

DECISIONS PER CURIAM, FROM OCTOBER 2, 1922, TO AND INCLUDING JANUARY 29, 1923, NOT INCLUDING ACTION ON PETITIONS FOR WRITS OF CERTIORARI.

No. 183. SETH GETTYS ET AL., ETC., v. SILVAN NEWBURGER ET AL. Error to the Circuit Court of Appeals for the Eighth Circuit. Motion to dismiss or affirm submitted October 3, 1922. Decided October 9, 1922. *Per Curiam*. Dismissed for want of jurisdiction upon the authority of *Spencer v. Duplan Silk Co.*, 191 U. S. 526, 530; *Shulthis v. McDougal*, 225 U. S. 561, 569; *Hull v. Burr*, 234 U. S. 712, 720; *Norton v. Whiteside*, 239 U. S. 144, 147. *Mr. W. A. Ledbetter, Mr. H. L. Stuart and Mr. R. R. Bell* for plaintiffs in error. *Mr. Henry G. Snyder, Mr. Henry E. Asp and Mr. Bernard Titcher* for defendants in error.

No. 312. ALTITUDE OIL COMPANY v. PEOPLE OF THE STATE OF COLORADO. Error to the Supreme Court of the State of Colorado. Motion to dismiss or affirm submitted October 3, 1922. Decided October 9, 1922. 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) *Southwestern Oil Co. v. Texas*, 217 U. S. 114; *Singer Sewing Machine Co. v. Brickell*, 233 U. S. 304, 315; *Lake Shore & Michigan Southern Ry. Co. v. Clough*, 242 U. S. 375, 385. *Mr. Norton Montgomery* for plaintiff in error. *Mr. Victor E. Keyes and Mr. J. J. Laton* for defendant in error.

No. 323. TRUSTEES OF THE UNITED STATES-MEXICO OIL COMPANY *v.* T. W. HARRIS. Error to the Supreme Court of the State of Kansas. Motion to dismiss submitted October 3, 1922. Decided October 9, 1922. *Per Curiam*. Dismissed for want of jurisdiction upon the authority of *Cuyahoga River Power Co. v. Northern Realty Co.*, 244 U. S. 300, 303; *Municipal Securities Corporation v. Kansas City*, 246 U. S. 63, 69; *Bilby v. Stewart*, 246 U. S. 255, 257; *Farson, Son & Co. v. Bird*, 248 U. S. 268, 271. *Mr. William W. Fry* for plaintiffs in error. *Mr. Charles F. Newman* for defendant in error. [See *post*, 720.]

No. 386. MILDRED McINTOSH *v.* W. H. DILL ET AL. Error to the Supreme Court of the State of Oklahoma. Motion to dismiss submitted October 3, 1922. Decided October 9, 1922. *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; *Jett Bros. Distilling Co. v. Carrollton*, 252 U. S. 1, 5-6. *Mr. Thomas H. Owen* and *Mr. George C. Crump* for plaintiff in error. *Mr. Nathan A. Gibson* and *Mr. Joseph L. Hull* for defendants in error. [See *post*, 721.]

No. 376. HENRY F. MUELLER ET AL. *v.* SAMUEL W. ADLER ET AL. Appeal from the District Court of the United States for the Eastern District of Missouri. Motion to dismiss submitted October 3, 1922. Decided October 9, 1922. *Per Curiam*. Dismissed for want of jurisdiction upon the authority of: (1) *Bogart v. Southern Pacific Co.*, 228 U. S. 137, 144; *Apapas v. United States*, 233 U. S. 587, 589; (2) *Louisville & Nashville R. R. Co. v. Western Union Telegraph Co.*, 234 U. S. 369, 372; *Public Service Co. v. Corbooy*, 250 U. S. 153,

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162; *De Rees v. Costaguta*, 254 U. S. 166, 173. *Mr. William J. Hughes* and *Mr. Ephrim Caplan* for appellants. *Mr. Edward W. Foristel* for appellees.

No. 304. PEOPLES DEVELOPMENT COMPANY *v.* SOUTHERN PACIFIC COMPANY ET AL. Appeal from the Circuit Court of Appeals for the Ninth Circuit. Motion to affirm submitted October 3, 1922. Decided October 9, 1922. *Per Curiam*. Affirmed upon the authority of *Burke v. Southern Pacific R. R. Co.*, 234 U. S. 669. *Mr. T. C. West* and *Mr. H. A. Powell* for appellant. *Mr. Frank Thunen* and *Mr. C. F. R. Ogilby* for appellees.

