135. Bank of Sturgeon, plaintiff in error, *v.* Stanley Palmer. In error to the Supreme Court of the State of Missouri. *Per curiam*: Dismissed for want of jurisdiction. Section 237, Judicial Code, as amended by the act of September 6, 1916 (c. 448, sec. 2, 39 Stat., 726); *Jett Bros. Distilling Co. v. City of Carrollton* (252 U. S., 1, 5-6).

No. 143. Abo Land Company, plaintiff in error, *v.* Roman Tenerio, sheriff, etc. In error to the Supreme Court of the State of New Mexico. *Per curiam*: Dismissed for want of jurisdiction. Section 237, Judicial Code, as amended by the act of September 6, 1916 (c. 448, sec. 2, 39 Stat., 726); *Jett Bros. Distilling Co. v. City of Carrollton* (252 U. S., 1, 5-6).

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No. —. *Ex parte* in the matter of Marcellus Donald Ramsey, petitioner. Motion for leave to change name, and that a new certificate of admission to the bar be issued, submitted by Mr. B. B. Pettus for the petitioner.

No. 1, original. The State of Georgia, complainant, *v.* The Tennessee Copper Company et al. Motion for leave to file stipulation to suspend progress of cause submitted by Mr. A. G. Powell in behalf of the State of Georgia and Tennessee Copper Company.

No. 1, original. The State of Georgia, complainant, *v.* The Tennessee Copper Company. Motion for leave to file stipulation to suspend progress of cause submitted by Mr. W. B. Miller in behalf of the State of Georgia and the Ducktown Sulphur, Copper and Iron Co., Ltd.

No. 750. Charles D. Newton, as Attorney General, etc., et al., appellants, *v.* Consolidated Gas Company of New York; and

No. 751. Charles D. Newton, as Attorney General of the State of New York, et al., appellants, *v.* New York & Queens Gas Company. Motion to advance and take cases on printed briefs submitted by Mr. W. W. Chambers in that behalf.

No. 710. Bluefield Water Works and Improvement Company, plaintiff in error, *v.* Public Service Commission of the State of West Virginia et al. Petition for a writ of certiorari herein submitted by Mr. Alfred G. Fox and Mr. Joseph M. Sanders for the plaintiff in error in support of the petition.

No. 726. Joaquin Ramos Ferro et al., petitioners, *v.* Felix Fabian et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit submitted by Mr. Jose R. F. Savage for the petitioner.

No. 727. J. Ochoa y Hermano, petitioner, *v.* Miguel, Luis, Gerardo, Tereso, and Antonio Martorell y Torrens. Petition for a writ

of certiorari to the United States Circuit Court of Appeals for the First Circuit submitted by Mr. Jose R. F. Savage for the petitioner.

No. 728. Jose J. Benitez Diaz, in his own right, etc., petitioner, *v.* Carlota and Clementina Gonzalez y Lugo, represented by their Guardian ad litem, etc., et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit submitted by Mr. Jose R. F. Savage for the petitioner, and by Mr. George B. Hayes and Mr. Frank Antonsanti for the respondents.

No. 744. The Auto Acetylene Light Company et al., petitioners, *v.* The Prest-O-Lite 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 petitioner, and by Mr. Keyes Winter and Mr. Howard Lewis for the respondent.

No. 745. The Auto Acetylene Light Company et al., petitioners, *v.* The Prest-O-Lite 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. Keyes Winter and Mr. Howard Lewis for the respondent.

No. 764. George E. Vandeburgh, petitioner, *v.* Truscon Steel Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Carlos P. Griffin for the petitioner, and by Mr. W. F. Guthrie for the respondent.

No. 781. The City of New York, owner of the ferryboat "Richmond," petitioner, *v.* New England Steamship Company, owner of the steamer "Boston." Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. John P. O'Brien for the petitioner, and by Mr. Clarence Bishop Smith and Mr. Henry M. Hewitt for the respondent.

No. 313. The United States of America, petitioner, *v.* Wesley L. Sischo. Reassigned for October 9 next, on motion of Mr. Solicitor General Beck in that behalf.

No. 596. Ernest Lipke, appellant, *v.* Ephraim Lederer, Collector, etc. Reassigned for March 20 next, on motion of Mr. Solicitor General Beck in that behalf.

No. 147. The Louisville & Nashville Railroad Company, appellant, *v.* The United States. Argument concluded by Mr. Benjamin Carter for the appellant, and submitted by Mr. Solicitor General Beck and Mr. William C. Herron for the appellee.

No. 149. Prudential Insurance Company of America, plaintiff in error, *v.* Robert T. Cheek. Argued by Mr. John H. Holliday for the plaintiff in error, and submitted by Mr. Frederick H. Bacon for the defendant in error.

No. 152. Borough of Edgewood, plaintiff in error, *v.* Wilkinsburg & East Pittsburgh Street Railway Company et al.; and

No. 266. Borough of Edgewood, plaintiff in error, *v.* The Public Service Commission of the Commonwealth of Pennsylvania et al. No. 266 advanced for hearing with No. 152, on motion of Mr. M. W. Acheson, jr., in that behalf. Argument commenced by Mr. M. W. Acheson, jr., for the plaintiff in error. The Court declined to hear further argument.

No. 153. Lambert Run Coal Company, appellant, *v.* The Baltimore & Ohio Railroad Company. Leave granted to file brief herein as *amicus curiæ*, on behalf of the United States, on motion of Mr. Blackburn Esterline in that behalf. Argument commenced by Mr. Frank E. Harkness for the appellant and continued by Mr. A. G. Gutheim for the appellee.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, March 7, will be as follows: Nos. 153, 37, 480, 582, 657, 590, 16, 631, 671, 40, 625, 629, 752, and 753.



## SUPREME COURT OF THE UNITED STATES.

TUESDAY, MARCH 7, 1922.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Van Devanter, Mr. Justice Pitney, Mr. Justice McReynolds, and Mr. Justice Brandeis.

Jackson A. Dykman, of Glen Cove, N. Y.; John H. Wright, of Oklahoma City, Okla.; Edward J. Crummey, of New York City; Isaac W. Eason, of Washington, D. C.; and Elmer C. Sherwood, of New York City, were admitted to practice.

No. 153. Lambert Run Coal Company, appellant, *v.* The Baltimore & Ohio Railroad Company. Argument continued by Mr. A. G. Gutheim and Mr. R. V. Fletcher for the appellee, and concluded by Mr. Rush C. Butler for the appellant.

No. 37. Oklahoma Natural Gas Company, plaintiff in error, *v.* The State of Oklahoma et al. Argued by Mr. C. B. Ames for the plaintiff in error, and by Mr. Charles H. Ruth for the defendants in error.

No. 480. The United States of America, plaintiff in error, *v.* Frank Balint et al. Argued by Mr. William C. Herron for the plaintiff in error. No appearance for the defendants in error.

No. 582. The United States of America, plaintiff in error, *v.* Morris Behrman. Argued by Mr. William C. Herron for the plaintiff in error, and submitted by Mr. Thomas C. Spelling for the defendant in error.

No. 590. J. W. Bailey, Collector of Internal Revenue, et al., appellants, *v.* John J. George, trading and doing business as Vivian Cotton Mills, et al.;

No. 657. J. W. Bailey et al., etc., plaintiffs in error, *v.* Drexel Furniture Company; and

No. 16. The Atherton Mills, appellant, *v.* Eugene T. Johnston et al. Four hours allowed for the argument of these cases, on motion of Mr. Solicitor General Beck for The United States. Argument commenced by Mr. Solicitor General Beck for the United States.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, March 8, will be as follows: Nos. 590 (and 657 and 16), 631, 671, 40, 625, 629, 752, and 753.

## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, MARCH 8, 1922.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Van Devanter, Mr. Justice Pitney, Mr. Justice McReynolds, and Mr. Justice Brandeis.

William Samuel Andrews, of San Francisco, Calif.; Walter Holland, of Washington, D. C.; Charles Grosvenor Bond, of New York City; Edward S. Napolis, of New York City; George Stanley Harvey, of Boston, Mass.; and Matthew Leo McGrath, of Boston, Mass., were admitted to practice.

No. 590. *J. W. Bailey, Collector of Internal Revenue, et al., appellants, v. John J. George, trading and doing business as Vivian Cotton Mills, et al.;*

No. 657. *J. W. Bailey et al., etc., plaintiffs in error, v. Drexel Furniture Company; and*

No. 16. *The Atherton Mills, appellant, v. Eugene T. Johnston et al. Argument continued by Mr. Solicitor General Beck for the United States, by Mr. William P. Bynum for the appellees in Nos. 16 and 657, by Mr. W. C. Davis for the appellee in No. 590, by Mr. Campbell B. Fetner for the appellee in No. 590, by Mr. William Hendren for the appellees in No. 16, and concluded by Mr. Solicitor General Beck for the United States.*

No. 631. *Charles Ponzi v. Franklin G. Fessenden et al. Leave granted Mr. Solicitor General Beck to file brief herein on behalf of the United States as amicus curiae. Argument commenced by Mr. William H. Lewis for Ponzi, and continued by Mr. J. Weston Allen for Franklin G. Fessenden.*

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, March 9, will be as follows: Nos. 631, 671, 40, 625, 629, 752, 753, 156, 157, and 159.

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## SUPREME COURT OF THE UNITED STATES.

THURSDAY, MARCH 9, 1922.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Van Devanter, Mr. Justice Pitney, Mr. Justice McReynolds, and Mr. Justice Brandeis.

Ewing Laporte, of Washington, D. C.; Edwin R. Morrison, of Kansas City, Mo.; Anthony B. Colvin, of Youngstown, Ohio; Arthur M. Cox, of Chicago, Ill.; and Nathan D. Levy, of New York City, were admitted to practice.

No. 156. Kentucky Finance Corporation, plaintiff in error, *v.* Paramount Auto Exchange Corporation. Passed, to be restored to the call pursuant to section 9 of rule 26, on motion of Mr. Frank S. Bright in that behalf.

No. 631. Charles Ponzi *v.* Franklin G. Fessenden et al. Argument concluded by Mr. J. Weston Allen for Fessenden et al.

No. 40. Charles D. Newton, Attorney General, etc., et al., appellants, *v.* The Brooklyn Union Gas Company. Ordered to be heard with No. 671, on motion of Mr. William N. Dykman for the appellee.

No. 671. Charles D. Newton, as Attorney General of New York, et al., appellants, *v.* The Brooklyn Union Gas Company; and

No. 40. Charles D. Newton, Attorney General, etc., et al., appellants, *v.* The Brooklyn Union Gas Company. Argument commenced by Mr. James A. Donnelly for the appellant Lewis, district attorney, continued by Mr. William N. Dykman for the appellee, continued by Mr. W. W. Chambers for the appellants, and concluded by Mr. William N. Dykman for the appellee.

No. 752. Charles D. Newton, as Attorney General of the State of New York, et al., appellants, *v.* Central Union Gas Company; and

No. 753. Charles D. Newton, as Attorney General of the State of New York, et al., appellants, *v.* Northern Union Gas Company. Passed temporarily, on motion of Mr. W. W. Chambers in that behalf.

No. 257. Charles D. Newton, as Attorney General, etc., et al., appellants, *v.* Consolidated Gas Company of New York. Motion for mandate submitted by Mr. C. A. Vilas for the appellee.

No. 625. The State Industrial Commission of the State of New York, petitioner, *v.* Nordenholt Corporation et al. Argued by Mr. E. Clarence Aiken for the petitioner, and by Mr. E. C. Sherwood for the respondent.

No. 629. The United States of America, petitioner, *v.* Charles Walter Moreland. Leave granted to Mr. Foster Wood to appear and make oral argument for the respondent *pro hac vice*, on motion of Mr. George P. Barse in that behalf. Argument commenced by Mr. George P. Barse for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, March 10, will be as follows: Nos. 629, 157, 159, 160, 161, 162, 163, 164, 165, and 166.

## SUPREME COURT OF THE UNITED STATES.

FRIDAY, MARCH 10, 1922.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Van Devanter, Mr. Justice Pitney, Mr. Justice McReynolds, and Mr. Justice Brandeis.

John F. Williams, of Aiken, S. C.; P. F. Henderson, of Aiken, S. C.; Jesse Hess, of Trenton, Mo.; Charles Firestone, of New York City; Charles Reagh, of Chicago, Ill.; and Frank Slemons, of Nashville, Tenn., were admitted to practice.

No. 160. Pacific Mail Steamship Company, petitioner, *v.* J. Lucas. Submitted by Mr. Charles J. Heggerty for the petitioner, and by Mr. Frederick Clayton Peterson for the respondent.

No. 162. Chanslor-Canfield Midway Oil Company et al., appellants, *v.* The United States of America. Appeal from the United States Circuit Court of Appeals for the Ninth Circuit. Dismissed, on motion of counsel for the appellant.

No. 163. Winehill & Rosenthal, plaintiffs in error, *v.* The State of Louisiana. Submitted by Mr. Gustave Lemle for the plaintiffs in error, and by Mr. H. Garland Dupre for the defendant in error.

No. 165. American Coal Mining Company, appellant, *v.* The Special Coal & Food Commission of Indiana et al. Appeal from the District Court of the United States for the District of Indiana. Dismissed with costs, on motion of counsel for the appellant.

No. 629. The United States of America, petitioner, *v.* Charles Walter Moreland. Argument continued by Mr. George P. Barse for the petitioner, by Mr. Foster Wood for the respondent (by special leave), and concluded by Mr. F. H. Stephens for the petitioner.

No. 159. The First National Bank of Aiken, petitioner, *v.* The J. L. Mott Iron Works. Argued by Mr. John F. Williams for the petitioner, and by Mr. P. F. Henderson for the respondent.

No. 161. Anchor Company, appellant, *v.* The P. & M. Company. Argued by Mr. Edwin B. H. Tower, jr., for the appellant, and by Mr. Otto R. Barnett for the appellee.

No. 166. Arthur J. Dahn, petitioner, *v.* John Barton Payne, Director General of Railroads of the United States. Argument commenced by Mr. Walter C. Clephane for the petitioner, and continued by Mr. A. A. McLaughlin for the respondent.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, March 13, will be as follows: Nos. 166, 157, 164, 5, 333, 530, 390, 711, 376, 308, 526, and 127.

## SUPREME COURT OF THE UNITED STATES.

MONDAY, MARCH 13, 1922.

Present: The Chief Justice, Mr. Justice McKenna. Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Van Devanter, Mr. Justice Pitney, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Clarke.

Walter Schaffner, of New York City; Ralph Benjamin Romaine, of New York City; Melville J. France, of New York City; Roy L. Black, of Boise, Idaho; Abraham Rosenthal, of New York City; Horatio S. Dumbauld, of Uniontown, Pa.; William A. Miller, of Uniontown, Pa.; T. Nathan Nall, of Sheridan, Ark.; and John M. Gibbons, of New York City, were admitted to practice.

No. 145. Morris Levinson, appellant, *v.* The United States of America et al. Appeal from the United States Circuit Court of Appeals for the Second Circuit. Decree reversed, and cause remanded to the District Court of the United States for the Southern District of New York for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Holmes. Dissenting: Mr. Justice McKenna.

No. 106. Atchafalaya Land Company, Limited, et al., plaintiffs in error, *v.* F. B. Williams Cypress Company, Limited. In error to the Supreme Court of the State of Louisiana. Judgment affirmed with costs. Opinion by Mr. Justice McKenna.

No. 298. The State of Texas, appellant, *v.* Eastern Texas Railroad Company et al. Appeal from the District Court of the United States for the Western District of Texas; and

No. 563. The State of Texas et al., appellants, *v.* The United States of America et al. Appeal from the District Court of the United States for the Eastern District of Texas. Decrees reversed, and causes remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Van Devanter.

Nos. 154 & 491. Alexander Howat et al., plaintiffs in error, *v.* The State of Kansas. In error to the Supreme Court of the State of Kansas. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Taft.

The Chief Justice also announced the following orders of the court:

No. —. *Ex parte* In the matter of Marcellus D. Ramsey. Order: On consideration of the petition of Marcellus Donald Ramsey (admitted to the bar of this court on the 29th day of January, A. D. 1920, under the name of Marcellus Donald Redlich), praying that the records of this court be made to show the change of his name from Redlich to Ramsey, together with a certified copy of an order of the Circuit Court of Marion County, Ind., changing his name from Redlich to Ramsey, it is now here ordered by the court that said petition be, and the same is hereby, granted, and that this order be entered on the minutes of the court and a certified copy thereof be furnished the petitioner.

No. 1, original. The State of Georgia, complainant, *v.* Tennessee Copper Company. Motions for leave to file stipulations to suspend granted.

No. 750. Charles D. Newton, as Attorney General of the State of New York, et al., appellants, *v.* Consolidated Gas Company of New York; and

No. 751. Charles D. Newton, as Attorney General of the State of New York, et al., *v.* New York and Queens Gas Company. Motions to advance denied, without prejudice.

No. 257. Charles D. Newton, as Attorney General, etc., et al., appellants, *v.* Consolidated Gas Company of New York. Motion for mandate postponed for oral presentation on Monday, March 13.

No. 726. Joaquin Ramos Ferro et al., petitioners, *v.* Felix Fabian et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit granted.

No. 727. J. Ochoa y Hermano, petitioner, *v.* Miguel, Luis, Gerardo, Tereso, and Antonio Martorell y Torrens. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit granted.

No. 728. Jose J. Benitez Diaz, in his own right, etc., petitioner, *v.* Carlota & Clementina Gonzalez y Lugo, represented by their guardian ad litem, etc., et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit granted.

No. 764. George E. Vandenberg, petitioner, *v.* Truscon Steel Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit granted.

No. 699. Durham Public Service Company, plaintiff in error, *v.* The City of Durham. Consideration of the petition for a writ of certiorari herein postponed to the hearing on the writ of error.

No. 773. The Public Service Commission of the State of New York, petitioner, *v.* The New York Central Railroad Company. Petition for a writ of certiorari to the Supreme Court of the State of York denied.

Nos. 744 and 745. The Auto Acetylene Light Company et al., petitioners, *v.* The Prest-O-Lite Company. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 781. The City of New York, owner of the Ferryboat "Richmond," petitioner, *v.* New England Steamship Company, owner of the Steamer "Boston." Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

Nos. 671 and 40. Charles D. Newton, as Attorney General of New York, et al., appellants, *v.* The Brooklyn Union Gas Company. Appeals from the District Court of the United States for the Southern District of New York. *Per curiam*: Affirmed with costs upon the authority of the New York Gas Cases, decided March 6, 1922.

No. 152. Borough of Edgewood, plaintiff in error, *v.* Wilksburg & East Pittsburgh Street Railway Company et al.; and

No. 266. Borough of Edgewood, plaintiff in error, *v.* The Public Service Commission of the Commonwealth of Pennsylvania et al. In error to the Supreme Court of the State of Pennsylvania. *Per curiam*: Dismissed for want of jurisdiction upon the authority of *Hunter v. Pittsburgh* (207 U. S., 161, 178); *Pawhuska v. Pawhuska Oil Co.* (250 U. S., 394), 397; *Kansas City v. Public Service Commission of Missouri* (252 U. S., 652); *City of Hillsboro v. Public Service Commission of Oregon*, point (3), (255 U. S., 562); *Groesbeck v. Detroit United Railways*, decided October 10, 1921; *Chicago v. Chicago Railways Co.*, decided November 21, 1921; *Township of Avon v. Detroit United Railways*, decided December 12, 1921.

No. 163. Winehill & Rosenthal, plaintiffs in error, *v.* The State of Louisiana. In error to the Supreme Court of the State of Louisiana. *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. 161. Anchor Company, appellant, *v.* The P. & M. Company. Appeal from the District Court of the United States for the Southern District of New York. *Per curiam*: Affirmed upon the authority of *W. S. Tyler Co. v. Ludlow-Saylor Wire Co.* (236 U. S., 723); *Chicago Car Heating Co. v. Gold Car Heating & Lighting Co.* (245 U. S., 631).



No. 193. Hillsboro Coal Company et al., appellants, *v.* Edward C. Knotts, United States District Attorney, etc., et al.; and

No. 194. Herman C. Perry et al., appellants, *v.* Edward C. Knotts, United States District Attorney, etc., et al. Passed, to be restored to the call pursuant to section 9 of rule 26, on motion of Mr. Solicitor General Beck in that behalf.

No. 299. Leon Morel, appellant, *v.* Percy A. Baker, as Superintendent of Immigration Station. Motion to dismiss submitted by Mr. Solicitor General Beck and Mr. Harry S. Ridgely for the appellee in support of the motion.

No. 545. Takuji Yamashita et al., petitioners, *v.* J. Grant Hinkle, as secretary of State of the State of Washington. Passed, to be heard immediately after No. 4, on motion of Mr. Solicitor General Beck in that behalf.

No. 809. The United States of America, petitioner, *v.* Olaf A. Hana. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Solicitor General Beck and Assistant Attorney General Willebrandt for the petitioner.

No. 746. Carlos C. Corbett, plaintiff in error, *v.* The State of South Carolina. Motion to dismiss submitted by Mr. Jo V. Morgan in behalf of Mr. Charles A. Douglas and Mr. Hugh H. Obear for the defendant in error in support of the motion, and by Mr. Cole L. Blease for the plaintiff in error in opposition thereto.

No. 711. The State of Connecticut, plaintiff in error, *v.* Thomas McAuliffe. Motion to dismiss submitted by Mr. Henry J. Calnen and Mr. Walter J. Walsh for the defendant in error in support of the motion, and by Mr. Hugh M. Alcorn and Mr. Allan K. Smith for the plaintiff in error in opposition thereto.

No. 80. The United States, appellant, *v.* Isaac T. Cook, Executor, etc., et al. Mandate granted on motion of Mr. Charles H. Bates for the appellees.

No. 257. Charles D. Newton, as Attorney General, etc., et al., appellants, *v.* Consolidated Gas Company of New York. Motion that mandate issue forthwith submitted by Mr. Charles A. Vilas for the appellee in support of the motion, and by Mr. James A. Donnelly for the appellants in opposition thereto.

No. 20, original. The State of Oklahoma, complainant, *v.* The State of Texas. Motion of The State of Arkansas for leave to intervene submitted by Mr. Walter Holland in that behalf.

No. 759. Ruth Williams, Administratrix, etc., petitioner, *v.* Southern Pacific Company. Petition for a writ of certiorari to the Supreme Court of the State of California submitted by Mr. Levi Cooke in

behalf of Mr. Theodore A. Bell for the petitioner, and by Mr. Robert T. Devlin, Mr. William H. Devlin, Mr. William T. Herran, and Mr. Henly C. Booth for the respondent.

No. 709. Pratt and Young, Inc., et al., petitioners, *v.* Susquehanna Coal Company. On petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit. Petition for writ of certiorari dismissed on motion of counsel for the petitioners.

No. 774. Layne and Bowler Corporation, petitioner, *v.* Western Well Works, Inc., et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Frederick S. Lyon and Mr. William K. White for the petitioner, and by Mr. Frederic D. McKenney and Mr. Charles E. Townsend for the respondents.

No. 5. The United States of America, appellant, *v.* Southern Pacific Company et al. Reassigned for April 10 next, after the cases heretofore assigned for that day, on motion of Mr. Solicitor General Beck for the appellant.

No. 166. Arthur J. Dahn, petitioner, *v.* James C. Davis, Director General of Railroads of the United States. Argument continued by Mr. A. A. McLaughlin for the respondent and concluded by Mr. W. C. Clephane for the petitioner.

No. 157. John S. Kendall, Administrator, etc., et al., appellants, *v.* Paul A. Ewert. Argued by Mr. Arthur Scott Thompson for the appellants and by Mr. Paul A. Ewert for the appellee.

