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Decisions Per Curiam, Etc.

DECISIONS PER CURIAM, FROM APRIL 14, 1925,
TO AND INCLUDING JUNE 8, 1925, OTHER
THAN DECISIONS ON PETITIONS FOR WRITS
OF CERTIORARI.

No. 328. *PETER SAIN ET AL. v. CYPRESS CREEK DRAINAGE DISTRICT*. Error to the Supreme Court of the State of Arkansas. Submitted April 13, 1925. Decided April 20, 1925. *Per Curiam*. Dismissed for want of jurisdiction upon the authority of *California Powder Works v. Davis*, 151 U. S. 389, 393; *Morrison v. Watson*, 154 U. S. 111, 115; *Harding v. Illinois*, 196 U. S. 78, 86; *Chesapeake & Ohio Ry. Co. v. McDonald*, 214 U. S. 191, 192; *Cleveland & Pittsburgh R. R. Co. v. Cleveland*, 235 U. S. 50, 53. *Mr. Lamar Williamson* for plaintiffs in error. *Mr. Charles T. Coleman* for defendant in error.

No. 13, ORIGINAL. *STATE OF OKLAHOMA v. STATE OF TEXAS, UNITED STATES, INTERVENER*. In Equity. Orders entered April 27, 1925.

The motion of the State of Texas for leave to file a reply to the replications of the State of Oklahoma and the United States to the amended counter-claim of the State of Texas relating to the interstate boundary along the 100th meridian is granted, and the reply tendered with such motion is ordered filed.

The joint motion of the State of Oklahoma, the State of Texas and the United States respecting the making up and printing of the record on such counter-claim and the submission and hearing of the issues pertaining thereto is granted; the Clerk is directed to make up and print the record as requested in the motion; and the hearing on the counter-claim is fixed for Monday, November 2, next, after the cases heretofore assigned for that day.

No. 154. CREW LEVICK COMPANY *v.* THE CITY OF PHILADELPHIA, to the use of J. Joseph McHugh. Error to the Supreme Court of the State of Pennsylvania. Argued April 20, 1925. Decided April 27, 1925. *Per Curiam*. Dismissed for the want of jurisdiction upon the authority of § 257 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. David Wallerstein* with whom *Mr. W. B. Saul* was on the brief, for plaintiff in error. *Mr. Glenn C. Mead* for defendant in error.

No. 220. FORT SMITH LIGHT & TRACTION Co. *v.* FAGAN BOURLAND ET AL. It is ordered by this court that the opinion heretofore filed be amended by inserting after the words "franchise" in the last sentence of the opinion the words "or indeterminate permit." Petition for rehearing denied. [See 267 U. S. 330.]

No. 404. LOUISIANA RAILWAY & NAVIGATION COMPANY *v.* MRS. ALICE S. DUPUIS. Error to the Supreme Court of the State of Louisiana. Motion to dismiss or affirm submitted April 27, 1925. Decided May 4, 1925. *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. W. M. Barrow* for defendant in error in support of the motion. *Mr. E. H. Randolph* for plaintiff in error in opposition to the motion.

No. 13, Original. STATE OF OKLAHOMA *v.* STATE OF TEXAS, UNITED STATES, INTERVENER. In Equity. Orders entered May 11, 1925. Announced by MR. JUSTICE VAN DEVANTER. See *ante* p. 252.

On consideration of the report made by Joseph M. Hill, Esquire, as special master, under paragraph 8 of the order of January 19, last, and of the exceptions of the Durfee Mineral Company to such report, it is ordered:

1. The exceptions are overruled and the report is confirmed;

2. The claim of T. P. Roberts and A. H. Britain to the royalty interest in the impounded proceeds of the oil and gas taken from receiver's wells 152, 153 and 154 is sustained and the claim of the Durfee Mineral Company to such royalty interest is denied;

3. The receiver is directed to pay out of such royalty interest the following costs incurred in the determination of those claims: To Joseph M. Hill, \$2,250.00 for services as special master and \$223.36 for expenses; and to the clerk of this court the clerk's costs and printing charges in so far as they may exceed the advance payments made by Roberts and Britain and the Durfee Mineral Company under paragraph 8 of the order of January 19, last;

4. The net balance of such royalty interest remaining after making the required deduction for receivership expenses and paying the costs named in paragraph 3 of this order shall be paid by the receiver to Roberts and Britain as the rightful claimants;

5. No allowance shall be made to either Roberts and Britain or the Durfee Mineral Company by way of reimbursement for expenses incurred and paid in producing witnesses before the special master and having the evidence reported;

6. All moneys advanced for costs under paragraph 8 of the order of January 19, last, by claimants other than Roberts and Britain and the Durfee Mineral Company shall be refunded to such claimants by the clerk. If the advance payments which were made by Roberts and Britain and the Durfee Mineral Company exceed the clerk's costs and printing charges, the excess shall be returned to them in equal proportions.

