

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

No. 773. DOLLY McCALMONT, ADMINISTRATRIX, ETC., *v.* PENNSYLVANIA RAILROAD COMPANY. January 22, 1923. Petition for a writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Mr. David F. Anderson* for petitioner. *Mr. William B. Sanders* and *Mr. Thomas M. Kirby* for respondent

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No. 778. S. H. BENJAMIN FUEL & SUPPLY COMPANY *v.* BELL UNION COAL & MINING COMPANY. January 29, 1923. Petition for a writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Mr. J. F. Bullitt* for petitioner. No appearance for respondent.

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No. 790. EDWARD J. DONEGAN *v.* UNITED STATES. January 29, 1923. Petition for a writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Elijah N. Zoline* for petitioner. *Mr. Solicitor General Beck*, *Mr. Assistant Attorney General Crim* and *Mr. H. S. Ridgely* for the United States.

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CASES DISPOSED OF WITHOUT CONSIDERATION BY THE COURT, FROM OCTOBER 2, 1922, TO AND INCLUDING JANUARY 29, 1923.

Nos. 90 and 91. EDWARD J. BRUNDAGE, ATTORNEY GENERAL OF ILLINOIS, *v.* UNITED STATES ET AL. Appeals from the District Court of the United States for the Northern District of Illinois. October 3, 1922. Dismissed, per stipulation. *Mr. Edward J. Brundage*, *Mr. James H. Wilkinson* and *Mr. Garfield Charles* for appellant. *Mr. Solicitor General Beck* and *Mr. P. J. Farrell* for appellees.

Cases Disposed of Without Consideration by the Court. 260 U.S.

No. 211. *E. C. EDDY, AS TREASURER, ETC., ET AL. v. FIRST NATIONAL BANK OF FARGO.* Appeal from the Circuit Court of Appeals for the Eighth Circuit. October 3, 1922. Dismissed with costs, per stipulation. *Mr. Geo. E. Wallace* and *Mr. C. L. Young* for appellants. *Mr. John F. Callahan* for appellee.

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No. 254. *WORLD PUBLISHING COMPANY v. UNITED STATES.* Appeal from the Court of Claims. October 3, 1922. Dismissed, per stipulation. *Mr. Karl K. Gartner* for appellant. *The Attorney General* for the United States.

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No. 390. *NEW ORLEANS & NORTHEASTERN RAILROAD COMPANY ET AL. v. THOMAS E. BEARD.* On petition for a writ of certiorari to the Supreme Court of the State of Mississippi. October 3, 1922. Dismissed, on motion of counsel for petitioners. *Mr. H. O'B. Cooper* for petitioners. *Mr. N. T. Currie* and *Mr. J. W. Cassedy* for respondent.

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No. 525. *WILLIAM S. FLEMING v. UNITED STATES.* On petition for a writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit. October 3, 1922. Dismissed, on motion of counsel for petitioner. *Mr. Andrew F. Burke* for petitioner. *The Attorney General* for the United States.

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No. 28. *ROYAL BAKING POWDER COMPANY v. GEORGE W. EMERSON, PROSECUTING ATTORNEY, ETC.* Appeal from the Circuit Court of Appeals for the Eighth Circuit. October 6, 1922. Dismissed with costs, on motion of counsel for appellant. *Mr. Samuel W. Fordyce*, *Mr. Bennett C. Clark* and *Mr. Archibald Cox* for appellant. *Mr. James L. Hopkins* for appellee.

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

No. 42. GEORGE F. PONDER *v.* STATE OF GEORGIA. Error to the Court of Appeals of the State of Georgia. October 9, 1922. Dismissed with costs, on motion of counsel for plaintiff in error. *Mr. Max Isaac* for plaintiff in error. *Mr. George M. Napier* for defendant in error.

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No. 448. JAMES C. DAVIS, AGENT AND DIRECTOR GENERAL OF RAILROADS, *v.* HAROLD PRESTON. On petition for a writ of certiorari to the Circuit Court of Jackson County, State of Missouri. October 10, 1922. Petition dismissed with costs, on motion of counsel for petitioner. *Mr. Arthur A. Moreno* and *Mr. A. A. McLaughlin* for petitioner. *Mr. Oscar S. Hill* for respondent.

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No. 53. COMMISSIONERS OF THE LAND OFFICE OF THE STATE OF OKLAHOMA ET AL. *v.* UNITED STATES. Appeal from the Circuit Court of Appeals for the Eighth Circuit. October 12, 1922. Dismissed with costs, for want of prosecution. *Mr. S. P. Freeling*, *Mr. W. A. Ledbetter*, *Mr. H. L. Stuart*, *Mr. Henry E. Asp* and *Mr. Henry G. Snyder* for appellants. *Mr. Solicitor General Beck* and *Mr. Assistant Attorney General Riter* for the United States.