No. 164. United Zinc & Chemical Company, petitioner, *v.* Van Britt et al. Submitted by Mr. Henry D. Ashley and Mr. William S. Gilbert for the petitioner, and by Mr. F. J. Oyler and Mr. Fred Robertson for the respondents.

No. 333. Federal Trade Commission, petitioner, *v.* Winsted Hosiery Company. Argument commenced by Mr. Solicitor General Beck for the petitioner.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, March 14, will be as follows: Nos. 333, 530, 390, 711, 376 (and 308 and 526), 127, 167, 168, 169, and 170.

## SUPREME COURT OF THE UNITED STATES.

TUESDAY, MARCH 14, 1922.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Van Devanter, Mr. Justice Pitney, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Clarke.

Allen MacCullen, of Washington, D. C.; Hadley F. Freeman, of Milwaukee, Wis.; Thomas A. Keogh, of San Francisco, Calif.; S. Russell Bowen, of Washington, D. C.; and Marshall Snyder, of New York City, were admitted to practice.

No. 257. Charles D. Newton, as Attorney General, etc., et al., appellants, *v.* Consolidated Gas Company of New York;

No. 258. Consolidated Gas Company of New York, appellant, *v.* Charles D. Newton, Attorney General, etc., et al.; and

No. 288. Consolidated Gas Company of New York, appellant, *v.* Charles D. Newton, as Attorney General, etc., et al. Mandates granted.

No. 169. Corona Coal Company, appellant, *v.* Southern Railway Company. Continued, per stipulation.

No. 333. Federal trade Commission, petitioner, *v.* Winsted Hosiery Company. Argument continued by Mr. Solicitor General Beck for the petitioner, by Mr. Melville J. France for the respondent, and concluded by Mr. Solicitor General Beck for the petitioner.

No. 530. Tony Vigliotti, plaintiff in error, *v.* The Commonwealth of Pennsylvania. Argument commenced by Mr. Frank Davis, jr., for the plaintiff in error, continued by Mr. George E. Alter for the defendant in error, and concluded by Mr. H. S. Dumbauld for the plaintiff in error.

No. 390. Exporters of Manufacturers' Products (Inc.) *v.* Butterworth-Judson Company. Argued by Mr. Henry M. Ward for the Exporters of Manufactured Products (Inc.), and by Mr. William Wallace, jr., for the Butterworth-Judson Company.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, March 15, will be as follows: Nos. 711, 376 (and 308 and 526), 127, 167, 168, 170, 172, 173 (and 186), 176, and 177.

## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, MARCH 15, 1922.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Van Devanter, Mr. Justice Pitney, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Clarke.

John W. Eckelberry, of Cleveland, Ohio; Ogden Persons, of Forsyth, Ga.; and Benjamin Ammerman, of Brooklyn, N. Y., were admitted to practice.

No. 711. The State of Connecticut, plaintiff in error, *v.* Thomas McAuliffe. Leave granted to file brief herein as *amicus curiæ*, on motion of Mr. Assistant to the Attorney General Goff for the United States.

No. 711. The State of Connecticut, plaintiff in error, *v.* Thomas McAuliffe. Argument commenced by Mr. Allan K. Smith for the plaintiff in error, continued by Mr. Walter J. Walsh and Mr. Henry J. Calnen for the defendant in error, and concluded by Mr. Hugh N. Alcorn for the plaintiff in error.

No. 376. Astoria Marine Iron Works, plaintiff in error, *v.* United States Shipping Board Emergency Fleet Corporation;

No. 308. Sloan Shipyards Corporation et al., appellants, *v.* United States Shipping Board Emergency Fleet Corporation et al.; and

No. 526. United States Shipping Board Emergency Fleet Corporation, petitioner, *v.* Roger B. Wood, Trustee in Bankruptcy. Four hours allowed for the argument in these cases, on motion of Mr. Stephen V. Carey in that behalf. Argument commenced by Mr. Stephen V. Carey for the appellant in No. 308; continued by Mr. William M. Cake for the plaintiff in error in No. 376; by Mr. Assistant to the Attorney General Goff for the United States Shipping Board Emergency Fleet Corporation; and by Mr. Godfrey Goldmark for the respondent in No. 526.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, March 16, will be as follows: Nos. 376 (and 308 and 526), 127, 167, 168, 170, 172, 173 (and 186), 176, 177, and 178.

## SUPREME COURT OF THE UNITED STATES.

THURSDAY, MARCH 16, 1922.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Van Devanter, Mr. Justice Pitney, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Clarke.

Edgar R. Accetta, of Washington, D. C.; John McAllen Park, of Washington, D. C.; Adna R. Johnson, jr., of Washington, D. C.; Frank Corday Welles, of New York City; and Francis H. Templeton, of Washington, D. C., were admitted to practice.

No. 408. *St. Louis Cotton Compress Company, plaintiff in error, v. The State of Arkansas.* Leave granted to amend record, on motion of Mr. Lucius Q. C. Lamar in that behalf.

No. 376. *Astoria Marine Iron Works, plaintiff in error, v. United States Shipping Board Emergency Fleet Corporation;*

No. 308. *Sloan Shipyards Corporation et al., appellants, v. United States Shipping Board Emergency Fleet Corporation; and*

No. 526. *United States Shipping Board Emergency Fleet Corporation, petitioner, v. Roger B. Wood, Trustee in Bankruptcy.* Argument continued by Mr. Assistant to the Attorney General Goff for the United States Shipping Board Emergency Fleet Corporation; by Mr. Godfrey Goldmark for the respondent in No. 526; by Mr. William Marshall Bullitt for the United States Shipping Board Emergency Fleet Corporation, and concluded by Mr. Stephen V. Carey for the appellant in No. 308.

No. 127. *The United States, appellant, v. Bethlehem Steel Company.* Argument commenced by Mr. Daniel L. Morris for the appellant, continued by Mr. George W. Dalzell and Mr. Clarence P. Byrnes for the appellee, and concluded by Mr. Daniel L. Morris for the appellant.

No. 167. *The Bankers Trust Company, appellant, v. The City of Raton et al.* Argument commenced by Mr. A. B. Adams for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, March 17, will be as follows: Nos. 167, 168, 170, 172, 173 (and 186), 176, 177, 178 (and 179), 182, and 183.

## SUPREME COURT OF THE UNITED STATES.

FRIDAY, MARCH 17, 1922.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Van Devanter, Mr. Justice Pitney, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Clarke.

Henry L. Brant, of New York City; Robert B. Keenan, of Sapulpa, Okla.; and Max L. Rosenstein, of New York City, were admitted to practice.

No. 272. The United States ex rel. Stephen E. McCullough et al., plaintiffs in error, *v.* Franklin K. Lane, Secretary of the Interior. In error to the Court of Appeals of the District of Columbia. Dismissed, with costs, on motion of Mr. Samuel Herrick for the plaintiff in error.

No. 492. Superior Court of Pinal County, Arizona, et al., petitioners, *v.* State of Arizona ex rel. W. J. Galbraith, etc. On petition for a writ of certiorari to the Supreme Court of the State of Arizona. Dismissed, with costs, on motion of Mr. Samuel Herrick for the petitioners.

No. 182. Charles H. McKee, as Executor, etc., et al., plaintiffs in error, *v.* Inter-State Oil & Gas Company. In error to the Supreme Court of the State of Oklahoma. Dismissed, with costs, pursuant to the 10th rule.

No. 183. Fred W. Smith, plaintiff in error, *v.* Inter-State Oil & Gas Company. In error to the Supreme Court of the State of Oklahoma. Dismissed, with costs, pursuant to the 10th rule.

No. 167. The Bankers Trust Company, appellant, *v.* The City of Raton et al. Argument continued by Mr. A. B. Adams for the appellant, and concluded by Mr. John H. Fry for the appellee.

No. 168. J. N. McBride, plaintiff in error, *v.* The State of Idaho. Submitted by Mr. Patrick H. Loughran for the plaintiff in error, and by Mr. Roy L. Black and Mr. Albert H. Conner for the defendant in error.

No. 170. Oregon-Washington Railroad & Navigation Company, petitioner, *v.* J. B. McGinn. Argued by Mr. William R. Harr for the petitioner, and submitted by Mr. R. L. Edmiston for the respondent.

No. 172. Pierce Oil Corporation et al., plaintiffs in error, *v.* Phoenix Refining Company. Argued by Mr. Preston C. West for the plaintiffs in error. No appearance for the defendant in error.

No. 173. Paul A. Ewert, appellant, *v.* Carrie Bluejacket, a widow, et al.; and

No. 186. Carrie Bluejacket, a widow, et al., appellants, *v.* Paul A. Ewert. Argued by Mr. A. Scott Thompson for Bluejacket et al., and by Mr. Paul A. Ewert pro se.

No. 176. Ng Fung Ho, otherwise known as Ung Kip, et al., petitioners, *v.* Edward White, as Commissioner, etc. Argument commenced by Mr. Jackson H. Ralston for the petitioners.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, March 20, will be as follows: Nos. 176, 177, 178 (and 179), 29 (and 31), 687, 691, 596, 137, 134, and 184.

# SUPREME COURT OF THE UNITED STATES.

MONDAY, MARCH 20, 1922.

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Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Van Devanter, Mr. Justice Pitney, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Clarke.

A. Judson Hyatt, of New York City; John C. Hayes, of Washington, D. C.; Charles D. Miller, of Smithtown Branch, N. Y.; Elmer O. Leatherwood, of Salt Lake City, Utah; Mintern de S. Verdi, of New York City; and Harry C. Barnes, of Chicago, Ill., were admitted to practice.

No. 285. Edgar A. Levy Leasing Company, Inc., plaintiff in error, *v.* Jerome Siegel; and

No. 287. 810 West End Avenue, Inc., plaintiff in error, *v.* Henry R. Stern. In error to the Supreme Court of the State of New York. Judgments affirmed with costs. Opinion by Mr. Justice Clarke. Dissenting: Mr. Justice McKenna, Mr. Justice Van Devanter, and Mr. Justice McReynolds.

No. 159. The First National Bank of Aiken, petitioner, *v.* The J. L. Mott Iron Works. One writ of certiorari to the Supreme Court of the State of South Carolina. Judgment affirmed with costs. Opinion by Mr. Justice Holmes. (Mr. Justice Clarke took no part in the consideration or decision of this case.)

No. 37. Oklahoma Natural Gas Company, plaintiff in error, *v.* The State of Oklahoma et al. In error to the Supreme Court of the State of Oklahoma. Judgment affirmed with costs. Opinion by Mr. Justice McKenna. (Mr. Justice Clarke took no part in the consideration or decision of this case.)

No. 110. William Irwin, appellant, *v.* Sam F. Webb, County Treasurer of Maricopa County, State of Arizona, et al. Appeal from the District Court of the United States for the District of Arizona. Decree reversed with costs and cause remanded with directions to enter a decree of injunction in conformity with the opinion of this court. Opinion by Mr. Chief Justice Taft.

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The Chief Justice also announced the following orders of the court:

No. 20, Original. The State of Oklahoma, complainant *v.* The State of Texas. Motion of The State of Arkansas for leave to file petition in intervention in this cause denied.



No. 774. Layne & Bowler Corporation, petitioner, *v.* Western Well Works, Inc., et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted.

No. 710. Bluefield Water Works & Improvement Company, plaintiff in error, *v.* Public Service Commission of the State of West Virginia et al. Petition for a writ of certiorari herein denied.

No. 759. Ruth Williams, Administratrix of the Estate of Harry Williams, deceased, petitioner, *v.* Southern Pacific Company. Petition for a writ of certiorari to the Supreme Court of the State of California denied for lack of final judgment. Application not considered on its merits.

No. 809. The United States of America, petitioner, *v.* Olaf A. Hana. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied, because the petition was not filed within the time prescribed by the statute.

No. 299. Leon Morel, appellant, *v.* Percy A. Baker, as Superintendent of Immigration Station. Appeal from the United States Circuit Court of Appeals for the Second Circuit. *Per curiam*: Dismissed for the want of jurisdiction upon the authority of *Lau Ow Bew v. United States*, 144 U. S. 47, 58; *Horn v. Mitchell*, 243 U. S. 247, 249.

No. 746. Carlos C. Corbett, plaintiff in error, *v.* The State of South Carolina. In error to the Supreme Court of the State of South Carolina. *Per curiam*: Dismissed for want of jurisdiction upon the authority of (1) *Schlosser v. Hemphill*, 198 U. S. 173, 175; *Louisiana Navigation Co. v. Oyster Commission of Louisiana*, 226 U. S. 99, 101; *Coe v. Armour Fertilizer Works*, 237 U. S. 413, 418, 419; *Bruce v. Tobin*, 245 U. S. 18, 19; (2) section 237, Judicial Code, as amended by the act of September 6, 1916, c. 448, sec. 2, 39 Stat. 726; *Jett Bros. Distilling Co. v. City of Carrollton*, 252 U. S. 1, 5-6.

No. 168. J. N. McBride, plaintiff in error, *v.* The State of Idaho. In error to the Supreme Court of the State of Idaho. *Per curiam*: Dismissed for want of jurisdiction upon the authority of (1) *Equitable Life Assurance Co. v. Brown*, 187 U. S. 308, 314; *Consolidated Turnpike Co. v. Norfolk, etc., Ry. Co.*, 228 U. S. 596, 600; *Contributors to Pennsylvania Hospital v. City of Philadelphia*, 245 U. S. 20, 24; (2) *Crane v. Campbell*, 245 U. S. 304.

The Chief Justice also announced that the court will take a recess from Monday, the 27th instant, to Monday, April 10, next.

No. 137. Ephraim Lederer, Collector, etc., petitioner, *v.* Alexander J. Stockton, Sole Surviving Trustee, etc. Passed, to be restored to the call pursuant to section 9 of rule 26, on motion of Mr. Solicitor General Beck for the petitioner.

No. 200. Victor E. Schwab, Executor, etc., plaintiff in error, *v.* Emanuel J. Doyle, United States Collector, etc. Passed, to be restored to the call pursuant to section 9 of rule 26, on motion of Mr. Solicitor General Beck for the defendant in error.

No. 264. C. E. Schaff, Receiver, etc., appellant, *v.* The United States; and

No. 265. The United States, appellant, *v.* C. E. Schaff, Receiver, etc. Appeals from the Court of Claims. Dismissed, per stipulation; and mandate granted, on motion of Mr. Solicitor General Beck for the United States.

No. 671 and 40. Charles D. Newton, as Attorney General of New York, et al., appellants, *v.* The Brooklyn Union Gas Company. Motion that mandate issue forthwith submitted by Mr. Edward J. Crummey, and Mr. William N. Dykman for the appellee in support of the motion, and by Mr. Harry Hertzoff, Mr. William Schuyler Jackson, Mr. Charles E. Buchner, and Mr. John P. O'Brien for the appellants in opposition thereto.

No. 499. G. D. Collins et al., plaintiffs in error, *v.* J. J. Byrnes, Sheriff, etc. Motion to dismiss submitted by Mr. John W. Preston for the defendant in error in support of the motion.

No. 684. Interstate Commerce Commission, plaintiff in error, *v.* The United States of America ex rel. Members of the Waste Merchants Association of New York, Voluntary Association. Leave granted to file brief of certain railroad companies herein as *amici curiae*, on motion of Mr. R. W. Barrett in that behalf; and motion for leave to participate in the oral argument herein denied.

No. 352. D. A. Williams et al., plaintiff in error, *v.* John K. Scudder et al. Motion to dismiss or affirm submitted by Mr. John G. Price and Mr. Roy Martin for the defendants in error in support of the motion, and by Mr. Smith W. Bennett for the plaintiff in error in opposition thereto.

No. 405. American Mills Company, petitioner, *v.* American Surety Company of New York. Motion to advance submitted by Mr. William Marshall Bullitt for the respondent.

No. 749. John Barton Payne, Director General of Railroads, as Agent, plaintiff in error, *v.* Farmers Co-operative Equity Company. James C. Davis, present Director General of Railroads, substituted as the party plaintiff in error in this cause, on motion of Mr. Alexander Britton in that behalf.

No. 752. Charles D. Newton, as Attorney General of the State of New York, et al., appellants, *v.* Central Union Gas Company; and

No. 753. Charles D. Newton, as Attorney General of the State of New York, et al., appellants, *v.* Northern Union Gas Company.

Motion to restore cases to the call submitted by Mr. C. A. Vilas, Mr. John A. Garver, and Mr. William L. Ransom for the appellees in support of the motion, and by Mr. Henry Hertzoff, Mr. William Schuyler Jackson, Mr. Charles E. Buchner, and Mr. John P. O'Brien for the appellants in opposition thereto.

No. ——. Charles D. Newton, as Attorney General of the State of New York, et al., appellants, *v.* Standard Gas Light Company;

No. ——. Charles D. Newton, as Attorney General of the State of New York, et al., appellants, *v.* The New York Mutual Gas Light Company;

No. ——. Charles D. Newton, as Attorney General of the State of New York, et al., appellants, *v.* The New Amsterdam Gas Company; and

No. ——. Charles D. Newton, as Attorney General of the State of New York, et al., appellants, *v.* The East River Gas Company of Long Island City. Motion for an order extending time to March 28 in which to docket cases submitted by Mr. Harry Hertzoff, Mr. William Schuyler Jackson, Mr. Charles E. Buchner, and Mr. John P. O'Brien for the appellants in support of the motion and by Mr. Charles A. Vilas, Mr. John A. Garver, and Mr. William L. Ransom for the appellees in opposition thereto.

No. 192. Doehler Die-Casting Company et al., appellants, *v.* Brooklyn Union Gas Company. Appeal from the District Court of the United States for the Southern District of New York. Dismissed with costs on motion of counsel for the appellants.

No. 704. Samuel Schonfeld, 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. Elijah N. Zoline for the petitioner.

No. 757. Man-a-watze (Indian widow, etc.), et al., petitioners, *v.* Joseph Woonsook, etc., et al. Petition for a writ of certiorari to the Supreme Court of the State of Utah submitted by Mr. William H. King for the petitioners.

No. 758. Joseph Newman, 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. J. Douglas Wetmore for the petitioner and by Mr. Solicitor General Beck, Mr. Assistant Attorney General Crim, and Mr. William C. Herron for the respondent.

No. 761. Charles S. Winston, petitioner, *v.* Eugene M. Hoyne et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Edwin M. Ashcraft for the petitioner and by Mr. John J. Healy, Mr. Thomas

M. Hayne, Mr. John O'Connor, Mr. Tappan Gregory, Mr. Edward R. Johnston, and Mr. Angus Roy Shannon for the respondents.

No. 769. Johanna Frese, Administratrix, etc., petitioner, *v.* Chicago, Burlington & Quincy Railroad Company. Petition for a writ of certiorari to the Supreme Court of the State of Missouri submitted by Mr. John G. Parkinson for the petitioner.

No. 782. J. F. Hamer, petitioner, *v.* County of Gray, State of Texas. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. W. H. Kimbrough for the petitioner.

No. 783. Missouri, Kansas & Texas Railway Company of Texas, petitioner, *v.* Plano Milling Company and J. G. Puterbaugh. Petition for a writ of certiorari to the Supreme Court of the State of Texas submitted by Mr. Joseph M. Bryson, Mr. Alexander H. McKnight, and Mr. Alexander Britton for the petitioner.

No. 796. Yellow Cab Company, petitioner, *v.* O. K. Earle. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Horace B. Walmsley and Mr. George T. Simpson for the petitioner, and by Mr. Moses E. Clapp for the respondent.

No. 811. David A. Henkes, petitioner, *v.* J. H. McRae, Commandant of the U. S. Disciplinary Barracks at Fort Leavenworth. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. John S. Maxwell for the petitioner.

No. 29. United Mine Workers of America et al., petitioners, *v.* Coronado Coal Company et al.;

No. 31. United Mine Workers of America et al., plaintiffs in error, *v.* Coronado Coal Company et al. Passed temporarily.

No. 184. Earl A. Nossaman, plaintiff in error, *v.* The State of Kansas. In error to the Supreme Court of the State of Kansas. Dismissed with costs, on motion of counsel for the plaintiff in error.

No. 176. Ng Fung Ho, otherwise known as Ung Kip, et al., petitioners, *v.* Edward White, as Commissioner, etc. Argument continued by Mr. Jackson H. Ralston for the petitioners, by Mr. William C. Herron for the respondent, and concluded by Mr. Jackson H. Ralston for the petitioner.

No. 177. Evelyn P. Ferry, appellant, *v.* Spokane, Portland & Seattle Railway Company, et al. Argued by Mr. Henry L. Brant for the appellant, and case submitted by Mr. Charles H. Carey and Mr. James B. Kerr for the appellees.

No. 250. Evelyn P. Ferry, appellant, *v.* Henry L. Corbett, et al. Submitted, without printed papers, per stipulation, to abide the decision in case No. 177.

The Chief Justice also announced the following orders of the court:

No. 752. Charles D. Newton, as Attorney General of the State of New York, et al., appellants, *v.* Central Union Gas Company; and

No. 753. Charles D. Newton, as Attorney General of the State of New York, et al., appellants, *v.* Northern Union Gas Company. The motions to restore these cases to the call are granted, and the cases set for hearing on Monday, April 10 next, after the cases heretofore assigned for that day.

Nos. 671 and 40. Charles D. Newton, as Attorney General of the State of New York, et al., appellants, *v.* Brooklyn Union Gas Company. The consideration of the motion that mandates issue forthwith in these cases is postponed until Monday, March 27 next, when it will be granted, unless petitions for a rehearing have been presented on or before Saturday, March 25, next, in which case the motion to grant the mandates will be further considered.

No. ——. Charles D. Newton, as Attorney General of the State of New York, et al., appellants, *v.* Standard Gas Light Company;

No. ——. Charles D. Newton, as Attorney General of the State of New York, et al., appellants, *v.* New York Mutual Gas Light Company;

No. ——. Charles D. Newton, as Attorney General of the State of New York, et al., appellants, *v.* New Amsterdam Gas Company; and

No. ——. Charles D. Newton, as Attorney General of the State of New York, et al., appellants, *v.* East River Gas Company of Long Island City. The motion to extend time to March 28 next within which to file appeals in these cases is granted.

Nos. 178 and 179. Jesus M. Balzac, appellant, *v.* The People of Porto Rico. Argument commenced by Mr. Jackson H. Ralston for the appellant, and concluded by Mr. Grant T. Trent for the appellees.

No. 687. T. B. Stafford et al., copartners, etc., et al., appellants, *v.* Henry C. Wallace, etc., et al.; and

No. 691. James Eugene Burton et al., appellants, *v.* Charles F. Clyne, U. S. District Attorney for the Northern District of Illinois. Three hours allowed for the argument in these cases, on motion of Mr. Levy Mayer in that behalf. Argument commenced by Mr. E. G. Godman for the appellants in No. 687, and continued by Mr. Levy Mayer for the appellants in No. 691.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, March 21, will be as follows: Nos. 687 (and 691), 596, 134, 185, 187, 189, 190, 191, and 195.

## SUPREME COURT OF THE UNITED STATES.

TUESDAY, MARCH 21, 1922.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Van Devanter, Mr. Justice Pitney, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Clarke.

Joseph H. Shea, of Indianapolis, Ind.; John H. Awtry, of Dallas, Tex.; G. Levering Arnhold, of Philadelphia, Pa.; Nelson Cramer, of Cincinnati, Ohio; and Herman Block, of New York City, were admitted to practice.

No. 134. The United States of America, appellant, *v.* North American Oil Consolidated et al. Appeal from the United States Circuit Court of Appeals for the Ninth Circuit. Dismissed, per stipulation, on motion of Mr. Solicitor General Beck in that behalf.

No. 189. Galveston Wharf Company et al., appellants, *v.* City of Galveston et al. Continued, per stipulation.