No. 6. JOHN CONNORS *v.* PEOPLE OF THE STATE OF ILLINOIS;

No. 7. EDWARD O'DONNELL *v.* PEOPLE OF THE STATE OF ILLINOIS;

No. 8. LEONARD BANKS ET AL. *v.* PEOPLE OF THE STATE OF ILLINOIS;

No. 9. FRANK BENDER *v.* PEOPLE OF THE STATE OF ILLINOIS;

No. 10. JOHN BOONE *v.* PEOPLE OF THE STATE OF ILLINOIS;

No. 11. WILLIAM TAGLIA *v.* PEOPLE OF THE STATE OF ILLINOIS;

No. 23. ABE SCHAFFNER *v.* PEOPLE OF THE STATE OF ILLINOIS; and

No. 57. GEORGE MORAN *v.* PEOPLE OF THE STATE OF ILLINOIS. Error to the Supreme Court of the State of Illinois. Motion to dismiss submitted October 3, 1922. Decided October 9, 1922. *Per Curiam*. Affirmed upon the authority of *Dreyer v. Illinois*, 187 U. S. 71; *Ughbanks v. Armstrong*, 208 U. S. 481, 485. *Mr. Charles P. R. Macaulay* and *Mr. Rush B. Johnson* for plaintiffs in error. *Mr. Edward J. Brundage* for defendant in error.

No. —, Original. *Ex parte*: IN THE MATTER OF BACON BROTHERS COMPANY, PETITIONER. Submitted October 3, 1922. Decided October 9, 1922. Motion for leave to file petition for writ of mandamus or writ of prohibition herein denied. *Mr. George D. Welles* for petitioner.

No. 557. DEPARTMENT OF TRADE & COMMERCE OF THE STATE OF NEBRASKA ET AL. *v.* A. J. HERTZ ET AL., RECEIVERS, ETC., ET AL. Appeal from the District Court of the United States for the District of Nebraska. Motion to dismiss or affirm submitted October 3, 1922. Decided October 16, 1922. *Per Curiam*. Dismissed for want of jurisdiction upon the authority of: (1) *Louisville Trust Co. v. Knott*, 191 U. S. 225; *Bogart v. Southern Pacific Co.*, 228 U. S. 137, 144; *De Rees v. Costaguta*, 254 U. S. 166, 173; (2) *Aspen Mining & Smelting Co. v. Billings*, 150 U. S. 31, 37; *Brown v. Alton Water Co.*, 222 U. S. 325, 332-334; *Metropolitan Water Co. v. Kaw Valley District*, 223 U. S. 519, 521-522; *Shapiro v. United States*, 235 U. S. 412, 415-416. *Mr. John F. Stout*, *Mr. Halleck F. Rose* and *Mr. Arthur R. Wells* for appellants. *Mr. Bruce W. Sanborn* for appellees.

No. 41. PEOPLE OF THE STATE OF NEW YORK EX REL. PIERCE-ARROW MOTOR CAR COMPANY *v.* WALTER H. KNAPP ET AL., ETC. Error to the Supreme Court of the State of New York. Argued October 9, 1922. Decided October 16, 1922. *Per Curiam*. Affirmed upon the authority of *Kansas City, etc., R. R. Co. v. Stiles*, 242 U. S. 111, 118; *Cheney Bros. Co. v. Massachusetts*, 246 U. S. 147, 157; *Northwestern Mutual Life Ins. Co. v. Wisconsin*, 247 U. S. 132, 139. *Mr. Charles P. Spooner* and *Mr. Ansley W. Sawyer*, with whom *Mr. Joseph G. Dudley* was on the brief, for plaintiff in error. *Mr. Claude T. Dawes*, for defendants in error, submitted.

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No. 48. IRA B. MILLS ET AL. *v.* NORTHERN PACIFIC RAILWAY COMPANY ET AL.;

No. 49. RAILROAD & WAREHOUSE COMMISSION OF MINNESOTA ET AL. *v.* CHICAGO, ST. PAUL, MINNEAPOLIS & OMAHA RAILWAY COMPANY; and

No. 50. RAILROAD & WAREHOUSE COMMISSION OF MINNESOTA ET AL. *v.* CHICAGO & NORTHWESTERN RAILWAY COMPANY. Appeals from the District Court of the United States for the District of Minnesota. Submitted October 10, 1922. Decided October 16, 1922. *Per Curiam.* Affirmed upon the authority of *Railroad Commission of Wisconsin v. Chicago, Burlington & Quincy R. R. Co.*, 257 U. S. 563. *Mr. Clifford L. Hilton* and *Mr. Henry C. Flannery* for appellants. *Mr. Charles W. Bunn*, *Mr. Dennis F. Lyons* and *Mr. Benjamin W. Scandrett* for appellees in No. 48. *Mr. Richard L. Kennedy*, *Mr. R. N. Van Doren*, *Mr. James B. Sheean* and *Mr. F. W. Sargent* for appellees in Nos. 49 and 50.

