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Decisions Granting Certiorari.

PETITIONS FOR CERTIORARI GRANTED, FROM
APRIL 12, 1927, TO AND INCLUDING JUNE 6,
1927.

No. 869. UNITED STATES *v.* OLE BERKENESS. April 18, 1927. Petition for a writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit granted. *Solicitor General Mitchell, Assistant Attorney General Willebrandt, and Mr. Mahlon D. Kiefer* for the United States. No appearance for respondent.

No. 916. WESTERN UNION TELEGRAPH COMPANY *v.* C. H. PRIESTER. April 18, 1927. Petition for a writ of certiorari to the Court of Appeals of the State of Alabama granted. *Messrs. Francis R. Stark and Ray Rushton* for petitioner. *Mr. D. N. Powell* for respondent.

No. 958. WESTERN UNION TELEGRAPH COMPANY *v.* C. H. PRIESTER. April 18, 1927. Petition for a writ of certiorari to the Supreme Court of the State of Alabama granted. *Messrs. Francis R. Stark and Ray Rushton* for petitioner. *Mr. D. N. Powell* for respondent.

No. 929. FRED M. KIRBY *v.* UNITED STATES. April 18, 1927. Petition for a writ of certiorari to the Court of Claims granted. *Messrs. Edward Cornell and Martin A. Schenck* for petitioner. *Solicitor General Mitchell and Assistant Attorney General Galloway* for the United States.

No. 930. JOSEPH E. MARRON *v.* UNITED STATES. April 18, 1927. Petition for a writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit granted. *Mr.*

Benjamin L. McKinley for petitioner. *Solicitor General Mitchell*, *Assistant Attorney General Willebrandt*, and *Mr. Mahlon D. Kiefer* for the United States.

No. 946. FORT SMITH, SUBIACO & ROCK ISLAND RAILROAD COMPANY *v.* EMMA MOORE, ADMINISTRATRIX OF THE ESTATE OF WILLIAM MOORE, DECEASED. April 18, 1927. Petition for a writ of certiorari to the Supreme Court of the State of Arkansas granted. *Mr. James B. McDonough* for petitioner. *Emma Moore*, *pro se*.

No. 948. SOUTHERN CALIFORNIA EDISON COMPANY *v.* AMELIA HERMINGHAUS, BERTHA GENEVIEVE BOTTOMS, ET AL. April 18, 1927. Petition for a writ of certiorari to the Supreme Court of the State of California granted. *Messrs. Edward F. Treadwell*, *George E. Trowbridge*, *William L. Conley*, and *John W. Davis* for petitioner. *Messrs. James F. Peck* and *Robert Duncan* for respondents.

No. 964. WILLIAM H. BLODGETT, TAX COMMISSIONER, *v.* ARTHUR SILBERMAN, CHARLES MOEBIUS, JOSEPH PLANT, ET AL., EXECUTORS. April 18, 1927. Petition for a writ of certiorari to the Superior Court of Fairfield County, State of Connecticut, granted. *Messrs. Charles E. Hughes*, *Farwell Knapp*, and *Lucius F. Robinson* for petitioner. *Messrs. Abraham L. Gutman* and *Kenneth Dayton* for respondents.

No. 969. BARBER ASPHALT PAVING COMPANY *v.* STANDARD ASPHALT & RUBBER COMPANY. April 18, 1927. Petition for a writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted. *Messrs. John W. Davis*, *Henry N. Paul*, *Samuel E. Hibben*, and *Charles*

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Neave for petitioner. *Messrs. Alex. F. Reichmann, Thomas G. Haight, and William F. Hall* for respondent.

No. 980. AGUSTIN SEGUROLA AND MANUEL SANTIAGO *v.* UNITED STATES. April 25, 1927. Petition for a writ of certiorari to the Circuit Court of Appeals for the First Circuit granted. *Mr. E. B. Wilcox* for petitioners. *Solicitor General Mitchell, Assistant Attorney General Willebrandt, and Mr. John J. Byrne* for the United States.

