

254 U. S. Cases Disposed of Without Consideration by the Court.

No. 586. ALEXANDER NEW ET AL., RECEIVERS, ETC. *v.* EFFIE McMILLAN, ADMINISTRATRIX, ETC. January 24, 1921. Petition for a writ of certiorari to the Supreme Court of the State of Oklahoma denied. *Mr. Arthur Miller* and *Mr. Ephraim H. Foster* for petitioners. No appearance for respondent.

No. 666. KOKOMO STEEL WIRE COMPANY *v.* REPUBLIC OF FRANCE. January 24, 1921. Petition for a writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Mr. John R. Browne* for petitioner. *Mr. F. Winter* for respondent.

CASES DISPOSED OF WITHOUT CONSIDERATION
BY THE COURT, FROM OCTOBER 4, 1920, TO
AND INCLUDING JANUARY 24, 1921.

No. 138. UNITED STATES *v.* PICHER LEAD COMPANY. Error to the District Court of the United States for the Western District of Missouri. October 5, 1920. Dismissed, on motion of *The Solicitor General* for the United States. *Mr. A. E. Spencer* for defendant in error.

No. 230. UNITED STATES *v.* JACOB WICIBDEZA (PLEASANT MAN). Error to the District Court of the United States for the District of North Dakota. October 5, 1920. Dismissed, on motion of *The Solicitor General* for the United States. No appearance for defendant in error.

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NO. 3. ADAMS STATE BANK *v.* PEOPLE OF THE STATE OF ILLINOIS. Error to the Supreme Court of the State of Illinois. October 5, 1920. Dismissed with costs, on motion of counsel for plaintiff in error. *Mr. Frank H. Bicek* for plaintiff in error. *Mr. Edward J. Brundage* and *Mr. James H. Wilkerson* for defendant in error.

NO. 32. HARRY WRONKOW KEATLEY *v.* UNITED STATES TRUST COMPANY ET AL., AS EXECUTORS, ETC. On writ of certiorari to the Circuit Court of Appeals for the Second Circuit. October 5, 1920. Dismissed with costs, on motion of counsel for petitioner. *Mr. W. Bourke Cockran* for petitioner. *Mr. Wm. A. W. Steward*, *Mr. Chas. B. Fernald* and *Mr. Edward W. Sheldon* for respondents.

NO. 59. W. F. HARN ET AL. *v.* MISSOURI STATE LIFE INSURANCE COMPANY. Error to the Supreme Court of the State of Oklahoma. October 5, 1920. Dismissed with costs, per stipulation. *Mr. W. F. Harn* for plaintiffs in error. *Mr. James R. Keaton* and *Mr. Frank Wells* for defendant in error.

NO. 153. WILLIAM H. RIGGIE *v.* GRAND TRUNK RAILWAY COMPANY. Error to the Supreme Court of the State of Vermont. October 5, 1920. Dismissed with costs, on motion of counsel for plaintiff in error. *Mr. Harry Burton Amey* for plaintiff in error. *Mr. J. W. Redmond* for defendant in error.

NO. 18. NORTHERN PACIFIC RAILWAY COMPANY *v.* JOHN BARTON PAYNE, SECRETARY OF THE INTERIOR. Ap-

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peal from the Court of Appeals of the District of Columbia. October 6, 1920. Dismissed with costs, on motion of counsel for appellant. *Mr. Charles Donnelly, Mr. Alex. Britton and Mr. F. W. Clements* for appellant. *The Attorney General* for appellee.

No. 248. SARAH A. WHITTEMORE *v.* MAUD B. CRAWFORD. Error to the Court of Appeals of the District of Columbia. October 7, 1920. Dismissed per stipulation. *Mr. L. A. Bailey and Mr. J. William Shea* for plaintiff in error. *Mr. Thomas M. Baker* for defendant in error.

No. 42. PETER L. WHEELER ET AL., AS TRUSTEES, ETC. *v.* CITY OF OAKLAND. Error to the District Court of Appeals in and for the First Appellate District of the State of California. October 7, 1920. Dismissed with costs, on motion of counsel for plaintiffs in error. *Mr. Garret W. McEnerney, Mr. William H. Orrick and Mr. William B. Bosley* for plaintiffs in error. No appearance for defendant in error.

