

237 of the Judicial Code, as amended by the Act of September 6, 1916, c. 448, § 2, 39 Stat. 726; *Jett Bros. Distilling Co. v. Carrollton*, 252 U. S. 1, 5-6. *Mr. Edward J. White, Mr. Thomas B. Pryor and Mr. Samp Jennings* for plaintiff in error. *Mr. Joseph S. Utley* for defendant in error.

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No. 125. GUSTAVUS FRENCH HARVEY ET AL. *v.* UNION TRACTION COMPANY, J. D. SIGGINS, PRESIDENT. Appeal from the District Court of the United States for the District of Kansas. Submitted January 25, 1922. Decided February 27, 1922. *Per Curiam*. Dismissed for want of jurisdiction upon the authority of *Farrell v. O'Brien*, 199 U. S. 89, 100; *Toop v. Ulysses Land Co.*, 237 U. S. 580, 583; *Piedmont Power & Light Co. v. Graham*, 253 U. S. 193, 195. *Mr. Gustavus French Harvey* for appellants. *Mr. John J. Jones* for appellee.

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No. 420. J. DAN BLACKISTONE *v.* LEONARD W. GROOMES. Error to the Court of Appeals of the District of Columbia. Motion to dismiss submitted January 30, 1922. Decided February 27, 1922. *Per Curiam*. Dismissed for want of jurisdiction upon the authority of *Farrell v. O'Brien*, 199 U. S. 89, 100; *Toop v. Ulysses Land Co.*, 237 U. S. 580, 583; *Piedmont Power & Light Co. v. Graham*, 253 U. S. 193, 195. *Mr. Raymond M. Hudson* for plaintiff in error. *Mr. Joseph D. Sullivan* for defendant in error.

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PETITIONS FOR CERTIORARI GRANTED OR RESTORED TO DOCKET, FROM OCTOBER 3, 1921, TO AND INCLUDING FEBRUARY 27, 1922.

No. 314. DHARANDAS TULSIDAS ET AL. *v.* INSULAR COLLECTOR OF CUSTOMS. October 10, 1921. Petition for a writ of certiorari to the Supreme Court of the Philippine

257 U. S.

Decisions Granting Certiorari.

Islands granted. *Mr. Adams C. Carson* for petitioners. *Mr. Grant T. Trent* and *Mr. Logan N. Rock* for respondent.

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No. 327. JAMES C. DAVIS, DIRECTOR GENERAL, ETC. *v.* J. J. SMITH, JR., ADMINISTRATOR, ETC. Error to the Supreme Court of the State of Mississippi. October 10, 1921. Petition for a writ of certiorari herein granted. *Mr. H. O'B. Cooper, Mr. J. Blanc Monroe, Mr. Monte M. Lemann, Mr. A. S. Bozeman, Mr. S. R. Prince* and *Mr. L. E. Jeffries*, for plaintiff in error, in support of the petition. No brief filed for defendant in error.

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No. 348. JOHN EWEN *v.* AMERICAN FIDELITY COMPANY. October 10, 1921. Petition for a writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Mr. Henry E. Davis* for petitioner. *Mr. Abram I. Elkus* for respondent.

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No. 379. MINNESOTA COMMERCIAL MEN'S ASSOCIATION *v.* MINNIE MAE BENN, AS EXECUTRIX, ETC. October 10, 1921. Petition for a writ of certiorari to the Supreme Court of the State of Minnesota granted. *Mr. David F. Simpson, Mr. A. V. Ricks* and *Mr. William A. Lancaster* for petitioner. No appearance for respondent.

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No. 382. CHARLES MCKELVEY ET AL. *v.* UNITED STATES. October 10, 1921. Petition for a writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit granted. *Mr. Ralph W. Adair* for petitioners. *Mr. Assistant Attorney General Riter* and *Mr. H. L. Underwood* for the United States.

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No. 386. REGAL DRUG CORPORATION *v.* JUSTUS S. WARDELL, AS UNITED STATES COLLECTOR OF INTERNAL REV-

ENUE, ETC. October 10, 1921. Petition for a writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit granted. *Mr. John W. Preston* for petitioner. *Mr. Solicitor General Beck* for respondent.