No. 981. SIOUX COUNTY, NEBRASKA, *v.* NATIONAL SURETY COMPANY. April 25, 1927. Petition for a writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit granted. *Messrs. Charles S. Lobingier and Edwin D. Crites* for petitioner. No appearance for respondent.

No. 988. GEO. O. RICHARDSON MACHINERY COMPANY *v.* MRS. ANNIE SCOTT, ADMINISTRATRIX OF THE ESTATE OF JOHN A. SCOTT, DECEASED. April 25, 1927. Petition for a writ of certiorari to the Supreme Court of the State of Oklahoma granted. *Mr. D. H. Linebaugh* for petitioner. *Messrs. Jean H. Everest and Charles L. Moore* for respondent.

No. 990. LAKEWOOD ENGINEERING COMPANY AND EDWARD G. CARR *v.* A. W. FRENCH & Co., ALFRED W. FRENCH, EDWIN A. ALLEN, ET AL., ETC. April 25, 1927. Petition for a writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted. *Mr. Frank E. Dennett* for petitioners. *Messrs. Rudolph W. Lotz and Arthur W. Nelson* for respondents.

No. 993. HENRY F. LONG, COMMISSIONER OF CORPORATIONS AND TAXATION OF MASSACHUSETTS *v.* GEORGE I.

ROCKWOOD. April 25, 1927. Petition for a writ of certiorari to the Superior Court for the County of Worcester, State of Massachusetts, granted. *Messrs. F. Delano Putnam* and *Alex. Lincoln* for petitioner. *Messrs. Thomas H. Gage* and *Merrill S. June* for respondent.

NO. 994. HENRY F. LONG, COMMISSIONER OF CORPORATIONS AND TAXATION OF MASSACHUSETTS *v.* GEORGE I. ROCKWOOD. April 25, 1927. Petition for a writ of certiorari to the Superior Court for the County of Worcester, State of Massachusetts, granted. *Messrs. F. Delano Putnam* and *Alex. Lincoln* for petitioner. *Messrs. Thomas H. Gage* and *Merrill S. June* for respondent.

NO. 1001. UNITED STATES *v.* AMALIA MANZI. April 25, 1927. Petition for a writ of certiorari to the Circuit Court of Appeals for the First Circuit granted. *Solicitor General Mitchell*, *Assistant Attorney General Luhring*, and *Mr. Harry S. Ridgely* for the United States. No appearance for respondent.

NO. 1016. DAVID H. BLAIR, COMMISSIONER OF INTERNAL REVENUE *v.* OESTERLEIN MACHINE COMPANY. May 2, 1927. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia granted. *Solicitor General Mitchell*, *Mr. A. W. Gregg*, and *Mr. Charles T. Hendler* for petitioner. *Messrs. John J. Hamilton* and *Robert N. Miller* for respondent.

NO. 1056. FANNIE E. UNTERMYER, EXECUTRIX, ETC. *v.* CHARLES W. ANDERSON, COLLECTOR, ETC. May 2, 1927. Petition for a writ of certiorari to the Circuit Court of

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Appeals for the Second Circuit granted. *Mr. Louis Marshall* for petitioner. *Solicitor General Mitchell* for respondent.

No. 1015. *V. L. HIGHLAND v. RUSSELL CAR & SNOW PLOW COMPANY*. May 16, 1927. Petition for a writ of certiorari to the Supreme Court of the State of Pennsylvania granted. *Mr. Ira Jewell Williams* for petitioner. No appearance for respondent.

No. 1028. *TEXAS & PACIFIC RAILWAY COMPANY v. BARRETT GIBSON, ADMINISTRATOR*. May 16, 1927. Petition for a writ of certiorari to the Supreme Court of the State of Texas granted. *Mr. F. H. Prendergast* for petitioner. *Mr. S. P. Jones* for respondent. See *post*, P. 748.

