

Certiorari Denied.

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Browne, Mr. Barnett E. Kopelman and Mr. J. Philip Berg for respondents.

No. 889. LIBERTY NATIONAL BANK OF ROANOKE, VIRGINIA, *v.* JAMES A. BEAR, TRUSTEE, ETC. March 19, 1923. Petition for a writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit granted. *Mr. James D. Johnston* for petitioner. *Mr. G. A. Wingfield* for respondent.

No. 877. ATCHISON, TOPEKA & SANTA FE RAILWAY COMPANY *v.* EDMUND R. WELLS ET AL. April 9, 1923. Petition for a writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted. *Mr. Alexander Britton, Mr. A. H. Culwell, Mr. J. W. Terry and Mr. Gardiner Lathrop* for petitioner. *Mr. George E. Wallace* for respondents.

No. 897. NASSAU SMELTING & REFINING WORKS *v.* BRIGHTWOOD BRONZE FOUNDRY COMPANY. April 9, 1923. Petition for a writ of certiorari to the Circuit Court of Appeals for the First Circuit granted. *Mr. Joseph B. Jacobs* for petitioner. *Mr. Harry M. Ehrlich and Mr. Henry Lasker* for respondent.

PETITIONS FOR CERTIORARI DENIED OR DISMISSED, FROM JANUARY 30, 1923, TO AND INCLUDING APRIL 9, 1923.

No. 751. EMANUEL WALLIN *v.* ROSE EVERETT. February 19, 1923. Petition for a writ of certiorari to the Supreme Court of the State of Minnesota denied. *Mr. Halvor Steenerson and Mr. Charles R. Fowler* for petitioner. *Mr. Marshall A. Spooner and Mr. Patrick H. Loughran* for respondent.

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No. 762. C. DALE WOLFE, TRUSTEE, ETC. *v.* G. F. KILLINGSWORTH ET AL. February 19, 1923. Petition for a writ of certiorari to the Supreme Court of the State of Oklahoma denied. *Mr. C. Dale Wolfe* for petitioner. No appearance for respondents.

No. 789. J. C. TURNER LUMBER COMPANY ET AL. *v.* WILSON & BENNETT ET AL. February 19, 1923. Petition for a writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. Samuel Silbiger* for petitioners. *Mr. Max Isaac* for respondents.

No. 797. CLOSTER NATIONAL BANK *v.* FEDERAL RESERVE BANK OF NEW YORK. February 19, 1923. Petition for a writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Edmund W. Wakelee* for petitioner. *Mr. L. R. Mason* for respondent.

No. 806. CENTRAL RAILROAD COMPANY OF NEW JERSEY *v.* ANITA PELUSO, ADMINISTRATRIX, ETC. February 19, 1923. Petition for a writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Charles E. Miller* for petitioner. *Mr. Sidney A. Syme* for respondent.

No. 808. L. E. SMITH GLASS COMPANY *v.* MACBETH-EVANS GLASS COMPANY. February 19, 1923. Petition for a writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Mr. William O. Belt* and *Mr. Arthur O. Fording* for petitioner. *Mr. Frederick W. Winter* and *Mr. Edward Rector* for respondent.

No. 817. AMERICAN RAILWAY EXPRESS COMPANY ET AL. v. M. F. BRABHAM. February 19, 1923. Petition for a writ of certiorari to the Supreme Court of the State of South Carolina denied. *Mr. Charles W. Stockton* and *Mr. K. E. Stockton* for petitioners. No appearance for respondent.

No. 818. ROBERT J. MCBRIDE v. UNITED STATES. February 19, 1923. Petition for a writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. Harry T. Smith* and *Mr. Joseph M. McAleer* for petitioner. *Mr. Aubrey Boyles* for the United States.

No. 781. TAUBEL-SCOTT-KITZMILLER COMPANY, INC., v. DAVID J. FOX ET AL., TRUSTEES, ETC. Certiorari to the Circuit Court of Appeals for the Second Circuit. February 26, 1923. Ordered that the motions to vacate the writ of certiorari granted herein or to advance this cause be, and they are hereby, denied. *Mr. Frank J. Hogan* and *Mr. Herman Goldman* for petitioner. *Mr. Irving L. Ernst* for respondents. [See 260 U. S. 719.]

