

PETITIONS FOR CERTIORARI GRANTED, FROM
OCTOBER 1, 1928, TO AND INCLUDING FEBRU-
ARY 18, 1929.

No. 116. *GRAYSON ET AL. v. HARRIS ET AL.* See *ante*,
p. 555.

No. 133. *THE CHESAPEAKE AND OHIO RY. CO. v. STAPLETON.* October 8, 1928. Petition for writ of certiorari to the Court of Appeals of the State of Kentucky granted. *Mr. LeWright Browning* for petitioner. *Mr. George B. Martin* for respondent.

No. 155. *RICE AND ADAMS CORP. v. LATHROP.* October 8, 1928. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Messrs. Charles J. Staples* and *Wm. P. Conley* for petitioner. *Mr. Joshua R. H. Potts* for respondent.

No. 160. *THE VIRGINIAN RY. CO. v. KIRK.* October 8, 1928. Petition for writ of certiorari to the Supreme Court of the State of West Virginia granted. *Messrs. W. H. T. Loyall* and *H. T. Hall* for petitioner. *Messrs. Wm. Cody Fletcher* and *John R. Pendleton* for respondent. See *ante*, p. 582.

No. 164. *COUNTY OF SPOKANE ET AL. v. UNITED STATES.* October 8, 1928. Petition for writ of certiorari to the Supreme Court of the State of Washington granted. *Messrs. Charles W. Greenough* and *A. O. Colburn* for petitioners. *Solicitor General Mitchell*, *Assistant Attorney General Mabel Walker Willebrandt*, and *Mr. J. Louis Monarch* for the United States.

No. 183. *LEONARD v. UNITED STATES*. October 8, 1928. Petition for writ of certiorari to the Court of Claims granted. *Messrs. George A. King, William B. King, and George R. Shields* for petitioner. *Solicitor General Mitchell, Assistant Attorney General Galloway*, and *Messrs. Alfred A. Wheat and Wm. W. Scott* for the United States.

No. 195. *UNITED STATES v. PERSSON*. October 8, 1928. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted. *Solicitor General Mitchell* for the United States. *Messrs. J. Harry Covington and Dean G. Acheson* for respondent.

No. 196. *UNITED STATES v. NICOLICH*. October 8, 1928. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted. *Solicitor General Mitchell* for the United States. *Messrs. Walker B. Spencer, J. Harry Covington, and Dean G. Acheson* for respondent.

No. 203. *CHIN MON EX REL. CHIN YUEN v. TILLINGHAST, COMMISSIONER OF IMMIGRATION*. October 8, 1928. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit granted. *Mr. E. F. Damon* for petitioner. *Solicitor General Mitchell, Assistant Attorney General Luhring*, and *Mr. Harry S. Ridgely* for respondent.

No. 219. *DELAWARE, LACKAWANNA AND WESTERN R. R. Co. v. KOSKE*. October 8, 1928. Petition for writ of certiorari to the Court of Errors and Appeals of the State of New Jersey granted. *Mr. Frederic B. Scott* for petitioner. *Messrs. I. Faerber Goldenhorn and Saul Nemser* for respondent.

No. 220. *JOHNSON v. UNITED STATES SHIPPING BOARD EMERGENCY FLEET CORPORATION*. October 8, 1928. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Messrs. Silas B. Axtel and Charles A. Ellis* for petitioner. *Solicitor General Mitchell, Assistant Attorney General Farnum*, and *Messrs. J. Frank Staley and Chauncey G. Parker* for respondent.

No. 182. *LEWIS ET AL. v. UNITED STATES*. October 8, 1928. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit is granted, but the argument is to be limited to the question of jurisdiction and the determination whether the trial took place in accordance with the act of February 16, 1925, and § 59 of the Judicial Code, properly construed, and whether the right of petitioner under the Sixth Amendment to the Constitution was infringed thereby. *Messrs. Finis E. Riddle and R. L. Davidson* for petitioners. *Solicitor General Mitchell, Assistant Attorney General Luhring*, and *Mr. Harry S. Ridgely* for the United States.

