

DECISIONS PER CURIAM, FROM OCTOBER 7,
1918, TO MARCH 3, 1919, NOT INCLUDING AC-
TION ON PETITIONS FOR WRITS OF CER-
TIORARI.

No. 135. RED JACKET, JR., COAL COMPANY ET AL. v. UNITED THACKER COAL COMPANY. Appeal from the District Court of the United States for the Southern District of West Virginia. Motion to dismiss or affirm submitted October 8, 1918. Decided October 21, 1918. *Per Curiam*. Dismissed for want of jurisdiction upon the authority of (1) *Equitable Life Assurance Society v. Brown*, 187 U. S. 308, 314; *Consolidated Turnpike Co. v. Norfolk &c. Ry. Co.*, 228 U. S. 596, 600; *Brolan v. United States*, 236 U. S. 216, 218. (2) *Louisville & Nashville R. R. Co. v. Western Union Telegraph Co.*, 234 U. S. 369; *Male v. Atchison, Topeka & Santa Fe Ry. Co.*, 240 U. S. 97. (3) *Shapiro v. United States*, 235 U. S. 412. See *Omaha Baum Iron Store Co. v. Moline Plow Co.*, 244 U. S. 650. *Mr. E. Spencer Miller* for appellants. *Mr. Arthur S. Dayton* for appellee.

No. 544. D. M. PHILLIPS ET AL. v. W. O. MITCHELL ET AL. Error to the Supreme Court of the State of Oklahoma. Motion to dismiss submitted October 8, 1918. Decided October 21, 1918. *Per Curiam*. Dismissed for want of jurisdiction upon the authority of *Equitable Life Assurance Society v. Brown*, 187 U. S. 308, 314; *Consolidated Turnpike Co. v. Norfolk &c. Ry. Co.*, 228 U. S. 596, 600; *Brolan v. United States*, 236 U. S. 216, 218. *Mr. Milton Brown* for plaintiffs in error. *Mr. C. B. Stuart* for defendants in error.

No. —. Original. *Ex parte*: IN THE MATTER OF CHARLES W. COON, PETITIONER. Submitted October 8, 1918. Decided October 21, 1918. Motion for leave to file petition for writ of *habeas corpus* denied. *Mr. Charles W. Coon pro se.*

No. 615. COUNTY OF ROCK ISLAND ET AL. *v.* EDMUND M. DUNNE, CATHOLIC BISHOP OF THE DIOCESE OF PEORIA. Error to the Supreme Court of the State of Illinois. Motion to dismiss or affirm submitted October 14, 1918. Decided October 28, 1918. *Per Curiam*. Dismissed for the want of jurisdiction upon the authority of (1) *Cuyahoga River Power Co. v. Northern Realty Co.*, 244 U. S. 300, 303; *Bilby v. Stewart*, 246 U. S. 255. (2) *Equitable Life Assurance Society v. Brown*, 187 U. S. 308, 314; *Consolidated Turnpike Co. v. Norfolk &c. Ry. Co.*, 228 U. S. 596, 600; *Brolan v. United States*, 236 U. S. 216, 218. *Mr. C. J. Searle* for plaintiffs in error. *Mr. George I. Haight* and *Mr. J. T. Kenworthy* for defendant in error.

No. 524. WESTERN UNION TELEGRAPH COMPANY *v.* LOUISVILLE & NASHVILLE RAILROAD COMPANY. Appeal from the Circuit Court of Appeals for the Fifth Circuit. Motion to dismiss or affirm submitted October 14, 1918. Decided November 4, 1918. *Per Curiam*. Dismissed for want of jurisdiction upon the authority of (1) *a.* § 128 of the Judicial Code; *Louisville & Nashville R. R. Co. v. Western Union Telegraph Co.*, 237 U. S. 300; *b.* *Equitable Life Assurance Society v. Brown*, 187 U. S. 308, 314; *Deming v. Carlisle Packing Co.*, 226 U. S. 102; *Consolidated Turnpike Co. v. Norfolk &c. Ry. Co.*, 228 U. S. 596, 600. (2) *Pensacola Telegraph Co. v. Western Union Telegraph Co.*, 96 U. S. 1; *Western Union Telegraph Co. v. Ann Arbor*

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R. R. Co., 178 U. S. 239; *Western Union Telegraph Co. v. Pennsylvania R. R. Co.*, 195 U. S. 540; *Western Union Telegraph Co. v. Richmond*, 224 U. S. 160; *Louisville & Nashville R. R. Co. v. Western Union Telegraph Co.*, 237 U. S. 300. See *Western Union Telegraph Co. v. Louisville & Nashville R. R. Co.*, 244 U. S. 649. *Mr. William L. Clay* and *Mr. Rush Taggart* for appellant. *Mr. Henry L. Stone* and *Mr. Henry C. Peeples* for appellee. See *post*, 576.

NO. 457. ZANESVILLE & WESTERN RAILWAY COMPANY *v.* CHARLES E. WILLIAMS, ADMINISTRATOR, ETC. Error to the Court of Appeals of Muskingum County, State of Ohio. Motion to dismiss or affirm, and petition for a writ of certiorari, submitted October 8, 1918. Decided November 4, 1918. *Per Curiam*. Dismissed for want of jurisdiction upon the authority of § 237, Judicial Code, as amended by the Act of September 6, 1916, c. 448, 39 Stat. 726. Petition for writ of certiorari denied. *Mr. John H. Doyle* and *Mr. Frederick W. Gaines* for plaintiff in error. *Mr. F. S. Monnett* for defendant in error.