No. 208. UNITED STATES *v.* DIMITRIOS J. THEOPHILATOS ET AL. Error to the District Court of the United States for the Southern District of New York. October 11, 1920. Dismissed, on motion of *The Solicitor General* for the United States. *Mr. William Harmon Black and Mr. William W. Spalding* for defendants in error.

No. 316. EL PASO & SOUTHWESTERN RAILROAD COMPANY *v.* ROBERT L. LOVICK. Error to the Supreme Court

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of the State of Texas. October 11, 1920. Dismissed with costs, per stipulation. *Mr. William R. Harr, Mr. W. A. Hawkins and Mr. C. H. Bates* for plaintiff in error. *Mr. Winbourn Pearce and Mr. A. L. Curtis* for defendant in error.

No. 468. BENJAMIN F. BUSH, RECEIVER FOR THE MISSOURI PACIFIC RAILWAY COMPANY, *v.* ALBERT J. BRUNSWIG. On petition for a writ of certiorari to the Kansas City Court of Appeals of the State of Missouri. October 11, 1920. Petition dismissed with costs, on motion of counsel for petitioner. *Mr. Edward J. White* for petitioner. No appearance for respondent.

No. 554. SECOND NATIONAL BANK OF PARKERSBURG, WEST VIRGINIA, ET AL. *v.* UNITED STATES FIDELITY & GUARANTY COMPANY. Appeal from the Circuit Court of Appeals for the Fourth Circuit. October 11, 1920. Dismissed with costs, per stipulation. *Mr. V. B. Archer* for appellants. *Mr. B. M. Ambler* for appellee.

No. 50. ATLANTIC COAST ELECTRIC RAILWAY COMPANY *v.* BOARD OF PUBLIC UTILITY COMMISSIONERS OF THE STATE OF NEW JERSEY ET AL. Error to the Court of Errors and Appeals of the State of New Jersey. October 15, 1920. Dismissed with costs, pursuant to the nineteenth rule. *Mr. Robert H. McCarter* for plaintiff in error. *Mr. L. Edward Herrmann* for defendants in error.

No. 56. JAMES A. PETERSON *v.* UNITED STATES. Error to the District Court of the United States for the Dis-

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trict of Minnesota. October 18, 1920. Reversed, on confession of error, and cause remanded for further proceedings, on motion of *The Solicitor General* for the United States. *Mr. Frank D. Larrabee* for plaintiff in error.

NO. 64. LOUIS B. NAGLER *v.* UNITED STATES. Error to the District Court of the United States for the Western District of Wisconsin. October 20, 1920. Judgment reversed, on confession of error, and cause remanded for further proceedings in conformity with law, on motion of *The Solicitor General* for the United States. *Mr. Gilbert E. Roe* and *Mr. Herman L. Ekern* for plaintiff in error.

NO. 92. WILLIAM PARENT ET AL. *v.* IRENE L. SIMMONS PICOTTE. Appeal from the Circuit Court of Appeals for the Eighth Circuit. November 8, 1920. Dismissed with costs, on motion of counsel for appellants. *Mr. Thomas L. Sloan* and *Mr. Webster Ballinger* for appellants. *Mr. Edward E. Wagner* for appellee.

NO. 102. LAKEWOOD ENGINEERING COMPANY *v.* NEW YORK CENTRAL RAILROAD COMPANY. Error to the Circuit Court of Appeals for the Sixth Circuit. November 8, 1920. Dismissed with costs, on motion of counsel for plaintiff in error. *Mr. Clifford Thorne* and *Mr. Mark A. Copeland* for plaintiff in error. *Mr. S. H. West* for defendant in error.

NO. 218. GERTRUDE GROOT *v.* CAROLINE I. REILLY. Error to the Court of Appeals of the District of Columbia.

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November 8, 1920. Dismissed with costs, on motion of counsel for plaintiff in error. *Mr. William C. Prentiss* for plaintiff in error. *Mr. Mason N. Richardson* for defendant in error.

No. 220. TONY TACHIN ET AL. *v.* STATE OF NEW JERSEY. Error to the Court of Errors and Appeals of the State of New Jersey. November 9, 1920. Dismissed with costs, on motion of counsel for plaintiffs in error. *Mr. Charles Recht* for plaintiffs in error. No appearance for defendant in error.