No. 128. *SANITARY REFRIGERATOR CO. v. WINTERS ET AL.* October 15, 1928. The petition for a rehearing in this case is granted. The order entered October 8, 1928, denying the petition for a writ of certiorari herein is revoked and a writ of certiorari in this case is granted. *Mr. E. Hayward Fairbanks* for petitioner. *Mr. John Boyle, Jr.*, for respondents.

No. 225. *ATLANTIC COAST LINE R. R. CO. v. DRIGGERS, ADMINISTRATRIX*. October 15, 1928. Petition for writ of certiorari to the Supreme Court of the State of South Carolina granted. *Messrs. Thomas W. Davis and Simeon Hyde* for petitioner. *Mr. J. D. E. Meyer* for respondent.

No. 226. *GONZALEZ v. THE ROMAN CATHOLIC ARCHBISHOP OF MANILA*. October 15, 1928. Petition for writ of certiorari to the Supreme Court of the Philippine Islands granted. *Messrs. Howard Thayer Kingsbury, Frederick R. Coudert, and Allison D. Gibbs* for petitioner. *Messrs. George J. Gillespie and William D. Guthrie* for respondent.

No. 234. *WESTERN & ATLANTIC R. R. v. HUGHES, ADMINISTRATRIX*. October 15, 1928. Petition for writ of certiorari to the Court of Appeals of the State of Georgia granted. *Messrs. Fitzgerald Hall, Frank Slemmons, and John L. Tye* for petitioner. *Mr. Reuben R. Arnold* for respondent.

No. 238. *UNITED STATES v. NEW YORK CENTRAL R. R. Co.*; and

No. 304. *UNITED STATES v. NEVADA COUNTY NARROW GAUGE R. R. Co.* October 15, 1928. Petitions for writs of certiorari to the Court of Claims granted. *Solicitor General Mitchell, Assistant Attorney General Galloway, and Mr. Charles E. Stewart* for the United States. *Messrs. Ben B. Cain, George H. Fernald, Jr., Frederick H. Wood, and Clarence M. Oddie* for respondents.

No. 251. *POSADAS, COLLECTOR, v. WARNER, BARNES & CO., LTD.*; and

No. 252. *POSADAS, COLLECTOR, v. MENZI*. October 15, 1928. Petition for writs of certiorari to the Supreme Court for the Philippine Islands granted. *Messrs. William Cattron Rigby, J. A. Hull, and Edward A. Kreger* for petitioner. *Messrs. Martin Taylor, Clyde Alton DeWitt, and Eugene Arthur Perkins* for respondents.

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No. 261. *WALLACE v. MOTOR PRODUCTS CORP'N ET AL.* October 15, 1928. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit granted. *Messrs. Alfred Lucking and Howell Van Auken* for petitioner. *Messrs. Charles B. Warren and Sherwin A. Hill* for respondents.

No. 267. *ITHACA TRUST CO., EXECUTOR, v. UNITED STATES.* October 15, 1928. Petition for writ of certiorari to the Court of Claims granted. *Messrs. Simon Lyon, R. H. B. Lyon, and A. F. Prescott, Jr.*, for petitioner. *Solicitor General Mitchell* and *Mr. Gardner P. Lloyd* for the United States.

No. 272. *W. A. MARSHALL & CO., INC., v. STEAMSHIP "PRESIDENT ARTHUR," ETC.* October 15, 1928. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Mr. George Wright Hinckley* for petitioner. *Messrs. John M. Woolsey, Samuel D. Stein, Chauncey E. Treadwell, Saul S. Myers, and William J. Hughes* for respondent.

No. 290. *UNITED STATES v. WOOLEN.* October 15, 1928. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit granted. *Solicitor General Mitchell* and *Assistant Attorney General Farnum* for the United States. *Mr. Samuel A. Godsby* for respondent.

No. 299. *FLINK v. PALADINI ET AL.* October 15, 1928. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit granted. *Messrs. H. W. Hutton and R. T. Lynch* for petitioner. *Mr. Ira S. Llick* for respondents.

No. 312. *DOUGLAS v. NEW YORK, NEW HAVEN AND HARTFORD R. R. Co.* October 15, 1928. Petition for writ of certiorari to the Supreme Court of the State of New York granted. *Mr. Thomas J. O'Neill* for petitioner. *Mr. John M. Gibbons* for respondent.

