

No. 941. GRIGG *v.* UNITED STATES; and
No. 953. SLIGH *v.* UNITED STATES. See *post*, p. 582.

No. 782. CHIPPIANNOCK CEMETERY ASS'N *v.* CITY OF ROCK ISLAND. June 4, 1928. Error to the Supreme Court of the State of Illinois. *Per Curiam*: The petition for certiorari ancillary to the writ of error in this case is denied, for the reason that the writ of error must be, and is hereby, dismissed for want of a substantial federal question on the authority of *Shulthis v. McDougal*, 225 U. S. 561, 569; *Hull v. Burr*, 234 U. S. 712, 720; *Norton v. Whiteside*, 239 U. S. 144, 147. *Messrs. Merritt Starr, Albert L. Hopkins, and Richard S. Doyle* for plaintiff in error. *Mr. Ben T. Reidy* for defendant in error.

PETITIONS FOR CERTIORARI GRANTED, FROM
APRIL 10, 1928, TO AND INCLUDING JUNE 5,
1928.

No. 789. UNADILLA VALLEY RAILWAY CO. *v.* CALDINE, ADMINISTRATOR. April 16, 1928. Petition for writ of certiorari to the Court of Appeals of the State of New York granted. *Messrs. Benjamin S. Minor, H. Prescott Gatley, Arthur P. Drury, and Wirt Howe*, for petitioner. *Mr. Thomas B. Kattell* for respondent.

No. 807. UNITED STATES *v.* CARVER ET AL. April 23, 1928. Petition for writ of certiorari to the Court of Claims granted. *Solicitor General Mitchell, Assistant Attorney General Galloway, and Mr. J. Frank Staley* for the United States. *Mr. Frank E. Scott* for respondents.

277 U. S.

Decisions Granting Certiorari.

No. 833. *COGEN v. UNITED STATES*. April 23, 1928. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Mr. Sanford H. Cohen* for petitioner. *Solicitor General Mitchell*, *Assistant Attorney General Mabel Walker Willebrandt*, and *Mr. John J. Byrne* for the United States.

No. 836. *REINECKE, COLLECTOR OF INTERNAL REVENUE, v. THE NORTHERN TRUST CO., EXECUTOR*. April 23, 1928. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted. *Solicitor General Mitchell*, and *Messrs. Clarence M. Charest* and *T. H. Lewis* for petitioner. *Mr. J. F. Dammann, Jr.*, for respondent.

No. 837. *PRELA, TRADING AS SELWELL BLOUSE Co., v. HUBSHMAN, TRUSTEE*. April 23, 1928. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Messrs. Archibald Palmer* and *Max L. Rosenstein* for petitioner. *Mr. George L. Cohen* for respondent.

No. 838. *ORIEL ET AL. v. RUSSELL, TRUSTEE*. April 23, 1928. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Mr. Hugo Levy* for petitioners. *Mr. William E. Russell*, pro se.

No. 842. *SEABOARD AIR LINE RY. Co. v. JOHNSON*. April 23, 1928. Petition for writ of certiorari to the Supreme Court of the State of Alabama granted. *Messrs. Robert E. Steiner*, *Benjamin P. Crum*, and *Leon Weil* for petitioner. *Messrs. Wm. W. Hill* and *Richard T. Rives* for respondent.

No. 851. THE NEW YORK, CHICAGO AND ST. LOUIS R. R. Co. *v.* GRANFELL. April 23, 1928. Petition for writ of certiorari to the Court of Appeals for the Eighth Judicial District, State of Ohio, granted. *Mr. W. T. Kinder* for petitioner. *Mr. R. B. Newcomb* for respondent.

No. 852. THE STATE HIGHWAY COMMISSION OF WYOMING ET AL. *v.* UTAH CONSTRUCTION Co. April 23, 1928. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit granted. *Mr. Wm. O. Wilson* for petitioners. *Messrs. John W. Lacey* and *Herbert Lacey* for respondent.

No. 894. UNITED STATES *v.* WILLIAMS. May 14, 1928. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit granted. *Solicitor General Mitchell* and *Assistant Attorney General Galloway* for the United States. *Mr. William Kaufman* for respondent.

No. 449. JORDAN, SECRETARY OF STATE, ET AL. *v.* TASHIRO ET AL. May 14, 1928. Petition for writ of certiorari to the Supreme Court of the State of California granted. *Mr. U. S. Webb* for petitioners. *Mr. J. Marion Wright* for respondents.

No. 865. WRIGHT, ADMINISTRATOR, *v.* GRAND TRUNK RAILROAD Co. May 14, 1928. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit granted. *Mr. Thomas A. E. Weadock* for petitioner. No appearance for respondent.