NO. 380. LOUISVILLE & NASHVILLE RAILROAD COMPANY *v.* STATE OF ALABAMA. Error to the Supreme Court of the State of Alabama. Submitted October 14, 1918. Decided November 4, 1918. *Per Curiam*. Dismissed for want of jurisdiction upon the authority of *St. Louis Southwestern Ry. Co. v. Arkansas*, 235 U. S. 350; *Kansas City, Memphis & Birmingham R. R. Co. v. Stiles*, 242 U. S. 111. *Mr. Henry L. Stone*, *Mr. E. Perry Thomas* and *Mr. George W. Jones* for plaintiff in error. *Mr. F. Loyd Tate* and *Mr. Emmett S. Thigpen* for defendant in error.

NO. 352. *DESCHUTES RAILROAD COMPANY v. EASTERN OREGON LAND COMPANY*. Appeal from the Circuit Court of Appeals for the Ninth Circuit. Motion to dismiss or affirm submitted October 28, 1918. Decided November 4, 1918. *Per Curiam*. Dismissed for want of jurisdiction upon the authority of (1) *a.* § 128 of the Judicial Code; *Louisville & Nashville R. R. Co. v. Western Union Telegraph Co.*, 237 U. S. 300; *b.* *Equitable Life Assurance Society v. Brown*, 187 U. S. 308, 314; *Deming v. Carlisle Packing Co.*, 226 U. S. 102; *Consolidated Turnpike Co. v. Norfolk &c. Ry. Co.*, 228 U. S. 596, 600. (2) *a.* *Bankers Mutual Casualty Co. v. Minneapolis, St. Paul &c. Ry. Co.*, 192 U. S. 371, 383, 385; *Hull v. Burr*, 234 U. S. 712; *b.* *Taylor v. Anderson*, 234 U. S. 74; *Joy v. St. Louis*, 201 U. S. 332. See writ of certiorari denied, *Deschutes R. R. Co. v. Eastern Oregon Land Co.*, 245 U. S. 672. *Mr. Arthur C. Spencer and Mr. James G. Wilson* for appellant. *Mr. Alexander Britton and Mr. Evans Browne* for appellee.

NO 1. *STATE OF LOUISIANA EX REL. WILHELMINE G. SCHMIDT, WIDOW, ETC., v. JARED Y. SANDERS, GOVERNOR, ET AL.* Error to the Supreme Court of the State of Louisiana. Submitted November 5, 1918. Decided November 11, 1918. *Per Curiam*. Dismissed for want of jurisdiction upon the authority of (1) *Bilby v. Stewart*, 246 U. S. 255, 257; *Cuyahoga River Power Co. v. Northern Realty Co.*, 244 U. S. 300; *Stewart v. Kansas City*, 239 U. S. 14. (2) *Stearns v. Minnesota*, 179 U. S. 223; *Board of Liquidation v. Louisiana*, 179 U. S. 622. (3) *Empire State-Idaho Mining Co. v. Hanley*, 205 U. S. 225; *Goodrich v. Ferris*, 214 U. S. 71; *Brolan v. United States*, 236 U. S. 216. *Mrs. Willis J. Roussel (Wilhelmine G. Schmidt), pro se. Mr. Harry Gamble* for defendants in error.

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NO. 369. JOHN C. MADDEN *v.* W. M. FORBES. ERROR to the Supreme Court of the State of Kansas. Motion to dismiss submitted November 4, 1918. Decided November 11, 1918. *Per Curiam*. Dismissed for want of jurisdiction upon the authority of (1) *Bilby v. Stewart*, 246 U. S. 255, 257; *Cuyahoga River Power Co. v. Northern Realty Co.*, 244 U. S. 300; *Stewart v. Kansas City*, 239 U. S. 14. (2) *Empire State-Idaho Mining Co. v. Hanley*, 205 U. S. 225; *Goodrich v. Ferris*, 214 U. S. 71; *Brolan v. United States*, 236 U. S. 216. *Mr. Joseph M. Stark* for plaintiff in error. *Mr. Stephen H. Allen* for defendant in error.

NO. 523. WESTERN UNION TELEGRAPH COMPANY *v.* ATLANTA & WEST POINT RAILROAD COMPANY. Appeal from the Circuit Court of Appeals for the Fifth Circuit. Motion to dismiss or affirm submitted November 4, 1918. Decided November 11, 1918. *Per Curiam*. Dismissed for want of jurisdiction upon the authority of *Western Union Telegraph Co. v. Louisville & Nashville R. R. Co.*, *ante*, 532. *Mr. William L. Clay* and *Mr. Rush Taggart* for appellant. *Mr. Sanders McDaniel* and *Mr. Leon Weil* for appellee. See *post*, 575.

NO. 290. OREGON-WASHINGTON RAILROAD & NAVIGATION COMPANY *v.* STODDARD LUMBER COMPANY. ERROR to the Supreme Court of the State of Oregon. Motion to dismiss submitted November 4, 1918. Decided November 11, 1918. *Per Curiam*. Dismissed for want of jurisdiction upon the authority of § 237 of the Judicial Code, as amended by the Act of September 6, 1916, c. 448, 39 Stat. 726. *Mr. Waldemar Van Cott*, *Mr. Edward M.*

Allison, Jr., and *Mr. William D. Riter* for plaintiff in error. *Mr. W. Lair Thompson* for defendant in error.

