

DECISIONS PER CURIAM, FROM APRIL 20, 1920,
TO AND INCLUDING JUNE 7, 1920, NOT IN-
CLUDING ACTION ON PETITIONS FOR WRITS
OF CERTIORARI.

No. 493. CITY TRUST COMPANY *v.* BANKERS MORTGAGE LOAN COMPANY. Error to the Supreme Court of the State of Nebraska. Motion to dismiss submitted April 19, 1920. Decided April 26, 1920. *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, § 2, 39 Stat. 726. *Mr. Sylvester R. Rush* for plaintiff in error. *Mr. Frank H. Gaines* and *Mr. C. J. Baird* for defendant in error.

No. —, Original. *Ex parte*: IN THE MATTER OF JAMES J. O'BRIEN, PETITIONER. Submitted April 19, 1920. Decided April 26, 1920. Motion for leave to file petition for writ of mandamus or prohibition denied. *Mr. James J. O'Brien* pro se.

No. 231. EDWARD A. SHEDD ET AL. *v.* GUARDIAN TRUST COMPANY ET AL. Appeal from the District Court of the United States for the Western District of Missouri. Argued April 28, 1920. Decided May 17, 1920. *Per Curiam*. Dismissed for want of jurisdiction upon the authority of *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, 218; *Sugarman v. United States*, 249 U. S. 182, 184. *Mr. J. C. Rosenberger*, with whom *Mr. O. H. Dean* was on the brief, for appellants. *Mr. Charles*

W. German and Mr. J. D. Bowersock, with whom *Mr. Delbert J. Haff* was on the brief, for appellees.

No. 437. COUNTY OF DOUGLAS, IN THE STATE OF NEBRASKA, *v.* GEORGE WARREN SMITH. Error to the Circuit Court of Appeals for the Eighth Circuit. Motion to dismiss submitted May 3, 1920. Decided May 17, 1920. *Per Curiam*. Dismissed for want of jurisdiction upon the authority of: (1) § 128 of the Judicial Code; *Shulthis v. McDougal*, 225 U. S. 561, 568; *Hull v. Burr*, 234 U. S. 712, 720; *Louisville & Nashville R. R. Co. v. Western Union Telegraph Co.*, 237 U. S. 300, 302; *Delaware, Lackawanna & Western R. R. Co. v. Yurkonis*, 238 U. S. 439, 444. (2) *Brown v. Alton Water Co.*, 222 U. S. 325, 332-333; *Alaska Pacific Fisheries v. Alaska*, 249 U. S. 53, 61. *Mr. William C. Lambert* for plaintiff in error. *Mr. Francis A. Brogan and Mr. A. G. Ellick* for defendant in error.

No. 324. ROBERT D. KINNEY *v.* PLYMOUTH ROCK SQUAB COMPANY. Error to the District Court of the United States for the District of Massachusetts. Submitted April 30, 1920. Decided May 17, 1920. *Per Curiam*. Dismissed for want of jurisdiction upon the authority of: (1) *Farrell v. O'Brien*, 199 U. S. 89, 100; *Goodrich v. Ferris*, 214 U. S. 71, 79; *Brolan v. United States*, 236 U. S. 216, 218; *Sugarman v. United States*, 249 U. S. 182, 184. (2) *Kinney v. Plymouth Rock Squab Company*, 236 U. S. 43, 49. *Mr. Robert D. Kinney pro se*. No appearance for defendant in error.

No. 310. JAMES K. PERRINE *v.* STATE OF OKLAHOMA EX REL. JOHN EMBRY, COUNTY ATTORNEY. Error to the

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Supreme Court of the State of Oklahoma. Submitted April 30, 1920. Decided May 17, 1920. *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, etc., Ry. Co.*, 228 U. S. 596, 600; *Pennsylvania Hospital v. Philadelphia*, 245 U. S. 20, 24. (2) *Southern Ry. Co. v. King*, 217 U. S. 524, 534; *Gaar, Scott & Co. v. Shannon*, 223 U. S. 468, 473; *Middleton v. Texas Power & Light Co.*, 249 U. S. 152, 157. (3) *Shevlin-Carpenter Co. v. Minnesota*, 218 U. S. 57, 67. *Mr. E. G. McAdams* for plaintiff in error. *Mr. S. P. Freeling* and *Mr. W. C. Hall* for defendant in error.

No. 256. SAMUEL W. SCOTT ET AL. *v.* IDA B. W. BOOTH. Error to the Supreme Court of the State of Missouri. Argued April 26, 27, 1920. Decided May 17, 1920. *Per Curiam*. Dismissed for want of jurisdiction upon the authority of *Schlosser v. Hemphill*, 198 U. S. 173, 175; *Louisiana Navigation Co. v. Oyster Commission of Louisiana*, 226 U. S. 99, 101; *Grays Harbor Co. v. Coats-Fordney Co.*, 243 U. S. 251, 255; *Bruce v. Tobin*, 245 U. S. 18, 19. *Mr. H. M. Langworthy* and *Mr. Jackson H. Ralston*, with whom *Mr. Bruce Barnett*, *Mr. O. H. Dean*, *Mr. Stanley D. Willis*, *Mr. R. B. Thomson* and *Mr. J. T. Montgomery* were on the brief, for plaintiffs in error. *Mr. C. W. Prince*, with whom *Mr. A. E. Crane* was on the brief, for defendant in error.

