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Syllabus.

diction as the Federal question attempted to be raised is without merit.

Writ of error to review 136 Wisconsin, 6, dismissed for want of jurisdiction.

PLAINTIFF in error, having been convicted and sentenced, asserted that the law under which the jury was drawn was unconstitutional under the Fourteenth Amendment. Ch. 90, Laws of Wisconsin for 1903 and §§ 2524, 2530, 2533, Wisconsin statutes. The trial court sustained the demurrer of the State to this plea. The plea of plaintiffs in error was that it is a denial of equal protection of the law and of due process of law to be put on trial under an indictment found by persons selected by jury commissioners who are required by statute to be freeholders.

*Mr. A. W. Sanborn, Mr. Frank B. Lamoreaux, Mr. Alan T. Pray, Mr. Horace B. Walmsley and Mr. W. F. Bailey* for plaintiffs in error.

*Mr. Frank L. Gilbert, Attorney General of the State of Wisconsin, Mr. Victor T. Pierrelee, Mr. A. C. Titus and Mr. J. E. Messerschmidt* for defendant in error.

*Per Curiam.* Writ of error dismissed for want of jurisdiction. The Federal question attempted to be raised is without merit.

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## NOLLMAN & CO. v. WENTWORTH LUNCH COMPANY.

APPEAL FROM AND CERTIORARI TO THE UNITED STATES  
CIRCUIT COURT OF APPEALS FOR THE SECOND CIRCUIT.

No. 154. Argued April 15, 1910.—Decided April 18, 1910.

On the authority of *Toxaway Hotel Company v. Smathers & Co.*, 216 U. S. 439, held that a corporation engaged in a general restaurant

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business is not subject to the provisions of the Bankruptcy Act of 1898, as engaged in manufacturing, printing, publishing, trading and mercantile pursuits.

THIS case involved the question whether a corporation principally or solely engaged in carrying on a general restaurant business comes within those classes of corporations which are subject to the provisions of the Bankruptcy Act of 1898 as engaged in manufacturing, printing, publishing, trading or mercantile pursuits.

*Mr. Maurice P. Davidson* for appellants and petitioners.

*Mr. Reno R. Billington* for appellee and respondent.

*Mr. William C. Rosenberg*, by permission of the court, filed a brief as *amicus curiæ*.

*Per Curiam.* Judgment affirmed on the authority of *Toxaway Hotel Company v. Smathers & Co.*, decided February 21, 1910 (216 U. S. 439).<sup>1</sup>

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<sup>1</sup> The pertinent part of the headnote in this case is as follows:

A corporation engaged principally in running hotels is not a corporation engaged principally in trading or mercantile pursuits within the meaning of § 4, subs. b, of the Bankruptcy Act of 1898.

Where Congress has not expressly declared a word to have a particular meaning, it will be presumed to have used the word in its well-understood public and judicial meaning, and cases based on a declaration made by Parliament that the word has a certain meaning are not in point in determining the intent of Congress in using the word.

An occupation that is not trading is not a mercantile pursuit.

A corporation not otherwise amenable to the Bankruptcy Act does not become so because it incidentally engages in mercantile pursuit; and so held as to a hotel company which, in addition to inn-keeping in which it was principally engaged, conducted a small store as an incident to its hotel business.