

DECISIONS PER CURIAM, FROM APRIL 28, 1924,
TO AND INCLUDING JUNE 9, 1924, NOT IN-
CLUDING ACTION ON PETITIONS FOR WRITS
OF CERTIORARI.

No. 235. HENRY D. OWENS *v.* UNITED STATES. Ap-
peal from the Court of Claims. Submitted April 22,
1924. Decided April 28, 1924. *Per Curiam*. Suit for
damages against the United States under a contract for
the removal of garbage from Camp Meade. Judgment
for claimant for part of claim. Appeal to secure larger
recovery. Question turns on the constructions of con-
tract. This Court concurs in the view of the Court of
Claims and the judgment is affirmed. *Mr. Horace S.*
Whitman and *Mr. William L. Marbury* for appellant.
Mr. Solicitor General Beck, *Mr. Assistant Attorney Gen-
eral Ottinger* and *Mr. Wm. M. Offley* for the United
States.

No. 236. BROMWELL BRUSH AND WIRE GOODS COM-
PANY *v.* STATE BOARD OF CHARITIES AND CORRECTION OF
KENTUCKY. Error to the Circuit Court of Appeals for
the Sixth Circuit. Submitted April 22, 1924. Decided
April 28, 1924. *Per Curiam*. Dismissed for want of
jurisdiction upon the authority of: (1) *Shulthis v. Mc-*
Dougal, 225 U. S. 561, 568, 569; *Hull v. Burr*, 234 U. S.
712, 720; *St. Anthony Church v. Pennsylvania R. R.*
Co., 237 U. S. 575, 577, 578; *Norton v. Whiteside*, 239
U. S. 144, 147; (2) *Miller v. Cornwall R. R. Co.*, 168 U. S.
131, 134; *New York Central R. R. Co. v. New York*,
186 U. S. 269, 273; *Consolidated Turnpike Co. v. Nor-*
folk, etc., Ry. Co., 228 U. S. 326, 331. *Mr. Harvey*
Myers for plaintiff in error. *Mr. Thomas B. McGregor*
and *Mr. Swager Sherley* for defendant in error.

No. 239. E. L. PIERCE ET AL. *v.* DRAINAGE DISTRICT No. 17, MISSISSIPPI COUNTY, ARKANSAS. Error to the Supreme Court of the State of Arkansas. Argued April 25, 1924. Decided April 28, 1924. *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. Arthur T. Brewster*, with whom *Mr. Jesse C. Sheppard* was on the brief, for plaintiffs in error. *Mr. G. B. Rose*, with whom *Mr. D. H. Cantrell*, *Mr. J. F. Loughborough* and *Mr. A. W. Dobyms* were on the brief, for defendant in error.

No. 230. WILLIAM BERNARD DUKE ET AL. *v.* UNITED STATES. Appeal from the Court of Claims. Argued April 22, 23, 1924. Decided April 28, 1924. *Per Curiam*.

On consideration of the record and arguments in this cause the judgment of the Court of Claims is set aside and the cause is remanded to that court with the following directions, one purpose of which is to elicit additional findings on questions of fact bearing on the right application to the cause of certain statutes of the United States, notably §§ 5, 7, 8 and 9 of the Act of September 7, 1916, c. 451, 39 Stat. 728, as amended by the Act of July 15, 1918, c. 152, 40 Stat. 900:

1. To find (a) the nature, terms and conditions of the offer to sell on the part of the United States Shipping Board which is mentioned in the court's second finding, (b) whether that offer was based on any appraisalment of the vessels to be sold and whether there was any public advertisement of the offer, (c) whether the offer contemplated a sale of the vessels free from the conditions and restrictions referred to in § 8 of the Act of 1916 and specified in § 9 thereof as amended, (d) whether the letter of December 15, 1919, by W. L. Mercer, Acting Manager

265 U. S.

Decisions Per Curiam, Etc.

of Ship Sales, which is set forth in the sixth finding, was written pursuant to a direction or authorization on the part of the Shipping Board, (e) whether the Shipping Board's resolution of December 19, 1919, which is set forth in the eighth finding, was intended to rescind the resolution of December 12, 1919, on the ground that the latter was void or that it was not an effective acceptance of W. Bernard Duke's proposal of December 5, 1919, but only a qualified acceptance which was as yet ineffective because Mr. Duke had not assented to the qualification, and (f) the amount of damages to which the plaintiffs are entitled if they have a right to recover damages.