No. 55. SARAH F. DONLEY *v.* ERWIN RAY VAN HORN; and

No. 56. SARAH F. DONLEY *v.* PRESCOTT WEST. Error to the District Court of Appeal, Second Appellate District, of the State of California. Submitted October 11, 1922. Decided October 16, 1922. *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; *Coe v. Armour Fertilizer Works*, 237 U. S. 413, 418; *Bruce v. Tobin*, 245 U. S. 18, 19. *Mr. A. Haines* for plaintiff in error. *Mr. Charles R. Pierce* and *Mr. John M. Sutton* for defendants in error.

No. 76. UNITED STATES *v.* WESLEY L. SISCHO. On writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit. Argued October 10, 11, 1922. Decided October

16, 1922. Judgment affirmed with costs by an equally divided court. *Mr. Assistant Attorney General Wheat*, with whom *Mr. Solicitor General Beck* was on the brief, for the United States. *Mr. Cletus Keating*, as *amicus curiae*, submitted. No appearance for respondent. [See *post*, 701.]

No. —, Original. *Ex parte*: IN THE MATTER OF HUEY P. LONG ET AL., ETC., PETITIONERS, and

No. 650. CUMBERLAND TELEPHONE & TELEGRAPH COMPANY *v.* LOUISIANA PUBLIC SERVICE COMMISSION ET AL. Appeal from the District Court of the United States for the Eastern District of Louisiana. Motion for leave to file petition for a writ of mandamus submitted October 3, 1922. Order entered October 23, 1922. The mandamus asked in this motion relates to the granting of a supersedeas by the judge of the District Court of the United States for the Eastern District of Louisiana in case No. 650 on the docket of this Court. The Court considers the application for mandamus as a motion to set aside the supersedeas and injunction granted by the district judge in this case, and a rule will issue to the appellants in case No. 650 to show cause on Monday, November 13 next, why the supersedeas and injunction should not be set aside and the injunction dissolved. *Mr. Huey P. Long* and *Mr. W. M. Barrow* for petitioners. [See *ante*, 212; *post*, 759.]

No. 18. CORONA COAL COMPANY *v.* SOUTHERN RAILWAY COMPANY. Appeal from the District Court of the United States for the Northern District of Alabama. Submitted October 5, 1922. Decided October 23, 1922. *Per Curiam*. Affirmed on authority of *Lambert Run Coal Co. v. Baltimore & Ohio R. R. Co.*, 258 U. S. 377. *Mr. Forney Johnston* for appellant. *Mr. S. R. Prince* and *Mr. L. E. Jeffries* for appellee.

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No. 60. SOUTHERN LIGHTERAGE & WRECKING COMPANY *v.* UNITED STATES. Appeal from the District Court of the United States for the Eastern District of Louisiana. Argued October 13, 1922. Decided October 23, 1922. Affirmed by an equally divided court. *Mr. E. Howard McCaleb*, for appellant, submitted. *Mr. Joseph M. Rault*, with whom *Mr. George H. Terriberry* was on the brief, for the United States.

No. 180. WEST SIDE IRRIGATING COMPANY *v.* MARVIN CHASE, AS HYDRAULIC ENGINEER OF THE STATE OF WASHINGTON, ET AL. Error to the Supreme Court of the State of Washington. Motion to dismiss submitted October 16, 1922. Decided October 23, 1922. *Per Curiam*. Dismissed for want of jurisdiction upon the authority of *Farrell v. O'Brien*, 199 U. S. 89, 100; *Toop v. Ulysses Land Co.*, 237 U. S. 580, 583; *Piedmont Power & Light Co. v. Graham*, 253 U. S. 193, 195. *Mr. John P. Hartman* and *Mr. Carroll B. Graves* for plaintiff in error. *Mr. L. L. Thompson* for defendants in error.

No. 43. CAPITOL LIFE INSURANCE COMPANY *v.* MARY C. ROSS. Error to the Kansas City Court of Appeals of the State of Missouri. Submitted October 9, 1922. Decided October 23, 1922. *Per Curiam*. Affirmed upon the authority of *Mutual Life Ins. Co. v. Liebing*, 259 U. S. 209. *Mr. Jules C. Rosenberger*, *Mr. James C. Jones*, *Mr. Frank H. Sullivan* and *Mr. James C. Jones, Jr.*, for plaintiff in error. *Mr. James M. Johnson* for defendant in error.