No. 876. EMPIRE GAS & FUEL Co. ET AL. *v.* SAUNDERS ET AL. May 21, 1928. Petition for a writ of certiorari

277 U. S.

Decisions Granting Certiorari.

to the Circuit Court of Appeals for the Fifth Circuit granted. *Messrs. David B. Trammell, J. W. Finley, and Warren T. Spies* for petitioners. No appearance for respondents.

No. 858. LASH'S PRODUCTS CO. *v.* UNITED STATES. May 28, 1928. Petition for writ of certiorari to the Court of Claims granted. *Messrs. A. R. Serven and Richard D. Daniels* for petitioner. *Solicitor General Mitchell and Assistant Attorney General Galloway* for the United States.

No. 907. STATE TRUST & SAVINGS BANK *v.* DUNN, TRUSTEE. May 28, 1928. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted. *Mr. W. J. Rutledge, Jr.*, for petitioner. No appearance for respondent.

No. 945. McDONALD *v.* UNITED STATES. May 28, 1928. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit granted. *Messrs. Wm. K. Jackson and J. Harry Covington* for petitioner. *Solicitor General Mitchell, Assistant Attorney General Luhring, and Mr. Harry S. Ridgely* for the United States.

No. 946. MICHIGAN CENTRAL R. R. Co. *v.* MIX ET AL. May 28, 1928. Petition for writ of certiorari to the Supreme Court of the State of Missouri granted. *Messrs. Charles A. Houts and J. W. Dohany* for petitioner. No appearance for respondents.

No. 949. FAUNTLEROY, FORMER COLLECTOR, ETC. *v.* ELMER CANDY Co., INC. May 28, 1928. Petition for

writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted. *Solicitor General Mitchell, Assistant Attorney General Mabel Walker Willebrandt, and Messrs. J. Louis Monarch, Clarence M. Charest, and Frank J. Ready, Jr.*, for petitioner. No appearance for respondent.

No. 941. *GRIGG v. UNITED STATES*; and

No. 953. *SLIGH v. UNITED STATES*. On petitions for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit. June 4, 1928. These are applications for certiorari in actions instituted in the United States District Court for the District of Arizona to recover on policies of war-risk insurance. There being then no applicable federal statute of limitations, the United States, among other defenses, pleaded the statute of limitations of the State of Arizona. Judgments were entered in the District Court for the plaintiffs. The United States sued out writs of error to the Circuit Court of Appeals. That court held the state statute of limitations was applicable and barred the actions and reversed the judgments of the District Court.

On May 29, 1928, there was passed and approved an act of Congress entitled "An act to amend the world war veterans act, 1924" (H. R. 13039, 70th Cong., 1st sess.). That act amends section 19 of the world war veterans act and allows suit to be brought on policies of war-risk insurance within six years after the right accrues or within one year from the date of the approval of the amendatory act. It provides also:

"Judgments heretofore rendered against the person or persons claiming under the contract of war-risk insurance on the grounds that the claim was barred by the statute of limitations shall not be a bar to the institution of another suit on the same claim. No State or other statute

277 U. S.

Decisions Granting Certiorari.

of limitations shall be applicable to suits filed under this section. This section shall apply to all suits now pending against the United States under the provisions of this section."

As a result of this legislation, the defense of the statute of limitations of Arizona is no longer available to the United States in these two cases. In each case the assignments of error in the Circuit Court of Appeals passed only on the defense of the statute of limitations and did not find it necessary to consider the other questions.

The United States now consents that writs of certiorari may be issued forthwith in these cases, that the judgments entered in the United States Circuit Court of Appeals for the Ninth Circuit be vacated and set aside, and that the cases be remanded to the United States Circuit Court of Appeals for the Ninth Circuit for further proceedings and that the mandates issue forthwith.

The Court enters the order accordingly. *Mr. Loy J. Molumby* for petitioners. *Solicitor General Mitchell* and *Assistant Attorney General Farnum* for the United States.

No. 930. *NIELSEN, ADMINISTRATOR, v. JOHNSON, TREASURER OF STATE.* June 4, 1928. Petition for writ of certiorari to the Supreme Court of the State of Arkansas granted. *Mr. Nelson Miller* for petitioner. *Mr. John Fletcher* for respondent.

No. 1007. *LOVELAND, EXECUTOR, ET AL. v. UNITED STATES.* June 4, 1928. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit granted. *Messrs. Shelton Pitney* and *John R. Hardin, Jr.*, for petitioners. *Solicitor General Mitchell* and *Assistant Attorney General Farnum* for the United States.