2. To take further evidence, if need be, on which to base such additional findings.

3. To qualify or alter any of the existing findings, if need be, to bring them and the additional findings into accord.

4. To render upon all the findings when completed such judgment as shall appear to be right under the law, subject to the usual right of appeal. Remanded for additional findings, etc.

Mr. Conrad H. Syme for appellants. *Mr. Henry M. Ward*, with whom *Mr. Solicitor General Beck* and *Mr. Chauncey G. Parker* were on the brief, for the United States.

No. 607. STANDARD OIL COMPANY OF NEW JERSEY *v.* SOUTHERN PACIFIC COMPANY ET AL. Certiorari to the Circuit Court of Appeals for the Second Circuit. Motion submitted April 28, 1924. Order entered May 5, 1924. The motion for leave to take additional testimony is granted, such testimony to be taken, however, in accordance with Rule 12, paragraph 2, of the rules of this Court, to be limited to the subject matter specified in the motion, and to be upon interrogatories presented and

served upon the opposite party by the petitioner on or before the 1st day of June next, and upon cross-interrogatories to be filed on or before the 20th day of June next. The commission with the interrogatories for the taking of said testimony shall issue to the clerk of the Circuit Court of Appeals for the Second Circuit, and the interrogatories and the evidence taken shall be forwarded to this Court on or before the 1st day of September next. The costs of the commission, when incurred, shall be paid by the petitioner. *Mr. John M. Woolsey* and *Mr. W. H. McGrann*, for petitioner, in support of the motion. *Mr. Charles C. Burlingham*, *Mr. Ray Rood Allen* and *Mr. A. Howard Neely*, for respondents, in opposition to the motion.

No. 194. *C. E. BULLOCH ET AL. v. DERMOTT-COLLINS ROAD IMPROVEMENT DISTRICT ET AL.* Error to the Supreme Court of the State of Arkansas. Submitted January 25, 1924. Decided May 5, 1924. *Per Curiam*. Reversed upon the authority of *Gulf, Colorado & Santa Fe Ry. Co. v. Dennis*, 224 U. S. 503; *Board of Public Utility Commissioners v. Compañia General*, 249 U. S. 425, 426, 427; *Heitmuller v. Stokes*, 256 U. S. 359, 362; *Atherton Mills v. Johnston*, 259 U. S. 13, 15-16, on the ground that the question in the case has become moot, with direction to remand to the Chancery Court of Chicot County with direction to that court to dismiss the suit without prejudice. *Mr. Joe S. Harris* for plaintiffs in error. No appearance for defendants in error.

No. 227. *UNITED STATES v. JAMES REED.* Appeal from the Court of Claims. Submitted April 16, 1924. Decided May 5, 1924. *Per Curiam*. Affirmed upon the authority of *United States v. Andrews*, 240 U. S. 90, 94. *Mr.*

265 U. S.

Decisions Per Curiam, Etc.

Solicitor General Beck and *Mr. George Ross Hull* for the United States. *Mr. George A. King*, *Mr. Wm. B. King* and *Mr. George R. Shields* for appellee.

NO. 241. JAMES C. DAVIS, AS AGENT, ETC. *v.* CHARLES HAREFORD. Error to the Supreme Court of the State of Arkansas. Argued April 28, 1924. Decided May 5, 1924. *Per Curiam*. Dismissed for want of jurisdiction upon the authority of *Consolidated Turnpike Co. v. Norfolk, etc., Ry. Co.*, 228 U. S. 326, 334; *St. Louis & San Francisco R. R. Co. v. Shepherd*, 240 U. S. 240, 241; *Godchaux v. Estopinal*, 251 U. S. 179, 181; *Rooker v. Fidelity Trust Co.*, 261 U. S. 114, 117. *Mr. A. A. McLaughlin*, with whom *Mr. Thos. B. Pryor* and *Mr. Vincent M. Mills* were on the brief, for plaintiff in error. *Mr. C. A. Starbird*, with whom *Mr. Robert A. Rowe* was on the brief, for defendant in error.