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No. 286. STATE OF LOUISIANA ET AL. *v.* J. D. O'KEEFE, RECEIVER OF THE NEW ORLEANS RAILWAY & LIGHT COMPANY ET AL. Appeal from the District Court of the United States for the Eastern District of Louisiana. October 16, 1922. Dismissed with costs, on motion of counsel for appellants. *Mr. Paul A. Sompayrac* for appellants. No appearance for appellees.

Cases Disposed of Without Consideration by the Court. 260 U. S.

NO. 65. ROBERT J. GAFFNEY ET AL. *v.* JAMES M. HOYT ET AL. Appeal from the District Court of the United States for the Northern District of Illinois. October 16, 1922. Dismissed with costs, pursuant to the 16th Rule. *Mr. James W. Cutshaw* for appellants. *Mr. Lewis A. Stebbins, Mr. Eugene L. Tarey and Mr. Paul C. L'Amoreaux* for appellees.

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NO. 79. FRANK BRUNO *v.* GEORGE E. WILLIAMS, CRIMINAL SHERIFF, ETC. Appeal from the District Court of the United States for the Eastern District of Louisiana. October 19, 1922. Dismissed with costs, pursuant to the 18th Rule. *Mr. Donelson Caffery* for appellant. *Mr. A. V. Coco* for appellee.

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NO. 47. UNITED STATES *v.* WESTERN UNION TELEGRAPH COMPANY. Appeal from the Circuit Court of Appeals for the Second Circuit. October 23, 1922. Decree of Circuit Court of Appeals reversed in accordance with the stipulation filed herein; and cause remanded to the District Court of the United States for the Southern District of New York with directions to enter a decree dismissing the bill without prejudice and without costs to either party. *Mr. Solicitor General Beck* for the United States. *Mr. John Bassett Moore, Mr. Rush Taggart, Mr. Francis Raymond Stark and Mr. Joseph P. Cotton* for appellee.

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NO. 127. UNITED STATES *v.* SAMUEL KROHNBERG ET AL. Error to the District Court of the United States for the Southern District of New York. November 13, 1922. Dismissed, on motion of *Mr. Solicitor General Beck* for the United States. *Mr. John J. Curtin* for defendants in error.

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

No. 140. UNITED STATES *v.* CHARLES MILANESE. Error to the District Court of the United States for the Southern District of New York. November 13, 1922. Dismissed, on motion of *Mr. Solicitor General Beck* for the United States. No appearance for defendant in error.

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No. 170. SALMON RIVER CANAL COMPANY, LIMITED, *v.* THOMAS SANDERSON. Error to the Supreme Court of the State of Idaho. November 13, 1922. Dismissed with costs, on motion of counsel for plaintiff in error. *Mr. James H. Richards* and *Mr. Oliver O. Haga* for plaintiff in error. *Mr. E. M. Wolfe* for defendant in error.

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No. 461. CENTRAL POWER & LIGHT COMPANY *v.* TOWN OF POCAHONTAS ET AL. On petition for a writ of certiorari to the Supreme Court of the State of Arkansas. November 13, 1922. Dismissed with costs, on motion of counsel for petitioner. *Mr. Joe T. Robinson*, *Mr. Joseph W. House, Jr.*, *Mr. Charles T. Coleman* and *Mr. H. L. Ponder* for petitioner. No appearance for respondents.

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No. 479. ALABAMA & VICKSBURG RAILWAY COMPANY ET AL. *v.* LOUIS F. DENNIS. Error to the Supreme Court of the State of Mississippi. November 13, 1922. Dismissed, per stipulation. *Mr. J. Blanc Monroe*, *Mr. Monte M. Lemann*, *Mr. R. H. Thompson*, *Mr. S. L. McLaurin* and *Mr. Walter J. Suthon, Jr.*, for plaintiffs in error. *Mr. William H. Watkins* and *Mr. Marion W. Reily* for defendant in error. [See *ante*, 726.]

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No. 131. AMERICAN RAILWAY EXPRESS COMPANY *v.* HANNA R. KRISTIANSON, ETC. Error to the Supreme Court of the State of South Carolina. November 24, 1922. Dismissed, per stipulation. *Mr. Robert C. Alston*, *Mr. Blair Foster* and *Mr. Mark Reynolds* for plaintiff in error. *Mr. L. D. Jennings* and *Mr. A. S. Harby* for defendant in error.

Cases Disposed of Without Consideration by the Court. 260 U. S.

No. 289. ELBERT R. ROBINSON *v.* PEOPLE OF THE STATE OF ILLINOIS. Error to the Supreme Court of the State of Illinois. November 27, 1922. Dismissed with costs, on motion of counsel for plaintiff in error. *Mr. Andrew Jackson* for plaintiff in error. No appearance for defendant in error.