No. 738. WAGNER ELECTRIC MANUFACTURING COMPANY v. LAMAR LYNDON ET AL. Appeal from the Circuit Court of Appeals for the Eighth Circuit. February 26, 1923. Petition for a writ of certiorari herein denied. *Mr. Charles A. Houts*, for appellant, in support of the petition. *Mr. Lawrence C. Kingsland* and *Mr. John D. Rippey* for appellees.

No. 776. SOPHIA CHARLES ET AL., ETC., v. ROXANA PETROLEUM CORPORATION. February 26, 1923. Petition for a writ of certiorari to the Circuit Court of Appeals for the

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Certiorari Denied.

Eighth Circuit denied. *Mr. Robert F. Blair* and *Mr. George S. Ramsey* for petitioners. No appearance for respondent.

No. 798. *J. E. BARRACK ET AL. v. TOWN OF FAIRBANKS, ALASKA.* February 26, 1923. Petition for a writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Mr. John E. Alexander* for petitioners. *Mr. Alfred Sutro, Mr. E. S. Pillsbury, Mr. Frank D. Madison, Mr. H. D. Pillsbury* and *Mr. Oscar Sutro* for respondent.

No. 803. *ROBERT DOLLAR COMPANY v. AMERICAN ASIATIC COMPANY.* February 26, 1923. Petition for a writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Mr. Ira S. Lillick* and *Mr. Farnham P. Griffiths* for petitioner. *Mr. R. M. Fitzgerald* for respondent.

No. 807. *E. I. HORSMAN ET AL., ETC. v. ALFRED A. KAUFMAN ET AL.* February 26, 1923. Petition for a writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. O. Ellery Edwards* for petitioners. No appearance for respondents.

No. 811. *FRANCE AND CANADA STEAMSHIP CORPORATION v. FRENCH REPUBLIC.* February 26, 1923. Petition for a writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Carroll G. Walter* and *Mr. J. Culbert Palmer* for petitioner. *Mr. W. H. McGrann* for respondent.

No. 812. *W. EVERETT ET AL. v. UNITED STATES ET AL.* February 26, 1923. Petition for a writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

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Mr. William H. Gorham and *Mr. James Kiefer* for petitioners. *Mr. Solicitor General Beck*, *Mr. Assistant Attorney General Ottinger* and *Mr. J. Frank Staley* for respondents.

No. 813. DIRECTOR GENERAL OF RAILROADS *v.* THOMAS KEENAN. February 26, 1923. Petition for a writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Daniel M. Beach* for petitioner. *Mr. Joseph A. Wechter* for respondent.

No. 822. BENJAMIN KALMANSON *v.* UNITED STATES. February 26, 1923. Petition for a writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Max D. Steuer* for petitioner. *Mr. Solicitor General Beck*, *Mr. Assistant Attorney General Crim* and *Mr. H. S. Ridgely* for the United States.

No. 828. FRANK N. SNELL ET AL. *v.* J. C. TURNER LUMBER COMPANY. February 26, 1923. Petition for a writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Frederick Seymour* and *Mr. William M. Toomer* for petitioners. *Mr. Samuel Silbiger* for respondent.

No. 831. STANDARD OIL COMPANY OF NEW YORK *v.* CLYDE STEAMSHIP COMPANY. February 26, 1923. Petition for a writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Rufus S. Day* and *Mr. P. M. Brown* for petitioner. *Mr. Chauncey I. Clark* for respondent.

No. 834. ALUMINUM COMPANY OF AMERICA *v.* FEDERAL TRADE COMMISSION. February 26, 1923. Petition for a writ of certiorari to the Circuit Court of Appeals for the

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Certiorari Denied.

Third Circuit denied. *Mr. George W. Wickersham* and *Mr. George B. Gordon* for petitioner. *Mr. Solicitor General Beck* and *Mr. W. H. Fuller* for respondent.

No. 836. *LOTTIE I. KERN, ADMINISTRATRIX, ETC., v. JOHN BARTON PAYNE, DIRECTOR GENERAL, ETC.* February 26, 1923. Petition for a writ of certiorari to the Supreme Court of the State of Montana denied. *Mr. Frederick M. Miner* for petitioner. *Mr. H. H. Field* for respondent.

