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Per Curiam.

error were indicted for grazing sheep upon the Sierra Forest Reserve without a permit in violation of Regulation 45, established by the Secretary of Agriculture concerning stock grazing upon forest reserves under the act of June 4, 1897, c. 2, 30 Stat. 11, 35.

The District Court sustained demurrers on the ground that the act of 1897 delegated legislative power to an executive officer and that the act is unconstitutional because it empowers an executive officer to create a criminal offense.

The Solicitor General, with whom *The Attorney General* was on the brief, for the plaintiff in error.

No appearance for the defendants in error.

Per Curiam. Judgments affirmed by a divided court.

April 18, 1910, petitions for rehearing granted and cases restored to the docket.

MISSOURI, KANSAS & TEXAS RAILWAY COMPANY v.
HOLLAN.

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

No. 161. Motion to dismiss or affirm submitted March 14, 1910.—
Decided March 21, 1910.

Writ of error to review a judgment of the state court in an action for personal injuries dismissed, without opinion, for want of jurisdiction.

Mr. James Hagerman, *Mr. J. M. Bryson*, and *Mr. Cecil H. Smith* for the plaintiff in error.

Mr. C. B. Randell and *Mr. Judson H. Wood* for the defendant in error.

Per Curiam. Dismissed for the want of jurisdiction.