No. 414. *LOUISVILLE & NASHVILLE R. R. Co. v. CHATTERS*; and

No. 415. *SOUTHERN RAILWAY CO. ET AL. v. CHATTERS*. October 15, 1928. Petitions for writs of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted. *Messrs. Harry McCall, A. M. Warren, George Denegre, Victor Leovy, Henry H. Chaffe, and James Hy. Bruns* for petitioner in No. 414. *Messrs. H. O'B. Cooper, J. Blanc Monroe, Monte M. Lemann, Walter J. Suthon, Jr., L. E. Jeffries, and S. R. Prince*, for petitioners in No. 415. *Messrs. George Piazza and St. Clair Adams* for respondent.

No. 455. *NEW YORK CENTRAL R. R. CO. v. JOHNSON*; and

No. 456. *NEW YORK CENTRAL R. R. CO. v. JOHNSON*. October 15, 1928. Petition for writs of certiorari to the Circuit Court of Appeals for the Eighth Circuit granted, but the argument is to be limited to the question whether the alleged misconduct of counsel for the plaintiffs in their arguments to the jury was so unfairly prejudicial to the defendant as to justify a new trial. *Messrs. Sidney C. Murray and Albert S. Marley* for petitioner. *Messrs. John H. Atwood, Oscar S. Hill, and Price Wickersham* for respondents.

No. 325. *PAMPANGA SUGAR MILLS v. TRINIDAD, COLLECTOR*. October 22, 1928. Petition for writ of certiorari to the Supreme Court of the Philippine Islands granted.

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Decisions Granting Certiorari.

Messrs. Quinton Paredes, Felipe Bueneamino, Jr., Oscar Sutro, and Louis Titus for petitioner. *Messrs. Wm. Cattron Rigby, Edward A. Kreger, and John A. Hull* for respondent.

No. 335. *COMPANIA GENERAL DE TABACOS DE FILIPINAS v. COLLECTOR OF INTERNAL REVENUE.* October 22, 1928. Petition for writ of certiorari to the Supreme Court of the Philippine Islands granted. *Messrs. Clyde A. DeWitt, E. Arthur Perkins, F. W. Clements, and Lawrence H. Cake* for petitioner. *Messrs. Wm. Cattron Rigby, Edward A. Kreger, and John A. Hull* for respondent.

No. 347. *RIEHLER, RECEIVER, v. MARGOLIES.* October 22, 1928. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Messrs. Harry F. White and F. Wright Moxley* for petitioner. *Mr. Nathan Burkan* for respondent.

No. 361. *GOKHALE v. UNITED STATES.* October 22, 1928. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Messrs. Meyer Kraushaar and Emanuel Celler* for petitioner. *Solicitor General Mitchell, Assistant Attorney General Luhring, and Mr. Harry S. Ridgely* for the United States.

No. 363. *FEDERAL TRADE COMMISSION v. KLESNER ET AL.* October 22, 1928. Petition for writ of certiorari to the Court of Appeals of the District of Columbia granted. *Solicitor General Mitchell and Mr. Robert E. Healy* for petitioner. *Messrs. Alfred Klesner and Clarence R. Ahalt* for respondents.

No. 372. UNITED STATES PRINTING AND LITHOGRAPH Co. *v.* GRIGGS, COOPER & Co. October 22, 1928. Petition for writ of certiorari to the Supreme Court of the State of Ohio granted. *Messrs. Frank F. Dinsmore and Walter F. Murray* for petitioner. *Messrs. S. Howard Morphy and Orris P. Cobb* for respondent.

No. 375. UNITED STATES *v.* CALIFORNIA COOPERATIVE CANNERIES. October 2, 1928. Petition for writ of certiorari to the Court of Appeals of the District of Columbia granted. *Solicitor General Mitchell and Assistant to the Attorney General Donovan* for the United States. *Messrs. Frank J. Hogan and Nelson T. Hartson* for respondent.

No. 407. COMMISSIONER OF INTERNAL REVENUE *v.* OLD COLONY R. R. October 22, 1928. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit granted. *Solicitor General Mitchell, Assistant Attorney General Mabel Walker Willebrandt, and Mr. Clarence M. Charest* for petitioner. *Messrs. James S. Y. Ivins and Kingman Brewster* for respondent.

