

commanding that the violation cease. There is as much reason to believe that Congress did not intend to deny to the Commission the authority to exercise effectively the granted power, and thus to preserve its jurisdiction until its function could be executed, as there would be were similar powers extended to a court of inferior jurisdiction. This is the more evident when it is remembered that obedience to the Commission's orders cannot be compelled without first subjecting them to the scrutiny of a court. Recognition of its authority involves neither departure from accepted principles nor any risk of abuse.

These considerations demand our rejection of the contention that an offender against the Clayton Act, properly brought before the Commission and subject to its order, can evade its authority and defeat the statute by taking refuge behind a cleverly erected screen of corporate dummies.

The CHIEF JUSTICE, MR. JUSTICE BRANDEIS, and MR. JUSTICE CARDOZO concur in this opinion.

MASSEY v. UNITED STATES.

CERTIORARI TO THE CIRCUIT COURT OF APPEALS FOR THE SEVENTH CIRCUIT.

No. 707. Argued March 5, 1934.—Decided March 12, 1934.

A conviction for conspiracy to violate the National Prohibition Act was affirmed by the Circuit Court of Appeals, but mandate was stayed to allow application to this Court for writ of certiorari. Petition for the writ was filed within time, soon after the repeal of the Eighteenth Amendment had been consummated. *Held* that the judgment should be reversed and the cause remanded to the District Court with direction to vacate the sentence and dismiss the indictment,—on the authority of *United States v. Chambers*, ante, p. 217.

66 F. (2d) 666, reversed.

608

Per Curiam.

CERTIORARI to review a judgment of the Circuit Court of Appeals affirming a conviction of conspiracy to violate the National Prohibition Act. The writ of certiorari, at first denied, *post*, p. 669, was granted on a petition for rehearing, *post*, p. 655.

Mr. Edward F. Colladay, with whom *Mr. William A. McClellan* was on the brief, for petitioner.

Solicitor General Biggs, with whom *Mr. W. Marvin Smith* was on the brief, for the United States.

PER CURIAM.

It appeared, on rehearing, that the petitioner and others were indicted on March 4, 1932, in the District Court of the United States for the Southern District of Indiana for conspiring to violate the National Prohibition Act; that the petitioner was found guilty by a jury on May 20, 1932, and, with others, was sentenced to fine and imprisonment by a judgment entered in that court on June 3, 1932; that, on appeal, the judgment, as to the petitioner, was affirmed by the United States Circuit Court of Appeals for the Seventh Circuit on August 7, 1933, and that a petition for rehearing duly filed by him in that court was denied on October 10, 1933. It further appeared that on October 11, 1933, the Circuit Court of Appeals, upon consideration of a motion by the petitioner for a stay of mandate pending a petition to this Court for writ of certiorari, stayed its mandate until its further order, and ordered that the petitioner proceed with diligence and promptly file the petition for writ of certiorari in this Court. Petition for writ of certiorari was filed in this Court on January 6, 1934 and within the time provided by law.

The Solicitor General appeared on behalf of the Government upon the rehearing and stated his view to be that this case is controlled by the decision in *United States*

v. *Chambers*, ante, p. 217, and that the judgment of the court below should be reversed.

The Court is of the opinion that it appears from the record that no final judgment was rendered herein against the petitioner prior to the ratification of the Twenty-first Amendment. The judgment of the Circuit Court of Appeals, as entered in the cause of this petitioner, is accordingly reversed, and the cause is remanded to the District Court with direction to vacate that part of its judgment which sentences this petitioner, and to dismiss the indictment as to him. *United States v. Chambers*, ante, p. 217.

Reversed.

EX PARTE BALDWIN ET AL.

PETITION FOR WRIT OF MANDAMUS.

No. 19, original. Argued February 12, 1934.—Decided March 19, 1934.

1. The writ of mandamus will not be issued by this Court at the instance of a trustee in bankruptcy to compel the District Court to accept jurisdiction on removal of a suit in a state court, brought against him as such trustee and affecting the title and possession of property of which he has taken possession as part of the bankrupt estate. There is an adequate remedy by application to the court of bankruptcy to enjoin the prosecution of the suit. P. 614.
2. All property in the possession of a bankrupt of which he claims the ownership passes, upon the filing of the petition in bankruptcy, into the custody of the court of bankruptcy. P. 615.
3. Where a court of competent jurisdiction has, through its officers, taken property into its possession, the property is thereby withdrawn from the jurisdiction of other courts, and the court having possession may not only issue all writs necessary to protect its possession from physical interference, but is entitled to determine all questions respecting the same. P. 615.
4. The jurisdiction in such cases is exclusive of the jurisdiction of other courts although otherwise the controversy would be cognizable by them. P. 615.