NO. 257. PEOPLE OF THE STATE OF NEW YORK EX REL. CITY OF BUFFALO *v.* PUBLIC SERVICE COMMISSION OF THE STATE OF NEW YORK ET AL. Error to the Supreme Court of the State of New York. Argued April 30, 1924. Decided May 5, 1924. *Per Curiam*. Dismissed for want of jurisdiction upon the authority of: (1) *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; (2) *Hunter v. Pittsburgh*, 207 U. S. 161, 178; *Pawhuska v. Pawhuska Oil Co.*, 250 U. S. 394; *Trenton v. New Jersey*, 262 U. S. 182; *Newark v. New Jersey*, 262 U. S. 192, 196. *Mr. George Clinton*, with whom *Mr. William S. Rann* was on the brief, for plaintiff in error. *Mr. Henry W. Killeen*, with whom *Mr. James C. Sweeney* was on the brief, for defendants in error.

No. 259. J. W. NEIL *v.* UTAH WHOLESALE GROCERY COMPANY. Error to the Supreme Court of the State of Utah. Submitted April 28, 1924. Decided May 5, 1924. *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. William R. Andrews* and *Mr. Joseph Chez* for plaintiff in error. *Mr. Jacob Evans* and *Mr. Mahlon B. Wilson* for defendant in error.

No. 260. MISSOURI PACIFIC RAILROAD COMPANY *v.* A. M. BURNETT. Error to the Supreme Court of the State of Arkansas. Submitted April 28, 1924. Decided May 5, 1924. *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. Petition for certiorari dismissed for lack of submission under the rule. *Mr. Thomas B. Pryor* and *Mr. Edward J. White* for plaintiff in error. *Mr. Joe T. Robinson* for defendant in error.

No. 270. CHARLES BOETTCHER ET AL., RECEIVERS, ETC., *v.* PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO ET AL. Error to the Supreme Court of the State of Colorado. Argued May 1, 1924. Decided May 5, 1924. *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. Elmer L. Brock*, with whom *Mr. Charles R. Brock* and *Mr. Milton Smith* were on the brief, for plaintiffs in error. *Mr. Robert E. More* and *Mr. Kenaz Huffman*,

265 U. S.

Decisions Per Curiam, Etc.

with whom *Mr. Peter H. Holme* and *Mr. Tison S. Dines* were on the brief, for defendants in error.

No. 734. PLUTO OIL & GAS COMPANY ET AL. *v.* H. C. MILLER. Error to the Supreme Court of the State of Oklahoma. Motion to dismiss submitted April 28, 1924. Decided May 5, 1924. *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. Petition for certiorari denied. *Mr. L. O. Lyle*, *Mr. W. V. Pryor*, and *Mr. D. A. McDougal*, for defendant in error, in support of the motion. *Mr. Henry B. Martin* and *Mr. B. B. Blakeney* appeared for plaintiffs in error.

No. —, Original. *Ex parte*: IN THE MATTER OF THE LEHIGH VALLEY RAILROAD COMPANY, PETITIONER. (Action No. 1.) Submitted May 5, 1924. Decided May 12, 1924. Motion for leave to file a petition for a writ of prohibition and/or a writ of mandamus herein denied. *Mr. Charles A. Boston* and *Mr. Lindley M. Garrison* for petitioner.

No. —, Original. *Ex parte*: IN THE MATTER OF THE LEHIGH VALLEY RAILROAD COMPANY, PETITIONER. (Action No. 2.) Submitted May 5, 1924. Decided May 12, 1924. Motion for leave to file a petition for a writ of prohibition and/or a writ of mandamus herein denied. *Mr. Charles A. Boston* and *Mr. Lindley M. Garrison* for petitioner.

No. 15, Original. STATE OF OKLAHOMA *v.* STATE OF TEXAS. In Equity. May 12, 1924. Order entered allowing compensation to receiver and counsel.

No. —, Original. *Ex parte*: IN THE MATTER OF THE CITY OF NEW YORK ET AL., PETITIONERS. Submitted May 12, 1924. Decided May 26, 1924. Motion for leave to file a petition for a writ of prohibition and/or a writ of mandamus herein denied. *Mr. George P. Nicholson* and *Mr. William G. Fullen* for petitioners.

No. 562. LORENZ REICH *v.* ALEXANDER SMITH COCHRAN ET AL., ETC., AS EXECUTORS, ETC. Error to the Supreme Court of the State of New York. Motion to dismiss or affirm submitted May 26, 1924. Decided June 2, 1924. *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, § 2, 39 Stat. 726. And see *Tidal Oil Co. v. Flanagan*, 263 U. S. 444. *Mr. Samuel Untermyer* and *Mr. Percy H. Stewart*, for defendants in error, in support of the motion. *Mr. Alton B. Parker*, for plaintiff in error, in opposition to the motion.