No. 1029. *HARRY LEVY, BANKRUPT, v. INDUSTRIAL FINANCE CORPORATION ET AL.* May 16, 1927. Petition for a writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit granted. *Mr. S. M. Brandt* for petitioner. No appearance for respondents.

No. 1031. *LIBERTY NATIONAL BANK OF ROANOKE, VIRGINIA, v. JAMES A. BEAR, TRUSTEE IN BANKRUPTCY OF W. L. BECKER & COMPANY, ET AL.* May 16, 1927. Petition for a writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit granted. *Mr. James D. Johnston* for petitioner. *Mr. Harvey D. Apperson* for respondents.

No. 1035. *D. B. HEINER, COLLECTOR OF INTERNAL REVENUE, v. COLONIAL TRUST COMPANY, EXECUTOR, ETC.;*
and

No. 1036. C. G. LEWELLYN, FORMER COLLECTOR OF INTERNAL REVENUE, *v.* COLONIAL TRUST COMPANY, EXECUTOR, ETC. May 16, 1927. Petition for writs of certiorari to the Circuit Court of Appeals for the Third Circuit granted. *Solicitor General Mitchell* and *Mr. A. W. Gregg* for petitioners. *Messrs. R. C. Allen, I. J. Underwood, Charles A. Jones, and M. W. Acheson, Jr.*, for respondent.

No. 1018. T. H. SMALLWOOD, W. F. SMALLWOOD, ET AL. *v.* JUAN G. GALLARDO, TREASURER OF PORTO RICO;

No. 1019. ADOLFO VALDES ORDONEZ, SALVADOR GARCIA, ET AL. *v.* JUAN G. GALLARDO, TREASURER OF PORTO RICO; and

No. 1020. INSULAR MOTOR CORPORATION *v.* JUAN G. GALLARDO, TREASURER OF PORTO RICO. May 16, 1927. The petition for writs of certiorari to the Circuit Court of Appeals for the First Circuit is granted and the cases are set for hearing on the first day of next term, Monday, October 3 next, after the cases heretofore assigned for that day, on the sole question whether they have become moot by virtue of the Act of March 4, 1927, amending § 48 of the Organic Act of Porto Rico. *Mr. Francis G. Caffey* for petitioners. *Mr. William C. Rigby* for respondent.

No. 1021. ADOLFO VALDES, PIO PEREZ, LUIS C. CUYAR, *v.* JUAN G. GALLARDO, TREASURER OF PORTO RICO;

No. 1022. FINLAY, WAYMOUTH & LEE, INC., *v.* JUAN G. GALLARDO, TREASURER OF PORTO RICO; and

No. 1023. ANGEL ABARCA PORTILLA, RAFAEL ABARCA PORTILLA, ET AL., *v.* JUAN G. GALLARDO, TREASURER OF PORTO RICO. May 16, 1927. The petition for writs of certiorari to the Circuit Court of Appeals for the First Circuit is granted and the cases are set for hearing on the

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first day of next term, Monday, October 3 next, after the cases heretofore assigned for that day, on the sole question whether they have become moot by virtue of the Act of March 4, 1927, amending § 48 of the Organic Act of Porto Rico. *Mr. Carroll G. Walter* for petitioners. *Mr. William C. Rigby* for respondent.

No. 1060. *M. O. DANCIGER AND EMERICH OIL COMPANY v. N. K. SMITH*. May 31, 1927. Petition for a writ of certiorari to the Court of Civil Appeals, Fifth Supreme Judicial District, State of Texas, granted. *Messrs. W. G. Boatwright and I. J. Ringolsky* for petitioners. No appearance for respondent.

No. 1067. *H. PLAMALS v. STEAMSHIP "PINAR DEL RIO," HER ENGINES, BOILERS, ETC.* May 31, 1927. Petition for a writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Mr. S. B. Axtell* for petitioner. *Messrs. Cletus Keating and Vernon S. Jones* for respondent.

No. 1071. *ROSARIO GAMBINO AND JOSEPH LIMA v. UNITED STATES*. May 31, 1927. Petition for a writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Mr. Irving A. Baxter* for petitioners. *Solicitor General Mitchell, Assistant Attorney General Willebrandt, and Mr. John J. Byrne* for the United States.