No. 687. T. B. Stafford et al., copartners etc., et al., appellants, *v.* Henry C. Wallace, etc., et al.; and

No. 691. James Eugene Burton et al., appellants, *v.* Charles F. Clyne, United States District Attorney for the Northern District of Illinois. Argument continued by Mr. Levy Mayer for the appellant in No. 691, and concluded by Mr. Solicitor General Beck for the appellees.

No. 596. Ernest Lipke, appellant, *v.* Ephraim Lederer, Collector of Internal Revenue, etc. Argument commenced by Mr. Lincoln L. Eyre for the appellant, continued by Assistant Attorney General Willebrandt for the appellee, and continued by Mr. Lincoln L. Eyre for the appellant.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, March 22, will be as follows: Nos. 596, 185, 187, 29 (and 31), 188, 190, 191, 195, 198, and 199.

## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, MARCH 22, 1922.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Van Devanter, Mr. Justice Pitney, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Clarke.

James M. Carson, of Miami, Fla.; Andrew S. Iddings, of Dayton, Ohio; E. F. Smith, of Austin, Tex.; and Bernard H. Feldstein, of Pittsburgh, Pa., were admitted to practice.

No. 134. The United States of America, appellant, *v.* North American Oil Consolidated et al. Mandate granted, on motion of Mr. Solicitor General Beck for the appellant.

No. 596. Ernest Lipke, appellant, *v.* Ephraim Lederer, Collector of Internal Revenue, etc. Argument concluded by Mr. Lincoln L. Eyre for the appellant.

No. 185. Jim Denson, plaintiff in error, *v.* The State of Georgia. Argued by Mr. John Randolph Cooper for the plaintiff in error, and submitted by Mr. George M. Napier for the defendant in error.

No. 187. Mary Louise Greiner, Executrix, etc., plaintiff in error, *v.* C. G. Lewellyn, Collector of Internal Revenue. Argument commenced by Mr. W. D. Stewart for the plaintiff in error, continued by Mr. Solicitor General Beck for the defendant in error, and concluded by Mr. Levi Cooke for the plaintiff in error.

No. 29. United Mine Workers of America et al., petitioners, *v.* Coronado Coal Company et al.; and

No. 31. United Mine Workers of America et al., plaintiffs in error, *v.* Coronado Coal Company et al. Three hours and forty minutes allowed for the reargument in these cases, on motion of Mr. William A. Glasgow, jr., for the petitioners and plaintiffs in error. Reargument commenced by Mr. William A. Glasgow, jr., for the petitioners and plaintiffs in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, March 23, will be as follows: Nos. 29 (and 31), 188, 190, 191, 195, 198, 199, 201, 202, and 203.

## SUPREME COURT OF THE UNITED STATES.

THURSDAY, MARCH 23, 1922.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Van Devanter, Mr. Justice Pitney, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Clarke.

Henry M. Wolf, of Chicago, Ill., was admitted to practice.

No. 29. United Mine Workers of America et al., petitioners, *v.* Coronado Coal Company et al.; and

No. 31. United Mine Workers of America et al., plaintiffs in error, *v.* Coronado Coal Company et al. Argument continued by Mr. William A. Glasgow, jr., for the petitioners and plaintiffs in error, and by Mr. Henry S. Drinker, jr., for the respondents and defendants in error, and concluded by Mr. J. B. McDonough for the respondents and defendants in error.

No. 188. Forbes Pioneer Boat Line, plaintiff in error, *v.* Board of Commissioners of Everglades Drainage District. Argued by Mr. James M. Carson for the plaintiff in error, and by Mr. William Glenn Terrell for the defendant in error. Leave granted counsel for plaintiff in error to file brief within five days.

No. 190. British Columbia Mills Tug & Barge Company, petitioner, *v.* A. W. Mylroie. Argument commenced by Mr. W. B. Stratton for the petitioner.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, March 24, will be as follows: Nos. 190, 191, 195, 198, 199, 201, 202, 203, 204, and 205.

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## SUPREME COURT OF THE UNITED STATES.

FRIDAY, MARCH 24, 1922.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Van Devanter, Mr. Justice Pitney, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Clarke.

George K. Thomas, of Denver, Colo.; Joseph Musgrove, of Los Angeles, Calif.; S. Heth Tyler, of Norfolk, Va.; William A. Rounds, of Philadelphia, Pa.; Clifford M. Ollivetti, of Plattsburg, N. Y., and William Hannibal Thomas, of Columbus, Ohio, were admitted to practice.

No. 201. *The City of Sapulpa et al., plaintiffs in error, v. Oklahoma Natural Gas Company.* Submitted by Mr. James F. Lawrence for the plaintiffs in error, and by Mr. D. A. Richardson, Mr. C. B. Ames, and Mr. Russell G. Lowe for the defendant in error.

No. 190. *British Columbia Mills Tug & Barge Company, petitioner, v. A. W. Mylroie.* Argument continued by Mr. W. B. Stratton for the petitioner, by Mr. William H. Gorham for the respondent, and concluded by Mr. W. B. Stratton for the petitioner.

No. 191. *Sonneborn Brothers, etc., appellants, v. W. A. Keeling, Attorney General, etc., et al.* Argued by Mr. Joseph Manson McCormick for the appellants, and by Mr. E. F. Smith for the appellees.

No. 195. *Carlisle Packing Company, petitioner, v. Ole Sandanger.* Argued by Mr. J. Harry Covington for the petitioner, and submitted by Mr. Maurice McMicken for the respondent.

No. 198. *Julia Lamere Mickadiet, etc., et al., plaintiffs in error, v. John Barton Payne, Secretary of the Interior.* Albert B. Fall, present Secretary of the Interior, substituted as the party defendant in error herein, on motion of Mr. Edward F. Colladay in that behalf. Submitted by Mr. Edward F. Colladay, Mr. Harry S. Barger, Mr. P. H. Marshall, and Mr. B. B. Pettus for the plaintiffs in error, and by Mr. Blackburn Esterline, Mr. C. Edward Wright, and Mr. Charles J. Kappler for the defendant in error, with leave to counsel for plaintiffs in error to file additional brief within five days.

Adjourned until Monday next at 12 o'clock.

## SUPREME COURT OF THE UNITED STATES.

MONDAY, MARCH 27, 1922.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Van Devanter, Mr. Justice Pitney, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Clarke.

T. Ellis Allison, of Washington, D. C.; Jules Gilmer Korner, jr., of Winston-Salem, N. C.; John J. Marquette, of Missoula, Mont.; Meyer Kraushaar, of New York City; Benjamin M. Price, of Pittsburgh, Pa.; Tom D. Binckley, of Columbus, Ohio; John W. Crandall, of New York City; George C. Sprague, of New York City; William E. Baldwin, of Louisville, Ky.; Frederic D. Fuller, of Boston, Mass.; Benjamin Horsley Littleton, of Nashville, Tenn.; Chester A. Bennett, of Greenup, Ky.; J. A. Howell, of Ogden, Utah, and Homer W. Davis, of Chicago, Ill., were admitted to practice.

No. 139. Hump Hairpin Manufacturing Company, plaintiff in error, *v.* Louis L. Emmerson, Secretary of State of the State of Illinois. In error to the Supreme Court of the State of Illinois. Judgment affirmed, with costs. Opinion by Mr. Justice Clarke. Dissenting: Mr. Justice Van Devanter. Mr. Justice McReynolds concurs in the result.

No. 582. The United States of America, plaintiff in error, *v.* Morris Behrman. In error to the District Court of the United States for the Southern District of New York. Judgment reversed, and cause remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Day. Dissenting: Mr. Justice Holmes, Mr. Justice McReynolds, and Mr. Justice Brandeis.

No. 160. Pacific Mail Steamship Company, petitioner, *v.* J. Lucas. 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 Northern District of California. Opinion by Mr. Justice Holmes.

No. 164. United Zinc and Chemical Company, petitioner, *v.* Van Britt et al. On writ of certiorari to the United States Circuit Court

of Appeals for the Eighth Circuit. Judgment reversed, with costs, and cause remanded to the District Court of the United States for the District of Kansas for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Holmes. Dissenting: Mr. Justice Clarke, Mr. Chief Justice Taft, and Mr. Justice Day.

No. 480. The United States of America, plaintiff in error, *v.* Frank Balint et al. In error to the District Court of the United States for the Southern District of New York. Judgment reversed, and cause remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Chief Justice Taft. (Mr. Justice Clarke took no part in the consideration or decision of this case.)

No. 631. Charles Ponzi *v.* Franklin G. Fessenden et al. On a certificate from the United States Circuit Court of Appeals for the First Circuit. Question certified answered in the affirmative. Opinion by Mr. Chief Justice Taft.

The Chief Justice also announced the following orders of the court:

Nos. 671 and 40. Charles D. Newton, as Attorney General of New York, et al., appellants, *v.* The Brooklyn Union Gas Company. Motion that mandates issue forthwith granted.

No. —, original. John Doe, etc., et al., plaintiffs, *v.* The City of Rochester; and

No. —, original. The Commonwealth of Massachusetts, plaintiff, *v.* Eugene Van Voorhis et al. Motions of Bartholomay Company (Inc.), New York Central Railroad Company, and Ontario Beach Hotel & Amusement Company, for leave to intervene herein postponed to the hearing on the rules to show cause.

No. 405. American Mills Company *v.* American Surety Company of New York. Motion to advance granted, and cause assigned for argument on Monday, November 6 next.

No. 499. G. D. Collins et al., plaintiffs in error, *v.* J. J. Byrnes, Sheriff, etc. In error to the Superior Court in and for the City and County of San Francisco, State of California. Per curiam: Dismissed for want of jurisdiction. (Sec. 237 of the Judicial Code, as amended by the act of September 6, 1916, ch. 448, sec. 2, 39 Stat. 726; *Jett Bros. Distilling Co. v. City of Carrollton*, 252 U. S. 1, 5-6.)

No. 352. D. A. Williams et al., plaintiffs in error, *v.* John K. Scudder et al. In error to the Supreme Court of the State of Ohio. Per curiam: Dismissed for want of jurisdiction upon 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 & Light Co. v. Town of*

Graham (253 U. S. 193, 195); (2) *Gaar, Scott & Co. v. Shannon* (223 U. S. 468, 470); *Cuyahoga River Power Co. v. Northern Realty Co.* (244 U. S. 300, 303); *Bilby v. Stewart* (246 U. S. 255, 257), *Farson, Son & Co. v. Bird* (248 U. S. 268, 271).

No. 185. *Jim Denson, plaintiff in error, v. The State of Georgia.* In error to the Supreme Court of the State of Georgia. Per curiam: Dismissed for want of jurisdiction. (Section 237 of the Judicial Code, as amended by the act of September 6, 1916, c. 448, sec. 2, 39 Stat. 726; *Jett Bros. Distilling Co. v. City of Carrollton*, 252 U. S. 1, 5-6.)

No. 201. *The City of Sapulpa et al., plaintiffs in error, v. Oklahoma Natural Gas Company.* In error to the Supreme Court of the State of Oklahoma. Per curiam: Dismissed upon the authority of *Hunter v. Pittsburgh* (207 U. S. 161, 178); *Pawhuska v. Pawhuska Oil Co.* (250 U. S. 394); *Kansas City v. Public Service Commission of Missouri* (252 U. S. 652); *City of Hillsboro v. Public Service Commission of Oregon, point (3)* (255 U. S. 562); *Groesbeck v. Detroit United Railways*, decided October 10, 1921; *Chicago v. Chicago Railways Co.*, decided November 21, 1921; *Township of Avon v. Detroit United Railways*, decided December 12, 1921; *Borough of Edgewood v. Wilksburg & East Pittsburgh Street Railway Co.*, decided March 13, 1922.

No. 769. *Johanna Frese, Administratrix, etc., petitioner, v. Chicago, Burlington & Quincy Railroad Company.* Petition for a writ of certiorari to the Supreme Court of the State of Missouri granted.

No. 704. *Samuel Schonfeld, 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. 757. *Man-a-watze (Indian widow), etc., et al., petitioners, v. Joseph Woonsook (Indian), alias Little Joe Woonsook et al., etc.* Petition for a writ of certiorari to the Supreme Court of the State of Utah denied.

No. 758. *Joseph Newman, 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. 761. *Charles S. Winston, petitioner, v. Eugene M. Hoyne et al.* Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 782. *J. F. Hamer, petitioner, v. County of Gray, State of Texas.* Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 783. *Missouri, Kansas & Texas Railway Company of Texas, petitioner, v. Plano Milling Company et al.* Petition for a writ of certiorari to the Supreme Court of the State of Texas denied.

No. 796. Yellow Cab Company, petitioner, *v.* O. K. Earle. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 811. David A. Henkes, petitioner, *v.* J. H. McRae, Commandant of the U. S. Disciplinary Barracks at Fort Leavenworth. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 1. Associated Billposters and Distributors of the United States and Canada et al., appellants, *v.* The United States. Appeal from the District Court of the United States for the Northern District of Illinois. Dismissed, per stipulation, on motion of Mr. Solicitor General Beck in that behalf.

No. 232. Hartford Life Insurance Company, appellant, *v.* Garland S. Johnson, administrator, etc. Motion for supersedeas submitted by Mr. James M. Beck in behalf of counsel for the appellant.

No. 801. Georgia Railway & Power Company et al., appellants, *v.* Railroad Commission of the State of Georgia et al. Motion to advance submitted by Mr. Luther Z. Rosser in that behalf.

No. 832. Charles D. Newton, as attorney general of the State of New York, et al., appellants, *v.* New York Mutual Gas Light Company;

No. —. Charles D. Newton, as attorney general of the State of New York, et al., appellants, *v.* Standard Gas Light Company;

No. —. Charles D. Newton, as attorney general of the State of New York, et al., appellants, *v.* The New Amsterdam Gas Company; and

No. —. Charles D. Newton, as attorney general of the State of New York, et al., appellants, *v.* The East River Gas Company of Long Island City. Motion to advance and assign for hearing on April 10 next submitted by Mr. Charles A. Vilas for the appellees in support of the motion, and by Mr. Harry Hertzoff for the appellants in opposition thereto.

No. 555. The Ogden Portland Cement Company, plaintiff in error, *v.* Public Utilities Commission of Utah;

No. 556. Union Portland Cement Company, plaintiff in error, *v.* Public Utilities Commission of Utah; and

No. 574. Utah Idaho Central Railroad Company, plaintiff in error, *v.* Public Utilities Commission of Utah. Motion to affirm submitted by Mr. Harvey H. Cluff for the defendant in error in support of the motion, and by Mr. C. R. Hollingsworth for the plaintiffs in error in opposition thereto, with leave to counsel for the plaintiffs in error to file additional brief within one week.

No. 808. Insurance Company of North America, petitioner, *v.* Harry R. Brigham et al. Petition for a writ of certiorari to the

United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Rufus S. Day, Mr. D. Roger Englar, and Mr. George S. Brengle for the petitioners, and by Mr. Pierre M. Brown for the respondent.

No. 71. American Column & Lumber Company et al., appellants, *v.* The United States of America. Motion for rehearing, or, in the alternative, a modification of the decree, submitted by Mr. G. Carroll Todd and Mr. Louis Claire Boyle for the appellants.

No. 795. The Iowa State Bank, petitioner, *v.* The New Amsterdam Casualty Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Howard J. Clark and Mr. H. W. Byers for the petitioner, and by Mr. O. M. Broskett for the respondent.

No. 797. International Life Insurance Company, plaintiff in error, *v.* Adrian F. Sherman. Petition for a writ of certiorari herein submitted by Mr. Armwell L. Cooper and Mr. Charles G. Revelle for the plaintiff in error, and by Mr. John H. Atwood, Mr. Oscar S. Hill, and Mr. William Thomson for the defendant in error.

No. 802. Harry Brolaski, 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. Philip S. Ehrlich for the petitioner, and by Mr. Solicitor General Beck and Assistant Attorney General Willebrandt for the respondent.

No. 810. Director General of Railroads, petitioner, *v.* Leah St. Dennis, as Administratrix, etc. Petition for a writ of certiorari to the Supreme Court of the State of New York submitted by Mr. Lyman M. Bass for the petitioner, and by Mr. Hamilton Ward for the respondent.

No. 818. Sarnia Steamship Corporation, as Claimant of the American Steamship "Sarnia," petitioner, *v.* L. Telles De Vasconcellos. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. George Whitefield Betts, jr., for the petitioner, and by Mr. D. Roger Englar and Mr. Oscar L. Houston for the respondent.

No. 830. The San Joaquin & Kings River Canal & Irrigation Company (Inc.), petitioner, *v.* W. H. Worswick, jr., et al.; and

No. 831. Miller & Lux (Inc.), et al., petitioners, *v.* W. H. Worswick, jr., et al. Petition for writs of certiorari to the Supreme Court of the State of California submitted by Mr. Edward F. Treadwell for the petitioners and by Mr. R. M. Widney for respondent, John Widney.

Adjourned until Monday, April 10 next, at 12 o'clock.

The day call for Monday, April 10, will be as follows: Nos. 609 (and 610), 5, 752, 753, 268, 200, 236, 303, 199, and 202.

# SUPREME COURT OF THE UNITED STATES.

MONDAY, APRIL 10, 1922.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Van Devanter, Mr. Justice Pitney, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Clarke.

Louis W. McKernan, of Washington, D. C.; Horace S. Whitman, of Washington, D. C.; Joseph A. Devery, of New York City; Edmund Waring McLarren, of Washington, D. C.; Walter Frederick Schelp, of St. Louis, Mo.; John Rowland McCormick, of Washington, D. C.; Michael F. O'Donnell, of Washington, D. C.; Leonard Dawson Adkins, of New York City; Abraham Schwartz, of New York City; Thomas P. Boyd, of San Rafael, Calif.; Grandin Tracy Vought, jr., of New York City; Benjamin Lester Jacobson, of Washington, D. C.; Harry Thornton Moore, of San Francisco, Calif.; W. D. Bell, of Arcadia, Fla.; Randolph Shirk, of Tulsa, Okla.; Rush Greenslade, of Tulsa, Okla.; Edmund J. Wager, of Utica, N. Y.; Elias B. Hartle, of Hagerstown, Md.; Lewis F. Jacobson, of Chicago, Ill.; Robert Stewart Lee, of Chicago, Ill.; and Eugene G. Schwinghammer, of Atlantic City, N. J., were admitted to practice.

No. 170. Oregon-Washington Railroad & Navigation Company, petitioner, *v.* J B. McGinn. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgment reversed with costs, and cause remanded to the District Court of the United States for the Eastern District of Washington for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Clarke.

No. 150. G. D. Collins and Roy Marshall, appellants, *v.* Colonel J. D. McDonald, Commandant of Disciplinary Barracks of the United States, etc. Appeal from the District Court of the United States for the Northern District of California. Final order affirmed with costs. Opinion by Mr. Justice Clarke.

No. 166. Arthur J. Dahn, petitioner, *v.* James C. Davis, Director General of Railroads of the United States. On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

Judgment affirmed with costs, and cause remanded to the District Court of the United States for the Northern District of Iowa. Opinion by Mr. Justice Clarke.

No. 147. The Louisville & Nashville Railroad Company, appellant, *v.* The United States. Appeal from the Court of Claims. Judgment modified and affirmed. Opinion by Mr. Justice Brandeis.

No. 153. Lambert Run Coal Company, appellant, *v.* The Baltimore & Ohio Railroad Company. Appeal from the United States Circuit Court of Appeals for the Fourth Circuit. Decree modified and affirmed with costs, and cause remanded to the District Court of the United States for the Northern District of West Virginia. Opinion by Mr. Justice Brandeis.

No. 187. Mary Louise Greiner, executrix under the last will and testament of Kate B. Kingsley, deceased, plaintiff in error, and C. G. Lewellyn, Collector of Internal Revenue. In error to the District Court of the United States for the Western District of Pennsylvania. Judgment affirmed with costs. Opinion by Mr. Justice Brandeis.

No. 455. Galveston Electric Company, appellant, *v.* City of Galveston et al. Appeal from the District Court of the United States for the Southern District of Texas. Decree affirmed with costs. Opinion by Mr. Justice Brandeis.

No. 530. Tony Vigliotti, plaintiff in error, *v.* The Commonwealth of Pennsylvania. In error to the Supreme Court of the State of Pennsylvania. Judgment affirmed with costs. Opinion by Mr. Justice Brandeis. Dissenting: Mr. Justice Day and Mr. Justice McReynolds.

No. 136. The First National Bank of Gulfport, Mississippi, petitioner, *v.* Wirt Adams, Revenue Agent of the State of Mississippi. On writ of certiorari to the Supreme Court of the State of Mississippi. Judgment reversed with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice McReynolds. (Mr. Justice Clarke took no part in the consideration or decision of this case.)

No. 390. Exporters of Manufacturers' Products Inc. *v.* Butterworth-Judson Company. On a certificate from the United States Circuit Court of Appeals for the Second Circuit. Question certified answered in the affirmative. Opinion by Mr. Justice McReynolds.

No. 146. Chicago & North Western Railway Company, petitioner, *v.* C. C. Whitnack Produce Company. On writ of certiorari to the Supreme Court of the State of Nebraska. Judgment affirmed with costs. Opinion by Mr. Justice McReynolds.

No. 70. Essanay Film Manufacturing Company, appellant, *v.* William R. Kane. Appeal from the United States Circuit Court of Ap-



peals 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 Pitney.

No. 20. The Standard Fashion Company, petitioner, *v.* Magrane-Houston Company. On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit. Decree affirmed with costs, and cause remanded to the District Court of the United States for the District of Massachusetts. Opinion by Mr. Justice Day.

No. 188. Forbes Pioneer Boat Line, plaintiff in error, *v.* Board of Commissioners of Everglades Drainage District. In error to the Supreme Court of the State of Florida. Judgment reversed with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Holmes.

No. 116. White Oak Transportation Company, petitioner, *v.* Boston, Cape Cod & New York Canal Company; and

No. 124. Northern Coal Company, petitioner, *v.* Boston, Cape Cod & New York Canal Company. On writs of certiorari to the United States Circuit Court of Appeals for the First Circuit. Decrees reversed with costs, and causes remanded to the District Court of the United States for the District of Massachusetts with directions to enter a decree that the Northern Coal Co. recover its damages and costs from the Boston, Cape Cod & New York Canal Co.; that the White Oak Transportation Co. exonerate the Boston, Cape Cod & New York Canal Co. from one-half of the above damages and costs, and that the damages and costs of the White Oak Transportation Co. and the Boston, Cape Cod & New York Canal Co. be equally divided between those two companies. Opinion by Mr. Justice Holmes.

No. 177. Evelyn P. Ferry, appellant, *v.* Spokane, Portland & Seattle Railway Company et al. Appeal from 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 Oregon. Opinion by Mr. Justice McKenna.

No. 250. Evelyn P. Ferry, appellant, *v.* Henry L. Corbett et al. Appeal from 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 Oregon, per stipulation of counsel that this case abide decision in case No. 177.

No. 127. The United States, appellant, *v.* Bethlehem Steel Company. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice McKenna.

No. 118. Hamilton S. Wallace, appellant, *v.* The United States. Petition for rehearing denied. Opinion by Mr. Chief Justice Taft.

No. 167. The Bankers Trust Company, appellant, *v.* The City of Raton et al. Appeal from the District Court of the United States for the District of New Mexico. Decree affirmed with costs. Opinion by Mr. Justice McKenna.

Nos. 178 and 179. Jesus M. Balzac, appellant, *v.* The People of Porto Rico. Appeals from the Supreme Court of Porto Rico. Decrees affirmed with costs. Opinion by Mr. Chief Justice Taft. Concurring: Mr. Justice Holmes.