No. 838. *TIMOTHY D. MURPHY v. UNITED STATES*;
No. 839. *VINCENZO COSMANO v. UNITED STATES*; and
No. 840. *EDWARD C. GIERUM v. UNITED STATES.* February 26, 1923. Petition for a writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Mr. James J. Barbour, Mr. Benjamin P. Epstein, Mr. Lawrence Y. Sherman* and *Mr. Noah C. Bainum* for petitioners. *Mr. Solicitor General Beck, Mr. Assistant Attorney General Crim* and *Mr. H. S. Ridgely* for the United States.

No. 847. *UTAH CONSOLIDATED MINING COMPANY v. UTAH APEX MINING COMPANY.* February 26, 1923. Petition for a writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Mr. John P. Gray* and *Mr. A. C. Ellis, Jr.*, for petitioner. *Mr. J. A. Marshall* and *Mr. W. E. Colby* for respondent.

No. 848. *W. V. SMITH ET AL. v. UNITED STATES.* February 26, 1923. Petition for a writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Mr. John H. Atwood, Mr. James M. Johnson* and *Mr. Donald W. Johnson* for petitioners. No brief filed for the United States.

NO. 850. NATIONAL BANK OF COMMERCE OF ST. LOUIS *v.* DAVID R. FRANCIS ET AL. February 26, 1923. Petition for a writ of certiorari to the Supreme Court of the State of Missouri denied. *Mr. George L. Edwards, Jr.*, and *Mr. Edward J. White* for petitioner. *Mr. P. Taylor Bryan*, *Mr. Sam B. Jeffries* and *Mr. Thomas Bond* for respondents.

NO. 716. AMERICAN TRUST COMPANY *v.* S. S. MCNINCH ET AL. Error to the Supreme Court of the State of North Carolina. March 5, 1923. Petition for a writ of certiorari herein denied. *Mr. John M. Robinson*, for plaintiff in error, in support of the petition. *Mr. William P. Bynum*, *Mr. W. Cleveland Davis*, *Mr. Plummer Stewart*, *Mr. John A. McRae* and *Mr. John J. Parker*, for defendants in error, in opposition to the petition. [See *ante*, 606.]

NO. 799. WARD GRANDPRE *v.* CHICAGO, MILWAUKEE & ST. PAUL RAILWAY COMPANY. March 5, 1923. Petition for a writ of certiorari to the Supreme Court of the State of South Dakota denied. *Mr. Tom Davis*, *Mr. Ernest A. Michel* and *Mr. Wade H. Ellis* for petitioner. *Mr. O. W. Dynes* for respondent.

NO. 821. HANNAH LEVINE *v.* PENNSYLVANIA RAILROAD COMPANY. March 5, 1923. Petition for a writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. John L. Wilkie* for petitioner. *Mr. Van Vechten Veeder* for respondent.

NO. 826. WILLIAM LUCKING *v.* DETROIT & CLEVELAND NAVIGATION COMPANY. Appeal from the Circuit Court of Appeals for the Sixth Circuit. March 5, 1923. Peti-

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tion for a writ of certiorari herein denied. *Mr. William Lucking*, for appellant, in support of the petition. *Mr. Henry I. Armstrong, Jr.*, for appellee, in opposition to the petition.

No. 830. EDMOND C. FLETCHER *v.* ISAIAH S. COOMES ET AL. March 5, 1923. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia denied. *Mr. Camden R. McAtee* for petitioner. No appearance for respondents.

No. 844. JACKSONVILLE FORWARDING COMPANY *v.* COUNTY OF NASSAU, STATE OF FLORIDA. March 5, 1923. Petition for a writ of certiorari to the Supreme Court of the State of Florida denied. *Mr. George C. Bedell* for petitioner. *Mr. Martin H. Long* for respondent.

No. 867. FRANK N. SNELL ET AL. *v.* FRANK SNELL SAW-MILL COMPANY ET AL. March 5, 1923. Petition for a writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. William M. Toomer* for petitioners. *Mr. Samuel Silbiger* for respondents.

No. 805. LEHIGH & HUDSON RIVER RAILWAY COMPANY *v.* FLORENCE M. OTTERSTEDT, ON BEHALF OF HERSELF AND MINOR CHILDREN. March 12, 1923. Petition for a writ of certiorari to the Supreme Court, Appellate Division, Third Department, of the State of New York, denied for failure to submit the petition within the time prescribed by the rule. *Mr. John J. Beattie* for petitioner. *Mr. E. Clarence Aiken* for respondent.