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No. 388. COLONIAL BEACH COMPANY, OWNER, ETC. *v.* QUEMAHONING COAL COMPANY ET AL. October 10, 1921. Petition for a writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit granted. *Mr. Hugh H. Obear* and *Mr. Paul Dulaney* for petitioner. No appearance for respondents.

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No. 391. NEW YORK CENTRAL & HUDSON RIVER RAILROAD COMPANY *v.* JOHN W. KINNEY. October 10, 1921. Petition for a writ of certiorari to the Supreme Court of the State of New York granted. *Mr. Maurice C. Spratt* for petitioner. *Mr. Hamilton Ward* for respondent.

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No. 405. AMERICAN MILLS COMPANY *v.* AMERICAN SURETY COMPANY OF NEW YORK. October 10, 1921. Petition for a writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Mr. Henry Uttal* for petitioner. *Mr. Henry C. Willcox* and *Mr. William Marshall Bullitt* for respondent.

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No. 426. CHAMPLAIN REALTY COMPANY *v.* TOWN OF BRATTLEBORO. October 17, 1921. Petition for a writ of certiorari to the Supreme Court of the State of Vermont granted. *Mr. William C. Cannon* for petitioner. *Mr. Ernest W. Gibson* for respondent.

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No. 427. OSAKA SHOSEN KAISHA ET AL. *v.* PACIFIC EXPORT LUMBER COMPANY. October 17, 1921. Petition

257 U. S.

Decisions Granting Certiorari.

for a writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit granted. *Mr. William H. Hayden* for petitioners. *Mr. Erskine Wood* for respondent.

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No. 439. JAMES C. DAVIS, DIRECTOR GENERAL OF RAILROADS, ETC. *v.* MRS. MAUDE E. GREEN, ADMINISTRATRIX, ETC. October 17, 1921. Petition for a writ of certiorari to the Supreme Court of the State of Mississippi granted. *Mr. B. E. Eaton* and *Mr. T. J. Wills* for petitioner. *Mr. J. W. Cassidy* for respondent.

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No. 451. AMERICAN RAILWAY EXPRESS COMPANY *v.* A. J. LINDENBURG. October 17, 1921. Petition for a writ of certiorari to the Supreme Court of Appeals of the State of West Virginia granted. *Mr. D. C. T. Davis, Jr.*, for petitioner. No brief filed for respondent.

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No. 463. KANSAS CITY SOUTHERN RAILWAY COMPANY *v.* ELIZABETH VAN ZANT. October 17, 1921. Petition for a writ of certiorari to the Supreme Court of the State of Missouri granted. *Mr. Cyrus Crane* for petitioner. *Mr. Charles H. Montgomery* for respondent.

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No. 526. UNITED STATES SHIPPING BOARD EMERGENCY FLEET CORPORATION, ETC. *v.* ROGER B. WOOD, TRUSTEE, ETC. October 24, 1921. Petition for a writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Mr. Solicitor General Beck*, *Mr. Guy D. Goff* and *Mr. Abram F. Myers* for petitioner. *Mr. Godfrey Goldmark* for respondent.

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No. 533. FEDERAL TRADE COMMISSION *v.* FRUIT GROWERS' EXPRESS, INC. October 24, 1921. Petition for a writ

of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted. *Mr. Solicitor General Beck* and *Mr. Adrien F. Busick* for petitioner. No appearance for respondent.

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No. 540. JULIUS F. SMIETANKA, COLLECTOR OF INTERNAL REVENUE, ETC. *v.* FIRST TRUST & SAVINGS BANK, TRUSTEE, ETC. October 24, 1921. Petition for a writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted. *Mr. Solicitor General Beck* for petitioner. *Mr. John P. Wilson* for respondent. [See *ante*, 602.]

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No. 545. TAKUJI YAMASHITA ET AL. *v.* J. GRANT HINKLE, AS SECRETARY OF STATE OF THE STATE OF WASHINGTON. October 24, 1921. Petition for a writ of certiorari to the Supreme Court of the State of Washington granted. *Mr. Corwin S. Shank* for petitioners. No brief filed for respondent.

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No. 550. EIBEL PROCESS COMPANY *v.* MINNESOTA & ONTARIO PAPER COMPANY. October 24, 1921. Petition for a writ of certiorari to the Circuit Court of Appeals for the First Circuit granted. *Mr. Frederick P. Fish*, *Mr. Guy Cunningham* and *Mr. Harrison F. Lyman* for petitioner. *Mr. Amasa C. Paul* and *Mr. Livingston Gifford* for respondent.