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The Chief Justice also announced the following orders of the Court :

No. 801. Georgia Railway & Power Company et al., appellants, *v.* Railroad Commission of the State of Georgia et al. Motion to advance granted, and cause assigned for hearing on Monday, November 13 next.

No. 232. Hartford Life Insurance Company, appellant, *v.* Garland S. Johnson, Administrator. Case assigned for hearing on Monday, April 24 next, after the case heretofore assigned for that day.

No. 232. Hartford Life Insurance Company, appellant, *v.* Garland S. Johnson, Administrator. Order approving order of the Chief Justice of April 3, 1922, granting supersedeas and stay herein.

No. 832. Charles D. Newton, Attorney General, etc., et al., appellants, *v.* New York Mutual Gas Light Company ;

No. 833. Charles D. Newton, Attorney General, etc., et al., appellants, *v.* The Standard Gas Light Company of the City of New York ;

No. 844. Charles D. Newton, Attorney General, etc., et al., appellants, *v.* New Amsterdam Gas Company ; and

No. 845. Charles D. Newton, as Attorney General, etc., et al., appellants, *v.* The East River Gas Company of Long Island City. Motions to advance and assign these cases for hearing granted, and the cases assigned for Monday April 24 next, after the cases heretofore assigned for that day.

No. 555. The Ogden Portland Cement Company, plaintiff in error, *v.* Public Utilities Commission of Utah ;

No. 556. Union Portland Cement Company, plaintiff in error, *v.* Public Utilities Commission of Utah ; and

No. 574. Utah Idaho Central Railroad Company, plaintiff in error, *v.* Public Utilities Commission of Utah. In error to the Supreme Court of the State of Utah. Per curiam : Affirmed upon the authority of *Union Dry Goods Co. v. Georgia Public Service Corporation* (248 U. S. 372, 375-376) ; *Producers Transportation Co. v. Railroad Commission of California* (251 U. S. 228, 232).

No. 198. Julia Lamere Mickadiet et al., plaintiffs in error, *v.* Albert B. Fall, Secretary of the Interior. In error to the Court of Appeals of the District of Columbia. Per curiam : Affirmed upon the authority of *Lane, Secretary, v. Mickadiet* (241 U. S. 201).

No. 797. International Life Insurance Company, plaintiff in error, *v.* Adrian F. Sherman. Further consideration of the petition for writ of certiorari herein postponed until the hearing on the writ of error.

No. 795. The Iowa State Bank, petitioner, *v.* The New Amsterdam Casualty Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 802. Harry Brolaski, 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. 808. Insurance Company of North America, petitioner, *v.* Harry R. Brigham et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 810. Director General of Railroads, petitioner, *v.* Leah St. Dennis, as Administratrix, etc. Petition for a writ of certiorari to the Supreme Court of the State of New York denied.

No. 818. Sarnia Steamship Company, as Claimant, etc., petitioner, *v.* L. Telles De Vasconcellos. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 830. The San Joaquin & Kings River Canal & Irrigation Company (Inc.), petitioner, *v.* W. H. Worswick, jr., et al.; and

No. 831. Miller & Lux (Inc.) et al., petitioners, *v.* W. H. Worswick, jr., et al. Petition for writs of certiorari to the Supreme Court of the State of California denied.

No. 687. T. B. Stafford et al., etc., appellants, *v.* Henry C. Wallace, Secretary, etc., et al. Order approving order of the Chief Justice of April 3, 1922, granting supersedeas and stay herein.

No. 691. James Eugene Burton et al., appellants, *v.* Charles F. Clyne, United States District Attorney, etc. Order approving order of the Chief Justice of April 3, 1922, granting supersedeas and stay herein.

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No. —, original. The United States of America, complainant, *v.* The State of Washington. Motion for leave to file bill of complaint submitted by Mr. Solicitor General Beck for the complainant. Motion that in the event the bill of complaint is allowed to be filed that leave be granted the defendant to raise the question of the jurisdiction of this court, submitted by Mr. Blaine Mallan for the defendant.

No. 213. The United States of America, plaintiff in error, *v.* Chris Elioff Stafoff, alias Chris Elioff. Motion to pass submitted by Mr. Solicitor General Beck for the plaintiff in error.

No. 705. Justus S. Wardell, as collector of internal revenue, etc., petitioner, *v.* James A. Blum et al., etc. Motion to recall order of the court denying petition for writ of certiorari submitted by Mr. Solicitor General Beck for the petitioner, with leave to counsel for the respondent to file opposition thereto within 20 days.

No. 225. Albert H. Wiggin et al., etc., plaintiffs in error. *v.* Francis P. Garvan, as Alien Property Custodian. In error to the United States Circuit Court of Appeals for the Second Circuit. Dismissed with costs, on motion of Mr. Solicitor General Beck in behalf of counsel for the plaintiffs in error.

No. 245. The United States of America *v.* Oregon Lumber Company et al. Motion to pass submitted by Mr. Solicitor General Beck in behalf of counsel.

No. 672. Charles Glen Collins, appellant, *v.* Victor Loisel, U. S. Marshal, etc. Motion to advance submitted by Mr. Solicitor General Beck for the appellee.

No. 823. Henry A. Wise et al., petitioners, *v.* Amerigus Realty Corporation. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. James H. Beck in behalf of Mr. Charles H. Tuttle and Mr. Saul S. Myers for the petitioners, and by Mr. Eugene W. Leake for the respondent.

No. —, Original. Ex parte In the matter of Henry A. Wise and Thomas B. Felder, as receivers in bankruptcy for Christoffer Hannevig, Inc., petitioners. Motion for leave to file petition for a writ of mandamus herein submitted by Mr. James H. Beck in behalf of Mr. Charles H. Tuttle and Mr. Saul S. Myers for the petitioners.

No. —, original. Ex parte In the matter of Erwin Rudolph Bergdoll, petitioner. Motion for leave to file a petition for a writ of habeas corpus herein submitted by Mr. Joseph D. Shewalter for the petitioner.

617. The Bank of America, plaintiff in error, *v.* Whitney Central National Bank. Motion to advance submitted by Mr. Charles Henry Butler in behalf of counsel.

No. 236. Union Trust Company of San Francisco et al., Executors, etc., plaintiffs in error, *v.* Justus S. Wardell, United States Collector, etc., et al. Leave granted to file brief herein of Mr. J. Wallace Bryan and Mr. Charles McHenry Howard as amici curiæ, on motion of Mr. J. Wallace Bryan in that behalf.

No. 236. Union Trust Company of San Francisco et al., plaintiffs in error, *v.* Justus S. Wardell, U. S. Collector, etc.; and

No. 303. Harriet L. Levy et al., plaintiffs in error, *v.* Justus S. Wardell, U. S. Collector, etc., et al. Leave granted to file brief.

herein as amici curiæ, on motion of Mr. Charles E. Hughes, jr., for Frederick W. DeFoe, administrator, etc., et al.

No. 200. Victor E. Shwab, Executor, etc., plaintiff in error, *v.* Emanuel J. Doyle, United States Collector, etc. Leave granted Mr. Garrett W. McEnerney, on motion, to file brief herein as amicus curiæ.

No. 215. Mutual Life Insurance Company of New York, plaintiff in error, *v.* Mary S. Liebing. Motion to dismiss for failure of counsel for plaintiff in error to file brief within the time prescribed by the rule, submitted by Mr. James J. O'Donohoe for the defendant in error.

No. 602. John C. Knox, as surviving executor, etc., et al., plaintiffs in error, *v.* Richard J. McElligott, as late Collector, etc. Advanced, to be heard with No. 200, on motion of Mr. Stark B. Ferriss in behalf of the plaintiffs in error and concurred in by Mr. Solicitor General Beck for the defendant in error.

No. 750. Charles D. Newton, as Attorney General, etc., et al., appellants, *v.* Consolidated Gas Company of New York; and

No. 751. Charles D. Newton, as Attorney General, etc., et al., appellants, *v.* New York & Queens Gas Company. Advanced and assigned for Monday, April 24, on motion of Mr. Harry Hertzoff in that behalf.

No. 37. Oklahoma Natural Gas Company, plaintiff in error, *v.* The State of Oklahoma et al. Motion of Mr. F. T. Eggleston for leave to file brief on behalf of the National Gas Association as amicus curiæ denied.

No. 803. W. I. Porterfield et al., appellants, *v.* U. S. Webb, as Attorney General of the State of California, et al. Motion to advance submitted by Mr. F. R. Brylawski in behalf of counsel for the appellants.

No. 737. U. S. Webb, as Attorney General of the State of California, et al., appellants, *v.* J. J. O'Brien et al. Motion to advance and consolidate with No. 803 submitted by Mr. Andrew T. Vogel-sang in that behalf.

No. —, original. Samuel Singer, petitioner, *v.* Richard McGinnis, Keeper of Essex County Jail. Motion for leave to file a petition for a writ of habeas corpus herein submitted by Mr. J. Mercer Davis for the petitioner.

No. 768. Fred Violette 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. Richard P. Whiteley in behalf of Mr. Joseph W. Cox and Mr. Charles A. Russell for the petitioners, and by Mr. Solicitor General Beck and Assistant Attorney General Willebrandt for the respondent.

No. 290. Kansas City, Clay County & St. Joseph Railway Company, plaintiff in error, *v.* George S. Grier, Administrator, etc. Motion to dismiss submitted by Mr. Vinton Pike for the defendant in error in support of the motion, and by Mr. John E. Dolman for the plaintiff in error in opposition thereto.

No. 664. The Washington Terminal Company, plaintiff in error, *v.* Emma G. Callahan, Administratrix, etc. Motion to dismiss submitted by Mr. Raymond B. Dickey and Mr. Daniel Thew Wright for the defendant in error in support of the motion, and by Mr. George E. Hamilton and Mr. John J. Hamilton for the plaintiff in error in opposition thereto.

No. 816. George H. Engelhard, receiver, etc., appellant *v.* George J. Schroeder et al. Motion to dismiss or affirm submitted by Mr. Harry Lane for the appellee in support of the motion and by Mr. Gustavus A. Rogers for the appellant in opposition thereto.

No. 748. The Nashville, Chattanooga & St. Louis Railway et al., petitioners, *v.* The Western Union Telegraph Company. Petition for a writ of certiorari to the Supreme Court of the State of Tennessee submitted by Mr. Fitzgerald Hall for the petitioners, and by Mr. John S. Cooper, Mr. John A. Pitts, Mr. K. T. McConnico, Mr. Charles T. Cates, jr., and Mr. Francis Raymond Stark for the respondent.

No. 799. P. J. Camou, 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. George D. Collins for the petitioner, and by Mr. Solicitor General Beck and Mr. William C. Herron for the respondent.

No. 814. Southern Oil Corporation, petitioner, *v.* R. M. Waggoner. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. C. S. Arnold for the petitioner.

No. 825. Fox Film Corporation, petitioner, *v.* Frederick M. Knowles et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Saul E. Rogers and Mr. William J. Hughes for the petitioner and by Mr. Louis R. Bick for the respondents.

No. 826. Fox Film Corporation, petitioner, *v.* Frederick M. Knowles et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Saul E. Rogers and Mr. William J. Hughes for the petitioner and by Mr. Louis R. Bick for the respondents.

No. 835. James C. Davis, Director General, etc., petitioner, *v.* John Wiley Reynolds. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. Edwin P. Cox and William B. McIlwaine for the petitioner, and by Mr. S. Heath Tyler and Mr. James Mann for the respondent.

No. 838. Felo McAllister, Trustee, etc., petitioner, *v.* Producers Naval Stores Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Sam R. Marks for the petitioner, and by Mr. William L. Clay, Mr. Samuel B. Adams, and Mr. A. Pratt Adams for the respondents.

No. 853. Public Ledger Company, petitioner, *v.* New York Times Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Thomas Raeburn White and Mr. William C. Cannon for the petitioner, and by Mr. Alfred A. Cook and Mr. Harold Nathan for the respondent.

No. 799. P. J. Camou, petitioner, *v.* The United States of America. Motion of Mr. John R. Edson for leave to file reply brief for petitioner within 30 days denied.

No. 752. Charles D. Newton, as Attorney General, etc., et al., appellants, *v.* Central Union Gas Company; and

No. 753. Charles D. Newton, as Attorney General etc., et al., appellants, *v.* Northern Union Gas Company. Reassigned for argument on April 24 next.

No. 609. Continental Insurance Company et al., appellants, *v.* The United States of America et al.; and

No. 610. Seward Prosser et al., appellants, *v.* The United States of America et al. Four hours allowed for the reargument of these cases. Reargument commenced by Mr. R. C. Leffingwell for the Reading Railway Co., continued by Mr. John M. Perry for the Central Union Trust Co. of New York, Trustee, and by Mr. Alfred A. Cook for Continental Insurance Co.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, April 11, will be as follows: Nos. 609 (and 610), 5, 268, 200, 236, 303, 602, 199, 202, and 203.

## SUPREME COURT OF THE UNITED STATES.

TUESDAY, APRIL 11, 1922.

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Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Van Devanter, Mr. Justice Pitney, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Clarke.

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Thomas M. Debevoise, of New York City, Bern Budd, of New York City; and Francis A. Winslow, of New York City, were admitted to practice.

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ORDER. It is ordered that the order admitting Wallace Hawkins to practice as an attorney and counsellor of this court be, and the same is, canceled.

No. 609. Continental Insurance Company et al., appellants, *v.* The United States of America et al.; and

No. 610. Seward Prosser et al., appellants, *v.* The United States of America et al. Reargument continued by Mr. Alfred A. Cook for the Continental Insurance Company, by Mr. George W. Wickersham for Adrian Iselin et al., by Mr. J. M. Hartfield for Prosser et al., and concluded by Mr. Solicitor General Beck for The United States.

No. 5. The United States of America, appellant, *v.* Southern Pacific Company et al. Five and one-half hours allowed for the reargument of this case, on motion of Mr. Solicitor General Beck in that behalf. Reargument commenced by Mr. Edward F. McClennen for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, April 12, will be as follows: Nos. 5, 268, 200, 236, 303, 602, 199, 202, 203, and 204.

69667—22—88



## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, APRIL 12, 1922.

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Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Van Devanter, Mr. Justice Pitney, Mr. Justice McReynolds, and Mr. Justice Clarke.

Davis G. Arnold, of Providence, R. I.; Matt Herold, of Newport, Ky.; David G. Stember, of Brooklyn, N. Y.; and Clark J. Milliron, of Los Angeles, Calif., were admitted to practice.

No. 5. The United States of America, appellant, *v.* Southern Pacific Company et al. One hour additional allowed for the reargument of this case. Reargument continued by Mr. E. F. McClennen for the appellant, by Mr. Garret W. McEnerney for the appellees, by Mr. Joseph P. Blair for the appellees, and by Mr. Solicitor General Beck for the appellant.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, April 13, will be as follows: Nos. 5, 268, 203, 200, 236, 303, 602, 199, 202, and 204.

69667—22—89

## SUPREME COURT OF THE UNITED STATES.

THURSDAY, APRIL 13, 1922.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Van Devanter, Mr. Justice Pitney, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Clarke.

Henry B. Singer, of New York City, and Charles Gerson Loeb, of New York City, were admitted to practice.

No. —, original. *Ex parte* In the matter of Toledo Scale Company, petitioner. Motion for leave to file petition for a writ of prohibition and a writ of mandamus herein submitted by Mr. George D. Welles for the petitioner.

No. 5. The United States of America, appellant, *v.* Southern Pacific Company et al. Reargument concluded by Mr. Solicitor General Beck for the appellant.

No. 268. John C. Heald et al., Committee, etc., plaintiffs in error, *v.* The District of Columbia. Argued by Mr. Vernon E. West for the plaintiffs in error, and by Mr. F. H. Stephens for the defendant in error.

No. 203. The South Covington & Cincinnati Street Railway Company et al., appellants, *v.* The City of Newport, Kentucky. Argued by Mr. A. C. Cassatt for the appellants, and by Mr. Brent Spence for the appellee.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, April 17, will be as follows: Nos. 200, 236, 303, 602, 199, 202, 204, 615 (and 639), 724, and 725.

69667—22—90

## SUPREME COURT OF THE UNITED STATES.

MONDAY, APRIL 17, 1922.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Van Devanter, Mr. Justice Pitney, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Clarke.

Lawrence A. Liljeqvist, of Portland, Oreg.; R. L. Carlock, of Fort Worth, Tex.; Eugene R. Attkisson, of Louisville, Ky.; Willis S. Moore, of Salem, Oreg.; Harold R. Medina, of New York City; John E. Hughes, of Chicago, Ill.; William F. Purdy, of Brooklyn, N. Y.; Charles E. Wythe, of New York City; Russell L. Bradford, of New York City; William W. Banks, of Portland, Oreg.; Arthur I. Moulton, of Portland, Oreg.; and F. Regis Noel, of Washington, D. C., were admitted to practice.

No. 126. The Texas Company, appellant, *v.* J. J. Brown, Individually and as Commissioner of Agriculture of Georgia, et al. Appeal from the District Court of the United States for the Northern District of Georgia. Decree affirmed with costs. Opinion by Mr. Justice Pitney.

No. 119. United Shoe Machinery Corporation et al., appellants, *v.* The United States of America. Appeal from the District Court of the United States for the Eastern District of Missouri. Decree affirmed. Opinion by Mr. Justice Day. Dissenting: Mr. Justice McKenna. (Mr. Justice Brandeis took no part in the consideration or decision of this case.)

No. 629. The United States of America, petitioner, *v.* Charles Walter Moreland. On writ of certiorari to the Court of Appeals of the District of Columbia. Judgment affirmed. Opinion by Mr. Justice McKenna. Dissenting: Mr. Justice Brandeis, Mr. Chief Justice Taft, and Mr. Justice Holmes. (Mr. Justice Clarke took no part in the consideration or decision of this case.)

The Chief Justice announced the following orders of the court:

No. —, original. *Ex parte* In the matter of Wise & Felder, Receivers. Motion for leave to file petition for a writ of mandamus herein denied.

No. —, original. The United States of America, complainant, *v.* The State of Washington. Motion for leave to file a bill of complaint in this cause granted, and process ordered to issue returnable on Monday, October 2, 1922.

No. —, original. *Ex parte* In the matter of Samuel Singer, petitioner. Motion for leave to file petition for a writ of habeas corpus herein denied.

No. —, original. *Ex parte* In the matter of Toledo Scale Company, petitioner. Motion for leave to file petition for writ of prohibition and mandamus herein denied, without prejudice.

No. 672. Charles Glen Collins, appellant, *v.* Victor Loisel, United States Marshal, etc. Motion to advance granted, and cause assigned for argument on Monday, April 24 next, after the cases heretofore assigned for that day.

No. 617. The Bank of America, plaintiff in error, *v.* Whitney Central National Bank. Motion to advance denied, without prejudice.

No. 803. W. I. Porterfield et al., appellants, *v.* U. S. Webb, as Attorney General of the State of California, et al. Motion to advance granted, and cause assigned for argument on Monday, November 13 next, after the case heretofore assigned for that day.

No. 737. U. S. Webb, as Attorney General of the State of California, et al., appellants, *v.* J. J. O'Brien et al. Motion to advance and consolidate with No. 803 granted, and cause assigned for argument on Monday, November 13 next.

No. 215. Mutual Life Insurance Company of New York, plaintiff in error, *v.* Mary S. Liebing. Motion to dismiss for failure of plaintiff in error to file brief in time prescribed by the rule postponed to the hearing of the case in the regular call of the docket.

No. 664. The Washington Terminal Company, plaintiff in error, *v.* Emma G. Callahan, Administratrix, etc. Motion to dismiss postponed until the hearing of the cause on the merits.

No. 290. Kansas City, Clay County & St. Joseph Railway Company, plaintiff in error, *v.* George S. Grier, Administrator, etc. In error to the Supreme Court of the State of Missouri. *Per curiam*: Judgment affirmed with costs.

No. 816. George H. Engelhard, Receiver, etc., appellant, *v.* George J. Schroeder et al. Appeal from the United States Circuit Court of Appeals for the Third Circuit. *Per curiam*: Decree affirmed with costs; and cause remanded to the District Court of the United States for the District of New Jersey.

No. 825. Fox Film Corporation, petitioner, *v.* Frederick M. Knowles et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 826. Fox Film Corporation, petitioner, *v.* Frederick M. Knowles et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 748. The Nashville, Chattanooga & St. Louis Railway et al., petitioners, *v.* The Western Union Telegraph Company. Petition for a writ of certiorari to the Supreme Court of the State of Tennessee denied.

No. 768. Fred Violette et al., petitioners, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 799. P. J. Camou, 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. 814. Southern Oil Corporation, petitioner, *v.* R. M. Waggoner. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 823. Henry A. Wise et al., petitioners, *v.* Amerigus Realty Corporation. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 835. James C. Davis, Director General, etc., petitioner, *v.* John Wiley Reynolds. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 838. Felo McAllister, Trustee, etc., petitioner, *v.* Producers' Naval Stores Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 853. Public Ledger Company, petitioner, *v.* New York Times Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 887. William E. Woodbridge, appellant, *v.* The United States. Appeal from the Court of Claims. Docketed and dismissed, on motion of Mr. Solicitor General Beck for the appellee.

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No. 62. Joe Ali et al., appellants, *v.* David Lehrhaupt, Immigration Inspector, etc. Motion to dismiss submitted by Mr. Solicitor General Beck for the appellee in support of the motion.

No. 231. Greenport Basin & Construction Company, plaintiff in error and appellant, *v.* The United States. Motion to pass submitted by Mr. Solicitor General Beck for the defendant in error and appellee.

No. 724. The United States of America ex rel. John W. French, plaintiff in error, *v.* John W. Weeks, Secretary of War; and

No. 725. The United States of America ex rel. William F. Creary, plaintiff in error, *v.* John W. Weeks, Secretary of War. Leave

granted Mr. Daniel W. Iddings, on motion, to file brief herein as *amicus curiae*.

No. 236. Union Trust Company of San Francisco et al., Executors, etc., plaintiffs in error, *v.* Justus S. Wardell, United States Collector, etc., et al. Leave granted to file brief herein as *amicus curiae*, on motion of Mr. Mansfield Ferry for Farmers' Loan & Trust Co., trustee.

No. 239. Virginia Bailey et al., plaintiffs in error, *v.* Oregon-Washington Railroad & Navigation Company et al. Motion to dismiss submitted by Mr. Charles H. Bates in behalf of Mr. H. W. Clark, Mr. A. C. Spencer, and Mr. John F. Reilly for the defendant in error in support of the motion, and by Mr. Thomas Mannix and Mr. George Arthur Brown for the plaintiffs in error in opposition thereto.

No. 321. John P. Kline et al., etc., petitioners, *v.* Burke Construction Company. Motion to advance submitted by Mr. William Marshall Bullitt in that behalf.

No. 391. The New York Central & Hudson River Railroad Company, petitioners, *v.* John W. Kinney. Motion to advance submitted by Mr. John Hamilton in that behalf.

No. —, original. *Ex parte* In the matter of Fidelity & Deposit Company of Maryland et al., petitioners. Motion for leave to file petition for a writ of mandamus herein submitted by Mr. Charles Markell, Mr. Edward Osgood Brown and Mr. Edwin J. Marshall for the petitioners.

No. 817. Boston & Maine Railroad Company, petitioner, *v.* George B. Sullivan. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit submitted by Mr. Francis P. Garland for the petitioner, and by Mr. James E. Cotter for the respondent.

No. 819. William Page 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. Frank J. Murphy for the petitioner, with leave to counsel for the respondent to file brief within three days.

No. 822. C. E. Schaff, Receiver etc., petitioner, *v.* Mrs. Sarah Morris, Administratrix, etc. Petition for a writ of certiorari to the Court of Civil Appeals for the Fifth Supreme Judicial District of the State of Texas submitted by Mr. Joseph M. Bryson, Mr. Alex. Britton, and Mr. A. H. McKnight for the petitioner, and by Mr. Cone Johnson and Mr. James M. Edwards for the respondent.

