

dence connecting them with the conspiracy, except the fact that they were members of the I. W. W. And several, who were not members at the time, insist that there is no evidence against them at all. In each such case our finding is that there was sufficient evidence on which to submit to the jury the question whether the particular defendant was a member of the established conspiracy.

We find no abuse of the trial court's discretion controlling the scope of the cross-examinations of witnesses.

We find no error in the charge to the jury, and it adequately covered all of defendants' proper requests for instructions. The law of conspiracy under the statutes of the United States has been so frequently and recently expounded in decisions of the Supreme Court and the Courts of Appeals that further repetition is deemed unnecessary.

In the case of each defendant the judgment is modified by striking therefrom the imprisonments and fines assessed under counts 1 and 2; and, as so modified, the judgment is

Affirmed.

ST. JOHN v. UNITED STATES.

(Circuit Court of Appeals, Seventh Circuit, October 5, 1920. Rehearing Denied December 9, 1920.)

No. 2695.

In Error to the District Court of the United States, for the Eastern Division of the Northern District of Illinois.

Vincent St. John was convicted on an indictment containing four counts charging conspiracy, and he brings error. Judgment modified, by striking therefrom the imprisonments and fines under counts 1 and 2, and, as modified, affirmed.

Clarence Darrow, of Chicago, Ill., for plaintiff in error.

Charles F. Clyne and Joseph B. Fleming, both of Chicago, Ill., for the United States.

Before BAKER, ALSCHULER, and PAGE, Circuit Judges.

PER CURIAM. St. John was one of the defendants in the government's prosecution of Haywood and others. He sued out a separate writ of error. For the reasons given in *Haywood v. United States* (C. C. A.) 268 Fed. 795, herewith decided, the judgment against St. John is modified, by striking therefrom the imprisonments and fines under counts 1 and 2, and, as so modified, the judgment is affirmed.