

476.

Counsel for Parties.

of the tax upon the share of the stockholder (affirmed upon another ground, 191 U. S. 272). And in *Amoskeag Savings Bank v. Purdy*, 231 U. S. 373, we sustained a tax imposed upon a shareholder under a statute that, while not exempting the real estate of the bank situate in the same State, allowed no deduction of its value in the computation of the taxable value of the shares.

It seems to me that to allow a deduction from the taxable value of national bank shares because the bank happens to hold stock in another national bank is not only contrary to the clear intent of § 5219, but is inconsistent with all previous decisions of this court bearing upon the point, especially those that have denied a similar deduction because of tax-exempt securities held by the bank, or because of real estate taxed against it.

MR. JUSTICE BRANDEIS and MR. JUSTICE CLARKE concur in this dissent.

BANK OF CALIFORNIA, NATIONAL ASSOCIATION, v. ROBERTS, TREASURER OF THE STATE OF CALIFORNIA.

ERROR TO THE SUPREME COURT OF THE STATE OF CALIFORNIA.

No. 115. Submitted December 19, 1918.—Decided January 27, 1919.

Decided on authority of *Bank of California v. Richardson*, ante, p. 476. 173 California, 398, reversed.

Mr. E. S. Pillsbury, Mr. F. D. Madison, Mr. Alfred Sutro and *Mr. Oscar Sutro* for plaintiff in error. *Mr. A. D. Plaw* was also on the brief.

Mr. U. S. Webb, Attorney General of the State of California, and *Mr. Raymond Benjamin*, Chief Deputy

Attorney General of the State of California, for defendant
in error.

Per Curiam: This case is controlled by the opinion in *Bank of California v. Richardson*, *ante*, p. 476. Indeed, it was submitted without briefs upon the briefs filed in that case. For the reasons stated in the previous case, therefore, the judgment here must be reversed and the case remanded for further proceedings not inconsistent with this opinion.

Reversed.

PIERCE OIL CORPORATION *v.* CITY OF HOPE.

ERROR TO THE SUPREME COURT OF THE STATE OF ARKANSAS.

No. 137. Submitted January 16, 1919.—Decided January 27, 1919.

A city ordinance forbidding the storage of petroleum and gasoline within 300 feet of any dwelling, beyond certain small quantities, is within the state police power.

So *held*, where storage of those substances in tanks was necessary to a company's business of selling them, and the plant could not be moved without expense and loss of profits.

The fact that the tanks were moved to their present position at the city's request did not import a contract not to require further removal for the public welfare; nor would such a contract be effective. Where it cannot be aided by judicial notice, an averment that an ordinance is unnecessary and unreasonable is too general and is not admitted by a demurrer.

Allegations designed to show that petroleum and gasoline were so stored as not to endanger any buildings and that explosion was impossible, though conceding the possibility of some combustion, *held* insufficient on demurrer to exclude the danger of explosion of which the court might take judicial notice.

127 Arkansas, 38, affirmed.

THE case is stated in the opinion.