

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.