No. 416. UNITED STATES EX REL. CLAUSSEN *v.* DAY, COMMISSIONER OF IMMIGRATION. October 22, 1928. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Messrs. Silas B. Axtell and Charles A. Ellis* for petitioner. *Solicitor General Mitchell, Asistant Attorney General Luhring, and Mr. Harry S. Ridgely* for respondent.

No. 450. MORRIS & Co. ET AL. *v.* SKANDINAVIA INSURANCE Co. October 22, 1928. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit

granted. *Messrs. John M. Lee, Marcellus Green, Garner Wynn Green, and Chalmers Potter* for petitioners. *Messrs. T. Catesby Jones, Palmer Pillans, and Oscar Houston* for respondent.

No. 364. *ALBERTO v. NICOLAS*. October 29, 1928. Petition for writ of certiorari to the Supreme Court of the Philippine Islands granted. *Messrs. Wm. Catron Rigby, J. A. Hull, and Edward A. Kreger* for petitioner. *Messrs. Henry J. Richardson, Pedro Queraro, and Harold R. Young* for respondent.

No. 440. *UNITED STATES v. GALVESTON, HARRISBURG & SAN ANTONIO RY. CO.* October 29, 1928. Petition for writ of certiorari to the Court of Claims granted. *Solicitor General Mitchell, Assistant Attorney General Galloway, and Mr. Louis R. Mehlinger* for the United States. *Messrs. Wm. R. Harr and Charles H. Bates* for respondent.

No. 454. *MINNEAPOLIS, ST. PAUL & SAULT STE. MARIE RY. CO. v. ROCK*. October 29, 1928. Petition for writ of certiorari to the Appellate Court of the State of Illinois, First District and/or Supreme Court of the State of Illinois granted. *Messrs. John E. Palmer and Henry S. Mitchell* for petitioner. *Mr. Herbert H. Patterson* for respondent.

No. 479. *GRANT, RECEIVER, v. A. B. LEACH & CO., INC.* October 29, 1928. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit granted. *Mr. James P. Wilson* for petitioner. *Messrs. Wm. L. Day, Conrad H. Poppenhusen, Edward R. Johnson, and Henry J. Darby* for respondent.

No. 482. WEISS, COLLECTOR OF INTERNAL REVENUE, *v. WIENER*; and

No. 483. ROUTZAHN, COLLECTOR OF INTERNAL REVENUE, *v. WIENER*. October 29, 1928. Petition for writs of certiorari to the Circuit Court of Appeals for the Sixth Circuit granted. *Solicitor General Mitchell, Assistant Attorney General Mabel Walker Willebrandt, and Mr. Clarence M. Charest* for petitioners. *Mr. James S. Y. Ivins* for respondent.

No. 495. ATLANTA AND CHARLOTTE AIR LINE RY. CO. ET AL. *v. GREEN*. October 29, 1928. Petition for writ of certiorari to the Supreme Court of the State of South Carolina granted. *Messrs. S. R. Prince, H. O'B. Cooper, F. G. Tompkins, and L. E. Jeffries* for petitioners. *Mr. Horace L. Bomar* for respondent.

No. 198. KARNUTH, DIRECTOR OF IMMIGRATION, ET AL. *v. UNITED STATES EX REL. ALBRO ET AL.* November 19, 1928. The petition for a rehearing is granted. The order entered October 8, 1928, denying the petition for a writ of certiorari in this case is revoked and a writ of certiorari herein is granted. *Solicitor General Mitchell* for petitioners. *Messrs. Preston M. Albro, Charles D. Council, and George W. Offutt* for respondents.

No. 481. LUCAS, COLLECTOR OF INTERNAL REVENUE, *v. ALEXANDER*. November 19, 1928. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit granted. *Solicitor General Mitchell, Assistant Attorney General Mabel Walker Willebrandt, and Mr. Clarence M. Charest* for petitioner. *Messrs. Elwood Hamilton and George V. Triplett* for respondent.

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No. 484. UNITED STATES *v. SCHWIMMER*. November 19, 1928. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted. *Solicitor General Mitchell* and *Mr. Henry B. Hazard* for the United States. *Olive H. Robe* for respondent.