No. 66. JAMES C. DAVIS, DIRECTOR GENERAL OF RAILROADS, ETC., *v.* CENA I. BAECHEL ET AL. Error to the Court of Appeals of the State of Maryland. Submitted

October 16, 1922. Decided October 23, 1922. *Per Curiam*. Dismissed for want of jurisdiction upon the authority of *Johnson v. New York Life Ins. Co.*, 187 U. S. 491, 496; *Ireland v. Woods*, 246 U. S. 323, 330; *Erie R. R. Co. v. Hamilton*, 248 U. S. 369, 371-372. *Mr. Henry H. Keedy, Jr., Mr. Frederic D. McKenney and Mr. John S. Flannery* for plaintiff in error. *Mr. Elias B. Hartle* for defendants in error.

No. 70. PORTO RICO RAILWAY, LIGHT & POWER COMPANY *v.* MANUEL CAMUNAS ET AL., ETC., ET AL. Appeal from the Circuit Court of Appeals for the First Circuit. Argued October 17, 18, 1922. Decided October 23, 1922. *Per Curiam*. Dismissed for want of jurisdiction. *El Banco Popular v. Wilcox*, 255 U. S. 72; *Inter-Island Steam Navigation Co. v. Ward*, 242 U. S. 1. *Mr. Carroll G. Walter* for appellant. *Mr. Grant T. Trent and Mr. Logan N. Rock* for appellees.

No. 73. THOMAS HUNT ET AL., ETC., *v.* CITY OF NEW ORLEANS ET AL. Error to the Supreme Court of the State of Louisiana. Argued October 18, 1922. Decided October 23, 1922. *Per Curiam*. Dismissed for want of jurisdiction upon the authority of *Lehigh Water Co. v. Easton*, 121 U. S. 388, 392; *New Orleans Waterworks Co. v. Louisiana*, 185 U. S. 336, 350-351; *Hubert v. New Orleans*, 215 U. S. 170, 175; *Cross Lake Shooting & Fishing Club v. Louisiana*, 224 U. S. 632, 639. *Mr. Charles Louque* for plaintiffs in error. *Mr. Gustave Lemle* for the Illinois Central Railroad Company; *Mr. Ivy G. Kittredge* for the City of New Orleans; *Mr. Henry H. Chaffe* for the Louisville & Nashville Railroad Company et al., defendants in error. *Mr. Michel Provosty, Mr. George Denegre, Mr. Victor Leovy, Mr. W. H. Horton, Mr. R. V. Fletcher and Mr. Hunter C. Leake* were also on the briefs.

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NO. 76. UNITED STATES *v.* WESLEY L. SISCHO. On writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit. November 13, 1922. Petition for rehearing in this cause granted, and cause restored to the docket for hearing before a full bench. *Mr. Solicitor General Beck, Mrs. Mabel Walker Willebrandt*, Assistant Attorney General, and *Mr. John C. Hayes*, for the United States, in support of the petition for rehearing. [See *ante*, 697.]

NO. 601. BORDER NATIONAL BANK OF EAGLE PASS, TEXAS, *v.* AMERICAN NATIONAL BANK OF SAN FRANCISCO, CALIFORNIA. Error to the Circuit Court of Appeals for the Fifth Circuit. Motion to dismiss and petition for a writ of certiorari submitted October 23, 1922. Decided November 13, 1922. *Per Curiam*. Dismissed for want of jurisdiction upon the authority of *Spencer v. Duplan Silk Co.*, 191 U. S. 526, 530; *Shulthis v. McDougal*, 225 U. S. 561, 569; *Hull v. Burr*, 234 U. S. 712, 720; *St. Anthony Church v. Pennsylvania R. R. Co.*, 237 U. S. 575, 577. The petition for a writ of certiorari herein is denied. *Mr. William M. Pardue, Mr. H. Ralph Burton* and *Mr. Tench T. Marye* for plaintiff in error. *Mr. S. J. Brooks* and *Mr. Walter P. Napier* for defendant in error.

NO. —, Original. *Ex parte*: IN THE MATTER OF ROSE WEISS, AS NEXT FRIEND, ETC., PETITIONER. Submitted November 13, 1922. Decided November 20, 1922. Motion for leave to file petition for writ of habeas corpus herein denied, without prejudice to the right of the petitioner to apply for a writ of habeas corpus to the District Court of the United States for the Western District of Washington directed to the officers in charge of the McNeil Island Penitentiary. *Miss Rose Weiss* for petitioner.

No. 133. *BILL MOORE v. STATE OF GEORGIA*. Error to the Supreme Court of the State of Georgia. Argued November 14, 1922. Decided November 20, 1922. *Per Curiam*. Dismissed for want of jurisdiction upon the authority of *Hulbert v. Chicago*, 202 U. S. 275, 280; *Cleveland & Pittsburgh R. R. Co. v. Cleveland*, 235 U. S. 50, 53; *Hiawassee River Power Co. v. Carolina-Tennessee Power Co.*, 252 U. S. 341, 344. *Mr. Max Isaac* for plaintiff in error. *Mr. George M. Napier*, for defendant in error, submitted.

