

cases in the least cumbersome and most expeditious way. The former certificate was thought to invite a consideration of mixed questions of law and fact. However that may have been, the present one puts definite questions of pure law, and I think that those questions should be answered. Even if the third should be objected to, the other two are complete in themselves. It is no objection to a question of law that the case turns upon it. That is the best of reasons for propounding it. The only objection is not to deciding the case here but to putting questions that turn upon conclusions from evidence, or that present a general statement and ask a judgment with regard to unspecified questions of law.

MR. JUSTICE WHITE and MR. JUSTICE MOODY concur in this dissent.

THOMAS *v.* SOUTH SIDE ELEVATED RAILWAY
COMPANY.

ERROR TO THE SUPREME COURT OF THE STATE OF ILLINOIS.

No. 157. Argued April 16, 19, 1909.—Decided April 26, 1909.

Writ of error to review a judgment of the state court in a condemnation proceeding, 218 Illinois, 571, dismissed without opinion for want of jurisdiction.

THIS was a writ of error to review a judgment of the Supreme Court of Illinois in a condemnation proceeding in which plaintiff in error contended that he had been denied due process of law.

Mr. George W. Thomas, pro se.

Mr. Cecil Page, with whom Mr. Monroe L. Willard was on the brief, for defendant in error.

214 U. S.

Statement of the Case.

Per Curiam: Writ of error dismissed for want of jurisdiction. *Stevens, Administrator, v. Nichols*, 157 U. S. 370; *Loeber v. Schroeder*, 149 U. S. 580; *Central Land Co. v. Laidley*, 159 U. S. 103; *Backus v. Fort Street Union Depot Co.*, 169 U. S. 557; *Ballard v. Hunter*, 204 U. S. 241; *Tracy v. Ginsberg*, 205 U. S. 180; *Rusch v. John Duncan Land & Mining Co.*, 211 U. S. 526; reported below, 218 Illinois, 571.

ST. PAUL, MINNEAPOLIS & MANITOBA RAILWAY
COMPANY v. STATE OF MINNESOTA *ex rel.* CITY OF
MINNEAPOLIS.

ERROR TO THE SUPREME COURT OF THE STATE OF MINNESOTA.

No. 162. Argued April 19, 20, 1909.—Decided April 26, 1909.

Affirmed on authority of *Northern Pacific Railway v. Duluth*, 208 U. S. 583.¹

THIS case involved a question almost the same as that in

¹ The headnote in *Northern Pacific Railway Company v. Duluth* applicable to this case is as follows:

"The right to exercise the police power is a continuing one that cannot be limited or contracted away by the State or its municipality, nor can it be destroyed by compromise as it is immaterial upon what consideration the attempted contract is based.

"The exercise of the police power in the interest of public health and safety is to be maintained unhampered by contracts in private interests, and uncompensated obedience to an ordinance passed in its exercise is not violative of property rights protected by the Federal Constitution; *held*, that an ordinance of a municipality of that State, valid under the law of that State as construed by its highest court, compelling a railroad to repair a viaduct constructed, after the opening of the railroad, by the city in pursuance of a contract relieving the railroad, for a substantial consideration, from making any repairs thereon for a term of years was not void under the contract, or the due process, clause of the Constitution."