No. 306. CARSON PETROLEUM Co. *v. VIAL, SHERIFF, ETC.* November 26, 1928. Petition for writ of certiorari to the Supreme Court of the State of Louisiana granted. *Mr. Wm. E. Leahy* for petitioner. *Mr. Harry P. Snead* for respondent.

No. 506. GULF REFINING Co. *v. ATLANTIC MUTUAL INSURANCE Co.* November 26, 1928. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Messrs. Ira A. Campbell* and *Roger B. Siddall* for petitioner. *Mr. J. M. Richardson Lyeth* for respondent.

No. 547. WINTERS ET AL. *v. DENT HARDWARE Co.* December 3, 1928. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit granted. *Mr. John Boyle, Jr.*, for petitioners. *Mr. E. Hayward Fairbanks* for respondent.

No. 501. POWERS-KENNEDY CONTRACTING CORP. ET AL. *v. CONCRETE MIXING AND CONVEYING Co.* Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit; and

No. 528. CONCRETE MIXING & CONVEYING Co. *v. R. C. STORRIE & Co.* Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit. December 10, 1928. The petitions for writs of certiorari in these cases are granted, the two cases to be heard as one.

Messrs. John D. Morgan and Alan M. Jackson for petitioners in No. 501. *Messrs. Stephen J. Cox and Lynn A. Williams* for respondent in No. 501. *Messrs. Lynn A. Williams, Stephen J. Cox, Clifford C. Bradbury, and Albert G. McCabe* for petitioner in No. 528. *Mr. Charles E. Townsend* for respondent in No. 528.

No. 524. *MARYLAND CASUALTY Co. v. JONES*. December 10, 1928. The petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit is granted, but the consideration of the cause shall be limited to the question whether the Circuit Court of Appeals erred in failing to review the rulings of the District Court in the progress of the trial, excepted to at the time and duly presented by a bill of exceptions. *Messrs. Walter L. Clark and John Ralph Wilson* for petitioner. *Mr. Nat Schmu- lowitz* for respondent.

No. 532. *CENTRAL NEW ENGLAND Ry. Co. v. BOSTON & ALBANY R. R. Co.* January 2, 1929. Petition for writ of certiorari to the Superior Court for Suffolk County, State of Massachusetts, granted. *Messrs. John L. Hall and Marcier Jenckes* for petitioner. *Messrs. Lowell A. May- berry and George H. Fernald, Jr.*, for respondent.

No. 545. *STANDARD OIL Co. ET AL. v. CITY OF MARYSVILLE ET AL.* January 2, 1929. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit granted. *Messrs. Thomas F. Doran, Roy F. Osborn, Earle W. Evans, C. W. Martyn, and R. R. Vermillion* for petitioners. *Messrs. Edgar C. Bennett and Harry W. Col- mery* for respondents.

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Decisions Denying Certiorari.

No. 526. *UNITED STATES v. JOHN BARTH CO. ET AL.* January 7, 1929. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted. *Solicitor General Mitchell* for the United States. *Messrs. Louis Quarles, Richard S. Doyle, Malcolm K. Whyte, and S. Sidney Stein* for respondents.

No. 559. *BECHER v. CONTOURE LABORATORIES, INC., ET AL.* January 7, 1929. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Mr. O. Ellery Edwards* for petitioner. *Mr. Robert Moers* for respondents.

No. 595. *SUTTER ET AL. v. MIDLAND VALLEY R. R. CO.* January 14, 1929. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit granted. *Mr. Harry W. Hart* for petitioners. *Mr. O. E. Swan* for respondent.

No. 565. *OKANOGAN INDIANS ET AL. v. UNITED STATES.* January 21, 1929. Petition for writ of certiorari to the Court of Claims granted. *Messrs. Wm. S. Lewis, A. R. Serven, and John G. Carter* for petitioners. *Solicitor General Mitchell* for the United States.

PETITIONS FOR CERTIORARI DENIED OR DISMISSED FROM OCTOBER 1, 1928, TO AND INCLUDING FEBRUARY 18, 1929

No. 284. *HAWKINS v. PULLEY ET AL., TRUSTEES.* See *ante*, p. 556.

No. 380. *GUILLOT v. LOUISIANA RAILWAY AND NAVIGATION CO.* See *ante*, p. 556.