No. 30. *PEOPLES NATIONAL BANK OF KINGFISHER, OKLAHOMA, ET AL. v. BOARD OF EQUALIZATION OF KINGFISHER COUNTY, OKLAHOMA*. Error to the Supreme Court of the State of Oklahoma. Submitted November 17, 1922. Decided November 20, 1922. *Per Curiam*. Affirmed upon the authority of *Van Allen v. The Assessors*, 3 Wall. 573; *National Bank v. Commonwealth*, 9 Wall. 353, 359. *Mr. Horace G. McKeever* and *Mr. J. C. Roberts* for plaintiffs in error. *Mr. George H. Short* and *Mr. William H. Zwick* for defendant in error.

No. 593. *CHARLES L. HARRIS, AS TRUSTEE, ETC., v. MORELAND TRUCK COMPANY ET AL.* Error to the Circuit Court of Appeals for the Ninth Circuit. Motion to dismiss submitted November 13, 1922. Decided November 27, 1922. *Per Curiam*. Dismissed for want of jurisdiction. Section 3, Act of September 6, 1916, c. 448, 39 Stat. 726, 727; *Central Trust Co. v. Lueders*, 239 U. S. 11; *Staats Co. v. Security Trust & Savings Bank*, 243 U. S. 121, 124. *Mr. Fabius M. Clarke* and *Mr. John E. Bennett* for plaintiff in error. *Mr. Bert Schlesinger*, *Mr. Ellwood P. Morey* and *Mr. S. C. Wright* for defendants in error.

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No. 185. MICHAEL HEITLER *v.* UNITED STATES;
No. 186. NATHANIEL PERLMAN *v.* UNITED STATES;
No. 187. MANDEL GREENBERG *v.* UNITED STATES;
No. 188. FRANK McCANN *v.* UNITED STATES; and
No. 189. GEORGE F. QUINN *v.* UNITED STATES. Error to the District Court of the United States for the Northern District of Illinois. Motion to dismiss submitted November 20, 1922. Decided November 27, 1922. *Per Curiam*. Dismissed for want of jurisdiction upon the authority of: (1) *Farrell v. O'Brien*, 199 U. S. 89, 100; *Sugarman v. United States*, 249 U. S. 182, 184; *Piedmont Power & Light Co. v. Graham*, 253 U. S. 193, 195; (2) *Jeffrey Mfg. Co. v. Blagg*, 235 U. S. 571, 576; *Blair v. United States*, 250 U. S. 273, 279; *Dahnke-Walker Milling Co. v. Bondurant*, 257 U. S. 282, 289; (3) *National Prohibition Cases*, 253 U. S. 350. *Mr. Weymouth Kirkland* for plaintiffs in error. *Mr. Solicitor General Beck*, *Mr. Assistant Attorney General Crim* and *Mr. H. S. Ridgely* for the United States. [See *ante*, 438.]

No. —, Original. BENJAMIN GITLOW *v.* PEOPLE OF THE STATE OF NEW YORK. Submitted November 20, 1922. Decided November 27, 1922. Petition for a writ of error to the Supreme Court of the State of New York, in this cause, submitted to the whole court, granted. *Mr. Joseph R. Brodsky* for plaintiff in error. *Mr. Samuel A. Berger* for defendant in error.

No. 157, October Term, 1921. JOHN S. KENDALL, ADMINISTRATOR, ETC., ET AL. *v.* PAUL A. EWERT. Appeal from the Circuit Court of Appeals for the Eighth Circuit. Motion by appellee to withdraw original papers, submitted November 22, 1922. Decided November 27, 1922. Motion as to (1) withdrawal of original paper of notice

of dismissal of counsel, dated December 31, 1921, denied. Motion as to (2) original deed of July 5, 1918, from George Redeagle to Paul A. Ewert and as to (3) original deeds of November 19, November 21, and December 21, 1921, from the heirs of George Redeagle to Paul A. Ewert, granted, the copies of said deeds on file to remain with the Clerk. *Mr. Arthur S. Thompson* for appellants. *Mr. William R. Andrews, Mr. Henry C. Lewis* and *Mr. Paul A. Ewert* for appellee. [See 259 U. S. 139.]

NO. 701. BOARD OF TRADE OF THE CITY OF CHICAGO ET AL. *v.* CHARLES F. CLYNE, UNITED STATES DISTRICT ATTORNEY, ETC., ET AL. Appeal from the District Court of the United States for the Northern District of Illinois. Motion to advance and for order maintaining status quo submitted November 27, 1922. Order entered December 4, 1922.