NO. 41. G. L. HENDERSON ET AL. *v.* HELEN R. RESSOR, OR HELEN R. HENDERSON, ET AL. Error to the Supreme Court of the State of Missouri. Argued November 14, 1918. Decided November 18, 1918. *Per Curiam*. Dismissed for want of jurisdiction upon the authority of (1) *Farrell v. O'Brien*, 199 U. S. 89; *Empire State-Idaho Mining Co. v. Hanley*, 205 U. S. 225; *Goodrich v. Ferris*, 214 U. S. 71; *Brolan v. United States*, 236 U. S. 216. (2) *Louisville & Nashville R. R. Co. v. Melton*, 218 U. S. 36, 51-52; *Eastern Building & Loan Association v. Ebaugh*, 185 U. S. 114; *Pennsylvania Fire Insurance Co. v. Gold Issue Mining Co.*, 243 U. S. 93, 96; *Texas & New Orleans R. R. Co. v. Miller*, 221 U. S. 408, 416. *Mr. C. W. Prince*, with whom *Mr. Daniel V. Howell* was on the brief, for plaintiffs in error. *Mr. H. M. Langworthy* and *Mr. T. A. Frank Jones*, for defendants in error, submitted.

NO. 42. CHICAGO, MILWAUKEE & ST. PAUL RAILWAY COMPANY *v.* MARY O'CONNOR, ADMINISTRATRIX, ETC. Error to the Supreme Court of the State of Wisconsin. Argued November 14, 1918. Decided November 18, 1918. *Per Curiam*. Affirmed with costs upon the authority of *Seaboard Air Line Ry. v. Padgett*, 236 U. S. 668, 673; *Great Northern Ry. Co. v. Knapp*, 240 U. S. 464, 466; *Southern Ry. Co. v. Puckett*, 244 U. S. 571, 574. *Mr. H. J. Killilea*, with whom *Mr. C. H. Van Alstine* was on the briefs, for plaintiff in error. *Mr. Eben R. Minahan*, with whom *Mr. Victor I. Minahan* was on the brief, for defendant in error.

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NO. 46. EDMUND PENFOLD ET AL., EXECUTORS, ETC., ET AL. v. EUGENE M. TRAVIS, AS COMPTROLLER OF THE STATE OF NEW YORK. Error to the Surrogate's Court, New York County, State of New York. Argued November 15, 1918. Decided November 18, 1918. *Per Curiam*. Dismissed for want of jurisdiction upon the authority of (1) *Consolidated Turnpike Co. v. Norfolk &c. Ry. Co.*, 228 U. S. 596; *Bilby v. Stewart*, 246 U. S. 255, 257; *Municipal Securities Corporation v. Kansas City*, 246 U. S. 63, 69; *Cuyahoga River Power Co. v. Northern Realty Co.*, 244 U. S. 300. (2) *Farrell v. O'Brien*, 199 U. S. 89; *Empire State-Idaho Mining Co. v. Hanley*, 205 U. S. 225; *Goodrich v. Ferris*, 214 U. S. 71; *Brolan v. United States*, 236 U. S. 216. Mr. William Mitchell for plaintiffs in error. Mr. John B. Gleason for defendant in error.

NO. 246. CINCINNATI TRACTION COMPANY ET AL. v. CITY OF CINCINNATI. Error to the Supreme Court of the State of Ohio. Motion to dismiss or affirm submitted November 11, 1918. Decided November 18, 1918. *Per Curiam*. Dismissed for want of jurisdiction upon the authority of *Consolidated Turnpike Co. v. Norfolk &c. Ry. Co.*, 228 U. S. 596; *Bilby v. Stewart*, 246 U. S. 255, 257; *Municipal Securities Corporation v. Kansas City*, 246 U. S. 63, 69; *Cuyahoga River Power Co. v. Northern Realty Co.*, 244 U. S. 300. Mr. Joseph Wilby, Mr. Alfred C. Cassatt and Mr. Ellis G. Kinkead for plaintiffs in error. Mr. Saul Zielonka, Mr. Charles A. Groom, Mr. William Jerome Kuertz and Mr. Charles E. Weber for defendant in error.

NO. 69. MILLS W. BARSE v. GEORGE W. SAUL. Error to the Supreme Court of the State of New York. Argued

November 20, 1918. Decided November 25, 1918. *Per Curiam*. Dismissed for want of jurisdiction upon the authority of (1) *Stewart v. Kansas City*, 239 U. S. 14; *Cuyahoga River Power Co. v. Northern Realty Co.*, 244 U. S. 300; *Bilby v. Stewart*, 246 U. S. 255, 257. (2) *Empire State-Idaho Mining Co. v. Hanley*, 205 U. S. 225; *Goodrich v. Ferris*, 214 U. S. 71; *Brolan v. United States*, 236 U. S. 216. *Mr. Louis Marshall*, with whom *Mr. Max J. Kohler* was on the briefs, for plaintiff in error. *Mr. Frank Parker Ufford* for defendant in error.

