

Circuit Court of Appeals for the Eighth Circuit. Argued February 18, 19, 1932. Decided May 31, 1932. *Per Curiam*: The writ of certiorari in this case is dismissed as improvidently granted. MR. JUSTICE BRANDEIS dissents from this order of the Court. *Mr. George B. Rose*, with whom *Messrs. D. H. Cantrell, J. F. Loughborough, A. W. Dobyns*, and *A. F. House* were on the brief, for petitioner. *Mr. Henry Davis*, with whom *Messrs. P. Taylor Bryan, George H. Williams*, and *Thomas S. McPheeters* were on the brief, for the St. Louis Union Trust Co., respondent. *Mr. Walter G. Riddick*, with whom *Mr. Charles T. Coleman* was on the brief, for Rorick, respondent. Reported below: 52 F. (2d) 431.

No. 24. *TEXAS & PACIFIC RY. CO. ET AL. v. UNITED STATES ET AL.* Appeal from the District Court of the United States for the Southern District of Texas. May 31, 1932. This cause is restored to the docket for reargument upon all questions involved.

No. —. *EX PARTE KEOGH.* Submitted May 16, 1932. Decided May 31, 1932. The motion that jurisdiction be assumed is denied. *Mr. John W. Keogh, pro se.*

DECISIONS GRANTING CERTIORARI, FROM APRIL 12, 1932, TO AND INCLUDING MAY 31, 1932

No. 799. *BURNET, COMMISSIONER OF INTERNAL REVENUE, v. J. ROGERS FLANNERY & Co.;*

No. 800. *SAME v. FLANNERY BOLT Co.;* and

No. 801. *SAME v. VANADIUM METALS Co.* See same cases, *ante*, p. 524.

No. 773. INTERSTATE COMMERCE COMMISSION *v.* NEW YORK, NEW HAVEN & HARTFORD R. CO. ET AL. April 18, 1932. Petition for writ of certiorari to the Court of Appeals of the District of Columbia granted. The CHIEF JUSTICE took no part in the consideration or decision of this application. *Messrs. Thomas M. Ross, Charles W. Needham, Robert E. Freer, and Miss Mary B. Linkins* for petitioner. *Messrs. John L. Hall and Charles O. Pengra* for respondents. Reported below: 60 App. D. C. 403; 55 F. (2d) 1028.

No. 753. LOUISVILLE & NASHVILLE R. CO. *v.* PARKER, ADMINISTRATRIX. April 18, 1932. Petition for writ of certiorari to the Supreme Court of Alabama granted. *Mr. Robert E. Steiner, Jr.*, for petitioner. *Mr. W. A. Denson* for respondent. Reported below: 223 Ala. 626; 138 So. 231.

No. 787. SOUTHERN RAILWAY CO. ET AL. *v.* DANTZLER, ADMINISTRATRIX; and

No. 788. SAME *v.* YOUNGBLOOD, ADMINISTRATRIX. April 18, 1932. Petitions for writs of certiorari to the Supreme Court of South Carolina granted. *Messrs. H. O'B. Cooper, S. R. Prince, Frank G. Tompkins, and Sidney S. Alderman* for petitioners. *Mr. William C. Wolfe* for respondents. Reported below: 166 S. C. 148, 140; 164 S. E. 434, 431.

No. 809. EARLE & STODDART, INC. ET AL. *v.* ELLERMAN'S WILSON LINE, LTD. April 18, 1932. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Messrs. T. Catesby Jones and James W. Ryan* for petitioners. *Mr. Cletus Keating* for respondent. Reported below: 54 F. (2d) 913.

No. 819. WASHINGTON FIDELITY NATIONAL INS. CO. v. BURTON. April 18, 1932. Petition for writ of certiorari to the Court of Appeals of the District of Columbia granted. *Messrs. Walter C. Clephane, J. Wilmer Latimer, and Gilbert L. Hall* for petitioner. *Messrs. W. Gwynn Gardiner and George A. Maddox* for respondent. Reported below: 56 F. (2d) 300.

No. 824. BURNET, COMMISSIONER OF INTERNAL REVENUE, v. HARMEL. April 18, 1932. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted. *Solicitor General Thacher* for petitioner. *Mr. Robert Ash* for respondent. Reported below: 56 F. (2d) 153.

No. 494. AMERICAN SURETY CO. v. BALDWIN ET AL. April 25, 1932. Petition for writ of certiorari to the Supreme Court of Idaho granted. *Messrs. Allan C. Rowe and Wm. Marshall Bullitt* for petitioner. *Mr. James F. Ailshie* for respondents. Reported below: 50 Idaho 606; 299 Pac. 341.

