

CLAY CENTER ELECTRIC LIGHT & POWER CO. *v.* CITY
OF CLAY CENTER.

ERROR TO THE SUPREME COURT OF THE STATE OF KANSAS.

No. 630. Motion to dismiss.—Submitted January 4, 1909.—Decided
January 11, 1909.

Writ of error to review a judgment of the state court dismissed. The Federal question was raised for the first time on petition for rehearing in the Supreme Court of the State, and that court declined to pass on it as having come too late.

Mr. A. E. Crane, Mr. F. B. Dawes, Mr. C. P. Rutherford and Mr. R. C. Miller, for defendant in error in support of motion to dismiss.

Mr. C. C. Coleman and Mr. Frank L. Williams for plaintiff in error.

Per Curiam: Writ of error dismissed for want of jurisdiction. *Oxley Stave Co. v. Butler County*, 166 U. S. 648; *Capital National Bank of Lincoln v. First National Bank of Cadiz*, 172 U. S. 425; *Mutual Life Insurance Company v. McGrew*, 188 U. S. 291, 308; *White v. Bird*, 45 Kansas, 759.

UNITED STATES *v.* POWELLERROR TO THE CIRCUIT COURT OF THE UNITED STATES FOR THE
NORTHERN DISTRICT OF ALABAMA.

No. 63. Submitted January 8, 1909.—Decided January 11, 1909.

Judgment of the Circuit Court sustaining demurrer to indictment for conspiracy in alleged violation of §§ 5508, 5509, Rev. Stat., affirmed, without opinion, on the authority of *Hodges v. United States*, 203 U. S. 1.

The Attorney General and Mr. Assistant Attorney General Fowler for the United States.

There was no appearance or brief filed for defendant in error.

Per Curiam: The judgment is affirmed on the authority of *Hodges v. United States*, 203 U. S. 1.

MR. JUSTICE MOODY did not sit.

SPOKANE VALLEY LAND & WATER COMPANY v.
MADSON.

SAME v. SAME.

ERROR TO THE SUPREME COURT OF THE STATE OF WASHINGTON.

Nos. 202, 231. Motion to dismiss.—Submitted January 18, 1909.—Decided January 25, 1909.

Writs of error to review judgments of the Supreme Court of the State of Washington, 40 Washington, 414; *S. C.*, 91 Pac. Rep. 1, involving the right of a patentee of the United States to construct a dam across an arm of a lake in the State of Washington, dismissed for want of jurisdiction; plaintiff in error claiming such right under the Desert Land Act of March 3, 1877, c. 107, 19 Stat. 377, and defendant in error claiming that there was no Federal question, or if any existed, it was raised too late.

Mr. S. C. Hyde and Messrs. Gallagher & Thayer for defendants in error, in support of the motion.

Mr. Albert Allen for plaintiff in error, in opposition to the motion.

Per Curiam: Writs of error dismissed for want of jurisdiction. *Hardin v. Shedd*, 190 U. S. 508; *Mutual Life Insurance Co. v.*