No. 1074. *CORA B. BEATTY, EXECUTRIX OF THE LAST WILL AND TESTAMENT OF JOHN W. BEATTY, DECEASED, v. D. B. HEINER, COLLECTOR OF INTERNAL REVENUE*. May 31, 1927. Petition for a writ of certiorari to the Circuit Court of Appeals for the Third Circuit granted. *MR.*

CHIEF JUSTICE TAFT took no part in the consideration or decision of the application for a writ of certiorari in this case. *Messrs. W. D. Stewart, Earl F. Reed, and W. A. Seifert* for petitioner. *Solicitor General Mitchell, Assistant Attorney General Willebrandt, Mr. Sewall Key, Mr. A. W. Gregg, and Mr. T. H. Lewis* for respondent.

No. 1077. NATIONAL LIFE INSURANCE COMPANY *v.* UNITED STATES. June 6, 1927. Petition for a writ of certiorari to the Court of Claims granted. *Messrs. J. Harry Covington, Moorfield Storey, and George B. Young* for petitioner. *Solicitor General Mitchell, Assistant Attorney General Galloway, Mr. Alfred A. Wheat, and Mr. Alexander H. McCormick* for the United States.

No. 1079. LUCY B. BROOKE *v.* CITY OF NORFOLK, R. W. PEATROSS, A. PLUMMER PENNILL, ET AL. June 6, 1927. Petition for a writ of certiorari to the Supreme Court of Appeals of the State of Virginia granted. *Messrs. Robert B. Tunstall and Nathaniel T. Green* for petitioner. No appearance for respondents.

No. 1081. HENRY ELLISON, WILLIAM R. ELLISON, AND HOWARD B. ELLISON, JR., INDIVIDUALLY, ET AL., *v.* MAX KOSWIG, TRADING AS F. F. KOSWIG. June 6, 1927. Petition for a writ of certiorari to the Supreme Court of the State of Pennsylvania granted. *Mr. H. Edgar Barnes* for petitioners. No appearance for respondent.

No. 1087. TEXAS & NEW ORLEANS RAILROAD COMPANY *v.* NORTHSIDE BELT RAILWAY COMPANY. June 6, 1927. Petition for a writ of certiorari to the Circuit Court of Ap-

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peals for the Fifth Circuit granted. *Messrs. H. M. Garwood and J. H. Tallichet* for petitioner. *Mr. John Walsh* for respondent.

No. 1115. *J. W. HAMPTON, JR., & Co. v. UNITED STATES*. June 6, 1927. Petition for a writ of certiorari to the Court of Customs Appeals granted. *Mr. Walter E. Hampton* for petitioner. *Solicitor General Mitchell, Assistant Attorney General Lawrence, and Mr. Marion De Vries* for the United States.

No. 1143. *FAIRBANKS, MORSE & Co., AND SHEFFIELD CAR COMPANY v. AMERICAN VALVE & METER COMPANY AND EDWARD E. JOHNSON*. June 6, 1927. Petition for a writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted. *Messrs. Dwight B. Cheever and Fred L. Chappell* for petitioners. *Mr. Frank A. Whiteley* for respondents.

PETITIONS FOR CERTIORARI DENIED OR DISMISSED, FROM APRIL 12, 1927, TO AND INCLUDING JUNE 6, 1927.

No. 1011. *MERLE PHILLIPS v. W. I. BIDDLE, WARDEN*. Petition for a writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit. April 18, 1927. Motion for leave to proceed further herein in forma pauperis is denied for the reason that the Court, upon examination of the unprinted record herein submitted, finds that there is no ground for the issuance of the writ of certiorari, application for which is hereby also denied. The costs already incurred herein by direction of the Court shall be paid by the clerk from the special fund in his custody as provided in the order of October 29, 1926. *Mr. Frans E. Lindquist* for petitioner. No appearance for respondent.