

217 U. S.

Per Curiam.

## ROGERS v. CLARK IRON COMPANY.

ERROR TO THE SUPREME COURT OF THE STATE OF  
MINNESOTA.

No. 244. Motion to dismiss submitted April 4, 1910.—Decided April 11, 1910.

Where the state court only decides who is entitled to lands under a patent no Federal question is necessarily involved and this court does not have jurisdiction to review under § 709, Rev. Stat., and in this case no Federal question was decided directly or by implication.

An attempt to raise a Federal question in this court for the first time is too late.

104 Minnesota, 198, affirmed.

THE facts involve the claim of title to property in the State of Minnesota based on a patent of the United States. The state court found the facts as contended by the defendants, and also that the patent itself was not attacked, but that the question was: Who was the person entitled to the lands under the patent?

*Mr. John B. Richards* and *Mr. Daniel G. Cash* for plaintiffs in error.

*Mr. John G. Williams*, *Mr. Oscar Mitchell*, *Mr. Joseph B. Cotton*, *Mr. Frank D. Adams*, *Mr. William R. Begg* and *Mr. C. O. Baldwin* for defendants in error.

*Per Curiam.* Writ of error dismissed for want of jurisdiction. The case is reported below in 104 Minnesota, 198, where the facts are set forth at length. We hold that no Federal question was decided either in express terms or by necessary implication, and that the attempt to raise a Federal question was made in this court for the first time, which was too late.