No. 77. WILLIE M. GOING, ADMINISTRATRIX OF NATHAN W. GOING, *v.* NORFOLK & WESTERN RAILWAY COMPANY. Error to the Supreme Court of Appeals of the State of Virginia. Submitted November 21, 1918. Decided November 25, 1918. *Per Curiam*. Affirmed upon the authority of *Seaboard Air Line Ry. v. Padgett*, 236 U. S. 668, 673; *Great Northern Ry. Co. v. Knapp*, 240 U. S. 464, 466; *Southern Ry. Co. v. Puckett*, 244 U. S. 571, 574. See also *Chicago, Milwaukee & St. Paul Ry. Co. v. O'Connor*, *ante*, 536. *Mr. W. L. Welborn* for plaintiff in error. *Mr. Waller R. Staples*, *Mr. Theodore W. Reath* and *Mr. Roy B. Smith* for defendant in error.

No. 636. JOHN P. SCHMITT ET AL., ETC., *v.* JOHN SHADRACH, TRUSTEE, ETC. Error to the Circuit Court of Appeals for the Third Circuit. Motion to dismiss or affirm or place on the summary docket submitted November 25, 1918. Decided December 9, 1918. *Per Curiam*. Dismissed for want of jurisdiction upon the authority of § 4 of Act of January 28, 1915, c. 22, 38 Stat. 803, 804. *Mr. Rush Trescott* for plaintiffs in error. *Mr. Edwin B. Morgan* and *Mr. W. A. Valentine* for defendant in error.

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NO. 70. MRS. ROSE SNYDER *v.* KING COUNTY, WASHINGTON, ET AL. Error to the Supreme Court of the State of Washington. Argued for plaintiff in error November 20, 1918. Decided December 9, 1918. *Per Curiam*. Affirmed with costs upon the authority of *Magoun v. Illinois Trust & Savings Co.*, 170 U. S. 283, 293; *Atchison, Topeka & Santa Fe Ry. Co. v. Matthews*, 174 U. S. 96, 103; *Clark v. Kansas City*, 176 U. S. 114, 119; *Lindsley v. Natural Carbonic Gas Co.*, 220 U. S. 61, 78. *Mr. G. Wright Arnold*, with whom *Mr. Dallas V. Halverstadt* and *Mr. Ed. J. Brown* were on the brief, for plaintiff in error. *Mr. Frank P. Helsell* and *Mr. Alfred H. Lundin* for defendants in error.

NO. —. Original. *Ex parte*: IN THE MATTER OF ROBERT WEISS, PETITIONER. Submitted November 25, 1918. Decided December 9, 1918. Motion for leave to file petition for writ of *habeas corpus* denied. *Mr. William Mayo Atkinson* for petitioner. *Mr. Assistant to the Attorney General Todd* in opposition to the motion.

NO. 347. JOHN E. READE *v.* UNITED STATES ET AL. Appeal from the District Court of the United States for the District of Arizona. Submitted December 11, 1918. Decided December 16, 1918. *Per Curiam*. Affirmed upon the authority of *Ex parte Mirzan*, 119 U. S. 584; *Riggins v. United States*, 199 U. S. 547; *In re Lincoln*, 202 U. S. 178. See *Ex parte Glasgow*, 223 U. S. 709. *Mr. O. T. Richey* for appellant. *Mr. Assistant Attorney General Brown* for appellees.

NO. 493. H. C. DRAPER *v.* GEORGIA, FLORIDA & ALABAMA RAILWAY COMPANY. Error to the Court of Ap-

peals of the State of Georgia. Motion to dismiss submitted December 9, 1918. Decided December 16, 1918. *Per Curiam*. Dismissed for want of jurisdiction upon the authority of § 237 of the Judicial Code, as amended by the Act of September 6, 1916, c. 448, 39 Stat. 726. *Mr. Hollins N. Randolph* for plaintiff in error. *Mr. T. S. Hawes* for defendant in error.

NO. 630. *J. W. FERGUSON ET AL. v. BABCOCK LUMBER & LAND COMPANY*. Appeal from the Circuit Court of Appeals for the Fourth Circuit. Motion to dismiss or affirm submitted December 9, 1918. Decided December 16, 1918. *Per Curiam*. Dismissed for want of jurisdiction upon the authority of § 128 of the Judicial Code; *Stevenson v. Fain*, 195 U. S. 165; *Hull v. Burr*, 234 U. S. 712, 720; *St. Anthony Church v. Pennsylvania R. R. Co.*, 237 U. S. 575, 577; *Delaware, Lackawanna & Western R. R. Co. v. Yurkonis*, 238 U. S. 439, 444. *Mr. Mark W. Brown* and *Mr. F. A. Sondley* for appellants. *Mr. John Franklin Shields* and *Mr. A. Hall Johnston* for appellee. See *post*, 570.

NO. ——. Original. *Ex parte*: IN THE MATTER OF *JACOB FROHWERK*, PETITIONER. Submitted December 9, 1918. Decided December 16, 1918. Motion for leave to file petition for a writ of mandamus herein denied. *Mr. Frans E. Lindquist* for petitioner.

NO. 211. *BALTIMORE & OHIO SOUTHWESTERN RAILROAD COMPANY v. UNITED STATES*. Error to the Circuit Court of Appeals for the Sixth Circuit. Motion to dismiss sub-

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mitted December 16, 1918. Decided December 23, 1918. *Per Curiam*. Dismissed for want of jurisdiction upon the authority of § 237 of the Judicial Code, as amended by the Act of September 6, 1916, c. 448, 39 Stat. 726. *Mr. George Hoadly, Mr. Judson Harmon, Mr. Edward Colston, Mr. A. W. Goldsmith and Mr. Oscar Stoehr* for plaintiff in error. *The Solicitor General, Mr. Assistant to the Attorney General Todd and Mr. Assistant Attorney General Frierson* for the United States.