ORDER.—It is ordered by this Court, the defendants not objecting, that the status quo be preserved while this cause is pending in this Court and for twenty days thereafter by restraining and enjoining the appellee, Charles F. Clyne, as United States District Attorney for the Northern District of Illinois, from attempting to enforce the act of Congress entitled the "Grain Futures Act" during the pendency of this cause in this Court and for twenty days thereafter, and also from at any time prosecuting criminally, or otherwise, under said act any member of the Board of Trade of the City of Chicago, or any customer of any such member, for, or by reason of, any violation by him or them of any provision of said act committed during the pendency of this cause in this Court or twenty days thereafter, and that appellee, Arthur C. Lueder, as postmaster of the City of Chicago, be also restrained and enjoined from interfering with any of the mail passing between members of said Board of

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Trade and customers of said members during the pendency of this cause in this Court and twenty days thereafter: *Provided, however*, That nothing herein shall relieve the members of said Board of Trade from severally keeping and preserving, as required by the Grain Futures Act, their records of their contracts for future delivery during the pendency of this stay. *Mr. Henry S. Robbins* for appellants. *Mr. Solicitor General Beck* and *Mr. Fred Lees* for appellees.

No. 674. EDWARD N. MITTLE *v.* STATE OF SOUTH CAROLINA. Error to the Supreme Court of the State of South Carolina. Motion to dismiss submitted November 27, 1922. Decided December 4, 1922. *Per Curiam*. Dismissed for want of jurisdiction. Section 237 of the Judicial Code, as amended by the Act of September 6, 1916, c. 448, § 2, 39 Stat. 726; *Jett Bros. Distilling Co. v. Carrollton*, 252 U. S. 1, 5-6. *Mr. Charles A. Douglas*, *Mr. Hugh H. Obear* and *Mr. Cole L. Blease* for plaintiff in error. *Mr. Samuel M. Wolfe* for defendant in error. [See *post*, 744.]

No. 18, Original. STATE OF OKLAHOMA *v.* STATE OF TEXAS. December 11, 1922. Order entered authorizing payments to counsel and to the receiver, and to charge the same as expenses of the receivership.

No. 153. JOHN BARTON PAYNE, DIRECTOR GENERAL OF RAILROADS, ETC., *v.* A. E. STEVENS ET AL. Error to the Supreme Court of the State of Mississippi. Submitted December 5, 1922. Decided December 11, 1922. *Per Curiam*. Dismissed for want of jurisdiction. Act of February 8, 1899, c. 121, 30 Stat. 822; *Le Crone v. McAdoo*, 253 U. S. 217, 219. *Mr. Gregory L. Smith* for plaintiff in error. *Mr. J. B. Harris* for defendants in error.

No. 151. UNITED STATES *v.* ARTHUR JOHN BANCROFT. Appeal from the Court of Claims. Argued December 5, 1922. Decided December 11, 1922. *Per Curiam*. Affirmed upon the authority of *Glavey v. United States*, 182 U. S. 595; *United States v. Andrews*, 240 U. S. 90, 94; *McMath v. United States*, 248 U. S. 151, 152. *Mr. Assistant to the Attorney General Seymour*, with whom *Mr. Solicitor General Beck* was on the brief, for the United States. *Mr. George A. King*, with whom *Mr. William B. King* and *Mr. George R. Shields* were on the brief, for appellee.

No. 139. UNITED STATES EX REL. AARON SUHONEN *v.* FREDERICK A. WALLIS, COMMISSIONER OF IMMIGRATION, ETC. Appeal from the District Court of the United States for the Southern District of New York. Submitted December 4, 1922. Decided December 11, 1922. *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) *Fong Yue Ting v. United States*, 149 U. S. 698, 707, 728, 730; *Zakonaite v. Wolf*, 226 U. S. 272, 275; *Bugajewitz v. Adams*, 228 U. S. 585, 591; *Lewis v. Frick*, 233 U. S. 291, 302; *Ng Fung Ho v. White*, 259 U. S. 276. *Mr. Charles Recht* for appellant. *Mr. Solicitor General Beck*, *Mr. Assistant Attorney General Crim* and *Mr. H. S. Ridgely* for appellee.

No. 94. JOHN SIMON *v.* AMERICAN EXCHANGE NATIONAL BANK ET AL. Appeal from the Circuit Court of Appeals for the Second Circuit. Argued December 7, 1922. Decided December 11, 1922. *Per Curiam*. Affirmed upon the authority of *Central Union Trust Co. v.*

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Garvan, 254 U. S. 554; *Stoehr v. Wallace*, 255 U. S. 239. Mr. Henry A. Wise for appellant. Mr. James A. Fowler, with whom Mr. Solicitor General Beck, Mr. Assistant to the Attorney General Seymour, Mr. Guy D. Goff, Mr. Adna R. Johnson, Jr., and Mr. Dean Hill Stanley, Special Assistants to the Attorney General, were on the brief, for appellees.