No. 633. FRED W. WEITZEL *v.* UNITED STATES. Error to the District Court of the United States for the Eastern District of Kentucky. Motion to dismiss or affirm submitted May 3, 1920. Decided May 17, 1920. *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, etc., Ry. Co.*, 228 U. S. 596, 600; *Pennsylvania Hospital v. Philadelphia*, 245 U. S. 20, 24. (2) *Lamar v. United States*, 240 U. S. 60; *Lamar v. United States*, 241 U. S. 103. Mr. A. E. Stricklett for plaintiff in error. *The Solicitor General* for the United States.

NO. 570. JOHN F. DONAHUE *v.* HELEN MAY DONAHUE, ALIAS HELEN MAY HUSKEY. Appeal from the District Court of the United States for the District of Nevada. Motion to dismiss submitted May 17, 1920. Decided June 1, 1920. *Per Curiam*. Dismissed for want of jurisdiction upon the authority of *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, 218; *Sugarman v. United States*, 249 U. S. 182, 184. Mr. George C. Otto and Mr. John Gibson Hale for appellant. Mr. H. W. Huskey for appellee.

NO. 708. J. D. PURCELL ET AL. *v.* CITY OF LEXINGTON ON RELATION OF THOMAS E. COYNE, BACK TAX ASSESSOR. Error to the Court of Appeals of the State of Kentucky. Motion to dismiss submitted May 17, 1920. Decided June 1, 1920. *Per Curiam*. Dismissed for want of jurisdiction upon the authority of: (1) *New Orleans Waterworks v. Louisiana Sugar Co.*, 125 U. S. 18, 38, 39; *Central Land Co. v. Laidley*, 159 U. S. 103, 111; *Bacon v. Texas*, 163 U. S. 207, 216; *McCullough v. Virginia*, 172 U. S. 102, 116; *Hubert v. New Orleans*, 215 U. S. 170, 175; *Missouri & Kansas Interurban Ry. Co. v. Olathe*, 222 U. S. 187, 190. (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

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U. S. 216, 218; *Sugarman v. United States*, 249 U. S. 182, 184. *Mr. George C. Webb and Mr. George R. Hunt* for plaintiffs in error. *Mr. Jesse I. Miller and Mr. Harry B. Miller* for defendant in error.

No. —. JOHN W. DAVIDGE *v.* LEO SIMMONS. Submitted May 17, 1920. Decided June 1, 1920. Petition for a writ of error in this case to the Court of Appeals of the District of Columbia allowed upon petitioner giving bond in the sum of one thousand dollars. *Mr. Chapin Brown* for petitioner.

No. 810. LINCOLN GAS & ELECTRIC LIGHT COMPANY *v.* CITY OF LINCOLN ET AL. Appeal from the District Court of the United States for the District of Nebraska. Motion to dismiss submitted June 1, 1920. Decided June 7, 1920. *Per Curiam*. Dismissed for want of jurisdiction upon the authority of *Heike v. United States*, 217 U. S. 423, 429; *United States v. Beatty*, 232 U. S. 463, 466; *Rexford v. Brunswick-Balke-Collender Co.*, 228 U. S. 339, 346. And see *Eichel v. U. S. Fidelity & Guaranty Co.*, 239 U. S. 629. *Mr. Charles A. Frueauff and Mr. Robert Burns* for appellant. *Mr. C. Petrus Peterson* for appellees.

No. 22, Original. STATE OF GEORGIA *v.* STATE OF SOUTH CAROLINA. Motion for an order of reference submitted June 1, 1920. Order entered June 7, 1920. Motion for the appointment of a special master to take such testimony as may be necessary and to receive in evidence such exhibits as may be offered by the parties hereto, granted, and, on the suggestion of counsel for both parties, *Mr. Charles S. Douglas*, of Washington, D. C., appointed

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as such special master and directed to report the testimony and exhibits to the court without conclusions of law or findings of fact.

No. 3. UNITED STATES *v.* READING COMPANY ET AL.;
and

No. 4. READING COMPANY ET AL. *v.* UNITED STATES. Appeals from the District Court of the United States for the Eastern District of Pennsylvania. Motions to modify decree submitted June 1, 1920. Denied June 7, 1920. *Mr. Wm. Clarke Mason* and *Mr. Charles Heebner* for Reading Co. *et al.* *Mr. Charles E. Miller* and *Mr. Robert W. de Forest* for Central Railroad Company of New Jersey and Lehigh & Wilkes-Barre Coal Co. *The Solicitor General*, *Mr. Assistant to the Attorney General Ames*, and *Mr. A. F. Myers*, Special Assistant to the Attorney General, for the United States. [See *ante*, 26.]

DECISIONS ON PETITIONS FOR WRITS OF CERTIORARI, FROM APRIL 20, 1920, TO AND INCLUDING JUNE 7, 1920.

(A.) PETITIONS GRANTED.¹

No. 802. NEW YORK CENTRAL & HUDSON RIVER RAILROAD COMPANY *v.* YORK & WHITNEY COMPANY. Error to the Superior Court of the State of Massachusetts. April 26, 1920. Petition for a writ of certiorari herein granted. *Mr. William L. Parsons*, for plaintiff in error, in support of the petition. *Mr. Amos L. Taylor* for defendant in error, in opposition to the petition.

No. 803. YORK & WHITNEY COMPANY *v.* NEW YORK CENTRAL & HUDSON RIVER RAILROAD COMPANY. Error

¹ For petitions denied, see *post*, 482.