NO. 576. GEORGIA STATE BOARD OF EXAMINERS OF OPTOMETRY ET AL. *v.* KENNON MOTT. Error to the Supreme Court of the State of Georgia. Motion to dismiss submitted December 16, 1918. Decided December 23, 1918. *Per Curiam*. Dismissed for the want of jurisdiction upon the authority of § 237 of the Judicial Code, as amended by the Act of September 6, 1916, c. 448, 39 Stat. 726. See *Marshall v. Dye*, 231 U. S. 250; *Stewart v. Kansas City*, 239 U. S. 14. *Mr. James K. Hines* for plaintiffs in error. *Mr. Owens Johnson* for defendant in error.

NO. 634. ERNEST E. RICHARDS ET AL., PARTNERS, ETC., ET AL. *v.* MINA M. OAKLEY. Error to the Supreme Court of the State of Missouri. Motion to dismiss submitted December 9, 1918. Decided December 23, 1918. *Per Curiam*. Dismissed for want of jurisdiction upon the authority of (1) *Consolidated Turnpike Co. v. Norfolk & C. Ry. Co.*, 228 U. S. 596, 599; *Cuyahoga River Power Co. v. Northern Realty Co.*, 244 U. S. 300; *Bilby v. Stewart*, 246 U. S. 255, 257. (2) *Goodrich v. Ferris*, 214 U. S. 71, 81; *Farrell v. O'Brien*, 199 U. S. 89, 100; *Empire State-Idaho Mining Co. v. Hanley*, 205 U. S. 225, 232; *Brolan*

v. *United States*, 236 U. S. 216. *Mr. John G. Park* for plaintiffs in error. *Mr. William S. Hogsett* and *Mr. Mont T. Prewitt* for defendant in error.

NO. 525. WESTERN UNION TELEGRAPH COMPANY v. NASHVILLE, CHATTANOOGA & ST. LOUIS RAILWAY COMPANY. Appeal from the Circuit Court of Appeals for the Fifth Circuit. Motion to dismiss or affirm submitted December 16, 1918. Decided December 23, 1918. *Per Curiam*. Dismissed for want of jurisdiction upon the authority of (1) a. § 128 of the Judicial Code; *Louisville & Nashville R. R. Co. v. Western Union Telegraph Co.*, 237 U. S. 300; b. *Equitable Life Assurance Society v. Brown*, 187 U. S. 308, 314; *Deming v. Carlisle Packing Co.*, 226 U. S. 102; *Consolidated Turnpike Co. v. Norfolk & C. Ry. Co.*, 228 U. S. 596, 600. (2) *Pensacola Telegraph Co. v. Western Union Telegraph Co.*, 96 U. S. 1; *Western Union Telegraph Co. v. Ann Arbor R. R. Co.*, 178 U. S. 239; *Western Union Telegraph Co. v. Pennsylvania R. R. Co.*, 195 U. S. 540; *Western Union Telegraph Co. v. Richmond*, 224 U. S. 160; *Louisville & Nashville R. R. Co. v. Western Union Telegraph Co.*, 237 U. S. 300. See *Western Union Telegraph Co. v. Louisville and Nashville R. R. Co.*, 244 U. S. 649. See also *Western Union Telegraph Co. v. Louisville & Nashville R. R. Co.*, ante, 532. *Mr. William L. Clay* and *Mr. Rush Taggart* for appellant. *Mr. Henry C. Peeples* and *Mr. Claude Waller* for appellee. See post, 576.

NO. 60. HERBERT M. SEARS v. INHABITANTS OF THE TOWN OF NAHANT, ETC. Error to the Superior Court of the State of Massachusetts. Argued December 16, 1918. Decided December 23, 1918. *Per Curiam*. Dismissed

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for want of jurisdiction upon the authority of (1) *McCain v. Des Moines*, 174 U. S. 168, 181; *Western Union Telegraph Co. v. Ann Arbor R. R. Co.*, 178 U. S. 239, 243; *Hull v. Burr*, 234 U. S. 712, 720; *Norton v. Whiteside*, 239 U. S. 144, 147. (2) *Farrell v. O'Brien*, 199 U. S. 89, 100; *Empire State-Idaho Mining Co. v. Hanley*, 205 U. S. 225, 232; *Goodrich v. Ferris*, 214 U. S. 71, 79; *Brolan v. United States*, 236 U. S. 216. (3) *Consolidated Turnpike Co. v. Norfolk &c. Ry. Co.*, 228 U. S. 596, 599; *Cuyahoga River Power Co. v. Northern Realty Co.*, 244 U. S. 300, 304; *Bilby v. Stewart*, 246 U. S. 255, 257. *Mr. Burton E. Eames* for plaintiff in error. *Mr. Robert G. Dodge*, with whom *Mr. Arthur D. Hill* and *Mr. Richard H. Wiswall* were on the brief, for defendant in error.