No. 123. SOUTHERN EXPRESS COMPANY *v.* TERRY PACKING COMPANY. Error to the Supreme Court of the State of South Carolina. Argued November 24, 1922. Decided December 11, 1922. *Per Curiam*. Dismissed for want of jurisdiction upon the authority of *Norfolk & Suburban Turnpike Co. v. Virginia*, 225 U. S. 264, 268; *Louisiana Navigation Co. v. Oyster Commission*, 226 U. S. 99, 101; *Schlosser v. Hemphill*, 198 U. S. 173, 176; *Missouri & Kansas Interurban Ry. Co. v. Olathe*, 222 U. S. 185, 186. Mr. J. Nelson Frierson, with whom Mr. Douglas McKay was on the brief, for plaintiff in error. Mr. Edward L. Craig for defendant in error.

No. 109. COLONIAL BEACH COMPANY, OWNER AND CLAIMANT OF THE STEAMER ST. JOHNS, *v.* QUEMAHONING COAL COMPANY ET AL. On writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit. Argued December 5, 6, 1922. Decided January 2, 1923. *Per Curiam*. Reversed with costs, and cause remanded to the District Court of the United States for the Eastern District of Virginia. *United States v. Carver*, ante, 482; *Piedmont & Georges Creek Coal Co. v. Seaboard Fisheries Co.*, 254 U. S. 1. Mr. Hugh H. Obear, with whom Mr. Paul Dulaney was on the brief, for petitioner. Mr. Richard E. Preece and Mr. John Vance Hewitt for respondents.

No. 196. GORHAM MANUFACTURING COMPANY *v.* JAMES A. WENDELL, INDIVIDUALLY, ETC., ET AL. Appeal from the District Court of the United States for the Southern District of New York. Motion for substitution submitted December 11, 1922. Order entered January 2, 1923. ORDER: On consideration of the motion to substitute parties appellees, It is ordered that a rule to show cause why the case as to the Comptroller should not be dismissed, in view of *Irwin v. Wright*, 258 U. S. 219, and *United States v. Butterworth*, 169 U. S. 600, shall issue. *Mr. George Carlton Comstock* and *Mr. Robert C. Beatty* for appellants. *Mr. Claude T. Dawes* for appellees.

Nos. 173 and 174. CLYDE CHANDLER *v.* STATE OF TEXAS;

Nos. 175 and 176. JOHN CHANDLER *v.* STATE OF TEXAS. Error to the Court of Criminal Appeals of the State of Texas. Submitted January 5, 1923. Decided January 8, 1923. *Per Curiam*. Affirmed upon the authority of *Vigliotti v. Pennsylvania*, 258 U. S. 403; *United States v. Lanza*, 260 U. S. 377. *Mr. J. M. Edwards* and *Mr. E. P. Miller* for plaintiffs in error. *Mr. W. A. Keeling* for defendant in error.

No. 157. UNITED STATES *v.* RAY JANES ET AL. Error to the District Court of the United States for the District of Colorado. Argued January 11, 1923. Decided January 15, 1923. *Per Curiam*. Judgment reversed, and cause remanded for further proceedings. *McKelvey v. United States*, 260 U. S. 353. *Mr. H. L. Underwood*, with whom *Mr. Solicitor General Beck* and *Mr. Assistant to the Attorney General Seymour* were on the brief, for the United States. *Mr. N. Walter Dixon*, with whom *Mr. John R. Clark* and *Mr. William H. Dickson* were on the brief, for defendants in error.

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Decisions Per Curiam, Etc.

No. 319. HENRY P. REED ET AL. *v.* VILLAGE OF HIBBING ET AL. Error to the Supreme Court of the State of Minnesota. Motion to dismiss or affirm submitted January 15, 1923. Decided January 22, 1923. *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; *Jett Bros. Distilling Co. v. Carrollton*, 252 U. S. 1, 5-6. *Mr. H. V. Mercer* for plaintiffs in error. *Mr. C. A. Severance, Mr. H. B. Fryberger, Mr. George W. Morgan, and Mr. Oscar Mitchell* for defendants in error. [See *post*, 725.]

No. 222. JOHN J. McGRATH ET AL. *v.* UNITED STATES. Appeal from the District Court of the United States for the Southern District of New York. Submitted January 15, 1923. Decided January 22, 1923. *Per Curiam*. Dismissed for want of jurisdiction upon the authority of *Farrell v. O'Brien*, 199 U. S. 89, 100; *Toop v. Ulysses Land Co.*, 237 U. S. 580, 583; *Piedmont Power & Light Co. v. Graham*, 253 U. S. 193, 195. *Mr. Elijah N. Zoline* for appellants. *Mr. Solicitor General Beck, Mr. Assistant Attorney General Crim and Mr. H. S. Ridgely* for the United States.

