

17.

Opinion of the Court.

The county calls attention to the fact that in the demurrer to the petition the statute of limitation (probably meaning § 1570, Rev. Laws 1910), was relied on. This point was not discussed by the Supreme Court and we are not concerned with it beyond observing that when the case is remanded it will be open to that court to deal with the point as to the whole claim or any item in it as any valid local law in force when the claim was filed may require.

Motion to dismiss denied.

Judgment reversed.

BROADWELL v. BOARD OF COUNTY COMMISSIONERS OF CARTER COUNTY, OKLAHOMA.

CERTIORARI TO THE SUPREME COURT OF THE STATE OF OKLAHOMA.

No. 289. Submitted March 25, 1920.—Decided April 26, 1920.

Decided upon the authority of *Ward v. Love County*, ante, 17. 71 Oklahoma, —, reversed.

THE case is stated in the opinion.

Mr. Geo. P. Glaze for petitioner.

Mr. Geo. B. Rittenhouse, *Mr. Clinton A. Galbraith*, *Mr. P. T. McVay*, *Mr. J. A. Bass*, *Mr. Russell Brown* and *Mr. George Trice* for respondent.

MR. JUSTICE VAN DEVANTER delivered the opinion of the court.

This is a proceeding to recover moneys charged to have been paid under compulsion by a number of Choctaw and

Chickasaw Indians to Carter County, Oklahoma, as taxes on allotted lands which were nontaxable. The county commissioners disallowed the claim; the district court of the county to which the claimants appealed sustained a demurrer to their petition and rendered judgment against them, and the Supreme Court affirmed the judgment. 71 Oklahoma, —. The total amount claimed is \$22,455.99, aside from interest.

The case as presented here is in all material respects like *Ward v. Love County*, just decided, *ante*, 17, and its decision properly may be rested on the opinion in that case.

Motion to dismiss denied.

Judgment reversed.

UNITED STATES *v.* READING COMPANY ET AL.

READING COMPANY ET AL. *v.* UNITED STATES.

APPEALS FROM THE DISTRICT COURT OF THE UNITED STATES
FOR THE EASTERN DISTRICT OF PENNSYLVANIA.

Nos. 3, 4. Argued October 10, 11, 1916; restored to docket for reargument May 21, 1917; reargued November 20, 21, 1917; restored to docket for reargument June 10, 1918; reargued October 7, 1919.—Decided April 26, 1920.

Regardless of the use made of it, a power resulting, not from normal expansion and legitimate business enterprise, but from deliberate calculated purchase for control, which enables a holding company to dominate two great competing interstate railroad carriers and two great competing coal companies, engaged extensively in mining and selling anthracite coal that must be transported to interstate markets over those railroads, is a menace to and an undue restraint upon interstate commerce within the meaning of the Anti-Trust Act. P. 57.

By a scheme of reorganization executed after the enactment of the