No. 13, Original. STATE OF OKLAHOMA *v.* STATE OF TEXAS, UNITED STATES, INTERVENER. In Equity. Orders entered May 11, 1925. Announced by MR. JUSTICE VAN DEVANTER.

On consideration of the fourteenth report of the receiver it is ordered:

1. The accounts, disbursements and transactions of the receiver shown in the report are approved;

2. The receiver is directed to apply to receivership expenses the balance of approximately \$6,800.00 remaining in his hands to the credit of the river-bed wells;

3. The receiver is directed to pay to the several claimants interested in the Texas or flood-plain wells the balance remaining in his hands to the credit of such wells and heretofore reserved to meet possible receivership expenses;

4. The receiver is instructed, as soon as may be convenient, to make any needful preparation for promptly closing the receivership; to store the books of account, records and files of the receivership with the Security Storage Company of Washington, D. C., in such manner as will make them readily accessible to the clerk of this Court; to pay the storage charges thereon in advance for a period of three years; to deliver such books, records and files as so stored to the clerk of this court; and to make and submit a final report covering his disbursements and transactions since the fourteenth report.

No. —, Original. THE STATE OF LOUISIANA *v.* THE STATE OF MISSISSIPPI. May 11, 1925. Motion for leave to file a bill of complaint herein granted; and process ordered to issue returnable on Monday, October 5 next. *Messrs. Robert Ash and John Dale* for Louisiana. No appearance for Mississippi.

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No. 783. JAMES C. DAVIS, AGENT, ETC., *v.* DEXTER & CARPENTER, INC., ETC. Error to the Circuit Court of Appeals for the Fourth Circuit. Argued May 4, 1925. Decided May 11, 1925. *Per Curiam*. Affirmed upon the authority of *Davis, Agent, v. Newton Coal Co.*, 267 U. S. 292; and *United States v. Archibald McNeil & Sons*, 267 U. S. 302. *Mr. Duncan K. Brent*, with whom *Messrs. Francis R. Cross* and *A. A. McLaughlin* were on the brief, for plaintiff in error. *Messrs. Otto A. Schlobohm* and *William B. Symmes, Jr.*, for the defendant in error, submitted.

No. 968. THE UNITED STATES OF AMERICA EX REL. OMAR LENOX MACKLEM *v.* COMMISSIONER OF IMMIGRATION AT THE PORT OF NEW YORK. Appeal from the District Court of the United States for the Southern District of New York. Motion, May 4, 1925. Decided May 25, 1925. *Per Curiam*. Motion to admit to bail denied, and cause transferred to the Circuit Court of Appeals for the Second Circuit, upon the authority of (1) the act of September 14, 1922, c. 305, 42 Stat. 827; *Heitler v. United States*, 260 U. S. 438, 439; (2) *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. Isaac Shorr*, with whom *Messrs. Walter H. Pollak* and *Carol Weiss King* were on the brief, for appellant. *The Solicitor General, Mr. Assistant Attorney General Donovan* and *Mr. Harry S. Ridgely* for the appellee.

No. 830. BANCO DI ROMA *v.* PHILIPPINE NATIONAL BANK. Error to the Supreme Court of the State of New York. Motion to dismiss or affirm submitted March 2, 1925. Decided May 25, 1925. *Per Curiam*. Dismissed for want of jurisdiction on authorities cited. *Mr. John T.*

Loughran for defendant in error in support of the motion. *Mr. Carroll G. Walter* for plaintiff in error in opposition to the motion.

No. 593. *G. W. COFFEE ET AL. v. JOSEPH F. GRAY, RECEIVER OF THE TALLULAH FALLS RAILWAY CO. ET AL.* Error to the Supreme Court of the State of Georgia. Motion to dismiss or affirm submitted April 20, 1925. Decided May 25, 1925. *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; *South Carolina v. Seymour*, 153 U. S. 353; *United States ex rel. Taylor v. Taft*, 203 U. S. 461, 464, 465; *United States ex rel. Champion Lumber Co. v. Fisher*, 227 U. S. 445; *Philadelphia & Reading Coal & Iron Co. v. Gilbert*, 245 U. S. 162. *Messrs. S. R. Prince, L. E. Jeffries and Sanders McDaniel* for defendants in error in support of the motion. *Mr. Hooper Alexander* for plaintiffs in error in opposition to the motion.

No. 1155. *GEORGE COX v. THE STATE OF FLORIDA*; and No. 1156. *WALKER BRYANT v. THE STATE OF FLORIDA*. Error to the Supreme Court of the State of Florida. Decided May 25, 1925. *Per Curiam*. Dismissed for want of jurisdiction *ex mero motu*, 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. Motion to proceed as poor persons denied. *Mr. W. D. Bell* for plaintiffs in error. No appearance for defendant in error.

No. 13, Original. *THE STATE OF OKLAHOMA v. THE STATE OF TEXAS, THE UNITED STATES, INTERVENER*. Filed May 25, 1925. Final report of receiver received and filed, on motion of *Mr. John Spalding Flannery*, in that behalf.