No. 61. *FREDERICK R. SEARS ET AL. v. INHABITANTS OF THE TOWN OF NAHANT, ETC.* Error to the Superior Court of the State of Massachusetts. Argued December 16, 1918. Decided December 23, 1918. *Per Curiam*. Dismissed for want of jurisdiction upon the authority of (1) *McCain v. Des Moines*, 174 U. S. 168, 181; *Western Union Telegraph Co. v. Ann Arbor R. R. Co.*, 178 U. S. 239, 243; *Hull v. Burr*, 234 U. S. 712, 720; *Norton v. Whiteside*, 239 U. S. 144, 147. (2) *Farrell v. O'Brien*, 199 U. S. 89, 100; *Empire State-Idaho Mining Co. v. Hanley*, 205 U. S. 225, 232; *Goodrich v. Ferris*, 214 U. S. 71, 79; *Brolan v. United States*, 236 U. S. 216. (3) *Consolidated Turnpike Co. v. Norfolk &c. Ry. Co.*, 228 U. S. 596, 599; *Cuyahoga River Power Co. v. Northern Realty Co.*, 244 U. S. 300, 304; *Bilby v. Stewart*, 246 U. S. 255, 257. *Mr. Burton E. Eames* for plaintiffs in error. *Mr. Robert G. Dodge*, with whom *Mr. Arthur D. Hill* and *Mr. Richard H. Wiswall* were on the brief, for defendant in error.

No. —. Original. *Ex parte*: IN THE MATTER OF SAM SYLVESTER, PETITIONER. Submitted December 16, 1918. Decided December 23, 1918. Motion for leave to file a petition for a writ of *habeas corpus* denied. *Mr. Harold O. Mulks* for petitioner.

No. 97. F. A. HOOPER ET AL. *v.* W. S. KINGSBURY, AS SURVEYOR GENERAL AND EX OFFICIO REGISTER OF THE STATE LAND OFFICE OF THE STATE OF CALIFORNIA. Error to the District Court of Appeal, First Appellate District, of the State of California. Submitted December 17, 1918. Decided January 7, 1919. *Per Curiam*. Dismissed for want of jurisdiction upon the authority of (1) *Messenger v. Kingsbury*, 158 California, 611; *People v. California Fish Co.*, 166 California, 576; *People v. Banning Co.*, 166 California, 635. (2) *Equitable Life Assurance Society v. Brown*, 187 U. S. 308, 314; *Consolidated Turnpike Co. v. Norfolk &c. Ry. Co.*, 228 U. S. 596, 600; *Manhattan Life Ins. Co. v. Cohen*, 234 U. S. 123, 137. (3) *Campbell v. Wade*, 132 U. S. 34; *Gonzales v. French*, 164 U. S. 338, 345; *Banning Co. v. California*, 240 U. S. 142, 154. *Mr. Charles C. Boynton* and *Mr. Robert T. Devlin* for plaintiffs in error. *Mr. U. S. Webb* for defendant in error.

No. 98. FRANK H. AYERS ET AL. *v.* W. S. KINGSBURY, AS SURVEYOR GENERAL AND EX OFFICIO REGISTER OF THE STATE LAND OFFICE OF THE STATE OF CALIFORNIA. Error to the District Court of Appeal, First Appellate District, of the State of California. Submitted December 17, 1918. Decided January 7, 1919. *Per Curiam*. Dismissed for want of jurisdiction upon the authority of (1) *Messenger v. Kingsbury*, 158 California, 611; *People v. California Fish Co.*, 166 California, 576; *People v. Banning Co.*, 166 California, 635. (2) *Equitable Life Assurance*

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Society v. Brown, 187 U. S. 308, 314; *Consolidated Turnpike Co. v. Norfolk &c. Ry. Co.*, 228 U. S. 596, 600; *Manhattan Life Ins. Co. v. Cohen*, 234 U. S. 123, 137. (3) *Campbell v. Wade*, 132 U. S. 34; *Gonzales v. French*, 164 U. S. 338, 345; *Banning Co. v. California*, 240 U. S. 142, 154. *Mr. Charles C. Boynton* and *Mr. Robert T. Devlin* for plaintiffs in error. *Mr. U. S. Webb* for defendant in error.

NO. 99. EDWARD H. CHAVELLE, AS TRUSTEE, ETC., *v.* WASHINGTON TRUST COMPANY. Appeal from the Circuit Court of Appeals for the Ninth Circuit. Submitted December 18, 1918. Decided January 7, 1919. *Per Curiam*. Dismissed for want of jurisdiction upon the authority of § 4 of the Act of January 28, 1915, c. 22, 38 Stat. 803, 804. See also *Schmitt v. Shadrach*, *ante*, p. 538. *Mr. E. C. Hughes* for appellant. *Mr. James B. Murphy* for appellee.

NO. 100. ANDY SUNDAY ET AL. *v.* SIDNEY T. MALLORY ET AL. Appeal from the Circuit Court of Appeals for the Eighth Circuit. Submitted December 18, 1918. Decided January 7, 1919. *Per Curiam*. Reversed with costs, except as to the one-sixth interest conveyed by Andy Sunday, as to which judgment is affirmed, upon the authority of *Brader v. James*, 246 U. S. 88; *Talley v. Burgess*, 246 U. S. 104. And see *David v. Youngken*, 250 Fed. Rep. 208; *Harris v. Bell*, 250 Fed. Rep. 209. *Mr. Assistant Attorney General Kearful*, *Mr. Joseph C. Stone* and *Mr. J. H. Langley* for appellants. *Mr. J. W. Zevely* for appellees.