No. 824. The City National Bank of El Paso, Texas, petitioner, *v.* El Paso & Northeastern Railroad Company et al. Petition for a writ of certiorari to the Court of Civil Appeals for the Eighth Supreme Judicial District of the State of Texas submitted by Mr.

A. H. Culweh for the petitioner, and by Mr. W. A. Hawkins, Mr. William R. Harr, and Mr. Charles H. Bates for the respondent.

No. 827. Miss Mary E. Cox, petitioner, *v.* Mrs. Mary A. Phillips. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit submitted by Mr. Purnell M. Milner and Mr. J. Hirsh for the petitioner.

No. 840. John R. Markley et al., etc., petitioners, *v.* John O. Sheatz, Receiver etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Vernon R. Loucks and Mr. Henry J. Scott for the petitioners, and by Mr. Owen J. Roberts for the respondent.

No. 846. Frank G. Gardner, as Trustee etc., petitioner, *v.* Chicago Title & Trust Company, Receiver, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Henry M. Wolf, Mr. A. F. Reichmann, and Mr. Arthur M. Cox for the petitioner.

No. 848. Charles H. John, as Trustee in Bankruptcy, of Northwestern Bridge & Iron Company, petitioner, *v.* Interstate Iron & Steel Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Paul D. Durant for the petitioner, and by Mr. Jacob Newman, Mr. Edward R. Johnston, and Mr. Joseph V. Quarles for the respondent.

No. 849. Clarence H. Venner, petitioner, *v.* Southern Pacific Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Elijah N. Zoline for the petitioner, and by Mr. J. P. Blair and Mr. Gordon M. Buck for the respondent.

No. 850. Steam Tug William H. Taylor, her engines, etc., petitioner, *v.* Standard Oil Company of New York. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Chauncey I. Clark for the petitioner, and by Mr. O. D. Duncan and Mr. Warner Pyne for the respondent.

No. 851. Edwin Forrest, 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 Ninth Circuit submitted by Mr. H. W. Hutton for the petitioner, and by Mr. Solicitor General Beck and Mr. William C. Herron for the respondents.

No. 867. George F. Hinrichs (Inc.), petitioner, *v.* Standard Trust & Savings Bank. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Francis A. Winslow and Mr. Bern Budd for the petitioner, and by Mr. Otto C. Wierum for the respondent.

No. 200. Victor E. Shwab, Executor, etc., plaintiff in error, *v.* Emanuel J. Doyle, United States Collector, etc. Argument commenced by Mr. W. F. Keeney for the plaintiff in error, continued by Mr. James A. Fowler for the defendant in error, and concluded by Mr. J. J. Vertrees for the plaintiff in error.

No. 236. Union Trust Company of San Francisco et al., Executors, etc., plaintiffs in error, *v.* Justus S. Wardell, United States Collector, etc., et al. Argument commenced by Mr. Garret W. McEnerney for the plaintiffs in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, April 18, will be as follows: Nos. 236, 303, 602, 199, 202, 204, 615 (and 639), 724 (and 725), 205, and 207.



## SUPREME COURT OF THE UNITED STATES.

TUESDAY, APRIL 18, 1922.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Van Devanter, Mr. Justice Pitney, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Clarke.

Walter T. Fisher, of Chicago, Ill.; George W. Crowder, of Carthage, Mo.; Harold G. Simpson, of Minneapolis, Minn.; Henry W. Watson, of Langhorne, Pa.; Pauline M. Floyd, of Washington, D. C.; Charles H. Bradley, of Washington, D. C.; A. L. Barber, of Little Rock, Ark.; Edward Command, of Detroit, Mich.; Edwin S. Booth, of Baker, Mont.; and L. Edwin Goldman, of Baltimore, Md., were admitted to practice.

No. 236. Union Trust Company of San Francisco et al., Executors etc., plaintiffs in error, *v.* Justus S. Wardell, United States Collector, etc., et al. Argument continued by Mr. Garret W. McEnerney for the plaintiffs in error, and concluded by Mr. James A. Fowler for the defendants in error.

No. 303. Harriet L. Levy et al., plaintiffs in error, *v.* Justus S. Wardell, United States Collector, etc., et al. Argued by Mr. Edward F. Treadwell for the plaintiffs in error, and by Mr. James A. Fowler for the defendants in error.

No. 602. John C. Knox, as Surviving Executor, etc., et al., plaintiffs in error, *v.* Richard J. McElligott, as late Collector of Internal Revenue, etc. Argued by Mr. Stark B. Ferriss for the plaintiffs in error, and by Mr. James A. Fowler for the defendant in error.

No. 199. Chicago & Northwestern Railway Company, plaintiff in error, *v.* Nye Schneider Fowler Company. Argued by Mr. Garrard Glenn for the defendant in error, and submitted by Mr. Wymer Dressler, Mr. T. P. Littlepage and Mr. F. W. Sargent for the plaintiff in error.

No. 202. Great Northern Railway Company et al., petitioners, *v.* Merchants Elevator Company. Argued by Mr. John F. Finerty for the petitioners, and by Mr. Harold G. Simpson for the respondent.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, April 19, will be as follows: Nos. 204, 615 (and 639), 724 (and 725), 205, 207, 208, 209, 211, 212, and 213.

## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, APRIL 19, 1922.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Van Devanter, Mr. Justice Pitney, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Clarke.

Isadore S. Blumenthal, of Chicago, Ill., Samuel A. Besson, of Hoboken, N. J., and Thomas W. Davis, of Wilmington, N. C., were admitted to practice.

No. 672. Charles Glen Collins, appellant, *v.* Victor Loisel, U. S. Marshal, etc. Motion to reassign submitted by Mr. Guion Miller for the appellant.

No. 209. Roth Dixon et al., appellants, *v.* Jesse H. Cox et al. Appeal from the United States Circuit Court of Appeals for the Eighth Circuit. Dismissed with costs, pursuant to the tenth rule.

No. 211. Sarah F. Donley, petitioner, *v.* Erwin Ray Van Horn. On petition for a writ of certiorari to the District Court of Appeals, Second Appellate District, Second Division, of the State of California. Dismissed.

No. 212. Sarah F. Donley, petitioner, *v.* Prescott West. On petition for a writ of certiorari to the District Court of Appeals, Second Appellate District, Second Division, of the State of California. Dismissed.

No. 213. The United States, plaintiff in error, *v.* Chris Elioff Stafoff, *alias* Chris Elioff. Passed, to be restored to the call pursuant to section 9, rule 26.

No. 204. Federal Base Ball Club of Baltimore (Inc.), plaintiff in error, *v.* National League of Professional Baseball Clubs et al. Argument commenced by Mr. Charles A. Douglas for the plaintiff in error, continued by Mr. George Wharton Pepper for the defendants in error, and concluded by Mr. William L. Marbury for the plaintiff in error.

No. 615. John A. Grogan, Collector of Internal Revenue, etc., appellant, *v.* Hiram Walker & Sons, Ltd.; and

No. 639. The Anchor Line (Henderson Bros., Ltd.), appellant, *v.* George W. Aldridge, Collector, etc. Argument commenced by Mr. Assistant to the Attorney General Goff for the appellants in No. 615 and the appellee in No. 639, continued by Mr. Alfred Lucking for the appellee in No. 615, and concluded by Mr. Lucius H. Beers for the appellant in No. 639.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, April 20, will be as follows: Nos. 724 (and 725), 205, 246, 267, 207, 208, 215, 216, 218, and 219 (and 220).

## SUPREME COURT OF THE UNITED STATES.

THURSDAY, APRIL 20, 1922.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Van Devanter, Mr. Justice Pitney, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Clarke.

Dorothy Frooms, of New York City, and Wilmot M. Odell, of Fort Worth, Tex., were admitted to practice.

No. 218. Royal Baking Powder Company, appellant, *v.* George W. Emerson, Prosecuting Attorney, etc. Continued, per stipulation.

No. 891. Toledo Scale Company, petitioner. *v.* The Computing Scale Company. Motion for stay order granted on motion of Mr. George D. Wells in that behalf.

No. 205. Albert B. Fall, Secretary of the Interior, plaintiff in error, *v.* The United States of America ex rel. W. T. Mosier et al. Argument commenced by Mr. C. Edward Wright for the plaintiff in error, continued by Mr. T. J. Leahy for the defendants in error, and concluded by Mr. Edwin S. Booth for the plaintiff in error.

No. 724. The United States of America ex rel. John W. French, plaintiff in error, and John W. Weeks, Secretary of War; and

No. 725. The United States of America ex rel. William F. Creary, plaintiff in error, *v.* John W. Weeks, Secretary of War. Argument commenced by Mr. Samuel T. Ansell for the plaintiffs in error, continued by Mr. Frederick M. Brown and Mr. Solicitor General Beck for the defendant in error, and concluded by Mr. Charles Pope Caldwell for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, April 21, will be as follows: Nos. 246, 267, 207, 208, 215, 216, 217, 219 (and 220), 221, and 222.

## SUPREME COURT OF THE UNITED STATES.

FRIDAY, APRIL 21, 1922.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Van Devanter, Mr. Justice Pitney, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Clarke.

Erwin R. Effler, of Toledo, Ohio, Clarence Ladd-Davis, of New York City, and Clifford H. Browder, of Chicago, Ill., were admitted to practice.

No. 246. Charles Olin, appellant, *v.* Perry Kitzmiller et al. Argued by Mr. Arthur I. Moulton for the appellant, and by Mr. Willis S. Moore and Mr. W. W. Banks for the appellees.

No. 267. Rainier Brewing Company, plaintiff in error, *v.* Great Northern Pacific Steamship Company. Argued by Mr. S. J. Wettrick for the plaintiff in error, and by Mr. Charles A. Hart for the defendant in error.

No. 207. Fidelity & Deposit Company of Maryland, appellant, *v.* The United States; and

No. 208. Fidelity Title & Trust Company of Pittsburgh, Pennsylvania, appellant, *v.* The United States. Argued by Mr. George Sutherland for the appellants, and by Mr. Assistant Attorney General Lovett for the appellee.

No. 215. Mutual Life Insurance Company of New York, plaintiff in error, *v.* Mary S. Liebing. Argument commenced by Mr. William Marshall Bullitt for the plaintiff in error, and continued by Mr. J. J. O'Donohoe for the defendant in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, April 24, will be as follows: Nos. 215, 216, 217, 219 (and 220), 221, 222, 20 Original, 232, 750, 751, 752, 753, 832, 833, 844, 845, and 672.

## SUPREME COURT OF THE UNITED STATES.

MONDAY, APRIL 24, 1922.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Van Devanter, Mr. Justice Pitney, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Clarke.

Perry W. Turner, of Birmingham, Ala.; Arthur E. Seagrave, of Fall River, Mass.; Anson Getman, of Johnstown, N. Y.; Alexander H. Britain, of Wichita Falls, Tex.; J. L. Levine, of Chattanooga, Tenn.; William C. Witcher, of Wichita Falls, Tex.; Alvin Clark Owsley, of Denton, Tex.; Claude Nowlin, of Oklahoma City, Okla.; Alfred Huger, of Charleston, S. C.; E. M. Landrum, of Vinita, Okla.; Edmund H. Abrahams, of Savannah, Ga.; Estelle Balfour Bennett, of Oklahoma City, Okla.; W. A. Durant, of Oklahoma City, Okla.; Sewall Myer, of Houston, Tex.; Paul D. Page, of Bastrop, Tex.; William A. Hilton, of Salt Lake City, Utah; and Robert H. Marr, of New Orleans, La., were admitted to practice.

No. 333. Federal Trade Commission, petitioner, *v.* Winsted Hosiery Company. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment reversed with costs; and cause remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Brandeis. Dissenting: Mr. Justice McReynolds.

The Chief Justice announced the following orders of the court:

No. —, original. *Ex parte* In the matter of Erwin R. Bergdoll, petitioner. Motion for leave to file a petition for a writ of habeas corpus denied.

No. —, original. *Ex parte* In the matter of Fidelity & Deposit Company of Maryland et al., petitioners. Motion for leave to defer reprinting previous record on application for certiorari granted. Motion for leave to file petition for writ of mandamus herein denied.

No. 321. John P. Kline et al., etc., petitioners, *v.* Burke Construction Company. Motion to advance denied.

No. 391. The New York Central & Hudson River Railroad Company, petitioner, *v.* John W. Kinney. Motion to advance denied.

No. 62. Joe Ali, appellant, *v.* David Lehrhaupt, immigration inspector, etc. Appeal from the District Court of the United States for the Western District of New York. Per curiam: Dismissed for want of jurisdiction upon the authority of *Brolan v. United States*, 236 U. S. 216, 217-218; *Sugarman v. United States*, 249 U. S. 182, 185. See *Samad v. Behrandt*, No. 44, dismissed November 7, 1921.

No. 239. Virginia Bailey et al., plaintiffs in error, *v.* Oregon-Washington Railroad & Navigation Company. In error to the Supreme Court of the State of Oregon. Per curiam: Dismissed for want of jurisdiction. Section 237, Judicial Code, as amended by the act of September 6, 1916, C. 448, sec. 2, 39 Stat. 726; *Jett Bros. Distilling Co. v. City of Carrollton*, 252 U. S. 1, 5-6.

No. 231. Greenport Basin & Construction Company, plaintiff in error and appellant, *v.* The United States. Motion to pass, to be restored to the call pursuant to section 9, rule 26, granted.

No. 824. The City National Bank of El Paso, petitioner, *v.* El Paso & Northeastern Railroad Company et al. Petition for a writ of certiorari to the Court of Civil Appeals for the Eighth Supreme Judicial District of the State of Texas granted.

No. 846. Frank G. Gardner, as Trustee in Bankruptcy, etc., petitioner, *v.* Chicago Title & Trust Company, Receiver, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted.

No. 817. Boston & Maine Railroad Company, petitioner, *v.* George B. Sullivan. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 819. William Page et al., petitioners, *v.* The United States of America. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 822. C. E. Schaff, Receiver, etc., petitioner, *v.* Mrs. Sarah Morris, Administratrix, etc. Petition for a writ of certiorari to the Court of Civil Appeals for the Fifth Supreme Judicial District of the State of Texas denied.

No. 827. Miss Mary E. Cox, petitioner, *v.* Mrs. Mary A. Phillips. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 840. John R. Markley et al., petitioners, *v.* John O. Sheatz, Receiver, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 848. Charles H. John, as Trustee, etc., petitioner, *v.* Interstate Iron & Steel Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 849. Clarence H. Venner, petitioner, *v.* Southern Pacific Company, et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 850. Steam Tug William H. Taylor, her engines, etc., petitioner, *v.* Standard Oil Company of New York. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 851. Edwin Forrest, 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. 867. George F. Hinrichs (Inc.), petitioner, *v.* Standard Trust & Savings Bank. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

The Chief Justice also announced the following orders of the court:

Order: The call of the docket will be suspended for the term on Friday, the 28th instant, and the court will take a recess from Monday, May 1, to Monday, May 15.

Order: No petitions for writs of certiorari or motions, except motions for admission to practice, will be received after Monday, May 29 next.

No. 244. The United States of America, plaintiff in error, *v.* Vito Lanza et al. Passed, to be restored to the call pursuant to section 9, rule 26, on motion of Mr. Solicitor General Beck in that behalf.

No. 512. Blamberg Brothers, appellant, *v.* The United States of America. Motion to advance submitted by Mr. Solicitor General Beck in that behalf.

No. 591. James L. Brooks *v.* The United States of America. Motion to advance submitted by Mr. Solicitor General Beck in that behalf.

No. 12, original. The State of North Dakota, complainant, *v.* The State of Minnesota. Motion to fix time and circumstances for taking additional testimony herein submitted by Mr. Frank B. Kellogg in behalf of counsel for the defendant.

No. 26, original. Ex parte In the matter of Harley-Davidson Motor Company et al., petitioners. Motion for judgment notwithstanding rule to show cause submitted by Mr. Melville Church, Mr. Edwin B. H. Tower, jr., and Mr. William S. Hodges for the petitioner.

No. 741. Alabama Power Company et al., plaintiffs in error, *v.* Banks S. Talmadge, as Administrator, etc. Motion to dismiss or affirm submitted by Mr. E. W. Pettus and Mr. Ogden Persons for the defendant in error in support of the motion, with leave to Mr.



William M. Williams in behalf of counsel for the plaintiffs in error to file brief in opposition thereto within three weeks.

No. 20, original. The State of Oklahoma, complainant, *v.* The State of Texas. Seventh Report of Receiver filed, on motion of Mr. John S. Flannery in that behalf.

No. 92. The United States of America *ex rel.* Robert A. Widenmann, plaintiff in error, *v.* Charles E. Hughes, Secretary of State, etc. Motion requesting that the court deliver an opinion in this case submitted by Mr. George W. Tucker and Mr. Everett V. Abbot for the plaintiff in error in support of the motion.

No. 859. County of Shasta, petitioner, *v.* The Mountain Copper Company (Limited). Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Edward Hohfeld for the petitioner, and by Mr. C. W. Durbrow for the respondent.

No. 860. County of Shasta, petitioner, *v.* The Mountain Copper Company (Limited). Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Edward Hohfeld for the petitioner, and by Mr. C. W. Durbrow for the respondent.

No. 861. County of Shasta, petitioner, *v.* Balaklala Consolidated Copper Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit submitted by Mr. Edward Hohfeld for the petitioner.

No. 505. Walker D. Hines, Director General of Railroads, plaintiff in error, *v.* Abraham J. Elias. In error to the Supreme Court of the State of Nebraska. Dismissed with costs, on motion of counsel for the plaintiff in error.

No. 852. American & British Manufacturing Company, petitioner, *v.* G. W. McNear (Inc.). Petition for a writ of certiorari to the Superior Court of the State of Rhode Island submitted by Mr. Ralph M. Greenlaw and Mr. William Dewey Loucks for the petitioner, and by Mr. Charles F. Choate, jr., for the respondent.

No. 858. The Cincinnati, Indianapolis & Western Railroad Company, petitioner, *v.* The Indianapolis Union Railway Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Morison R. Waite and Mr. John R. Schindel for the petitioner, and by Mr. Joseph S. Graydon and Mr. Albert Baker for the respondent.

No. 862. William Nelson Cromwell & Louise H. Cramer, as Executors of Frank Leslie, deceased, petitioners, *v.* Annie S. Simons. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Edgar T. Brackett.

and Mr. Philip L. Miller for the petitioners, and by Mr. Roger Foster for the respondent.

No. 864. Ike Lewisohn, 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. Lewis F. Jacobson for the petitioner, and by Mr. Solicitor General Beck, Assistant Attorney General Willebrandt, and Mr. George E. Boren for the respondent.

No. 871. Cantrell & Cochrane (Limited), petitioner, *v.* Hygeia Distilled Water Company (Inc.). Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Oscar W. Jeffery for the petitioner.

No. 878. Kokusai Kisen Kabushiki Kaisha, petitioner, *v.* Argos Mercantile Corporation, as Trustee, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. George C. Sprague for the petitioner, and by Mr. Walter C. Noyes for the respondent.

No. 879. Kokusai Kisen Kabushiki Kaisha, petitioner, *v.* Frederick E. Crotois, as Trustee for L. French & Company (Limited). Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. George C. Sprague for the petitioner, and by Mr. Walter C. Noyes for the respondent.

No. 886. Port of New York Stevedoring Corporation, petitioner, *v.* Michael Castagna. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Bertrand L. Pettigrew for the petitioner, and by Mr. Harold R. Medina for respondent.

No. 893. Lehigh Valley Railroad Company, petitioner, *v.* Frank Skoczyla, Administrator, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. George S. Hobart for the petitioner, and by Mr. Frank M. Hardenbrook for the respondent.

No. 232. Hartford Life Insurance Company, appellant, *v.* Garland S. Johnson, Administrator, etc. Submitted by Mr. James C. Jones, Mr. Lon O. Hocker, Mr. Frank H. Sullivan, Mr. George F. Haid, and Mr. James C. Jones, jr., for the appellant, and by Mr. Matthew A. Fyke for the appellee.

No. 672. Charles Glen Collins, appellant, *v.* Victor Loisel, U. S. Marshal for the Eastern District of Louisiana. Motion to reassign denied.

No. 215. Mutual Life Insurance Company of New York, plaintiff in error, *v.* Mary S. Liebing. Argument continued by Mr. James J. O'Donohoe for the defendant in error, and concluded by Mr. William Marshall Bullitt for the plaintiff in error.

No. —, original. John Doe, Demise of the Commonwealth of Massachusetts, plaintiff, *v.* The City of Rochester; and

No. —, original. The Commonwealth of Massachusetts, plaintiff, *v.* Eugene Van Voorhis et al., Commissioners of Appraisal. Argued on the motions for leave to file declaration herein by Mr. E. H. Abbot, jr., for the plaintiffs, and by Mr. Eugene Van Voorhis for Van Voorhis et al.

No. —, original. John Doe, Demise of the Commonwealth of Massachusetts, plaintiff, *v.* The City of Rochester; and

No. —, original. The Commonwealth of Massachusetts, plaintiff, *v.* Eugene Van Voorhis et al., Commissioners of Appraisal. Motions for leave to file declarations herein denied, without prejudice to filing of motions for leave to file bills in equity for the same purpose.

No. —, original. The Commonwealth of Massachusetts, complainant, *v.* The State of New York et al. Motion for leave to file bill of complaint herein submitted by Mr. Edwin H. Abbot, jr., and Mr. J. Weston Allen for the complainant.

No. 216. Cleve Edwards, plaintiff in error, *v.* The State of Georgia. Submitted by Mr. Carl N. Davie for the plaintiff in error, and by Mr. George M. Napier for the defendant in error.

No. 217. The Wichita Railroad & Light Company, appellant, *v.* The Public Utilities Commission of the State of Kansas et al. Argument commenced by Mr. Henry I. Green for the appellant, continued by Mr. H. L. McCune for the appellees, and concluded by Mr. Henry I. Green for the appellant.

No. 219. The City of Houston, appellant, *v.* Southwestern Bell Telephone Company; and

No. 220. Southwestern Bell Telephone Company, appellant, *v.* The City of Houston et al. Argument commenced by Mr. W. J. Howard for the city of Houston.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, April 25, will be as follows: Nos. 219 (and 220), 221, 222, 20 original, 750, 751, 752, 753, 832, 833, 844, 845, and 672.

## SUPREME COURT OF THE UNITED STATES.

TUESDAY, APRIL 25, 1922.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Van Devanter, Mr. Justice Pitney, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Clarke.

J. Clifford McChristie, of New York City; Ben B. Wickham, of Cleveland, Ohio; Simon Pierre Robineau, of Miami, Fla.; and Marvin J. Schaberg, of Kalamazoo, Mich., were admitted to practice.

No. —, original. *Ex parte* In the matter of Erwin R. Bergdoll, petitioner. Motion for reconsideration of motion for leave to file petition for a writ of habeas corpus herein submitted by Mr. J. D. Shewalter for the petitioner.

No. 219. The City of Houston, appellant, *v.* Southwestern Bell Telephone Company; and

No. 220. Southwestern Bell Telephone Company, appellant, *v.* The City of Houston et al. Argument continued by Mr. W. J. Howard for the city of Houston, by Mr. C. M. Bracelin and Mr. Nelson Phillips for the Southwestern Bell Telephone Co., and concluded by Mr. Sewall Myer for the city of Houston.

No. 221. American Smelting & Refining Company, appellant, *v.* The United States. Argument commenced by Mr. William B. King for the appellant, continued by Mr. William C. Herron for the appellee, and concluded by Mr. George A. King for the appellant.

