

campaign purposes in the State of Tennessee and charged on the books of the carrier to operating expenses or construction account; and, 2nd, whether he had personal knowledge of funds of the Louisville & Nashville Railroad used for campaign purposes in the State of Kentucky and charged on the books of the carrier to construction account or operating expenses.

It will be observed that the questions are limited, as some of the questions in No. 337 were, to the allocation upon the books of the company of the funds expended, if any. They are within the reasoning of the opinion in No. 337, and on the authority of that case the order is

Affirmed.

JONES *v.* INTERSTATE COMMERCE COM-
MISSION.

APPEAL FROM THE SUPREME COURT OF THE DISTRICT OF
COLUMBIA.

No. 340. Argued October 3, 1917.—Decided November 5, 1917.

Decided on the authority of *Smith v. Interstate Commerce Commission*,
ante, 33.

Affirmed.

THE case is stated in the opinion.

Mr. Edward S. Jouett, with whom *Mr. Helm Bruce* and
Mr. Henry L. Stone were on the brief, for appellant.

Mr. Joseph W. Folk for the Interstate Commerce Com-
mission, submitted.

MR. JUSTICE MCKENNA delivered the opinion of the
court.

This case was submitted with Nos. 337 and 339, *ante*, 33
and 47. Like them it is a proceeding to compel appellant to

48.

Opinion of the Court.

answer certain questions asked him by the Interstate Commerce Commission. It was based on a petition like the petitions in those cases to which there was a like reply.

The court entered an order requiring appellant to answer the following questions asked by counsel for the Commission:

“I will ask you if you distributed in the State of Alabama on behalf of the Louisville & Nashville Railroad, campaign funds favoring the election of a certain candidate?

“I show you Ledger H, folio 454, from the records of the Louisville & Nashville Railroad, showing certain vouchers sent you in Alabama for various amounts, and will ask you how you expended the money represented by these vouchers, taking the first voucher as a beginning.

“I will ask you whether or not you have personal knowledge of funds of the Louisville & Nashville Railroad and of the Nashville, Chattanooga & St. Louis Railway used to the extent of thousands of dollars for political campaign purposes in the State of Alabama.

“I will ask you do you know of any campaign funds being expended by the Louisville & Nashville Railroad and the Nashville, Chattanooga & St. Louis Railway in the State of Alabama through any attorney under a subterfuge of paying the attorney a bill for professional services?

“Do you know of any funds of the Louisville & Nashville Railroad expended in the State of Alabama for political purposes and charged on the books of the carrier to operating expense?

“I will ask you if you know of any funds of the Louisville & Nashville Railroad or the Nashville, Chattanooga & St. Louis Railway expended in the State of Alabama for political purposes and charged on the books of these carriers or on the books of either carrier to construction?

"I will ask you if you have any knowledge of funds of the Louisville & Nashville Railroad or the Nashville, Chattanooga & St. Louis Railway used for political campaign purposes in the State of Tennessee?"

"Do you know of any funds of the Louisville & Nashville Railroad expended in the State of Tennessee for political campaign purposes and charged on the books of that carrier to operating expense or construction account?"

The questions are similar to those passed on in the other two cases, and the order is

Affirmed.

COHEN, TRUSTEE IN BANKRUPTCY OF SAMUELS, *v.* SAMUELS.

CERTIORARI TO THE CIRCUIT COURT OF APPEALS FOR THE SECOND CIRCUIT.

No. 359. Argued October 17, 1917.—Decided November 5, 1917.

A policy of insurance held by a bankrupt, which has a cash surrender value at the time of the adjudication, becomes an asset, to the extent of such value, in the trustee, under § 70-a of the Bankruptcy Act, even when the policy is payable to a beneficiary other than the bankrupt, his estate or personal representatives, if the bankrupt has reserved absolute power to change the beneficiary.

237 Fed. Rep. 796, reversed.

THE case is stated in the opinion.

Mr. Lawrence B. Cohen, with whom *Mr. Adolph Boskowitz* was on the briefs, for petitioner.

Mr. Samuel Sturtz for respondent.