NO. 105. J. W. SELSOR *v.* STATE OF LOUISIANA. Error to the Supreme Court of the State of Louisiana. Sub-

mitted December 18, 1918. Decided January 7, 1919. *Per Curiam*. Dismissed for want of jurisdiction upon the authority of (1) Act of March 1, 1913, c. 90, 37 Stat. 699. (2) *Seaboard Air Line Ry. v. North Carolina*, 245 U. S. 298, 303; *Clark Distilling Co. v. Western Maryland Ry. Co.*, 242 U. S. 311, 325. *Mr. J. D. Wilkinson, Mr. A. L. Alexander and Mr. T. Alexander* for plaintiff in error. No brief filed for defendant in error.

NO. 108. *MAGNOLIA BANK v. BOARD OF SUPERVISORS OF PIKE COUNTY, MISSISSIPPI*. Error to the Supreme Court of the State of Mississippi. Submitted December 19, 1918. Decided January 7, 1919. *Per Curiam*. Dismissed for want of jurisdiction upon the authority of § 237 of the Judicial Code, as amended by the Act of September 6, 1916, c. 448, 39 Stat. 726. *Mr. Robert B. Mayes* for plaintiff in error. *Mr. R. H. Thompson* for defendant in error.

NO. 109. *ILLINOIS CENTRAL RAILROAD COMPANY ET AL. v. L. A. ANDERSON*. Error to the Supreme Court of the State of Mississippi. Argued December 19, 1918. Decided January 7, 1919. *Per Curiam*. Dismissed for want of jurisdiction upon the authority of § 237 of the Judicial Code, as amended by the Act of September 6, 1916, c. 448, 39 Stat. 726. Petition for writ of certiorari denied. *Mr. Robert V. Fletcher*, with whom *Mr. Robert B. Mayes* and *Mr. Blewett Lee* were on the brief, for plaintiffs in error. *Mr. Julian C. Wilson* and *Mr. Walter P. Armstrong*, for defendant in error, submitted.

NO. 233. *THOMAS D. ROBINSON v. WESLEY STEELE ET AL.* Error to the Supreme Court of the State of

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Washington. Motion to dismiss or affirm submitted December 23, 1918. Decided January 7, 1919. *Per Curiam*. Dismissed for want of jurisdiction upon the authority of § 237 of the Judicial Code, as amended by the Act of September 6, 1916, c. 448, 39 Stat. 726. *Mr. Julian C. Dowell* and *Mr. F. Carter Pope* for plaintiff in error. *Mr. William F. Hall* for defendants in error.

No. 350. AMERICAN PACKING COMPANY *v.* PAUL LUKETA ET AL. Error to the Supreme Court of the State of Washington. Motion to dismiss submitted December 23, 1918. Decided January 7, 1919. *Per Curiam*. Dismissed for want of jurisdiction upon the authority of § 237 of the Judicial Code, as amended by the Act of September 6, 1916, c. 448, 39 Stat. 726. *Mr. Alpheus Byers* for plaintiff in error. *Mr. Benjamin S. Ohnick* for defendants in error.

No. —. Original. *Ex parte*: IN THE MATTER OF DANIEL O'CONNELL ET AL., PETITIONERS. Submitted December 23, 1918. Decided January 7, 1919. Motion for leave to file a petition for a writ of mandamus herein denied. *Mr. Joseph L. Tepper* for petitioners.

No. 287. FEDERAL GAS & FUEL COMPANY *v.* CITY OF COLUMBUS, OHIO. Error to the Supreme Court of the State of Ohio. Motion to dismiss or affirm submitted January 7, 1919. Decided January 13, 1919. *Per Curiam*. Dismissed for want of jurisdiction upon the authority of *Consolidated Turnpike Co. v. Norfolk &c. Ry. Co.*, 228 U. S. 596, 599; *Municipal Securities Corporation v.*

Kansas City, 246 U. S. 63, 69; *Cuyahoga River Power Co. v. Northern Realty Co.*, 244 U. S. 300, 304; *Bilby v. Stewart*, 246 U. S. 255, 257. *Mr. Henry A. Williams, Mr. Freeman T. Eagleson and Mr. L. B. Denning* for plaintiff in error. *Mr. Henry L. Scarlett* for defendant in error.

NO. 120. *ELVIE WHEELER*, BY HIS NEXT FRIEND, *P. T. WHEELER*, *v. CINCINNATI, NEW ORLEANS & TEXAS PACIFIC RAILWAY COMPANY*. Error to the Court of Appeals of the State of Kentucky. Submitted January 14, 1919. Decided January 20, 1919. *Per Curiam*. Dismissed for want of jurisdiction upon the authority of § 237 of the Judicial Code, as amended by the Act of September 6, 1916, c. 448, 39 Stat. 726. *Mr. Buford C. Tynes* for plaintiff in error. *Mr. Edward Colston and Mr. John Galvin* for defendant in error.

NO. 139. *ADAMS EXPRESS COMPANY v. W. N. REYNOLDS*. Error to the Supreme Court of the State of North Carolina. Argued January 16, 1919. Decided January 20, 1919. *Per Curiam*. Dismissed for want of jurisdiction upon the authority of § 237 of the Judicial Code, as amended by the Act of September 6, 1916, c. 448, 39 Stat. 726. *Mr. William A. Schnader*, with whom *Mr. Thomas DeWitt Cuyler* was on the brief, for plaintiff in error. *Mr. B. S. Womble and Mr. W. M. Hendren*, with whom *Mr. Clement Manly* was on the brief, for defendant in error.