No. 764. TIDAL OIL COMPANY ET AL. *v.* J. P. FLANAGAN. Error to the Supreme Court of the State of Oklahoma. March 12, 1923. Petition for a writ of certiorari herein denied. *Mr. Preston C. West, Mr. A. A. Davidson, Mr. Wallace C. Franklin* and *Mr. Arthur J. Biddison*, for plaintiffs in error, in support of the petition. *Mr. Edward H. Chandler* and *Mr. William O. Beall*, for defendant in error, in opposition to the petition.

No. 829. GEORGE H. SEVER *v.* DIRECTOR GENERAL OF RAILROADS. March 12, 1923. Petition for a writ of certiorari to the Supreme Court of the State of New York denied. *Mr. John E. Benton* for petitioner. *Mr. Edwin W. Lawrence* for respondent.

No. 837. HENRY M. GOLDFOGLE, PRESIDENT, ET AL. *v.* HANOVER NATIONAL BANK OF THE CITY OF NEW YORK. March 12, 1923. Petition for a writ of certiorari to the Supreme Court of the State of New York denied. *Mr. William H. King, Mr. George P. Nicholson, Mr. Frank B. Kellogg, Mr. Eugene Fay* and *Mr. Charles L. Pierce* for petitioners. *Mr. E. F. Colladay, Mr. Martin Saxe, Mr. Percy S. Dudley, Mr. Frank M. Patterson* and *Mr. Merton E. Lewis* for respondent.

No. 842. NORFOLK SOUTHERN RAILROAD COMPANY *v.* THOMAS V. GORDON. March 12, 1923. Petition for a writ of certiorari to the Supreme Court of the State of North Carolina denied. *Mr. Robert N. Simms* and *Mr. C. M. Bain* for petitioner. *Mr. William C. Douglass* and *Mr. Clyde A. Douglass* for respondent.

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No. 849. NATHANIEL P. LESUEUR ET AL., ETC., *v.* MANUFACTURERS' FINANCE COMPANY. March 12, 1923. Petition for a writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Mr. James S. Pilcher* for petitioners. *Mr. John J. Vertrees* for respondent.

No. 857. JAMES C. DAVIS, AS AGENT, ETC. *v.* MARGUERITE CLARK, ADMINISTRATRIX, ETC. March 12, 1923. Petition for a writ of certiorari to the Supreme Court of the State of Minnesota denied. *Mr. Bruce Scott, Mr. A. A. McLaughlin* and *Mr. O. M. Spencer* for petitioner. *Mr. Tom Davis* and *Mr. Ernest A. Michel* for respondent.

No. 858. CITY OF NEW YORK *v.* RODGERS & HAGERTY, INC. March 12, 1923. Petition for a writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Edmund L. Mooney* and *Mr. Terence Farley* for petitioner. *Mr. C. C. Calhoun* for respondent.

No. 860. SAMUEL C. PANDOLFO *v.* UNITED STATES. March 12, 1923. Petition for a writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Mr. Patrick J. Lucey, Mr. Gerald G. Barry* and *Mr. Bernhard Frank* for petitioner. *Mr. Solicitor General Beck, Mr. Assistant Attorney General Crim* and *Mr. H. S. Ridgely* for the United States.

No. 861. ALABAMA GROCERY COMPANY *v.* L. P. HAMMOND, TRUSTEE, ETC. March 12, 1923. Petition for a writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. Lee C. Bradley* for petitioner. *Mr. Forney Johnston* for respondent.

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No. 410. *MARY PARTRIDGE v. J. E. CROSBIE ET AL.* Error to the Supreme Court of the State of Oklahoma. March 19, 1923. Writ of error dismissed pursuant to the 10th Rule, and petition for a writ of certiorari herein dismissed for failure to comply with the rule as to printing record. *Mr. Burt E. Barlow* and *Mr. Henry B. Martin* for plaintiff in error. *Mr. A. A. Davidson* and *Mr. Preston C. West* for defendants in error. [See *post*, 626, 629.]

No. 854. *WALTER BURKE v. UNITED STATES.* March 19, 1923. Petition for a writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Mr. Willet M. Spooner* and *Mr. S. R. Rush* for petitioner. *Mr. Solicitor General Beck*, *Mr. Assistant Attorney General Crim* and *Mr. H. S. Ridgely* for the United States.