No. 222. John Barton Payne, Agent, etc., et al., plaintiffs in error, *v.* Industrial Board of Illinois et al. Argued by Mr. Michael M. Doyle for the defendants in error, and submitted by Mr. George B. Gillespie and Mr. H. N. Quigley for the plaintiffs in error.

No. 20, original. The State of Oklahoma, complainant, *v.* The State of Texas. Six and one-half hours allowed for the argument of this case. Argument commenced by Mr. W. W. Dyar for The United States.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, April 26, will be as follows: Nos. 20 (original), 750, 751, 752, 753, 832, 833, 844, 845, and 672.

## SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, APRIL 26, 1922.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Van Devanter, Mr. Justice Pitney, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Clarke.

Philip A. McHugh, of Detroit, Mich., Carter B. Keene, of Washington, D. C., Percy Atwood Shay, of New York City, Todd C. Storer, of Pueblo, Colo., Edwin R. Wakefield, of New York City, Robert Gordon, of Miami, Fla., Charles Bechhoefer, of St. Paul, Minn., and Leopold Hammel, of Milwaukee, Wis., were admitted to practice.

The Chief Justice announced that the court will adjourn to-morrow at 2 o'clock to attend the dedication of the memorial to Gen. Ulysses S. Grant, late President of the United States.

No. 20, original. The State of Oklahoma, complainant, *v.* The State of Texas. Argument continued by Mr. W. W. Dyar for The United States, by Mr. Thomas W. Gregory and Mr. W. A. Keeling for the defendant.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, April 27, will be as follows: Nos. 20 original, 750, 751, 752, 753, 832, 833, 844, 845, and 672.

69667—22—98

## SUPREME COURT OF THE UNITED STATES.

THURSDAY, APRIL 27, 1922.

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Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Van Devanter, Mr. Justice Pitney, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Clarke.

Oscar J. Larson, of Duluth, Minn.; Joseph M. Hargedon, of Lawrence, Mass.; and John Alden Ryan, of Chicago, Ill., were admitted to practice.

No. 20, original. The State of Oklahoma, complainant, *v.* The State of Texas. Argument continued by Mr. Joseph W. Bailey for Texas Patented Land Owners, by Mr. W. W. Dyar for the United States, and concluded by Mr. S. P. Freeling for the complainant.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, April 28, will be as follows: Nos. 750 (and 751), 752 (and 753), 832 (and 833, 844, and 845), 672, 223 (and 241), 224, 226, 228, 230, and 233.

69667—22—99

# SUPREME COURT OF THE UNITED STATES.

FRIDAY, APRIL 28, 1922.

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Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Van Devanter, Mr. Justice Pitney, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Clarke.

Charles C. Bucknam, of Boston, Mass.; Alexander Irving Peckham, of Boston, Mass.; and William Goronwy Owens, of Williston, N. Dak.; were admitted to practice.

No. —, original. *Ex parte* In the matter of Carl Parker. Motion for leave to file a petition for a writ of habeas corpus herein submitted by Mr. Walter Holland for the petitioner.

No. 224. Industrial Accident Commission of the State of California, petitioner, *v.* James C. Davis, as Agent, etc. Submitted by Mr. Warren H. Pillsbury for the petitioner, and by Mr. A. S. Halsted, Mr. Alex. Britton, and Mr. Charles H. Bates for the respondent.

No. 226. Willard M. Lindsey, appellant, *v.* J. Weston Allen, Attorney General, etc., et al. Submitted by Mr. Hector M. Hitchings and Mr. Henry N. Rice for the appellant, and by Mr. J. Weston Allen and Mr. Arthur E. Seagrave for the appellees.

No. 228. Keokuk & Hamilton Bridge Company, plaintiff in error, *v.* The People of the State of Illinois ex rel. John H. McCallister, County Treasurer, etc. Submitted by Mr. F. T. Hughes for the plaintiff in error, and by Mr. Lee Siebenborn and Mr. Clifton J. O'Harra for the defendant in error.

No. 750. Charles D. Newton, as Attorney General, etc., et al., appellants, *v.* Consolidated Gas Company of New York;

No. 751. Charles D. Newton, as Attorney General, etc., et al., appellants, *v.* New York & Queens Gas Company;

No. 752. Charles D. Newton, as Attorney General, etc., et al., appellants, *v.* Central Union Gas Company;

No. 753. Charles D. Newton, as Attorney General, etc., et al., appellants, *v.* Northern Union Gas Company;

No. 832. Charles D. Newton, as Attorney General, etc., et al., appellants, *v.* New York Mutual Gas Light Company;

No. 833. Charles D. Newton, as Attorney General, etc., et al., appellants, *v.* The Standard Gas Light Company of the City of New York;

No. 844. Charles D. Newton, as Attorney General, etc., et al., appellants, *v.* New Amsterdam Gas Company; and

No. 845. Charles D. Newton, as Attorney General, etc., et al., appellants, *v.* The East River Gas Company of Long Island City. Argument commenced by Mr. Harry Hertzoff for the appellants in Nos. 750 and 751; continued by Mr. William Schuyler Jackson for the appellants in Nos. 752 and 753; by Mr. Judson Hyatt for the appellants in Nos. 832, 833, 844, and 845; by Mr. John A. Garver for the appellees, and concluded by Mr. William L. Ransom for the appellees. Leave granted to file additional briefs by Wednesday next.

No. 672. Charles Glen Collins, appellant, *v.* Victor Loisel, U. S. Marshal for the Eastern District of Louisiana. Argued by Mr. Guion Miller and Mr. Edgar Allan Poe for the appellant, and by Mr. Robert H. Marr for the appellee.

Adjourned until Monday next at 12 o'clock.

The call of the docket has been suspended for the term.



## SUPREME COURT OF THE UNITED STATES.

MONDAY, MAY 1, 1922.

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Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Van Devanter, Mr. Justice Pitney, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Clarke.

Ira E. Robinson, of Grafton, W. Va.; Eugene M. Schwarzenberg, of Boston, Mass.; H. Bert Knowles, of Gloucester, Mass.; Hiram E. Todd, of Pearin, Ill.; Seth W. Norwood, of Portland, Me.; O. M. Wood, of San Juan, P. R.; John S. Wise, jr., of New York City; Edgar W. Hunt, of Trenton, N. J.; and Bruce Mason, of Long Beach, Calif., were admitted to practice.

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No. 20, original. State of Oklahoma, complainant, *v.* State of Texas, defendant, The United States of America, intervener. The Red River within Oklahoma held unnavigable and that State's claim to the river bed, based on the asserted navigability of the river, rejected; riparian claims to the river bed between the one hundredth degree of west longitude and the North Fork of the river, based on the ownership of lands on the north bank, sustained, but held to extend only to the medial line of the river; conflicts among these riparian claims adjusted; and claims to the river bed under placer mining locations rejected. Parties in interest given 20 days within which to submit a proper form of decree disposing of all these claims in conformity with the views expressed in the opinion of the court. Opinion by Mr. Justice Van Devanter.

No. 308. Sloan Shipyards Corporation et al., appellants, *v.* United States Shipping Board Emergency Fleet Corporation et al. Appeal from the District Court of the United States for the Western District of Washington. Decree reversed with costs; and cause remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Holmes. Dissenting: The Chief Justice, Mr. Justice Van Devanter, and Mr. Justice Clarke.

No. 376. Astoria Marine Iron Works, plaintiff in error, *v.* United States Shipping Board Emergency Fleet Corporation. In error to the District Court of the United States for the District of Oregon.

Judgment reversed with costs; and cause remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Holmes. Dissenting: The Chief Justice, Mr. Justice Van Devanter, and Mr. Justice Clarke.

No. 526. United States Shipping Board Emergency Fleet Corporation, representing The United States of America, petitioner, *v.* Roger B. Wood, Trustee in Bankruptcy. 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 Holmes. Concurring: The Chief Justice, Mr. Justice Van Devanter, and Mr. Justice Clarke.

No. 200. Victor E. Shwab, Executor of the Last Will and Testament of Augusta J. Dickel, deceased, plaintiff in error, and Emanuel J. Doyle, United States Collector of Internal Revenue for the Fourth Collection District of Michigan. In error to the United States Circuit Court of Appeals for the Sixth Circuit. Judgment reversed with costs; and cause remanded to the District Court of the United States for the Western District of Michigan for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice McKenna.

No. 236. Union Trust Company of San Francisco et al., Executors, etc., plaintiffs in error, *v.* Justus S. Wardell, United States Collector of Internal Revenue for the First District of California, et al. In error to the District Court of the United States for the Northern District of California. Judgment reversed with costs; and cause remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice McKenna.

No. 303. Harriet L. Levy et al., plaintiffs in error, *v.* Justus S. Wardell, United States Collector of Internal Revenue for the First District of California, et al. In error to the District Court of the United States for the Northern District of California. Judgment reversed with costs; and cause remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice McKenna.

No. 602. John C. Knox, as Surviving Executor of the Last Will and Testament of Jonas B. Kissam, deceased, et al., plaintiffs in error, *v.* Richard J. McElligott, as late Collector of Internal Revenue for the Third District of New York. In error to the United States Circuit Court of Appeals for the Second Circuit. Judgment reversed with costs; and cause remanded to the District Court of the United States for the Southern District of New York for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice McKenna.

No. 687. T. B. Stafford et al., copartners, etc., et al., appellants, *v.* Henry C. Wallace, Secretary of Agriculture, et al.; and

No. 691. James Eugene Burton et al., appellants, *v.* Charles F. Clyne, United States District Attorney for the Northern District of Illinois. Appeals from the District Court of the United States for the Northern District of Illinois. Decrees affirmed with costs. Opinion by Mr. Chief Justice Taft. Dissenting: Mr. Justice McReynolds. (Mr. Justice Day took no part in the consideration or decision of these cases.)

The Chief Justice also announced the following orders of the court:

No. 12, original. The State of North Dakota, complainant, *v.* The State of Minnesota. Motion to fix time for taking additional testimony granted, pursuant to the stipulation fixed by the parties.

No. 92. The United States of America ex rel. Robert A. Widenmann, plaintiff in error, *v.* Charles E. Hughes, as Secretary of State, etc. Motion requesting the court to deliver an opinion in this case denied.

No. —, original. The Commonwealth of Massachusetts, complainant, *v.* The State of New York. Motion for leave to file a bill of complaint in this cause granted, and process ordered to issue returnable on Monday, October 2, 1922.

No. —, original. Ex parte In the matter of Carl Parker, petitioner. Motion for leave to file petition for a writ of habeas corpus herein denied.

No. 512. Blamberg Brothers, appellant, *v.* The United States of America. Motion to advance granted, and cause assigned for argument on Monday, November 20, next.

No. 591. James L. Brooks *v.* The United States of America. Motion to advance granted, and cause assigned for argument on Monday, November 13, next, after the cases heretofore assigned for that day.

No. 852. American & British Manufacturing Company, petitioner, *v.* G. W. McNear, Inc. Petition for a writ of certiorari to the Superior Court of the State of Rhode Island denied.

No. 858. The Cincinnati, Indianapolis & Western Railroad Company, petitioner, *v.* The Indianapolis Union Railway Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 859. County of Shasta, petitioner, *v.* The Mountain Copper Company, Limited. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 860. County of Shasta, petitioner, *v.* The Mountain Copper Company, Limited. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 861. County of Shasta, petitioner, *v.* Balaklala Consolidated Copper Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 862. William Nelson Cromwell et al., as Executors, etc., petitioners, *v.* Annie S. Simons. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 864. Ike Lewisohn, 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. 871. Centrell & Cochrane, Limited, petitioner, *v.* Hygeia Distilled Water Company, Inc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

No. 878. Kokusai Kisen Kabushiki Kaisha, petitioner, *v.* Argos Mercantile Corporation, as Trustee, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 879. Kokusai Kisen Kabushiki Kaisha, petitioner, *v.* Frederick E. Crotois, as Trustee, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 886. Port of New York Stevedoring Corporation, petitioner, *v.* Michael Castagna. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 893. Lehigh Valley Railroad Company, petitioner, *v.* Frank Skoczyla, Administrator, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 232. Hartford Life Insurance Company, appellant, *v.* Garland S. Johnson, Administrator of the Estate of Nannie M. Johnson, deceased. Appeal from the District Court of the United States for the Western District of Missouri. *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. 222. John Barton Payne, Agent, etc., et al., plaintiffs in error, *v.* Industrial Board of Illinois et al. In error to the Circuit Court of Coles County, State of Illinois. *Per curiam*: Dismissed for want of jurisdiction. Act of February 1, 1899, c. 121, 30 Stat. 822; *LeCrone v. McAdoo*, 253 U. S. 217, 219.

No. 228. Keokuk & Hamilton Bridge Company, plaintiff in error, *v.* The People of the State of Illinois ex rel. John H. McCallister, County Treasurer, etc. In error to the Supreme Court of the State of Illinois. Per curiam: Dismissed for want of jurisdiction. Section 237 of the Judicial Code, as amended by the act of September 6, 1916, c. 448, sec. 2, 39 Stat. 726; *Jett Bros. Distilling Co. v. City of Carrollton*, 252 U. S. 1, 5-6.

No. 216. Cleve Edwards, plaintiff in error, *v.* The State of Georgia. In error to the Supreme Court of the State of Georgia. Per curiam: Affirmed upon authority of *Vigliotti v. Pennsylvania*, decided April 10, 1922.

No. 226. Willard M. Lindsey, appellant, *v.* J. Weston Allen, Attorney General of the State of Massachusetts, et al. Appeal from the District Court of the United States for the District of Massachusetts. 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. See *Williams v. Scudder*, decided March 27, 1922.

No. 888. A. J. Krank Manufacturing Company, petitioner, *v.* Chris H. Pabst et al., a copartnership, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Frank B. Kellogg and Mr. Frank A. Whiteley for the petitioner.

No. 775. Transportes Maritimos do Estado, Claimant, etc., petitioner, *v.* Tietjen and Lang Drydock Company;

No. 776. Transportes Maritimos do Estado, Claimant, etc., petitioner, *v.* Maxwell Rose, doing business, etc.;

No. 777. Transportes Maritimos do Estado (in personam), petitioner, *v.* Maxwell Rose, doing business, etc.;

No. 778. Transportes Maritimos do Estado, Claimant, etc., petitioner, *v.* Thomas De Simone; and

No. 779. Transportes Maritimos do Estado (in personam), petitioner, *v.* Thomas De Simone. Motion to dismiss or affirm or to advance submitted by Mr. E. Curtis Rouse, Mr. John M. Woolsey, Mr. Robert S. Erskine, and Mr. Meyer Kraushaar for the respondents in support of the motion, and by Mr. F. Dudley Kohler for the petitioner in opposition thereto.

No. 20, original. The State of Oklahoma, complainant, *v.* The State of Oklahoma. Eighth report of the receiver filed, on motion of Mr. John S. Flannery in that behalf.

No. 797. International Life Insurance Company, plaintiff in error, *v.* Adrian F. Sherman. Motion to dismiss or affirm submitted by Mr. John H. Atwood, Mr. Oscar S. Hill, and Mr. William Thomson for

the defendant in error in support of the motion, and by Mr. Armwell L. Cooper and Mr. Charles G. Revelle for the plaintiff in error in opposition thereto.

No. 634. Dora E. Rooker et al., petitioners, *v.* Fidelity Trust Company et al., etc. Petition for a writ of certiorari to the Supreme Court of the State of Indiana submitted by Mr. William Velpeau Rooker for the petitioner.

No. 843. The Griscom-Russell Company, petitioner, *v.* Standard Water Systems Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Richard P. Whiteley for the petitioner and by Mr. William M. Stockbridge for the respondent.

No. 857. William R. Warner & Company, petitioner, *v.* Eli Lilly & Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Francis Rawle, Mr. George W. Wickersham, and Mr. Roger S. Baldwin for the petitioner, and by Mr. E. W. Bradford for the respondent.

No. 866. Abbott Factory, Inc., petitioner, *v.* Earl Bancroft, as Trustee, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Edmund J. Wager for the petitioner, and by Mr. Percival De Witt Orratt for the respondent.

No. 885. John McGovern, 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. Seymour Stedman and Mr. Charles H. Soelke for the petitioner, and by Mr. Solicitor General Beck, Assistant Attorney General Wilbrandt, and Mr. George E. Boren for the respondent.

No. 890. The Keystone Publishing Company, petitioner, *v.* The Jewelers' Circular Publishing Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. George Carlton Comstock and Mr. Robert C. Beatty for the petitioner, and by Mr. W. Hastings Swenarton for the respondent.

No. 922. Thomas H. Hayes, petitioner, *v.* Joseph Chester Gibson, Trustee. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Thomas T. Bayard, Mr. W. Thomas Kemp, and Mr. Robert Pennington for the petitioner, and by Mr. Josiah Marvel for the respondent.

No. 942. Director General of Railroads, petitioner, *v.* Samuel Kastenbaum. Petition for a writ of certiorari to the Supreme Court of the State of New York submitted by Mr. Lyman M. Bass for the petitioner.

Adjourned until Monday, May 15, at 12 o'clock.

## SUPREME COURT OF THE UNITED STATES.

MONDAY, MAY 15, 1922.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Van Devanter, Mr. Justice Pitney, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Clarke.

H. Lawrence Noble, of Manila, P. I.; Marion Clark, of Cecilton, Md.; J esse Macbeth, of Fort Wayne, Ind.; J. Prince Webster, of Atlanta, Ga.; Morris Kamber, of New York City; John Beardsley, of Los Angeles, Calif.; Edward C. Jerome, of Greensboro, N. C.; James Price Farmer, of Washington, D. C.; Douglas Hudson, of Fort Scott, Kans.; Merrick Ames Whipple, of Chicago, Ill.; John Hammond Crabbe, of San Francisco, Calif.; Benj. F. Fowler, of Two Harbors, Minn.; Joseph Meyer, of Minneapolis, Minn.; Sylvanus H. Hart, jr., of Jacksonville, Fla.; James F. Wright, of Norfolk, Va.; and John M. Robinson, of Charlotte, N. C., were admitted to practice.

No. 172. Pierce Oil Corporation et al., plaintiffs in error, *v.* Phoenix Refining Company. In error to the Supreme Court of the State of Oklahoma. Judgment affirmed with costs. Opinion by Mr. Justice Clarke.

No. 173. Paul A. Ewert, appellant, *v.* Carrie Bluejacket, a widow, et al.; and

No. 186. Carrie Bluejacket, a widow, et al., appellants, *v.* Paul A. Ewert. Appeals from the United States Circuit Court of Appeals for the Eighth Circuit. Decree affirmed in part and reversed in part; and cause remanded to the District Court of the United States for the Eastern District of Oklahoma for an accounting and for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Clarke.

No. 157. John S. Kendall, Administrator, etc., et al., appellants, *v.* Paul A. Ewert. Appeal from the United States Circuit Court of Appeals for the Eighth Circuit. Decree reversed with costs; and cause remanded to the District Court of the United States for the Eastern District of Oklahoma for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Clarke.

No. 267. Rainier Brewing Company, plaintiff in error, *v.* Great Northern Pacific Steamship Company. In error to the United States Circuit Court of Appeals for the Ninth Circuit. Judgment affirmed with costs; and cause remanded to the District Court of the United States for the Western District of Washington. Opinion by Mr. Justice Clarke.

No. 132. Union Tool Company, petitioner, *v.* Elihu C. Wilson. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Decree affirmed with costs; and cause remanded to the District Court of the United States for the Southern District of California. Opinion by Mr. Justice Brandeis.

No. 268. Augustus S. Worthington et al., Executors, etc., plaintiffs in error, *v.* The District of Columbia. In error to the Court of Appeals of the District of Columbia. Judgment affirmed with costs. Opinion by Mr. Justice Brandeis.

No. 203. The South Covington and Cincinnati Street Railway Company et al., appellants, *v.* The City of Newport, Kentucky. Appeal from the District Court of the United States for the Eastern District of Kentucky. Decree reversed with costs; and cause remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice McReynolds. Dissenting: Mr. Justice Brandeis and Mr. Justice Clarke. (Mr. Justice Pitney concurs in the result.)

No. 750. Charles D. Newton, Attorney General, etc., et al., appellants, *v.* Consolidated Gas Company of New York;

No. 751. Charles D. Newton, Attorney General, etc., et al., appellants, *v.* New York and Queens Gas Company;

No. 752. Charles D. Newton, Attorney General, etc., et al., appellants, *v.* Central Union Gas Company;

No. 753. Charles D. Newton, Attorney General, etc., et al., appellants, *v.* Northern Union Gas Company;

No. 832. Charles D. Newton, Attorney General, etc., et al., appellants, *v.* The New York Mutual Gas Light Company;

No. 833. Charles D. Newton, Attorney General, etc., et al., appellants, *v.* The Standard Gas Light Company of the City of New York;

No. 844. Charles D. Newton, Attorney General, etc., et al., appellants, *v.* New Amsterdam Gas Company; and

No. 845. Charles D. Newton, Attorney General, etc., et al., appellants, *v.* The East River Gas Company of Long Island City. Appeals from the District Court of the United States for the Southern District of New York. Decrees reversed in part and affirmed in part; and causes remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice McReynolds. (Mr. Justice Clarke concurs in the result.)

No. 221. American Smelting and Refining Company, appellant, *v.* The United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Holmes.

No. 615. John A. Grogan, Collector of Internal Revenue for the First District of Michigan, et al., appellants, *v.* Hiram Walker &



Sons, Ltd. Appeal from the District Court of the United States for the Eastern District of Michigan. Decree reversed with costs; and cause remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Holmes. Dissenting: Mr. Justice McKenna, Mr. Justice Day, and Mr. Justice Clarke.

No. 639. The Anchor Line (Henderson Brothers), Ltd., appellant, *v.* George W. Aldridge, Collector of Customs for 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 Holmes. Dissenting: Mr. Justice McKenna, Mr. Justice Day, and Mr. Justice Clarke.

No. 190. British Columbia Mills Tug & Barge Company, petitioner, *v.* A. W. Mylroie. 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 Alaska. Opinion by Mr. Chief Justice Taft.

No. 16. The Atherton Mills, appellant, *v.* Eugene T. Johnston et al. Appeal from the District Court of the United States for the Western District of North Carolina. Decree reversed with costs; and cause remanded with direction to dismiss the bill, without costs to either party. Opinion by Mr. Chief Justice Taft.

No. 590. J. W. Bailey, Collector of Internal Revenue, et al., appellants, *v.* John J. George, Trading and Doing Business as Vivian Cotton Mills, et al. Appeal from the District Court of the United States for the Western District of North Carolina. Decree reversed with costs; and cause remanded with direction to dismiss the bill. Opinion by Mr. Chief Justice Taft.

No. 657. J. W. Bailey and J. W. Bailey, Collector of Internal Revenue for the District of North Carolina, plaintiffs in error, *v.* Drexel Furniture Company. In error to the District Court of the United States for the Western District of North Carolina. Judgment affirmed with costs. Opinion by Mr. Chief Justice Taft. Dissenting: Mr. Justice Clarke.

No. 616. John Hill, jr., et al., appellants, *v.* Henry C. Wallace, Secretary of Agriculture, et al. Appeal from the District Court of the United States for the Northern District of Illinois. Decree reversed with costs; and cause remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Chief Justice Taft. Concurring: Mr. Justice Brandeis.

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The Chief Justice also announced the following orders of the court:

No. 741. Alabama Power Company et al., plaintiffs in error, *v.* Banks S. Talmadge, as Administrator, etc. In error to the Supreme

Court of the State of Alabama. *Per curiam*: Dismissed for the want of jurisdiction on authorities cited.

