

216 U. S.

Per Curiam.

The indictment having been dismissed, the question as to plaintiff in error's constitutional right to a speedy trial is not involved in such a real sense as to give this court jurisdiction. *Lampasas v. Bell*, 180 U. S. 276, 284. Plaintiff in error was indicted December 1, 1905, for certain violations of § 5480 of the Revised Statutes, alleged to have been committed on the first day of February, 1904. That indictment having been *nolle prossed* and no new indictment appearing to have been returned against him within three years from the date of the commission of the alleged offenses, or, if returned, to be still pending, it is manifest that he has been discharged by the Statute of Limitations and that this case in the circumstances disclosed has become merely a moot case.

Writ of error dismissed.

MALLERS *v.* COMMERCIAL LOAN & TRUST COMPANY.

ERROR TO THE SUPREME COURT OF THE STATE OF ILLINOIS.

No. 726. Motion to dismiss or affirm submitted February 28, 1910.—
Decided March 14, 1910.

Where no Federal question is raised in the state court it is too late to attempt to do so in the assignment of error in this court.

Writ of error to review 237 Illinois, 119, dismissed.

THE facts are stated in the opinion.

Mr. Charles B. Stafford for the plaintiff in error.

Mr. Horace G. Stone for the defendant in error.

Per Curiam. The Commercial Loan & Trust Company, a banking corporation organized under the laws of Illinois, in 1895, brought suit against John B. Mallers upon a promissory note, and judgment was entered therein by the appellate

Statement of the Case.

216 U. S.

court for the first district in favor of the bank against Mallers, which judgment was affirmed by the Supreme Court.

On the case being remanded to the appellate court an execution was issued by the clerk to enforce the collection of the judgment which Mallers moved to quash, and from the judgment of that court denying that motion a writ of error was prosecuted to the Supreme Court, which affirmed the judgment of the appellate court.

The case was then brought here on writ of error, which must be dismissed for want of jurisdiction. *Hulbert v. Chicago*, 202 U. S. 275; *Burt v. Smith*, 203 U. S. 129; *Bonner v. Gorman*, 213 U. S. 86.

No Federal question was raised in the state courts, and the attempt to raise a Federal question in the assignment of errors in this court, not only came too late, but was palpably not maintainable. *Chapin v. Fye*, 179 U. S. 127.

Writ of error dismissed.

UNITED STATES *v.* GRIMAUD.

UNITED STATES *v.* INDA.

ERROR TO THE DISTRICT COURT OF THE UNITED STATES FOR THE SOUTHERN DISTRICT OF CALIFORNIA.

Nos. 490, 491. Argued February 28, 1910.—Decided March 14, 1910.

Quære and not decided by this court whether the provision in the act of June 4, 1897, c. 2, 30 Stat. 30, 35, empowering the Secretary of Agriculture to make regulations in regard to grazing sheep on a forest reserve is unconstitutional as delegating legislative power to an executive officer and empowering such officer to create a criminal offense.

170 Fed. Rep. 205, affirmed by a divided court.

THESE were writs of error to the District Court under the Criminal Appeals Act of March 2, 1907, as defendants in