No. 821. GULF STATES STEEL CO. ET AL. v. UNITED STATES. April 25, 1932. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted. *Messrs. John M. Perry, Augustus Benners, James P. McGovern, and John W. Drye, Jr.*, for petitioners. *Solicitor General Thacher, Assistant Attorney General Youngquist, and Messrs. Whitney North Seymour, Sewall Key, A. H. Conner, and W. Marvin Smith* for the United States. Reported below: 56 F. (2d) 43.

No. 822. NEW YORK CENTRAL R. CO. v. FARMER, ADMINISTRATRIX. April 25, 1932. Petition for writ of cer-

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tiiorari to the Supreme Court of New York granted. *Mr. William Mann* for petitioner. *Mr. Henry S. Miller* for respondent. Reported below: 234 App. Div. 751, 853; 253 N. Y. S. 965, 1077.

No. 814. *BALDWIN ET AL. v. AMERICAN SURETY CO.* April 25, 1932. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit granted. *Mr. James F. Ailshie, Jr.*, for petitioners. *Messrs. Oliver O. Haga and Frank Martin* for respondent. Reported below: 55 F. (2d) 555.

No. 825. *UNITED STATES v. CORRIVEAU*. See same case, *ante*, p. 530.

No. 784. *CHANG CHOW v. UNITED STATES*. See same case, *ante*, p. 530.

No. 785. *YIM KIM LAU v. UNITED STATES*. See same case, *ante*, p. 531.

No. 727. *NATIONAL SURETY CO. ET AL. v. CORIELL ET AL.* May 16, 1932. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Messrs. Charles H. Tuttle, Saul S. Myers, Selden Bacon, and Gregory Hankin* for petitioners. *Mr. Charles B. McInnis* for respondents. Reported below: 54 F. (2d) 255.

No. 841. *GWINN v. COMMISSIONER OF INTERNAL REVENUE*. May 16, 1932. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit granted. *Mr. Thomas A. Thatcher* for petitioner. *Solicitor General Thacher, Assistant Attorney General Youngquist, and Messrs. Whitney North Seymour, Sewall*

Key, and *Erwin N. Griswold* for respondent. Reported below: 54 F. (2d) 728.

No. 881. *SHAPIRO v. WILGUS ET AL.* May 16, 1932. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit granted. *Messrs. Jacob Weinstein* and *Francis Biddle* for petitioner. *Mr. Sidney E. Smith* for respondents. Reported below: 55 F. (2d) 234.

No. 789. *SOLEZ v. ZURICH GENERAL ACCIDENT & LIABILITY INS. CO., LTD.* May 23, 1932. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Messrs. Frederic R. Coudert* and *Percy A. Shay* for petitioner. *Mr. Russell T. Mount* for respondent. Reported below: 54 F. (2d) 523.

No. 874. *SUN OIL CO. v. DALZELL TOWING CO., INC.* May 23, 1932. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Mr. Russell T. Mount* for petitioner. *Mr. Chauncey I. Clark* for respondent. Reported below: 55 F. (2d) 63.

No. 877. *BROOKLYN EASTERN DISTRICT TERMINAL v. UNITED STATES.* May 23, 1932. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Messrs. Oscar R. Houston* and *Leonard J. Matteson* for petitioner. *Solicitor General Thacher*, *Assistant Attorney General St. Lewis*, and *Messrs. Whitney North Seymour, J. Frank Staley*, and *Wm. H. Riley, Jr.*, for the United States. Reported below: 54 F. (2d) 978.

No. 885. *ELTING, COLLECTOR OF CUSTOMS, v. NORTH GERMAN LLOYD.* May 23, 1932. Petition for writ of

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certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Solicitor General Thacher, Assistant Attorney General Rugg, and Mr. Bradley B. Gilman* for petitioner. *Mr. Melville J. France* for respondent. Reported below: 54 F. (2d) 997. See also, 48 F. (2d) 547.

No. 888. *GRAU v. UNITED STATES*. May 23, 1932. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit granted. *Mr. Stephen L. Blakely* for petitioner. *Solicitor General Thacher, Assistant Attorney General Youngquist, and Messrs. Paul D. Miller, John J. Byrne, and W. Marvin Smith* for the United States. Reported below: 56 F. (2d) 779.

No. 902. *LLOYD SABAUDO SOCIETA ANONIMA PER AZIONI v. ELTING, COLLECTOR OF CUSTOMS*. May 23, 1932. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Mr. Delbert M. Tibbets* for petitioner. *Solicitor General Thacher, Assistant Attorney General Rugg, and Mr. Bradley B. Gilman* for respondent. Reported below: 55 F. (2d) 1048.

No. 920. *SGRO v. UNITED STATES*. May 31, 1932. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Mr. Irving K. Baxter* for petitioner. *Solicitor General Thacher, Assistant Attorney General Youngquist, and Messrs. Paul D. Miller, John J. Byrne, and W. Marvin Smith* for the United States. Reported below: 54 F. (2d) 1083.