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No. 378. UNITED STATES EX REL. WESTERN UNION TELEGRAPH COMPANY *v.* INTERSTATE COMMERCE COMMISSION. Error to the Court of Appeals of the District of Columbia. November 27, 1922. Dismissed, per stipulation. *Mr. Rush Taggart, Mr. Paul E. Lesh, Mr. Walker D. Hines and Mr. Francis R. Stark* for plaintiff in error. *Mr. Charles W. Needham and Mr. P. J. Farrell* for defendant in error.

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No. 72. I. W. GEER ET AL. *v.* UNITED STATES. On a certificate from the Circuit Court of Appeals for the Third Circuit. December 11, 1922. Certificate dismissed, on motion of *Mr. Solicitor General Beck* for the United States. *Mr. W. S. Dalzell* for Geer et al.

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No. 54. WEST SIDE IRRIGATING COMPANY *v.* UNITED STATES. Appeal from the Circuit Court of Appeals for the Ninth Circuit. January 2, 1923. Dismissed, per stipulation. *Mr. John P. Hartman and Mr. Carroll P. Graves* for appellant. *Mr. Solicitor General Beck, Mr. Assistant Attorney General Riter and Mr. W. W. Dyar* for the United States.

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No. 775. UNITED STATES *v.* MARK BOASBERG, ALIAS "JACK SHEEHAN." Error to the District Court of the United States for the Eastern District of Louisiana. January 2, 1923. Docketed and dismissed, on motion of counsel for defendant in error. *The Attorney General* for the United States. *Mr. H. Garland Dupre and Mr. D. B. H. Chaffe* for defendant in error.

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

No. 166. H. G. KOLLER *v.* UNITED STATES. Appeal from the District Court of the United States for the Western District of Washington. January 3, 1923. Dismissed, pursuant to the 16th Rule, on motion of *Mr. Solicitor General Beck* for the United States. *Mr. Dal V. Halverstadt* and *Mr. E. M. Farmer* for appellant.

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No. 171. UNITED STATES EX REL. WORKINGMEN'S CO-OPERATIVE PUBLISHING ASSOCIATION *v.* HUBERT WORK, POSTMASTER GENERAL, ETC. Error to the Court of Appeals of the District of Columbia. January 3, 1923. Dismissed, per stipulation. *Mr. S. John Block* for plaintiff in error. *The Attorney General* for defendant in error.

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No. 236. CHARLES M. WATERS *v.* HENRY W. PHILLIPS ET AL. Appeal from the District Court of the United States for the Northern District of Illinois. January 8, 1923. Dismissed with costs, on motion of *Mr. Solicitor General Beck* for appellant. No appearance for appellees.

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No. 12. EXCHANGE OIL COMPANY *v.* F. C. CARTER, AS STATE AUDITOR, ETC., ET AL. Appeal from the District Court of the United States for the Western District of Oklahoma;

No. 13. EXCHANGE OIL COMPANY *v.* F. C. CARTER, AS STATE AUDITOR, ETC.;

No. 14. EXCHANGE OIL COMPANY *v.* F. C. CARTER, AS STATE AUDITOR, ETC.; and

No. 15. EXCHANGE OIL COMPANY *v.* F. C. CARTER, AS STATE AUDITOR, ETC. Error to the District Court of the United States for the Western District of Oklahoma. January 8, 1923. Dismissed with costs, per stipulation. *Mr. William O. Beall* and *Mr. J. S. Ross* for appellant and plaintiff in error. *Mr. George F. Short* and *Mr. S. P. Freeling* for appellees and defendant in error.

Cases Disposed of Without Consideration by the Court. 260 U. S.

No. 206. CORVALLIS CREAMERY COMPANY *v.* I. H. VAN WINKLE, ATTORNEY GENERAL, ETC., ET AL. Appeal from the District Court of the United States for the District of Oregon. January 8, 1923. Dismissed without costs to any party, per stipulation. *Mr. Thos. E. Haven* for appellant. *Mr. James G. Wilson* for appellees.

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No. 612. KANSAS CITY BRIDGE COMPANY *v.* FRANK BLAKEMORE. Appeal from the District Court of the United States for the Western District of Missouri. January 8, 1923. Dismissed with costs, on motion of *Mr. Cyrus Crane* for appellant. *Mr. Oscar S. Hill* and *Mr. John H. Atwood* for appellee.

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No. 215. C. E. ROY ET AL., ETC. *v.* E. F. GANAHL. Error to the District Court of the United States for the Northern District of California. January 16, 1923. Dismissed with costs, pursuant to the 16th Rule, on motion of counsel for defendant in error. *Mr. Frank D. Madison* for plaintiffs in error. *Mr. Alexander T. Vogelsang* and *Mr. Louis S. Beedy* for defendant in error.