No. 879. *GEORGE P. CLARK COMPANY v. KUEBLER FOUNDRIES, INC.* March 19, 1923. Petition for a writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Mr. J. Willard Paff* and *Mr. Calvin F. Smith* for petitioner. *Mr. A. Mitchell Palmer* and *Mr. Frank Davis, Jr.*, for respondent.

No. 902. *PETER RULOVITCH ET AL. v. UNITED STATES.* March 19, 1923. Petition for a writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Mr. John J. O'Brien* for petitioners. No brief filed for the United States.

No. 898. *ROBERT W. HUNT ET AL. v. D. L. GILLESPIE.* April 9, 1923. Petition for a writ of certiorari to the Supreme Court of the State of Pennsylvania denied. *Mr. H. G. Stone* and *Mr. W. W. Gurley* for petitioners. *Mr. David A. Reed* and *Mr. George H. Calvert* for respondent.

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No. 843. DEAN SHERRY, TRUSTEE, ETC., ET AL. *v.* J. B. LUCAS. April 9, 1923. Petition for a writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. J. J. Butts* for petitioners. No appearance for respondent.

No. 856. JOHN W. TALBOT *v.* UNITED STATES. April 9, 1923. Petition for a writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Mr. Cassius C. Shirley* and *Mr. Larz A. Whitcomb* for petitioner. *Mr. Solicitor General Beck*, *Mr. Assistant Attorney General Crim* and *Mr. H. S. Ridgely* for the United States. *Mr. J. C. Risk*, by leave of court, as *amicus curiæ*.

No. 868. WINDOW GLASS MACHINE COMPANY ET AL. *v.* PITTSBURGH PLATE GLASS COMPANY. April 9, 1923. Petition for a writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Mr. Clarence P. Byrnes*, *Mr. Livingston Gifford* and *Mr. David A. Reed* for petitioners. *Mr. Marshall A. Christy* and *Mr. George B. Gordon* for respondent.

No. 872. THE PUSEY & JONES COMPANY *v.* WILLARD SAULSBURY ET AL., AS RECEIVERS, ETC., ET AL. April 9, 1923. Petition for a writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Lindley M. Garrison*, *Mr. Charles H. Tuttle* and *Mr. Saul S. Myers* for petitioner. *Mr. William H. Button*, *Mr. John P. Niels* and *Mr. William G. Mahaffy* for respondents.

No. 882. HERBERT W. BACON, ADMINISTRATOR, ETC., *v.* JOHN BARTON PAYNE, DIRECTOR GENERAL, ETC. April 9, 1923. Petition for a writ of certiorari to the Supreme Court of the State of Michigan denied. *Mr. Frank S.*

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Monnett for petitioner. *Mr. J. Walter Dohany* and *Mr. Frank E. Robson* for respondent.

No. 891. FREIBERG MAHOGANY COMPANY *v.* BATESVILLE LUMBER & VENEER COMPANY. April 9, 1923. Petition for a writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Mr. Murray Seasongood* for petitioner. *Mr. Judson Harmon* and *Mr. George Hoadly* for respondent.

No. 900. CHICAGO, BURLINGTON & QUINCY RAILROAD COMPANY *v.* MCKINLEY C. MYERS. April 9, 1923. Petition for a writ of certiorari to the Supreme Court of the State of Missouri denied. *Mr. Bruce Scott* for petitioner. *Mr. William Buchholz*, *Mr. I. B. Kimbrell* and *Mr. Martin J. O'Donnell* for respondent.

No. 904. SAM M. SALIBA ET AL. *v.* UNITED STATES. April 9, 1923. Petition for a writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. Forney Johnston* for petitioners. *Mr. Solicitor General Beck*, *Mr. Assistant Attorney General Crim* and *Mr. H. S. Ridgely* for the United States.

CASES DISPOSED OF WITHOUT CONSIDERATION
BY THE COURT, FROM JANUARY 30, 1923, TO
AND INCLUDING APRIL 9, 1923.

No. 87. McLANE TILTON *v.* FELIX M. DRENNEN, AS RECEIVER, ETC. Appeal from the Circuit Court of Appeals for the Fifth Circuit. February 19, 1923. Dismissed with costs, pursuant to the 10th Rule. *Mr. Forney Johnston* for appellant. *Mr. H. L. Stevens* and *Mr. Joseph E. Johnson* for appellee.