No. 227. PETERS TRUST COMPANY *v.* COUNTY OF DOUGLAS IN THE STATE OF NEBRASKA. Error to the Supreme Court of the State of Nebraska. Submitted January 16, 1923. Decided January 22, 1923. *Per Curiam*. Affirmed upon the authority of *Van Allen v. The Assessors*, 3 Wall. 573; *National Bank v. Commonwealth*, 9 Wall. 353, 359; See *Peoples National Bank v. Board of Equalization, ante*, 702. *Mr. John F. Stout, Mr. Halleck F. Rose, Mr. Arthur R. Wells and Mr. Paul L. Martin* for plaintiff in error. *Mr. William C. Lambert* for defendant in error.

No. 214. HATTIESBURG GROCERY COMPANY *v.* STOKES *V. ROBERTSON*, STATE REVENUE AGENT OF THE STATE OF MISSISSIPPI. Error to the Supreme Court of the State of Mississippi. Argued January 16, 1923. Decided January 22, 1923. *Per Curiam*. Dismissed for want of jurisdiction upon the authority of *Farrell v. O'Brien*, 199 U. S. 89, 100; *Toop v. Ulysses Land Co.*, 237 U. S. 580, 583; *Piedmont Power & Light Co. v. Graham*, 253 U. S. 193, 195. *Mr. Marcellus Green and Mr. Garner W. Green*, for plaintiff in error, submitted. *Mr. J. Morgan Stevens*, with whom *Mr. W. Calvin Wells* was on the brief, for defendant in error.

No. 260. CHARLES KELLER ET AL. *v.* POTOMAC ELECTRIC POWER COMPANY. Appeal from the Court of Appeals of the District of Columbia. January 24, 1923. Argument commenced by *Mr. Conrad H. Syme* for appellants. *Ordered*: This case is passed for the purpose of having presented and argued to the Court three questions: First, whether Congress can vest in this Court under the restrictions upon its appellate jurisdiction under the Constitution the character of review of the proceedings of the Public Utilities Commission contemplated by the act creating it; and, second, whether an appeal can be taken to this Court until a final judgment has been pronounced in the District Court of Appeals; and, third, whether such judgment is final.

These questions will be set for argument on February 19 next, after the cases specially set for that day, and will be considered and decided by this Court before proceeding to hear the case on its merits in the event that the Court finds it has jurisdiction to do so.

Mr. Conrad H. Syme, Mr. F. H. Stephens and Mr. George P. Barse for appellants. *Mr. S. R. Bowen, Mr. John A. Garver and Mr. John S. Barbour* for appellee.

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Certiorari Granted.

No. 18, Original. STATE OF OKLAHOMA *v.* STATE OF TEXAS. Submitted January 22, 1923. Decided January 29, 1923. *Per Curiam.* Application of Red River Syndicate, claimants, for a modification of the opinion delivered in this cause on May 1, 1922, 258 U. S. 574, is denied. *Mr. Charles West* for claimants.

No. 201. DAVID LAMAR *v.* UNITED STATES. Appeal from the District Court of the United States for the Southern District of New York. Submitted January 24, 1923. Decided January 29, 1923. *Per Curiam.* This is a habeas corpus proceeding designed to retard petitioner's incarceration in Mercer County jail after trial and conviction on charge of conspiracy to restrain foreign trade and commerce by instigating strikes, etc., intended to prevent the manufacture and transportation of war supplies.

The points relied upon are without merit, and the judgment dismissing the writ (274 Fed. 160) is affirmed.

The Clerk is instructed to issue the mandate at once.

Mr. Elijah N. Zoline and *Mr. Thomas B. Felder* for appellant. *Mr. Solicitor General Beck* and *Mr. Alfred A. Wheat* for the United States.

PETITIONS FOR CERTIORARI GRANTED, FROM
OCTOBER 2, 1922, TO AND INCLUDING JANUARY
29, 1923.

No. 423. W. TRINIDAD, AS INSULAR COLLECTOR OF INTERNAL REVENUE OF THE PHILIPPINE ISLANDS, *v.* SAGRADA ORDEN DE PREDICADORES DE LA PROVINCIA DEL SANTISSIMO ROSARIO DE FILIPINAS. October 9, 1922. Petition for a writ of certiorari to the Supreme Court of the Philippine Islands granted. *Mr. Grant T. Trent*, *Mr. Logan N. Rock* and *Mr. Carl A. Mapes* for petitioner. *Mr. Gabriel La O* for respondent.