

visions of the act; and it could be eliminated without affecting the operation of any other feature of the state system. Compare *Presser v. Illinois*, 116 U. S. 252; *Bowman v. Continental Oil Co.*, 256 U. S. 642. And it is clear that the Legislature would have wished to secure the protection afforded by the other provisions, if this one should be held to be beyond the power of the State. That it was not the purpose of Congress to supersede state inspection and grading acts is made manifest by § 29 of the United States Grain Standards Act (p. 490). *Merchants Exchange v. Missouri*, *supra*, p. 368.

To strike down this inspection law, instead of limiting the sphere of its operation, seems to me a serious curtailment of the functions of the State and leaves the farmers of North Dakota defenseless against what are asserted to be persistent, palpable frauds.

LEMKE, AS ATTORNEY GENERAL OF THE STATE
OF NORTH DAKOTA, ET AL. v. HOMER FARM-
ERS ELEVATOR COMPANY ET AL.

APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF NORTH DAKOTA.

No. 604. Submitted November 14, 1921.—Decided February 27, 1922.

Decided on the authority of *Lemke v. Farmers Grain Co.*, *ante*, 50.
Affirmed.

Mr. William Lemke, Attorney General of the State of North Dakota, *Mr. Seth W. Richardson* and *Mr. Karl Knox Gartner* for appellants. *Mr. George K. Foster* was also on the briefs.

Mr. David F. Simpson, *Mr. William A. Lancaster* and *Mr. Harold G. Simpson* for appellees. *Mr. W. A. McIntyre*, *Mr. O. B. Burtness*, *Mr. Sveinbjorn Johnson*, *Mr.*

John Junell and *Mr. James E. Dorsey* were also on the briefs.

MR. JUSTICE DAY delivered the opinion of the court.

This suit was brought by companies representing 692 elevators in the State of North Dakota to enjoin the enforcement of the North Dakota Grain Grading and Inspection Act, c. 138 of the Laws of North Dakota of 1919. This act was considered and passed upon in No. 456, just decided, *ante*, 50.

The matter was heard before three judges, and a temporary injunction was granted upon the authority of the decree of the Circuit Court of Appeals which we have just reviewed, and affirmed. Appeal from that order was taken to this court. The facts are not materially different from those presented in the former case, and the reasons therein stated for the conclusion reached are controlling here, and need not be repeated.

The order of the District Court is

Affirmed.

MR. JUSTICE HOLMES, MR. JUSTICE BRANDEIS, and MR. JUSTICE CLARKE dissent.

CRICHTON *v.* WINGFIELD.

APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES
FOR THE SOUTHERN DISTRICT OF NEW YORK.

No. 312. Submitted December 16, 1921.—Decided February 27, 1922.

1. As a basis for service upon an absent defendant under Jud. Code, § 57, personal property must be properly localized within the district of suit. P. 74.
2. Promissory notes, secured on land in Mississippi and payable there, were claimed by C as legatee, under wills of the payees of which she had been made executrix by a Mississippi probate court which had found, upon her representations, that the deceased were