

Per Curiam.

215 U. S.

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.