No. 108. AMERICAN TELEPHONE & TELEGRAPH COMPANY OF BALTIMORE CITY *v.* STATE ROADS COMMISSION OF MARYLAND. Error to the Court of Appeals of the State of Maryland. November 11, 1920. Dismissed with costs, per stipulation. *Mr. Shirley Carter* for plaintiff in error. *Mr. Albert C. Ritchie, Mr. Ogle Marbury, Mr. Alexander Armstrong* and *Mr. J. Purdon Wright* for defendant in error.

No. 119. CHESAPEAKE & POTOMAC TELEPHONE COMPANY OF BALTIMORE CITY *v.* STATE ROADS COMMISSION OF MARYLAND. Error to the Court of Appeals of the State of Maryland. November 11, 1920. Dismissed with costs, per stipulation. *Mr. Shirley Carter* for plaintiff in error. *Mr. Albert C. Ritchie, Mr. Ogle Marbury* and *Mr. Alexander Armstrong* for defendant in error.

No. 109. EMMA BERNHARDT ET AL. *v.* LEWIS PERRY. Error to the Supreme Court of the State of Missouri.

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November 18, 1920. Dismissed with costs, pursuant to the tenth rule. *Mr. Abraham L. Levi* for plaintiffs in error. No appearance for defendant in error.

No. 375. H. W. CARGILL, AS ASSESSOR, ETC., ET AL. *v.* UNITED STATES EX REL. FRANK PIERCE. On petition for a writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit. Motion to dismiss for want of prosecution submitted November 15, 1920. Decided November 22, 1920. Dismissed for want of prosecution. *Mr. U. S. Bratton* for petitioners. *Mr. George B. Pugh* for respondent.

No. 440. UNITED STATES SHIPPING BOARD EMERGENCY FLEET CORPORATION *v.* JOSEPH N. KINNEY. Error to the District Court of the United States for the Eastern District of Pennsylvania. November 22, 1920. Dismissed with costs, on motion of *The Solicitor General* for plaintiff in error. No appearance for defendant in error.

No. 226. DALLAS LABOR TEMPLE ASSOCIATION ET AL. *v.* C. M. CURETON, ATTORNEY GENERAL, ETC., ET AL. Appeal from the District Court of the United States for the Northern District of Texas. November 22, 1920. Dismissed with costs, pursuant to the tenth rule. *Mr. Joseph Manson McCormick* for appellants. *Mr. C. M. Cureton* for appellees.

No. 227. GEORGE RUSSELL HILL ET AL. *v.* C. M. CURETON, ATTORNEY GENERAL, ETC., ET AL. Appeal from the

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District Court of the United States for the Northern District of Texas. November 22, 1920. Dismissed with costs, pursuant to the tenth rule. *Mr. Joseph Manson McCormick* for appellants. No appearance for appellees.

NO. 228. GALVESTON ARTILLERY CLUB ET AL. *v.* C. M. CURETON, ATTORNEY GENERAL, ETC., ET AL. Appeal from the District Court of the United States for the Northern District of Texas. November 22, 1920. Dismissed with costs, pursuant to the tenth rule. *Mr. Joseph Manson McCormick* for appellants. No appearance for appellees.

NO. 162. UNITED STATES *v.* THEODORE RAY. Error to the District Court of the United States for the District of Wyoming. December 6, 1920. Dismissed, on motion of *The Solicitor General* for the United States. *Mr. D. A. Preston* for defendant in error.

NO. 350. CLARK COUNTY NATIONAL BANK *v.* COMMONWEALTH OF KENTUCKY. Error to the Court of Appeals of the State of Kentucky. December 6, 1920. Dismissed with costs, on motion of counsel for plaintiff in error. *Mr. D. L. Pendleton* for plaintiff in error. No appearance for defendant in error.

NO. 601. CHANSLOR-CANFIELD MIDWAY OIL COMPANY ET AL. *v.* UNITED STATES. Appeal from the Circuit Court of Appeals for the Ninth Circuit. Motion to remand submitted December 6, 1920. Decided December 13, 1920. Joint motion of Recovery Oil Company and the United

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States that this cause be remanded to the District Court of the United States for the Southern District of California to carry into effect the settlement of the case reached pursuant to Act of Congress of February 25, 1920, granted. *Mr. Peter F. Dunne* and *Mr. U. T. Clotfelter* for appellants. *The Solicitor General* for the United States.