NO. —. Original. *Ex parte*: IN THE MATTER OF *GEORGE E. HAMILTON*, PETITIONER. Submitted Jan-

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uary 13, 1919. Decided January 20, 1919. Motion for leave to file petition for a writ of *habeas corpus* denied. *Mr. Frederick S. Tyler* for petitioner.

No. 153. ELMIRA VAN BUSKIRK, ADMINISTRATRIX OF WILLIAM VAN BUSKIRK, *v.* ERIE RAILROAD COMPANY. Error to the Circuit Court of Appeals for the Third Circuit. Argued January 20, 1919. Decided January 27, 1919. *Per Curiam*. Dismissed for want of jurisdiction upon the authority of § 241 of the Judicial Code; *Haseltine v. Central Bank of Springfield*, 183 U. S. 130; *Schlosser v. Hemphill*, 198 U. S. 173, 175; *Missouri & Kansas Interurban Ry. Co. v. Olathe*, 222 U. S. 185, 186; *Louisiana Navigation Co. v. Oyster Commission of Louisiana*, 226 U. S. 99, 101. *Mr. Charles A. Ludlow*, with whom *Mr. Frank F. Davis* was on the brief, for plaintiff in error. *Mr. George S. Hobart* for defendant in error.

No. 160. LARGE OIL COMPANY *v.* E. B. HOWARD, STATE AUDITOR OF THE STATE OF OKLAHOMA. Error to the Supreme Court of the State of Oklahoma. Argued January 20, 21, 1919. Decided January 27, 1919. *Per Curiam*. Judgment reversed with costs, and cause remanded for further proceedings, upon the authority of *Choctaw & Gulf R. R. Co. v. Harrison*, 235 U. S. 292; *Indian Territory Illuminating Oil Co. v. Oklahoma*, 240 U. S. 522. And see *Howard v. Oil Companies*, 247 U. S. 503. *Mr. Frank B. Burford*, with whom *Mr. John H. Burford*, *Mr. John H. Brennan* and *Mr. J. B. A. Robertson* were on the brief, for plaintiff in error. *Mr. John B. Harrison*, with whom *Mr. S. P. Freeling* was on the brief, for defendant in error.

No. 182. J. D. BOXLEY *v.* E. M. SCOTT ET AL. Error to the Supreme Court of the State of Oklahoma. Submitted January 23, 1919. Decided January 27, 1919. *Per Curiam.* Dismissed for want of jurisdiction upon the authority of § 237 of the Judicial Code, as amended by the Act of September 6, 1916, c. 448, 39 Stat. 726. *Mr. Harry H. Rogers* for plaintiff in error. *Mr. William P. Langston* for defendants in error.

No. 183. BALTIMORE & OHIO RAILROAD COMPANY ET AL. *v.* LOUIS BLOCK. Error to the Supreme Court of Appeals of the State of Virginia. Submitted January 23, 1919. Decided January 27, 1919. *Per Curiam.* Dismissed for want of jurisdiction upon the authority of § 237 of the Judicial Code, as amended by the Act of September 6, 1916, c. 448, 39 Stat. 726. *Mr. Rudolph Bumgardner* for plaintiffs in error. *Mr. V. R. Shackelford* for defendant in error.

No. 306. NEW ORLEANS LAND COMPANY ET AL. *v.* LEADER REALTY COMPANY. Error to the Supreme Court of the State of Louisiana. Motion to dismiss or affirm submitted January 13, 1919. Decided January 27, 1919. *Per Curiam.* Dismissed for want of jurisdiction upon the authority of § 237 of the Judicial Code, as amended by the Act of September 6, 1916, c. 448, 39 Stat. 726. *Mr. Charles Louque* and *Mr. W. O. Hart* for plaintiffs in error. *Mr. William Winans Wall* and *Mr. Gustave Lemle* for defendant in error.

No. 684. JOHN E. HARTENBOWER ET AL. *v.* PEOPLE OF THE STATE OF ILLINOIS. Error to the Supreme Court

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of the State of Illinois. Motion to dismiss submitted January 20, 1919. Decided January 27, 1919. *Per Curiam*. Dismissed for want of jurisdiction, upon the authority of § 237 of the Judicial Code, as amended by the Act of September 6, 1916, c. 448, 39 Stat. 726. *Mr. Harry C. Kinne* for plaintiffs in error. *Mr. Edward J. Brundage* and *Mr. James H. Wilkerson* for defendant in error.

No. —. Original. *Ex parte*: IN THE MATTER OF ROBERT D. KINNEY, PETITIONER. Submitted January 20, 1919. Decided January 27, 1919. Motion for leave to file petition for a writ of mandamus herein denied. *Mr. Robert D. Kinney pro se*.

No. —. Original. *Ex parte*: IN THE MATTER OF ALBERT PAUL FRICKE, PETITIONER. Submitted January 22, 1919. Decided January 27, 1919. Motion for leave to file petition for a writ of mandamus herein denied. *Mr. Thomas J. O'Neill* for petitioner.

DECISIONS ON PETITIONS FOR WRITS OF CERTIORARI, FROM OCTOBER 7, 1918, TO MARCH 3, 1919.

(A.) PETITIONS GRANTED.¹

No. 472. PHILADELPHIA, BALTIMORE & WASHINGTON RAILROAD COMPANY *v.* ALFRED H. SMITH. October 21, 1918. Petition for a writ of certiorari to the Court of

¹ For petitions denied, see *post*, 558.