No. 775. *Transportes Maritimos do Estado*, claimant, etc., petitioner, *v. Tietjen and Lang Drydock Company*;

No. 776. *Transportes Maritimos do Estado*, claimant, etc., petitioner, *v. Maxwell Rose*, doing business, etc.;

No. 777. *Transportes Maritimos do Estado* (in personam), claimant, etc., petitioner, *v. Maxwell Rose*, doing business, etc.;

No. 778. *Transportes Maritimos do Estado*, claimant, etc., petitioner, *v. Thomas De Simone*; and

No. 779. *Transportes Maritimos do Estado* (in personam), petitioner, *v. Thomas De Simone*. Consideration of the motions to dismiss or affirm in these cases postponed to the hearing on the merits; and cases advanced and assigned for argument on Tuesday, October 3d, next, after the case heretofore assigned for that day.

No. 797. *International Life Insurance Company*, plaintiff in error, *v. Adrian F. Sherman*. Consideration of the motion to dismiss or affirm in this cause postponed to the hearing on the merits.

No. 857. *William R. Warner & Company*, petitioner, *v. Eli Lilly & Company*. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit granted.

No. 942. *Director General of Railroads*, petitioner, *v. Samuel Kastenbaum*. Petition for a writ of certiorari to the Supreme Court of the State of New York granted.

No. 634. *Dora E. Rooker et al.*, petitioners, *v. Fidelity Trust Company*. Petition for a writ of certiorari to the Supreme Court of the State of Indiana denied.

No. 843. *The Griscom-Russell Company*, petitioner, *v. Standard Water Systems Company et al.* Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 866. *Abbott Factory (Inc.)*, petitioner, *v. Earl Bancroft*, as Trustee, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 885. *John McGovern*, 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. 888. *A J. Krank Manufacturing Company*, *v. Chris H. Pabst et al.*, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 890. *The Keystone Publishing Company*, petitioner, *v. The Jewelers' Circular Publishing Company*. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 922. Thomas H. Hayes, petitioner, *v.* Joseph Chester Gibson, Trustee, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 19, original. The State of New Mexico, complainant, *v.* The State of Colorado. Leave granted to file stipulation as to appointment of Commissioners, on motion of Mr. Edward T. Taylor in behalf of counsel for the defendant.

No. 119. United Shoe Machinery Corporation et al., appellants, *v.* The United States of America. Motion for modification of decree submitted by Mr. Charles F. Choate for the appellants, with leave to counsel for the appellee to file reply within 10 days.

No. 891. Toledo Scale Company, petitioner, *v.* The Computing Scale Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. George D. Welles and Mr. Horace Kent Tenney for the petitioner, and by Mr. John M. Zane, Mr. Charles F. Morse, and Mr. Drury W. Cooper for the respondents.

No. 874. Elmore D. Dier et al., appellants. *v.* Joab H. Banton, District Attorney of the County of New York, et al. Motion to advance and for stay submitted by Mr. Nash Rockwood for the appellants. Stay order granted until May 29. Suggestions concurring in motion to advance and opposing stay order submitted by Mr. Otto A. Schlobohm in behalf of Mr. Saul S. Myers, and by Mr. John C. Myers. Leave granted counsel to file briefs within three days.

No. 873. The Coca Cola Company, plaintiff in error, *v.* The City of Atlanta; and

No. 892. Empire Cotton Oil Company, plaintiff in error, *v.* The City of Atlanta. Motion to amend writs of error submitted by Mr. Clifford L. Anderson for the plaintiffs in error.

No. 873. The Coca Cola Company, plaintiff in error, *v.* The City of Atlanta;

No. 882. Thomas K. Glenn, plaintiff in error, *v.* The City of Atlanta; and

No. 892. Empire Cotton Oil Company, plaintiff in error, *v.* The City of Atlanta. Petition for writs of certiorari herein submitted by Mr. Clifford L. Anderson for the plaintiffs in error in support of the petition, and by Mr. George M. Napier for the respondents.

No. 927. The Southern Railway Company, appellant, *v.* A. D. Watts, as Commissioner of Revenue of North Carolina;

No. 928. Atlantic & Yadkin Railway Company, appellant, *v.* A. D. Watts, as Commissioner of Revenue of North Carolina;

No. 960. Seaboard Air Line Railway Company, appellant, *v.* A. D. Watts, as Commissioner of Revenue of North Carolina;

No. 961. Atlantic Coast Line Railroad Company, appellant, *v.* A. D. Watts, as Commissionr of Revenue of North Carolina; and

No. 962. Norfolk Southern Railroad Company, appellant, *v.* A. D. Watts, as Commissioner of Revenue of North Carolina. Motion for stay pending appeal submitted by Mr. S. R. Prince for the appellants in Nos. 927 and 928, in support of the motion; by Mr. Murray Allen for the appellant in No. 960, in support of the motion; by Mr. Thomas W. Davis for the appellant in No. 961, in support of the motion; and by Mr. W. B. Rodman, Mr. W. B. Rodman, jr., Mr. C. M. Bain, and Mr. John M. Robinson for the appellant in No. 962, in support of the motion; and by Mr. James S. Manning and Mr. William P. Bynum for the appellees, in opposition thereto. Leave granted counsel for appellants to file answer to opposition to motions for stay within three days.

No. 944. Henry F. Mueller et al., etc., appellants. *v.* Samuel W. Adler et al. Motion to advance submitted by Mr. Otto Schlobohm in that behalf.

No. 973. Fidelity & Deposit Company of Maryland et al., petitioners, *v.* The Computing Scale Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. Charles Markell for the petitioners, and by Mr. John M. Zane, Mr. Charles F. Morse, and Mr. Drury W. Cooper for the respondents.

No. 57. John Simmons Company, petitioner, *v.* The Grier Brothers Company. Motion to modify decree submitted by Mr. F. S. Maguire in that behalf.

No. 16, original. The State of Georgia, complainant, *v.* The State of South Carolina. Form of decree submitted by Mr. George M. Napier for the complainant.

No. 443. Bill Moore, plaintiff in error, *v.* The State of Georgia. Motion to advance submitted by Mr. George M. Napier in behalf of counsel for the defendant in error.

No. 346. Public Utilities Commission of Illinois, etc., et al., appellants, *v.* Illinois Central Railroad Company. Appeal from the District Court of the United States for the Northern District of Illinois. Dismissed with costs, and mandate granted, on motion of Mr. Bruce Scott in behalf of counsel for the appellants.

No. —, original. The State of Arkansas, complainant, *v.* The State of Mississippi. Motion for leave to file bill of complaint herein submitted by Mr. W. J. Driver in behalf of Mr. J. S. Utley for the complainant.

No. 785. Dora E. Rooker et al., plaintiffs in error, *v.* Fidelity Trust Company et al., etc. Motion for rule to show cause in re contempt of court and brief in support; petition for supplemental writ

of error and assignment of errors, and petition for a supplemental writ of certiorari, with brief in support, submitted by Mr. William V. Rooker for the plaintiffs in error.

No. 870. Virginia Huey et al., plaintiffs in error, *v.* D. A. Brock et al. Petition for a writ of certiorari herein submitted by Mr. George H. Lamar for the plaintiffs in error in support of the petition.

No. 883. Henry Vogt Machine Company, petitioner, *v.* J. C. Allin. Petition for a writ of certiorari to the Supreme Court of the State of Tennessee submitted by Mr. Frank L. Lynch and Mr. Eugene R. Attkisson for the petitioner.

No. 896. New York Central Railroad Company, petitioner, *v.* William P. Cooper. Petition for a writ of certiorari to the Supreme Court of the State of New York submitted by Mr. Robert E. Whalen for the petitioner, and by Mr. Alexander G. Bentley for the respondent.

No. 923. Columbia Railway, Gas & Electric Company, petitioner, *v.* The State of South Carolina. Petition for a writ of certiorari to the Supreme Court of the State of South Carolina submitted by Mr. Jo-Berry S. Lyles for the petitioner.

No. 938. Charles H. Morris et al., etc., petitioners, *v.* Ella Foster. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia submitted by Mr. Lorenzo A. Bailey for the petitioners, and by Nina I. Thomas for the respondent.

No. 939. Spring Coal Company et al., petitioners, *v.* Bethlehem Steel Company. Petition for a writ of certiorari to the Supreme Court of the State of Massachusetts submitted by Mr. Charles C. Bucknam for the petitioner, and by Mr. John L. Hall for the respondent.

No. 946. Mary E. Lawman, petitioner, *v.* People's Savings & Trust Company of Pittsburgh et al. Petition for a writ of certiorari to the Supreme Court of the State of Pennsylvania submitted by Mary E. Lawman, pro se, and by Mr. Thomas Patterson for the respondent.

No. 947. Baltimore & Ohio Railroad Company, petitioner, *v.* Gordon A. Ramsay, Administrator, etc. Petition for a writ of certiorari to the Supreme Court of the State of Illinois submitted by Mr. James M. Sheean and Mr. George E. Hamilton for the petitioner, and by Mr. David K. Tone for the respondent.

No. 948. Samuel Lumiere, petitioner, *v.* Robertson-Cole Distributing Corporation. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Ernie Adamson for the petitioner, and by Mr. Francis G. Caffey for the respondent.

No. 949. Thomas J. Taylor et al., partners, etc., petitioners, *v.* Louisville Soap Company. Petition for a writ of certiorari to the

United States Circuit Court of Appeals for the Sixth Circuit submitted by Mr. Edmund F. Trabue and Mr. Thomas K. Helm for the petitioners, and by Mr. Alex. Pope Humphrey and Mr. Edward Porter Humphrey for the respondent.

No. 951. Buntaro Kaneda, 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 Annette Abbott Adams for the petitioner.

No. 952. Maru Navigation Company, Owner of the Steamer *St. Charles*, et al., petitioners, *v.* Societa Commerciale Italiana di Navigazione. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. Homer L. Loomis for the petitioners, and by Mr. John C. Prizer for the respondent.

No. 955. James H. Alderman 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. W. D. Bell for the petitioner, and by Mr. Solicitor General Beck, Assistant Attorney General Willebrandt, and Mr. George E. Boren for the respondent.

No. 959. Missouri Pacific Railroad Company, petitioner, *v.* Industrial Commission of the State of Illinois et al., etc. Petition for a writ of certiorari to the Circuit Court of Alexander County, State of Illinois, submitted by Mr. Lindorf O. Whitnel and Mr. Edward J. White for the petitioner.

No. 963. Delaware Steamship & Commerce Corporation, petitioner, *v.* New England Coal & Coke Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit, submitted by Mr. Nelson B. Cramer and Mr. T. K. Schmuck for the petitioner, and by Mr. Emory R. Buckner for the respondent.

No. 968. St. Johns N. F. Shipping Corporation, Owner, etc., petitioner, *v.* S. A. Companhia Geral Commercial do Rio de Janeiro. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit, submitted by Mr. Clarence Bishop Smith for the petitioner, and by Mr. E. Curtis Rouse for the respondent.

No. 327. James C. Davis, Director General, etc., plaintiff in error, *v.* J. J. Smith, jr., Administrator, etc. Motion to dismiss or affirm, submitted by Mr. Marion W. Reily for the defendant in error in support of the motion, and by Mr. Monte M. Lemann, Mr. L. E. Jeffries, Mr. S. R. Prince, and Mr. H. O'B. Cooper for the plaintiff in error in opposition thereto.

Adjourned until Monday, May 29, at 12 o'clock.

## SUPREME COURT OF THE UNITED STATES.

MONDAY, MAY 29, 1922.

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Van Devanter, Mr. Justice Pitney, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Clarke.

Charles S. Dice, of Lewisburg, W. Va.; Louis S. Posner, of New York City; Gertrude Dale, of Nashville, Tenn.; Isabel Klein, of Fort Smith, Ark.; Charles J. Wright, of Springfield, Mo.; Morgan Owen, of Charleston, W. Va.; Charles M. Layne, of Washington, D. C.; Edwin B. Dyer, of Charleston, W. Va.; Staige Davis, of Charleston, W. Va.; Robert Boone McMillan, of San Francisco, Calif.; Ernest L. Nall, of Beaumont, Tex.; Hiles Hamilton, of Grandfield, Okla.; LeRoy P. Percy, of Birmingham, Ala.; Joseph W. Henderson, of Philadelphia, Pa.; Joseph R. Gibson, of Washington, D. C.; J. Arthur Adams, of Washington, D. C.; Barnett Eugene Kopelman, of New York City; Frank D. Moore, of Washington, D. C.; George Edwin Adams, of Washington, D. C.; Joseph G. M. Browne, of Brooklyn, N. Y.; Sam McCollum, of Brady, Tex.; L. M. Ballowe, of Dallas, Tex.; Clarence E. Fleming, of Los Angeles, Calif.; E. J. Reagan, of McDonough, Ga.; Frank Reagan, of Macon, Ga.; Albert M. Hartung, of New York City; Austin M. Pinkham, of Boston, Mass.; W. J. Lanier, of Forrest City, Ark.; James B. Henney, of New York City; Daniel Miner, of New York City; Benjamin P. DeWitt, of New York City; William J. Morgan, of Madison, Wis.; and Harold H. Emmons, of Detroit, Mich., were admitted to practice.

No. 219. The City of Houston, appellant, *v.* Southwestern Bell Telephone Company; and

No. 220. Southwestern Bell Telephone Company, appellant, *v.* The City of Houston et al. Appeals from the District Court of the United States for the Southern District of Texas. Decree affirmed with costs. Opinion by Mr. Justice Clarke. (Mr. Justice Brandeis took no part in the consideration or decision of this case.)

No. 724. The United States of America *ex relatione* John W. French, plaintiff in error, *v.* John W. Weeks, Secretary of War. In error to the Court of Appeals of the District of Columbia. Judgment affirmed with costs. Opinion by Mr. Justice Clarke.

No. 725. The United States of America *ex relatione* William F. Creary, plaintiff in error, *v.* John W. Weeks, Secretary of War. In

error to the Court of Appeals of the District of Columbia. Judgment affirmed with costs. Opinion by Mr. Justice Clarke.

No. 176. Ng Fung Ho, otherwise known as Ung Kip; Ng Yuen Shew, Gin Sang Get, and Gin Sang Mo, petitioners, *v.* Edward White, as Commissioner of Immigration for the Port of San Francisco. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Decree reversed in part and affirmed in part; 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 Brandeis.

No. 202. Great Northern Railway Company et al., petitioners, *v.* Merchants Elevator Company. On writ of certiorari to the Supreme Court of the State of Minnesota. Judgment affirmed with costs. Opinion by Mr. Justice Brandeis.

No. 207. Fidelity & Deposit Company of Maryland, appellant, *v.* The United States. Appeal from the Court of Claims. Remanded for further findings. Opinion by Mr. Justice Brandeis.

No. 208. Fidelity Title & Trust Company, Pittsburgh, Pennsylvania, appellant, *v.* The United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Brandeis.

No. 672. Charles Glen Collins, appellant, *v.* Victor Loisel, United States Marshal for the Eastern District of Louisiana. Appeal from the District Court of the United States for the Eastern District of Louisiana. Decree affirmed with costs. Opinion by Mr. Justice Brandeis.

No. 195. Carlisle Packing Company, petitioner, *v.* Ole Sandanger. On writ of certiorari to the Supreme Court of the State of Washington. Judgment affirmed with costs. Opinion by Mr. Justice McReynolds. Concurring: Mr. Justice Clarke.

No. 246. Charles Olin, appellant, *v.* Perry Kitzmiller et al. Appeal from 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 Oregon. Opinion by Mr. Justice McReynolds.

No. 625. The State Industrial Commission of the State of New York, petitioner, *v.* Nordenholt Corporation et al. On writ of certiorari to the Supreme Court of the State of New York. Judgment reversed with costs; and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice McReynolds.

No. 416. Joshua W. Miles, Collector of Internal Revenue for the District of Maryland, plaintiff in error, *v.* The Safe Deposit & Trust Company of Baltimore, Guardian of Frank R. Brown. In error to



the District Court of the United States for the District of Maryland. Judgment affirmed with costs. Opinion by Mr. Justice Pitney.

No. 5. The United States of America, appellant, *v.* Southern Pacific Company et al. Appeal from the District Court of the United States for the District of Utah. Decree reversed; and cause remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Day. Dissenting: Mr. Justice McKenna. (Mr. Justice McReynolds and Mr. Justice Brandeis took no part in the consideration or decision of this case.)

No. 101. Pine Hill Coal Company, Inc., appellant, *v.* The United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Holmes.

No. 65. The Morrisdale Coal Company, appellant, *v.* The United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Holmes.

Nos. 108 and 109. Santa Fe Pacific Railroad Company, appellant, *v.* Albert B. Fall, Secretary of the Interior. Appeals from the Court of Appeals of the District of Columbia. Decrees reversed with costs; and causes remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Holmes.

No. 204. The Federal Baseball Club of Baltimore, Inc., plaintiff in error, *v.* The National League of Professional Baseball Clubs et al. In error to the Court of Appeals of the District of Columbia. Judgment affirmed with costs. Opinion by Mr. Justice Holmes.

No. 215. Mutual Life Insurance Company of New York, plaintiff in error, *v.* Mary S. Liebing. In error to the Supreme Court of the State of Missouri. Judgment affirmed with costs. Opinion by Mr. Justice Holmes.

No. 224. Industrial Accident Commission of the State of California et al., petitioners, *v.* James C. Davis, as Agent, etc. (Los Angeles & Salt Lake Railway Company). On writ of certiorari to the District Court of Appeals, Second Appellate District, Division 2, of the State of California. Judgment reversed with costs and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice McKenna.

No. 609. Continental Insurance Company et al., appellants, *v.* The United States of America, Reading Company, et al.; and

No. 610. Seward Prosser et al., appellants, *v.* The United States of America, Reading Company, et al. Appeals from the District Court of the United States for the Eastern District of Pennsylvania. Decree modified and affirmed with costs. Opinion by Mr. Chief Justice Taft. (Mr. Justice Brandeis took no part in the consideration or decision of this case.)

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The Chief Justice also announced the following orders of the court :

No. 119. United Shoe Machinery Corporation et al., appellants, *v.* The United States of America. Order: The United Shoe Machinery Corporation and others, appellants, having presented their application for rehearing and modification of the decree of affirmance heretofore rendered in this cause, upon consideration thereof the same is overruled. It is ordered that the District Court after the receipt of the mandate of affirmance may hear an application of the appellants for an extension of time in which to readjust the business of the United Shoe Machinery Corporation with its lessees, and, if satisfied that the same is necessary, may grant a time, not exceeding three months from the date of the receipt of the mandate, in which the United Shoe Machinery Corporation may adjust its business with lessees in a manner to comply with the decree of this court affirming the decree of the District Court.

No. 57. John Simmons Company, petitioner, *v.* The Grier Brothers Company. Motion to modify decree denied.

No. 873. The Coca-Cola Company, plaintiff in error, *v.* The City of Atlanta;

No. 892. Empire Cotton Oil Company, plaintiff in error, *v.* The City of Atlanta. Motions to amend writs of error in these cases granted.

No. 927. Southern Railway Company, appellant, *v.* A. D. Watts et al., etc., et al.;

No. 928. Atlantic & Yadkin Railway Company, appellant, *v.* A. D. Watts et al., etc., et al. Appeals from the District Court of the United States for the Western District of North Carolina;

No. 960. Seaboard Air Line Railway Company, appellant, *v.* A. D. Watts et al., etc., et al.;

No. 961. Atlantic Coast Line Railroad Company, appellant, *v.* A. D. Watts et al., etc., et al.; and

No. 962. Norfolk Southern Railroad Company, appellant, *v.* A. D. Watts et al., etc., et al. Appeals from the District Court of the United States for the Eastern District of North Carolina. Per curiam: In these cases, which were suits brought under section 266, Judicial Code, as amended by the act of March 4, 1913 (37 Stat. 1013), for a preliminary and permanent injunction, a preliminary injunction was denied by the District Court and a stay granted until an application could be made to this court. As the District Court is familiar with the character of the case, and we are not, we deny the motion for a stay, with leave to apply to the District Court for a stay until the matter can be disposed of here, if in its judgment it deem that such a stay should be granted. The motion to advance

is granted and the cases set for hearing on the first Monday in November.

No. —, original. The State of Arkansas, complainant, *v.* The State of Mississippi. Motion for leave to file bill of complaint in this cause granted, and process ordered to issue returnable on Monday, October 2, 1922.

No. 634. Dora E. Rooker et al., petitioners, *v.* Fidelity Trust Company et al., etc.; and

No. 785. Dora E. Rooker et al., plaintiffs in error, *v.* Fidelity Trust Company et al., etc. Motion for a rule to show cause; petition for supplemental writ of error; and petition for supplemental writ of certiorari in this case, severally denied.

No. 327. James C. Davis, Director General, etc., plaintiff in error, *v.* J. J. Smith, Jr., Administrator, etc. Consideration of the motion to dismiss or affirm in this cause postponed to the hearing on the merits.

No. 874. Elmore D. Dier et al., appellants, *v.* Joab H. Banton, District Attorney, etc., et al. Motion to advance and for a stay denied.

No. 944. Henry F. Mueller et al., etc., appellants, *v.* Samuel W. Adler et al. Motion to advance denied.

No. 443. Bill Moore, plaintiff in error, *v.* The State of Georgia. Motion to advance granted, and cause assigned for argument on Monday, October 23, 1922.

No. 891. Toledo Scale Company, petitioner, *v.* The Computing Scale Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted.

No. 973. Fidelity & Deposit Company of Maryland et al., petitioners. *v.* The Computing Scale Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted.

No. 968. St. Johns N. F. Shipping Corporation, petitioner, *v.* S. A. Companhia Geral Commercial do Rio de Janeiro. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 870. Virginia Huey et al., plaintiffs in error, *v.* D. A. Brock et al. Petition for a writ of certiorari herein denied.

No. 873. The Coca Cola Company, plaintiff in error, *v.* The City of Atlanta;

No. 882. Thomas K. Glenn, plaintiff in error, *v.* The City of Atlanta; and

No. 892. Empire Cotton Oil Company, plaintiff in error, *v.* The City of Atlanta. Petitions for writs of certiorari herein denied.

No. 883. Henry Vogt Machine Company, petitioner, *v.* J. C. Allin. Petition for a writ of certiorari to the Supreme Court of the State of Tennessee denied.

No. 896. New York Central Railroad Company, petitioner, *v.* William P. Cooper. Petition for a writ of certiorari to the Supreme Court of the State of New York denied.

No. 923. Columbia Railway, Gas & Electric Company, petitioner, *v.* The State of South Carolina. Petition for a writ of certiorari to the Supreme Court of the State of South Carolina denied.

No. 938. Charles H. Morris et al., etc., petitioner, *v.* Ella Foster. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 939. Spring Coal Company et al., petitioners, *v.* Bethlehem Steel Company. Petition for a writ of certiorari to the Superior Court of the State of Massachusetts denied.

No. 946. Mary E. Lawman, petitioner, *v.* People's Savings & Trust Company of Pittsburgh et al. Petition for a writ of certiorari to the Supreme Court of the State of Pennsylvania denied.

No. 947. Baltimore & Ohio Railroad Company, petitioner, *v.* Gordon A. Ramsay, Administrator, etc. Petition for a writ of certiorari to the Supreme Court of the State of Illinois denied.

No. 948. Samuel Lumiere, petitioner, *v.* Robertson-Cole Distributing Corporation. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 949. Thomas J. Taylor et al., Partners, etc., petitioners, *v.* Louisville Soap Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 951. Buntaro Kaneda, 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. 952. Maru Navigation Company, Owner, etc., et al., petitioners, *v.* Societa Commerciale Italiana di Navigazione. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 955. James H. Alderman 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. 959. Missouri Pacific Railroad Company, petitioner, *v.* Industrial Commission of the State of Illinois et al., etc. Petition for a writ of certiorari to the Circuit Court of Alexander County, State of Illinois, denied.