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No. 367. LIBERTY OIL COMPANY *v.* CONDON NATIONAL BANK ET AL.;

No. 377. OLE TOLO *v.* STEAMSHIP HANNAH NEILSON, HER ENGINES, ETC.;

No. 381. SIOUX CITY BRIDGE COMPANY *v.* DAKOTA COUNTY, NEBRASKA;

No. 434. DOO FOOK *v.* UNITED STATES; AND

257 U. S.

Decisions Granting Certiorari.

NO. 435. CHAN WY SHEUNG *v.* UNITED STATES. Order entered November 7, 1921.

These were petitions for a rehearing of the dismissal of petitions for certiorari which were not submitted to the court in accordance with the provision of Rule 37, par. 4, that "An application for a writ of certiorari will be deemed in time when the petition therefor, accompanied by the printed record and brief, is filed within the period prescribed by law, provided this is followed by submitting the petition in open court on some motion day not later than the first one which follows a period of four weeks after such filing." It has been made to appear to the satisfaction of the court that the failure to submit these petitions at the proper time was due to a misunderstanding as to the effect of the rule and an unwarranted reliance upon the assumed practice of the clerk of his own motion to present such petitions. The authority given by the rule to the clerk to present the petitions at the request of counsel was for the purpose of relieving counsel of the necessity of coming to court, frequently from long distances, to make a formal motion. It was not, however, intended to relax the requirement adopted to facilitate dispatch of business, that the petition should be presented on the motion day fixed by the rule. By granting these motions the court does not intend to relax the requirements of the rule, and suggests that hereafter to avoid question requests made to the clerk to present such petitions should be in writing. The applications in the foregoing cases are severally granted, and the petitions will be restored to the docket for consideration on their merits and considered as submitted. [See *post*, 630, 651, 652, 653, 654.]

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NO. 481. GREAT NORTHERN RAILWAY COMPANY *v.* VIVIAN H. STEINKE ET AL. November 7, 1921. Petition for a writ of certiorari to the Supreme Court of the State of

North Dakota granted. *Mr. M. L. Countryman* and *Mr. C. J. Murphy* for petitioner. *Mr. William G. Owens* for respondents.

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No. 510. DONALD M. HILL ET AL. *v.* CHARLES S. SMITH. November 7, 1921. Petition for a writ of certiorari to the Superior Court of the State of Massachusetts granted. *Mr. Edward E. Blodgett* for petitioners. No brief filed for respondent.

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No. 575. A. BOURJOIS & COMPANY, INC. *v.* ANNA KATZEL. November 7, 1921. Petition for a writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Mr. Hans V. Briesen* and *Mr. William A. Redding* for petitioner. *Mr. Manton M. Wyvell* for respondent. *Mr. Lindley M. Garrison*, by leave of court, filed a brief as *amicus curiæ*.

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No. 577. UNITED STATES *v.* A. C. LOUCKS ET AL. November 7, 1921. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted. *Mr. Solicitor General Beck* and *Mr. Assistant Attorney General Riter* for the United States. No brief filed for respondents.

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No. 367. LIBERTY OIL COMPANY *v.* CONDON NATIONAL BANK ET AL. November 14, 1921. Petition for a writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit granted. *Mr. Frederick W. Lehmann* for petitioner. *Mr. John J. Jones* for respondents. [See *post*, 651; *ante*, 628.]

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No. 381. SIOUX CITY BRIDGE COMPANY *v.* DAKOTA COUNTY, NEBRASKA. November 14, 1921. Petition for a

257 U. S.

Decisions Granting Certiorari.

writ of certiorari to the Supreme Court of the State of Nebraska granted. *Mr. Wymer Dressler* for petitioner. *Mr. F. W. Sargent* for respondent. [See *post*, 652; *ante*, 628.]

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No. 334. *McLANE TILTON v. FELIX M. DRENNEN, AS RECEIVER, ETC.* December 12, 1921. Petition for a rehearing of order denying certiorari under par. 4 of Rule 37 granted. *Mr. Forney Johnston* for appellant. *Mr. H. L. Stevens* for appellee. [See *post*, 651, 657.]