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No. 1089. *R. O. BASS v. THE CITY OF CLIFTON*. Error to the Court of Civil Appeals for the Tenth Supreme Judicial District of the State of Texas. Motion to dismiss or affirm submitted May 11, 1925. Decided June 1, 1925. *Per Curiam*. Dismissed for the 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. W. A. Keeling* for the defendant in error in support of the motion. *Mr. J. Walter Cocke* for plaintiff in error in opposition to the motion.

No. 909. *FIRST NATIONAL BANK OF LONGVIEW v. HENRY JACKSON*. Error to the Court of Civil Appeals for the Second Supreme Judicial District of the State of Texas. Motion to dismiss or affirm submitted May 25, 1925. Decided June 1, 1925. *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. R. E. Taylor* for defendant in error in support of the motion. *Mr. F. H. Prendergast* for plaintiff in error in opposition to the motion. See *post*, p. 699.

No. 1004. *THE NATIONAL SHAWMUT BANK OF BOSTON v. THE CITY OF BOSTON*. Error to the District Court of the United States for the District of Massachusetts. Motion to dismiss or affirm submitted May 25, 1925. Decided June 1, 1925. *Per Curiam*. Transferred to the Circuit Court of Appeals for the First Circuit upon the authority of (1) act of September 14, 1922, c. 305, 42 Stat. 827; (2) *Aspen Mining & Smelting Co. v. Billings*, 150 U. S. 31, 37; *Brown v. Alton Water Co.*, 222 U. S.

325, 332-333; *Metropolitan Water Co. v. Kaw Valley Drainage District*, 223 U. S. 519, 522; *Union Trust Co. v. Westhus*, 228 U. S. 519, 522-523; *Shapiro v. United States*, 235 U. S. 412, 416. Messrs. William Harold Hitchcock and John A. Sullivan for defendant in error in support of the motion. Mr. Robert H. Holt for plaintiff in error in opposition to the motion.

No. 1201. *GEORGE CHAPRALES v. W. I. BIDDLE, WARDEN, ETC.* Appeal from the District Court of the United States for the District of Kansas. June 8, 1925. *Per Curiam*. Decree affirmed *ex mero motu*, upon the authority of *Ex parte Parks*, 93 U. S. 18; *Ex parte Yarborough*, 110 U. S. 651; *Henry v. Henkel*, 235 U. S. 219; *McMicking v. Shields*, 238 U. S. 99. Mr. Albert S. Marley for appellant. The Solicitor General and Mr. Harry S. Ridgely for appellee.

No. 430. *MERRIAM & MILLARD COMPANY v. CHICAGO, BURLINGTON & QUINCY RAILROAD COMPANY.* Error to the Circuit Court of Appeals for the Eighth Circuit. Motion to dismiss or affirm submitted June 1, 1925. Decided June 8, 1925. *Per Curiam*. Dismissed for want of jurisdiction upon the authority of *Baker v. White*, 92 U. S. 176, 179; *United States v. Beatty*, 232 U. S. 463, 466; *Collins v. Miller*, 252 U. S. 364, 370. Messrs. T. Byron Clark, Bruce Scott and Kenneth F. Burgess for the defendant in error in support of the motion. Messrs. Edward P. Smith and Francis S. Howell for plaintiff in error in opposition to the motion.

No. 538. *ST. LOUIS AND HANNIBAL RAILROAD COMPANY, v. MARY JACKMAN.* Error to the Supreme Court of the State of Missouri. Motion to dismiss or affirm sub-

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mitted June 1, 1925. Decided June 8, 1925. *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. *Messrs. Daniel Bartlett, Thomas L. Philips and Matthew E. O'Brien* for defendant in error in support of the motion. *Messrs. J. D. Hostetler, George A. Mahan, Dulaney Mahan, J. H. Haley and Richard F. Ralph* for plaintiff in error in opposition to the motion.

PETITIONS FOR CERTIORARI GRANTED, FROM
APRIL 14, 1925, TO AND INCLUDING JUNE 8,
1925.

No. 1007. MORSE DRY DOCK & REPAIR COMPANY *v.* STEAMSHIP NORTHERN STAR AND HARRY LUBER. April 20, 1925. Petition for a writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Mr. William E. Leahy* for petitioner. *Mr. Gerson C. Young* for respondent.

No. 1011. SACRAMENTO NAVIGATION COMPANY *v.* MILTON H. SALZ, doing business as E. Salz & Son. April 20, 1925. Petition for a writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit granted. *Mr. H. H. Sanborn* for petitioner. *Mr. S. Hasket Derby* for respondent.

No. 1085. MIDDLETON S. BORLAND, TRUSTEE, *v.* THE UNITED STATES. April 27, 1925. Petition for a writ of certiorari to the Circuit Court of Appeals granted. *Mr. Godfrey Goldmark* for petitioner. *The Solicitor General, Assistant Attorney General Letts and Mr. Harvey B. Cox*, Attorney in the Department of Justice, for the United States.