No. 979. *gebardi et al. v. UNITED STATES*. May 31, 1932. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted. *Mr. Wm. F.*

Waugh for petitioners. No appearance for the United States. Reported below: 57 F. (2d) 617.

No. 981. *POWELL ET AL. v. ALABAMA*;

No. 982. *PATTERSON v. SAME*; and

No. 983. *WEEMS ET AL. v. SAME*. May 31, 1932. Petition for writs of certiorari to the Supreme Court of Alabama granted. *Mr. Walter H. Pollak* for petitioners. *Mr. Thomas E. Knight, Jr.*, for respondent. Reported below: 224 Ala. 540, 531, 524; 141 So. 201, 195, 215.

No. 978. *UNITED STATES v. GREAT NORTHERN RY. CO.* May 31, 1932. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit granted. *Solicitor General Thacher, Assistant to the Attorney General O'Brian*, and *Messrs. Charles H. Weston and Elmer B. Collins*, for the United States. *Messrs. F. G. Dorety, R. J. Hagman, W. W. Millan, and R. E. L. Smith* for respondent. Reported below: 57 F. (2d) 385.

No. 903. *DOANE-COMMERCIAL TOWING CO. v. MEXICAN PETROLEUM CORP.* May 31, 1932. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit granted. *Mr. Albert T. Gould* for petitioner. *Messrs. Edward S. Dodge and Nathan W. Thompson* for respondent. Reported below: 55 F. (2d) 32.

No. 884. *SEVIER COMMISSION CO. ET AL. v. WALLOWA NATIONAL BANK.* May 31, 1932. Petition for writ of certiorari to the Supreme Court of Oregon granted. *Messrs. James G. Wilson and John F. Reilly* for petitioners. *Messrs. Robert Treat Platt and Harrison G. Platt* for respondent. Reported below: 138 Ore. 393; 5 P. (2d) 100.

No. 911. DALTON ET AL. *v.* BOWERS, EXECUTOR. May 31, 1932. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Mr. Arnold Lichtig* for petitioners. *Solicitor General Thacher, Assistant Attorney General Youngquist*, and *Messrs. Whitney North Seymour, Sewall Key, and John Henry McEvers* for respondent. Reported below: 56 F. (2d) 16. See also, 53 F. (2d) 373.

No. 922. GENERAL ELECTRIC CO. ET AL. *v.* MARVEL RARE METALS CO. ET AL. May 31, 1932. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit granted. *Messrs. Lawrence Bristol and Charles Neave* for petitioners. *Mr. Harold Elmo Smith* for respondents. Reported below: 56 F. (2d) 823.

No. 923. BURNET, COMMISSIONER OF INTERNAL REVENUE, *v.* HUFF. May 31, 1932. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted. *Solicitor General Thacher* for petitioner. *Mr. Harry C. Weeks* for respondent. Reported below: 56 F. (2d) 788.

No. 955. MURPHY OIL CO. *v.* BURNET, COMMISSIONER OF INTERNAL REVENUE. May 31, 1932. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit granted. *Messrs. Randolph E. Paul and Thomas R. Dempsey* for petitioner. *Solicitor General Thacher, Assistant Attorney General Youngquist*, and *Messrs. Whitney North Seymour, Sewall Key, J. P. Jackson, and Wilbur H. Friedman* for respondent. Reported below: 55 F. (2d) 17.

No. 977. BURNET, COMMISSIONER OF INTERNAL REVENUE, *v.* COMMONWEALTH IMPROVEMENT CO. May 31,

1932. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit granted. *Solicitor General Thacher, Assistant Attorney General Youngquist, and Messrs. Whitney North Seymour, Sewall Key, and Morton K. Rothschild* for petitioner. *Mr. Ellis Ames Ballard* for respondent. Reported below: 57 F. (2d) 47.

DECISIONS DENYING CERTIORARI, FROM APRIL 12, 1932, TO AND INCLUDING MAY 31, 1932

No. 856. JOYNER, ADMINISTRATOR, *v.* JEFFERSON STANDARD LIFE INSURANCE Co. April 18, 1932. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit, and motion for leave to proceed further *in forma pauperis*, denied. *Messrs. Carl H. Richmond and John W. Bennett* for petitioner. *Mr. Shepard Bryan* for respondent. Reported below: 53 F. (2d) 745.

No. 863. UNITED STATES EX REL. JACKSON *v.* MEYERING, SHERIFF. April 18, 1932. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit, and motion for leave to proceed further *in forma pauperis*, denied. *Mr. Richard E. Westbrooks* for petitioner. No appearance for respondent. Reported below: 54 F. (2d) 621.

No. 864. LINDGREN, ADMINISTRATOR, *v.* U. S. SHIPPING BOARD MERCHANT FLEET CORP. April 18, 1932. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit, and motion for leave to proceed further *in forma pauperis*, denied. *Mr. Jacob L. Morewitz* for petitioner. No appearance for respondent. Reported below: 55 F. (2d) 117.