

215 U. S.

Per Curiam.

Mr. Frederick B. Campbell for plaintiff in error.*Mr. William V. Rowe* and *Mr. Royall Victor* for defendants in error.*Per Curiam.* Writ of error dismissed for want of jurisdiction. *Macfadden v. United States*, 213 U. S. 288.

KANSAS CITY STAR COMPANY v. JULIAN.**ERROR TO THE SUPREME COURT OF THE STATE OF MISSOURI.**

No. 85. Motion to dismiss or affirm submitted November 29, 1909.—
Decided December 6, 1909.

Where the Federal question is first raised in the petition to the highest court of the State for rehearing it is too late. *Loeber v. Schroeder*, 149 U. S. 580.

Where the judgment of the state court rests on non-Federal grounds broad enough to sustain it this court cannot review it under § 709, Rev. Stat.

Writ of error to review, 209 Missouri, 35, dismissed.

Mr. Isaac N. Watson, Mr. Hannis Taylor, Mr. Wash. Adams and *Mr. Frank Hagerman*, for the plaintiff in error.

Mr. John H. Atwood, Mr. O. H. Dean and *Mr. Ira Julian*, for the defendant in error.

Per Curiam. Writ of error dismissed for want of jurisdiction. *Sayward v. Denny*, 158 U. S. 180; *Mutual Life Ins. Co. v. McGrew*, 188 U. S. 291, 307, 308; *State v. Bland*, 186

The judgment of the Circuit Court of Appeals in a criminal case is final, and is no less so because the appellate jurisdiction of this court might have been invoked directly under § 5 of the act of 1891.

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Missouri, 691, 701, *Oxley Stave Co. v. Butler County*, 166 U. S. 648, 653; case below, 209 Missouri, 35.

The attention of the state Supreme Court was not called to any Federal question until in the petition for rehearing, and that was too late. *Loeber v. Schroeder*, 149 U. S. 580, 585, and cases.

The judgment rested on non-Federal grounds broad enough to sustain it. 209 Missouri, 35; *Cincinnati Street Ry. Co. v. Snell*, 193 U. S. 30; *Hammond Packing Co. v. Arkansas*, 212 U. S. 322.

MILLS *v.* JOHNSON.

ERROR TO THE COURT OF CIVIL APPEALS FOR THE FIFTH SUPREME JUDICIAL DISTRICT OF THE STATE OF TEXAS.

No. 36. Argued November 12, 1909.—Decided December 13, 1909.

Writ of error to review a judgment of the state court dismissed for want of jurisdiction without opinion on authority of previous decisions.

Mr. Frederic D. McKenney and *Mr. R. S. Neblett* for plaintiffs in error.

Mr. Robert E. Prince, *Mr. Richard Mays* and *Mr. W. S. Simpkins* for defendants in error.

Per Curiam. Writ of error dismissed for want of jurisdiction. *Beale's Heirs v. Johnson*, 45 Tex. Civ. App. 119; 99 S. W. Rep. 1045; *Waters-Pierce Oil Co. v. Texas*, 212 U. S. 86; *Same v. Same* (No. 2), 212 U. S. 112; *McCorquodale v. Texas*, 211 U. S. 432; *Cox v. Texas*, 202 U. S. 446; *Harding v. Illinois*, 196 U. S. 78; *Arbuckle v. Blackburn*, 191 U. S. 405.