NO. 402. WILLARD B. BRYNE *v.* HELEN F. MARTELL, ADMINISTRATRIX, ETC. On petition for a writ of certiorari to the Superior Court of the State of Massachusetts. December 13, 1920. Dismissed for the want of prosecution. *Mr. James T. Lloyd* for petitioner. *Mr. Charles W. Darr* for respondent.

NO. 446. RUBIE C. CONNOR ET AL. *v.* MENA KYLE ELLIOTT, AS EXECUTRIX, ETC. On petition for a writ of certiorari to the Supreme Court of the State of Florida. December 13, 1920. Dismissed for the want of prosecution. *Mr. William E. Richardson* for petitioners. *Mr. Benjamin Micou* for respondent.

NO. 127. MORRIS ZUCKER *v.* UNITED STATES. Error to the District Court of the United States for the Eastern District of New York. December 13, 1920. Dismissed, pursuant to the sixteenth rule, on motion of *The Solicitor General* for the United States. *Mr. Louis B. Boudin* for plaintiff in error.

NO. 267. MICHAEL McCOLE *v.* THE LIGHTER "HOWELL," ETC., CHELSEA LIGHTERAGE COMPANY, INCORPORATED.

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TED, CLAIMANT. Certificate from the Circuit Court of Appeals for the Second Circuit. January 3, 1921. Leave granted to withdraw certificate sent up by the Circuit Court of Appeals for the Second Circuit. *Mr. Robert Stewart* for McCole. *Mr. Bertrand L. Pettigrew* for claimant.

No. 141. BLUMENSTOCK BROTHERS ADVERTISING AGENCY *v.* CURTIS PUBLISHING COMPANY. Error to the Circuit Court of Appeals for the Seventh Circuit. January 10, 1921. Dismissed with costs, on motion of counsel for plaintiff in error. *Mr. Colin C. H. Fyffe* for plaintiff in error. No appearance for defendant in error.

No. 550. UNITED STATES *v.* UNITED SHOE MACHINERY CORPORATION ET AL. Appeal from the District Court of the United States for the Eastern District of Missouri. January 11, 1921. Dismissed, on motion of *The Solicitor General* for the United States. *Mr. Frederick P. Fish*, *Mr. Charles F. Choate, Jr.*, and *Mr. Cordenio A. Severance* for appellees.

No. 469. THE PULLMAN COMPANY *v.* STATE INDUSTRIAL COMMISSION. On writ of certiorari to the Supreme Court, Appellate Division, Third Department, of the State of New York. January 17, 1921. Dismissed per stipulation. *Mr. Maurice C. Spratt* and *Mr. H. Prescott Gately* for petitioner. *Mr. E. Clarence Aiken* for respondent.

No. 169. WABASH RAILROAD COMPANY *v.* BOARD OF REVIEW OF COOK COUNTY, ILLINOIS. Error to the Su-

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preme Court of the State of Illinois. January 18, 1921. Dismissed with costs, on motion of counsel for plaintiff in error. *Mr. E. Marvin Underwood* and *Mr. La Rue Brown* for plaintiff in error. *Mr. Edward J. Brundage* for defendant in error.

No. 165. JOSEPH B. BEUTEL ET AL. *v.* OSCAR G. FOREMAN ET AL., TRUSTEES, ETC. Error to the Supreme Court of the State of Illinois. January 19, 1921. Dismissed with costs, pursuant to the tenth rule. *Mr. Albert Fink* and *Mr. David D. Stansbury* for plaintiffs in error. *Mr. Samuel A. Ettelson* and *Mr. Chester E. Cleveland* for defendants in error.

No. 629. WILLIAM R. CASTLE ET AL., TRUSTEES, ETC. *v.* JULIA WHITE CASTLE. On writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit. January 24, 1921. Dismissed with costs, on motion of counsel for petitioners. *Mr. A. G. M. Robertson* for petitioners. No appearance for respondent.

CASES DISPOSED OF IN VACATION.

No. 184. HANS HOHNER *v.* FRANCIS P. GARVAN, AS ALIEN PROPERTY CUSTODIAN, ET AL. Appeal from the District Court of the United States for the Southern District of New York. August 21, 1920. Dismissed pursuant to the twenty-eighth rule. *Mr. A. W. Lafferty* for appellant. *The Attorney General* for appellees.