No. 963. Delaware Steamship & Commerce Corporation, petitioner, *v.* New England Coal & Coke Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 205. Albert B. Fall, Secretary of the Interior, plaintiff in error, *v.* The United States of America on the relation of W. T. Mosier et al.; and

No. 191. Sonneborn Brothers, etc., appellants, *v.* Walter A. Keeling, Attorney General. Restored to the docket for reargument at the next term.

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The court will adjourn for the term on Monday, June 5 next.

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No. 972. August V. Anderson, Warden of the U. S. Penitentiary, Leavenworth, Kansas, petitioner, *v.* Arthur Corall. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Blackburn Esterline in behalf of Mr. Solicitor General Beck and Mr. William C. Herron for the petitioner.

No. 998. The United States of America, plaintiff in error, *v.* George Remus et al. Motion to advance submitted by Mr. Blackburn Esterline for the plaintiff in error.

No. 994. Wallace Benedict, as Receiver, etc., petitioner *v.* Aaron Ratner. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. John A. Kratz in behalf of Mr. Selden Bacon for the petitioner, and by Mr. Louis S. Posner for the respondent.

No. 887. William E. Woodbridge, appellant, *v.* The United States. Motion to reinstate submitted by Mr. Rufus S. Day for the appellant.

No. —, original. The State of New York, complainant, *v.* Harry M. Daugherty, Attorney General, et al. Motion for leave to file bill of complaint herein submitted by Mr. Elon R. Brown for the complainant.

No. 854. Henry P. Reed et al., plaintiffs in error, *v.* Village of Hibbing et al. Petition for a writ of certiorari herein submitted by Mr. H. V. Mercer for the plaintiffs in error in support of the petition, with leave to file printed record hereafter, and by Mr. C. A. Severance, Mr. George W. Morgan, and Mr. H. B. Fryberger for the defendants in error.

No. 988. The Nashville, Chattanooga & St. Louis Railway et al., appellants, *v.* The State of Tennessee et al., etc. Motion for a stay submitted by Mr. Fitzgerald Hall, Mr. Charles N. Burch, and Mr. John B. Keeble for the appellants in support of the motion, and by

Mr. Frank M. Thompson and Mr. William H. Swiggart, jr., for the appellees in opposition thereto.

No. 401. Buell V. Stevens, plaintiff in error, *v.* Southern Pacific Land Company;

No. 402. Ralph E. Stevens, as Administrator, etc., plaintiff in error, *v.* Southern Pacific Land Company; and

No. 403. Mary V. Beggs, plaintiff in error, *v.* Southern Pacific Land Company. Motion to dismiss or affirm submitted by Mr. C. F. R. Ogilby and Mr. Frank Thunen for the defendant in error in support of the motion, and by Mr. Daniel N. Clark and Mr. William L. Chitty for the plaintiffs in error in opposition thereto.

Nos. 825 and 826. Fox Film Corporation, petitioner, *v.* Frederick M. Knowles et al. Motion to advance submitted by Mr. Otto Schlobohm in behalf of counsel for the petitioner.

No. 857. William R. Warner & Company, petitioner, *v.* Eli Lilly & Company. Motion for supersedeas submitted by Mr. Francis Rawle for the petitioner in support of the motion, and by Mr. Frederic D. McKenney for the respondent in opposition thereto.

No. —, original. The State of Wisconsin, complainant, *v.* The State of Illinois. Motion for leave to file a bill of complaint herein submitted by Mr. William J. Morgan for the complainant.

No. 17, original. The Commonwealth of Pennsylvania, complainant, *v.* The State of West Virginia; and

No. 18, original. The State of Ohio, complainant, *v.* The State of West Virginia. Motion for an order fixing compensation of commissioner submitted by Mr. Levi Cooke in that behalf.

No. 894. Arkansas Anthracite Coal & Land Company, petitioner, *v.* Mary A. Stokes. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. James B. McDonough for the petitioner.

No. 895. Arkansas Anthracite Coal & Land Company, petitioner, *v.* Fremont Stokes. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. James B. McDonough for the petitioner.

No. 897. J. L. Lancaster et al., Receivers of the Texas & Pacific Railway, petitioners, *v.* Mrs. Clara Allen, Administratrix, etc. 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. F. H. Prendergast for the petitioners, and by Mr. S. P. Jones for the respondent.

No. 933. Emma C. Bergdoll 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 Third Circuit submitted by

Mr. John S. Maxwell for the petitioners, and by Mr. Solicitor General Beck and Mr. William C. Herron for the respondent.

No. 934. Charles A. Brawn 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 Third Circuit submitted by Mr. John S. Maxwell for the petitioners, and by Mr. Solicitor General Beck and Mr. William C. Herron for the respondent.

No. 935. Charles A. Brawn 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 Third Circuit submitted by Mr. John S. Maxwell for the petitioners, and by Mr. Solicitor General Beck and Mr. William C. Herron for the respondent.

No. 936. Emma C. Bergdoll 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 Third Circuit submitted by Mr. John S. Maxwell for the petitioners, and by Mr. Solicitor General Beck and Mr. William C. Herron for the respondent.

No. 937. James E. Romig, 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. John S. Maxwell for the petitioner, and by Mr. Solicitor General Beck and Mr. William C. Herron for the respondent.

No. 940. Henry W. Perry et al., Trustees, etc., petitioners, *v.* The Para Rubber Company of Pennsylvania. 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 petitioners, and by Mr. E. Lowry Humes and Mr. Leonard K. Guiler for the respondent.

No. 941. Public Service Railway Company, petitioner, *v.* Harold Wursthorn, an Infant, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Frank Bergen for the petitioner, and by Mr. Edwin F. Smith for the respondent.

No. 950. Barney Little, 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. Charles M. Hay for the petitioner, and by Mr. Solicitor General Beck, Mr. Assistant Attorney General Crim, and Mr. Harry S. Ridgely for the respondent.

No. 956. Douglas Newton, 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. Maynard F. Stiles for the petitioner, and by Mr. Solicitor General Beck,

Assistant Attorney General Willebrandt, and Mr. George E. Boren for the respondent.

No. 958. Robins Drydock & Repair Company, petitioner, *v.* Pan American Petroleum & Transport Company. 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. Charles C. Burlingham and Mr. Roy Rood Allen for the respondent.

No. 964. David H. Riddle, 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. Henry E. Davis for the petitioner, and by Mr. Solicitor General Beck, Mr. Assistant Attorney General Crim, and Mr. Harry S. Ridgely for the respondent.

No. 966. Baltimore Talking Board Company, petitioner, *v.* Joshua W. Miles, Collector of Internal Revenue, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. Alexander Armstrong for the petitioner, and by Mr. Solicitor General Beck, Assistant Attorney General Willebrandt, and Mr. George E. Boren for the respondent.

No. 967. Patterson-Sargent Company, Inc., petitioner, *v.* H. H. Rumble et al., Trustees, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit submitted by Mr. John S. Wise, jr., for the petitioner.

No. 969. The People of Porto Rico, petitioner, *v.* Fortuna Estates et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit submitted by Mr. G. T. Trent and Mr. Logan N. Rock for the petitioner, and by Mr. Francis E. Neagle for the respondents.

No. 970. Hon. Harland B. Howe, District Judge, etc., petitioner, *v.* United States Circuit Court of Appeals for the Second Circuit. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Charles Hershenstein for the petitioner.

No. 979. Gillette Safety Razor Company, petitioner, *v.* James C. Davis, Director General of Railroads. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit submitted by Mr. Eugene M. Schwarzenberg for the petitioner, and by Mr. Austin M. Pinkham for the respondent.

No. 982. Al Vesely, 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. L. E. Dadmun for the petitioner, and by Mr. Solicitor General Beck and Mr. George E. Boren for the respondent.



No. 983. Tom Tierney, 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. J. H. Gaines for the petitioner, and by Mr. Solicitor General Beck, Assistant Attorney General Willebrandt, and Mr. George E. Boren for the respondent.

No. 984. Harvey Laundry Company & Refinite Company, petitioner, *v.* The Permutit Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. Edward F. Colladay, Mr. D. P. Wolhaupter, and Mr. William J. Hughes for the petitioner, and by Mr. James Q. Rice for the respondent.

No. 985. The Danish Pride Milk Products Company, petitioner, *v.* Paul Stuppel, Inc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit submitted by Mr. William G. Wheeler for the petitioner.

No. 986. Ford Motor Company, petitioner, *v.* Hotel Woodward Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit submitted by Mr. John W. Davis, Mr. Alfred Lucking, Mr. DeLancey Nicoll, Mr. William J. Hughes, and Mr. H. H. Emmons for the petitioner, and by Mr. Stephen C. Baldwin and Mr. Charles H. Tuttle for the respondent.

No. 987. The Pennsylvania Railroad Company, petitioner, *v.* John P. Pugh. Petition for a writ of certiorari to the Supreme Court of the State of New York submitted by Mr. Frederic D. McKenney and Mr. John Spalding Flannery for the petitioner, and by Mr. Hamilton Ward for the respondent.

No. 989. The New Orleans Land Company, petitioner, *v.* Robert B. Brott et al. Petition for a writ of certiorari to the Supreme Court of the State of Louisiana submitted by Mr. Charles Louque for the petitioner.

No. 990. The Rocky Mountain Fuel Company, petitioner, *v.* The Consolidated Coal & Coke Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit submitted by Mr. Jesse G. Northcutt and Mr. Henry E. Lutz for the petitioner, and by Mr. Charles W. Waterman for the respondent.

No. 996. Charleston & Western Carolina Railway Company, petitioner, *v.* John Williams. Petition for a writ of certiorari to the Supreme Court of the State of South Carolina submitted by Mr. Henry E. Davis and Mr. F. B. Grier for the petitioner, and by Mr. Benjamin B. McCowen for the respondent.

Adjourned until Monday, June 5 next, at 12 o'clock.

# SUPREME COURT OF THE UNITED STATES.

MONDAY, JUNE 5, 1922.

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Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Van Devanter, Mr. Justice Pitney, Mr. Justice McReynolds, Mr. Justice Brandeis, and Mr. Justice Clarke.

Horace Philip Heffernan, of Minneapolis, Minn.; John Nelson Torvestad, of Washington, D. C.; Benjamin M. Stout, of Chicago, Ill.; Herbert A. Horgan, of Brookline, Mass.; Francis Marion Purifoy, of Montgomery, Ala.; C. Dell Floyd, of Seattle, Wash.; Joel F. Watson, of Mt. Vernon, Ill.; Marion H. Drake, of Chicago, Ill.; Kazis Krauczunas, of Seattle, Wash.; Burton W. Musser, of Salt Lake City, Utah; Henry Kimball Urion, of Chicago, Ill.; Wilson F. McCray, of Washington, D. C.; David A. Hart, of Washington, D. C.; Michael Angelo Mussman, of McKees Rocks, Pa.; Harry C. Silver, of Boston, Mass.; Israel G. Holender, of Buffalo, N. Y.; Andrew D. Collins, of Chicago, Ill.; Garland M. McNutt, of Charlottesville, Va.; Raymond E. Werner, of Cincinnati, Ohio; George L. Hoodenpyl, of Long Beach, Calif.; Henry W. Driscoll, of Washington, D. C.; and Charles Robert McCarty, of Los Angeles, Calif., were admitted to practice.

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No. 596. Ernest Lipke, appellant, *v.* Ephraim Lederer, Collector of Internal Revenue for the First District of Pennsylvania. Appeal from the District Court of the United States for the Eastern District of Pennsylvania. Decree reversed with costs; and cause remanded for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice McReynolds. Dissenting: Mr. Justice Brandeis and Mr. Justice Pitney.

No. 343. Ward and Gow, plaintiff in error, *v.* Himan Krinskry et al. In error to the Supreme Court, Appellate Division, Third Judicial Department, of the State of New York. Judgment affirmed with costs. Opinion by Mr. Justice Pitney. Dissenting: Mr. Justice McReynolds and Mr. Justice McKenna.

No. 149. Prudential Insurance Company of America, plaintiff in error, *v.* Robert T. Cheek. In error to the St. Louis Court of Ap-

peals, State of Missouri. Judgment affirmed with costs. Opinion by Mr. Justice Pitney. Dissenting: Mr. Chief Justice Taft, Mr. Justice Van Devanter, and Mr. Justice McReynolds.

No. 19. The Chicago, Rock Island & Pacific Railway Company, plaintiff in error, *v.* Daniel J. Perry. In error to the Supreme Court of the State of Oklahoma. Judgment affirmed with costs. Opinion by Mr. Justice Pitney. Dissenting: Mr. Chief Justice Taft, Mr. Justice Van Devanter, and Mr. Justice McReynolds.

No. 3, original. The State of Wyoming, complainant, *v.* The State of Colorado et al. Decree enjoining diversion by Colorado and co-defendants of more than 15,500 acre-feet per annum from Laramie River by means of or through proposed Laramie-Poudre project. Opinion by Mr. Justice Van Devanter.

No. 3. Adelbert A. Weiland, as State Engineer of the State of Colorado, et al., appellants, *v.* The Pioneer Irrigation Company. Appeal from 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 Colorado. Opinion by Mr. Justice Clarke.

No. 26, original. Harley-Davidson Motor Company et al., petitioners, *v.* The Honorable Joseph Buffington et al., United States Circuit Judges, and the Circuit Court of Appeals for the Third Circuit. On mandamus. Writ of mandamus awarded requiring the United States Circuit Court of Appeals for the Third Circuit to decide the appeal presented to it. Opinion by Mr. Justice Day.

No. 31. United Mine Workers of America et al., plaintiffs in error, *v.* Coronado Coal Company et al. In error to the United States Circuit Court of Appeals for the Eighth Circuit. Judgment reversed with costs; and cause remanded to the District Court of the United States for the Western District of Arkansas for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Chief Justice Taft.

No. 29. United Mine Workers of America et al., petitioners, *v.* Coronado Coal Company et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

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The Chief Justice also announced the following orders of the court:

No. 20, original. The State of Oklahoma, complainant, *v.* The State of Texas. A decree is entered determining that the Red River is not navigable within the State of Oklahoma and denying the claim of that State to the proprietorship of the entire river bed, but recognizing that where the State owns lands bordering on the river her riparian rights are the same as those of other riparian owners. A

decree is also entered denying the claims of all who are asserting rights in the river bed based on placer mining locations. All other matters in this suit are passed over to the next term.

No. 887. William E. Woodbridge, appellant, *v.* The United States. Motion to rescind order docketing and dismissing this case granted, and leave granted to file and docket the case.

No. —, original. The State of New York, complainant, *v.* Harry M. Daugherty, Attorney General, et al. Motion for leave to file bill of complaint herein granted, and process ordered to issue returnable on Monday, October 2, 1922.

No. —, original. The State of Wisconsin, complainant, *v.* The State of Illinois. Motion for leave to file bill of complaint herein granted, and process ordered to issue returnable on Monday, October 2, 1922.

No. 16, original. The State of Georgia, complainant, *v.* The State of South Carolina. Decree entered.

No. 17, original. The Commonwealth of Pennsylvania, complainant, *v.* The State of West Virginia; and

No. 18, original. The State of Ohio, complainant, *v.* The State of West Virginia. Consideration of the motion for an order fixing compensation of commissioner herein postponed to the decision of the case.

No. 988. Nashville, Chattanooga & St. Louis Railway et al., appellants, *v.* The State of Tennessee et al. Motion for a stay in this case denied.

No. 857. William R. Warner & Company, petitioner, *v.* Eli Lilly & Company. Motion for a supersedeas in this case denied.

No. 998. The United States of America, plaintiff in error, *v.* George Remus et al. Motion to advance granted, and cause assigned for argument on Monday, November 13 next, to be heard with No. 591.

Nos. 825 and 826. Fox Film Corporation, petitioner, *v.* Frederick M. Knowles et al. Ordered that these cases be placed upon the summary docket.

No. 401. Buell V. Stevens, plaintiff in error, *v.* Southern Pacific Land Company;

No. 402. Ralph E. Stevens, Administrator, etc., plaintiff in error, *v.* Southern Pacific Land Company; and

No. 403. Mary V. Beggs, plaintiff in error, *v.* Southern Pacific Land Company. In error to the District Court of Appeal, Second Appellate District, Division Two, of the State of California. Per curiam: Dismissed for the want of jurisdiction. (Section 237 of the Judicial Code, as amended by the act of Sept. 6, 1916, c. 448, sec. 2, 39 Stat. 726; *Baltimore & Potomac Ry. Co. v. Hopkins*, 130 U. S.

210; *Jett Bros. Distilling Co. v. City of Carrollton*, 252 U. S. 1, 6; *Schaff v. Famechon Co.*, decided Feb. 27, 1922.)

No. 20, original. The State of Oklahoma, complainant, *v.* The State of Texas. Consideration of the exceptions to objections of The United States to certain recommendations made in the report of the receiver postponed to the decision of the case.

No. 972. August V. Anderson, etc., petitioner, *v.* Arthur Corall. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit granted.

No. 994. Wallace Benedict, as Receiver, etc., petitioner, *v.* Aaron Ratner. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 894. Arkansas Anthracite Coal & Land Company, petitioner, *v.* Mary A. Stokes. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 895. Arkansas Anthracite Coal & Land Company, petitioner, *v.* Fremont Stokes. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 897. J. L. Lancaster et al., Receivers of the Texas & Pacific Railway, petitioners, *v.* Mrs. Clara Allen, Administratrix, etc. Petition for a writ of certiorari to the Court of Civil Appeals for the Sixth Supreme Judicial District of the State of Texas denied.

No. 933. Emma C. Bergdoll et al., petitioners, *v.* The United States of America;

No. 934. Charles A. Brawn et al., petitioners, *v.* The United States of America;

No. 935. Charles A. Brawn et al., petitioners, *v.* The United States of America;

No. 936. Emma C. Bergdoll et al., petitioners, *v.* The United States of America; and

No. 937. James E. Romig, petitioner, *v.* The United States of America. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 940. Henry W. Perry et al., Trustees, etc., petitioners, *v.* The Para Rubber Company of Pennsylvania. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 941. Public Service Railway Company, petitioner, *v.* Harold Wursthorn, an Infant, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 950. Barney Little, 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. 956. Douglas Newton, 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. 958. Robins Drydock & Repair Company, petitioner, *v.* Pan American Petroleum & Transport Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 964. David H. Riddle, 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. 966. Baltimore Talking Board Company, petitioner, *v.* Joshua W. Miles, Collector of Internal Revenue, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 967. Patterson-Sargent Company, petitioner, *v.* H. H. Rumble et al., Trustees, etc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 969. The People of Porto Rico, petitioner, *v.* Fortuna Estates et al. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 970. Hon. Harland B. Howe, District Judge, etc., petitioner, *v.* United States Circuit Court of Appeals for the Second Circuit. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 979. Gillette Safety Razor Company, petitioner, *v.* James C. Davis, Director General of Railroads. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 982. Al Vesely, 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. 983. Tom Tierney, 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. 984. Harvey Laundry Company & Refinite Company, petitioner, *v.* The Permutit Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 985. The Danish Pride Milk Products Company, petitioner, *v.* Paul Stuppel, Inc. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 986. Ford Motor Company, petitioner, *v.* Hotel Woodward Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 987. The Pennsylvania Railroad Company, petitioner, *v.* John P. Pugh. Petition for a writ of certiorari to the Supreme Court of the State of New York denied.

No. 989. The New Orleans Land Company, petitioner, *v.* Robert B. Brott et al. Petition for a writ of certiorari to the Supreme Court of the State of Louisiana denied.

No. 990. The Rocky Mountain Fuel Company, petitioner, *v.* The Consolidated Coal & Coke Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 996. Charleston & Western Carolina Railway Company, petitioner, *v.* John Williams. Petition for a writ of certiorari to the Supreme Court of the State of South Carolina denied.

No. 323. Max Pottash et al., etc., petitioners, *v.* Herman Reach & Company, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit dismissed for the want of prosecution.

No. 338. William S. Leib, petitioner, *v.* Commonwealth of Pennsylvania. Petition for a writ of certiorari to the Superior Court of the State of Pennsylvania dismissed for the want of prosecution.

No. 734. George Yaffee, 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 dismissed for the want of prosecution.

No. 828. John Barton Payne, Federal Agent, petitioner, *v.* Matilda Garvin. Petition for a writ of certiorari to the Supreme Court of the State of Pennsylvania dismissed for the want of prosecution.

No. 829. John Barton Payne, Federal Agent, petitioner, *v.* Nish Torrence et al., Petition for a writ of certiorari to the Supreme Court of the State of Pennsylvania dismissed for the want of prosecution.

No. 837. Bessie R. Innis, petitioner, *v.* I. Noble Heft et al. Petition for a writ of certiorari to the Supreme Court of the State of Michigan dismissed for the want of prosecution.

No. 711. The State of Connecticut, plaintiff in error, *v.* Thomas McAuliffe. In error to the District Court of the United States for the District of Connecticut. Abated, upon suggestion of death of defendant in error.

No. 605. Northern Pacific Railway Company et al., plaintiffs in error, *v.* Ham, Yearsley & Ryrie. In error to the Supreme Court of the State of Washington. Dismissed with costs, pursuant to the 10th rule.

No. 308. Sloan Shipyards Corporation et al., appellants, *v.* United States Shipping Board Emergency Fleet Corporation et al.;

No. 376. Astoria Marine Iron Works, plaintiff in error, *v.* United States Shipping Board Emergency Fleet Corporation; and

No. 526. United States Shipping Board Emergency Fleet Corporation, etc., petitioner, *v.* Roger B. Wood, Trustee, etc. Mandates stayed, and leave granted to present petition for rehearing within 60 days, on motion of Mr. Assistant to the Attorney General Goff in that behalf.

No. 157. John S. Kendall, Administrator, etc., et al., appellants, *v.* Paul A. Ewert;

No. 173. Paul A. Ewert, appellant, *v.* Carrie Bluejacket, a Widow, et al.; and

No. 186. Carrie Bluejacket, a Widow, et al., appellants, *v.* Paul A. Ewert. Mandates stayed, and leave granted to present petition for rehearing within 60 days, on motion of Mr. Will R. King in that behalf.

No. 215. Mutual Life Insurance Company of New York, plaintiff in error, *v.* Mary S. Liebing. Mandate stayed, and leave granted to present petition for rehearing within 60 days, on motion of Mr. Frederic D. McKenney in that behalf.

No. 29. United Mine Workers of America et al., petitioners, *v.* Coronado Coal Company et al.; and

No. 31. United Mine Workers of America et al., plaintiffs in error, *v.* Coronado Coal Company et al. Mandate stayed, and leave granted to present petition for rehearing within 90 days, on motion of Mr. Daniel Davenport in that behalf.

No. 202. Great Northern Railway Company et al., petitioners, *v.* Merchants Elevator Company. Mandate stayed, and leave granted to present petition for rehearing within 60 days, on motion of Mr. John C. Brooke in that behalf.

No. 5. The United States of America, appellant, *v.* Southern Pacific Company et al. Mandate stayed, and leave granted to present petition for rehearing within 60 days, if so advised, on motion of Mr. C. F. R. Ogilby in that behalf.

No. 204. The Federal Base Ball Club of Baltimore, Inc., plaintiff in error, *v.* The National League of Professional Baseball Clubs et al. Mandate stayed, and leave granted to present petition for



rehearing within 30 days, on motion of Mr. Hugh H. Obear in that behalf.

No. 3, original. The State of Wyoming, complainant, *v.* The State of Colorado et al. Leave granted to present petition for rehearing withing 60 days, on motion of Mr. Frederick S. Tyler in that behalf.

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ORDER.

It is now here ordered by the court that all the cases on the docket not decided and all the other business of the term not disposed of be, and the same are hereby, continued to the next term.

Adjourned to the time and place appointed by law.