No. 739. WILSON CLINTON, AN INCOMPETENT, ETC., ET AL. *v.* GYPSY OIL COMPANY. Error to the Supreme Court of the State of Oklahoma. Motion to dismiss or affirm submitted May 26, 1924. Decided June 2, 1924. *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, § 2, 39 Stat. 726; *Jett Bros. Distilling Co. v. Carrollton*, 252 U. S. 1, 5-6. *Mr. J. B. Diggs*, for defendant in error, in support of the motion. *Mr. Horace H. Hagan*, for plaintiffs in error, in opposition to the motion.

265 U. S.

Decisions Per Curiam, Etc.

No. 892. CITY OF NEW YORK ET AL. *v.* LINDLEY M. GARRISON, AS RECEIVER, ETC., ET AL. Appeal from the District Court of the United States for the Southern District of New York. Motion to dismiss submitted May 26, 1924. Decided June 2, 1924. *Per Curiam*. Dismissed for want of jurisdiction upon the authority of *Heike v. United States*, 217 U. S. 423, 429; *Rexford v. Brunswick-Balke Collender Co.*, 228 U. S. 339, 346; *Collins v. Miller*, 252 U. S. 364, 365; *Oneida Navigation Corporation v. Job & Co.*, 252 U. S. 521, 522. *Mr. Charles P. Howland*, for appellees, in support of the motion. *Mr. George P. Nicholson* and *Mr. William G. Fullen*, for appellants, in opposition to the motion.

No. —. *Ex parte*: IN THE MATTER OF JULIUS SHAPIRO ET AL., INDIVIDUALLY AND AS COPARTNERS, DOING BUSINESS AS SHAPIRO & COMPANY, BANKRUPTS, PETITIONERS. Submitted June 2, 1924. Decided June 9, 1924. Motion for a stay herein denied. *Mr. Jerome C. Jackson* and *Mr. Melvin H. Dalberg* for petitioners.

No. 1002. TWOHY BROTHERS COMPANY *v.* CLARENCE KENNEDY. Error to the Circuit Court of Appeals for the Ninth Circuit. Motion to dismiss submitted June 2, 1924. Decided June 9, 1924. *Per Curiam*. Dismissed for the want of jurisdiction upon the authority of *Shulthis v. McDougal*, 225 U. S. 561, 568; *Hull v. Burr*, 234 U. S. 712, 720; *Delaware, Lackawanna & Western R. R. Co. v. Yurkonis*, 238 U. S. 439, 444; *Barnett v. Kunkel*, 264 U. S. 16. *Mr. W. T. Sprowls*, for defendant in error, in support of the motion. *Mr. E. C. Brandenburg*, *Mr. G. P. Bullard* and *Mr. Samuel White*, for plaintiff in error, in opposition to the motion.

No. 738. GREAT INTERNATIONAL BROTHERHOOD OF LOCOMOTIVE ENGINEERS *v.* J. W. GREEN. Error to the Supreme Court of the State of Alabama. Motion to dismiss or affirm submitted June 2, 1924. Decided June 9, 1924. *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. J. T. Stokely*, for defendant in error, in support of the motion. *Mr. J. J. Mayfield*, for plaintiff in error, in opposition to the motion.

PETITIONS FOR CERTIORARI GRANTED, FROM
APRIL 28, 1924, TO AND INCLUDING JUNE 9,
1924.

No. 861. MODERN WOODMEN OF AMERICA *v.* JENNIE VIDA MIXER. April 28, 1924. Petition for a writ of certiorari to the Supreme Court of the State of Nebraska granted. *Mr. Nelson C. Pratt* for petitioner. No appearance for respondent.

No. 971. EDWARD HINES YELLOW PINE TRUSTEES *v.* ANNA F. C. MARTIN ET AL. May 12, 1924. Petition for a writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted. *Mr. T. J. Wills* and *Mr. T. W. Davis* for petitioners. *Mr. Clayton D. Potter* for respondents.

No. 991. AMERICAN RAILWAY EXPRESS COMPANY *v.* GEORGE C. DANIEL. May 12, 1924. Petition for a writ of certiorari to the Supreme Court of the State of Georgia granted. *Mr. Robert C. Alston* for petitioner. No appearance for respondent.