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No. 230. ABE RASKIN *v.* MERRITT W. DIXON, SHERIFF, ETC. Error to the Supreme Court of the State of Georgia. January 17, 1923. Dismissed with costs, pursuant to the 18th Rule. *Mr. A. A. Lawrence* and *Mr. Robert L. Colding* for plaintiff in error. *Mr. George M. Napier* for defendant in error.

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No. 241. DAVID H. CONRAD *v.* PEOPLE OF THE STATE OF ILLINOIS. Error to the Supreme Court of the State of Illinois. January 18, 1923. Dismissed with costs, pursuant to the 18th Rule. *Mr. Rush B. Johnson* for plaintiff in error. No appearance for defendant in error.

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

No. 244. SAM WINOKUR *v.* H. I. HARN, SHERIFF, ETC. Error to the Supreme Court of the State of Georgia. January 18, 1923. Dismissed with costs, pursuant to the 10th Rule. *Mr. A. A. Lawrence* for plaintiff in error. *Mr. George M. Napier* for defendant in error.

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No. 247. ELMER F. ADAMS *v.* PEOPLE OF THE STATE OF ILLINOIS. Error to the Supreme Court of the State of Illinois. January 18, 1923. Dismissed with costs, pursuant to the 10th Rule. *Mr. James J. Barbour* for plaintiff in error. No appearance for defendant in error.

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No. 650. CUMBERLAND TELEPHONE & TELEGRAPH COMPANY *v.* LOUISIANA PUBLIC SERVICE COMMISSION ET AL. Appeal from the District Court of the United States for the Eastern District of Louisiana. January 19, 1923. Dismissed with costs, on motion of counsel for appellant. *Mr. J. Blanc Monroe, Mr. Monte M. Lemann, Mr. J. C. Henriques, Mr. Hunt Chipley* and *Mr. C. M. Bracelen* for appellant. *Mr. Huey P. Long* and *Mr. W. M. Barrow* for appellees. [See *ante*, pp. 212, 698.]

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No. 261. JOAQUIN RAMOS FERRO ET AL. *v.* FELIX FABIAN ET AL.; and

No. 262. J. OCHOA Y HERMANO *v.* MIGUEL, LUIS, GERARDO, TERESO AND ANTONIO MARTORELL Y TORRENS. On writ of certiorari to the Circuit Court of Appeals for the First Circuit. January 22, 1923. Dismissed without costs to either party, per stipulation, on motion of counsel for petitioners. *Mr. Jose R. F. Savage* for petitioners. *Mr. George B. Hayes, Mr. Frank Antonsanti* and *Mr. Frederick S. Tyler* for respondents.

Cases Disposed of in Vacation.

260 U. S.

No. 272. WILLIAM F. KRELL *v.* PEOPLE OF THE STATE OF ILLINOIS. Error to the Supreme Court of the State of Illinois. January 24, 1923. Dismissed with costs, pursuant to the 10th Rule. *Mr. Rush B. Johnson* for plaintiff in error. No appearance for defendant in error.

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No. 294. REUBEN COOLEY *v.* STATE OF GEORGIA. Error to the Supreme Court of the State of Georgia. January 26, 1923. Dismissed with costs, on motion of counsel for plaintiff in error. *Mr. Alex. A. Lawrence* for plaintiff in error. *Mr. George M. Napier* for defendant in error.

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No. 234. WASHINGTON TERMINAL COMPANY *v.* EMMA G. CALLAHAN, ADMINISTRATRIX, ETC. Error to the Court of Appeals of the District of Columbia. January 29, 1923. Dismissed with costs, on motion of counsel for plaintiff in error. *Mr. Geo. E. Hamilton* and *Mr. John J. Hamilton* for plaintiff in error. *Mr. Raymond B. Dickey* and *Mr. Daniel Thew Wright* for defendant in error.

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#### CASES DISPOSED OF IN VACATION.

No. 329. COCA COLA COMPANY *v.* CITY OF ATLANTA;  
No. 336. THOMAS K. GLENN *v.* CITY OF ATLANTA; and  
No. 340. EMPIRE COTTON OIL COMPANY *v.* CITY OF ATLANTA. Error to the Supreme Court of the State of Georgia. August 26, 1922. Dismissed pursuant to the 28th Rule. *Mr. L. Z. Rosser*, *Mr. Clifford L. Anderson*, *Mr. L. C. Hopkins*, *Mr. Harold Hirsch*, *Mr. W. D. Thomson*, *Mr. Jack J. Spalding* and *Mr. Hughes Spalding* for plaintiffs in error. *Mr. George M. Napier* and *Mr. Jesse M. Wood* for defendant in error.