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No. 598. *HENRY E. STEVENS, JR. v. ARTHUR S. ARNOLD ET AL., EXECUTORS, ETC.* December 12, 1921. Petition for a writ of certiorari to the Circuit Court of Appeals for the Third Circuit granted. *Mr. Harvey F. Carr* for petitioner. No brief filed for respondents.

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No. 625. *STATE INDUSTRIAL COMMISSION OF THE STATE OF NEW YORK v. NORDENHOLT CORPORATION ET AL.* December 12, 1921. Petition for a writ of certiorari to the Supreme Court of the State of New York granted. *Mr. E. Clarence Aiken* for petitioner. *Mr. Elmer C. Sherwood* for respondents.

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No. 629. *UNITED STATES v. CHARLES WALTER MORELAND.* December 19, 1921. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia granted. *Mr. Solicitor General Beck, Mr. F. H. Stephens, Mr. George P. Barse* and *Mr. Lewis B. Perkins* for the United States. *Mr. Foster Wood* for respondent.

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No. 630. *FEDERAL TRADE COMMISSION v. SINCLAIR REFINING COMPANY.* January 3, 1922. Petition for a writ

of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted. *Mr. Solicitor General Beck, Mr. Blackburn Esterline, Mr. W. H. Fuller, Mr. Adrien F. Busick and Mr. Eugene W. Burr* for petitioner. No brief filed for respondent.

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No. 652. JAMES C. DAVIS, DIRECTOR GENERAL OF RAILROADS, ETC. *v.* L. N. DANTZLER LUMBER COMPANY. January 3, 1922. Petition for a writ of certiorari to the Supreme Court of the State of Mississippi granted. *Mr. Carl Fox and Mr. R. C. Beckett* for petitioner. No appearance for respondent.

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No. 648. WABASH RAILWAY COMPANY *v.* MILES ELLIOTT. January 16, 1922. Petition for a writ of certiorari to the Kansas City Court of Appeals of the State of Missouri granted. *Mr. Frederic D. McKenney and Mr. N. S. Brown* for petitioner. *Mr. William Buchholz, Mr. I. B. Kimbrell and Mr. Martin J. O'Donnell* for respondent.

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No. 676. CROWN DIE & TOOL COMPANY *v.* NYE TOOL & MACHINE WORKS. January 16, 1922. Petition for a writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted. *Florence King* for petitioner. *Mr. W. H. Dyrenforth and Mr. George A. Chritton* for respondent.

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No. 674. CONCRETE STEEL COMPANY *v.* GEORGE E. VANDENBURG. January 30, 1922. Petition for a writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Mr. Thomas J. Johnston and Mr. L. E. Varney* for petitioner. *Mr. Carlos P. Griffin, Mr. O.*

257 U. S.

Decisions Denying Certiorari.

*Ellery Edwards* and *Mr. Joseph W. Cox* for respondent. *Mr. Solicitor General Beck*, by leave of court, filed a brief as *amicus curiæ*.

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No. 690. THOMAS G. WATKINS, TRUSTEE, ET AL. *v.* J. H. SEDBERRY ET AL. January 30, 1922. Petition for a writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit granted. *Mr. C. C. Calhoun* and *Mr. Clarence T. Boyd* for petitioners. *Mr. Charles S. Lawrence* for respondents.

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PETITIONS FOR CERTIORARI DENIED OR DISMISSED AS TARDY OR PREMATURE, FROM OCTOBER 3, 1921, TO AND INCLUDING FEBRUARY 27, 1922.

No. 300. STATE OF OHIO EX REL. ALLEN J. SENEY, PROSECUTING ATTORNEY, ETC. *v.* SWIFT & COMPANY ET AL. Appeal from the Circuit Court of Appeals for the Sixth Circuit. October 10, 1921. Petition for a writ of certiorari herein denied. *Mr. Charles S. Northup*, for appellant, in support of the petition. *Mr. Harold W. Fraser*, for appellees, in opposition to the petition.

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No. 316. P. E. HUNTER *v.* UNITED STATES. October 10, 1921. Petition for a writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied. *Mr. Wade H. Ellis* and *Mr. Challen B. Ellis* for petitioner. *Mr. Assistant Attorney General Stewart* and *Mr. Hugh A. Fisher* for the United States.

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No. 331. GARFIELD PRIOLEAU *v.* UNITED STATES. October 10, 1921. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia denied. *Mr.*