

269 U. S.

Decisions Per Curiam, Etc.

DECISIONS PER CURIAM, FROM OCTOBER 5, 1925, TO AND INCLUDING JANUARY 11, 1926, OTHER THAN DECISIONS ON PETITIONS FOR WRITS OF CERTIORARI.

No.—, original. *EX PARTE IN THE MATTER OF THE CITY OF MONTEREY*, October 12, 1925. Motion for leave to file petition for a writ of mandamus denied by the court in the exercise of its discretion, without prejudice to the petitioner's other remedies. *Messrs. Argyll Campbell, Golden W. Bell and Herman J. Hughes* for the City of Monterey.

No. 421. *THE CITY OF TULSA ET AL. v. OKLAHOMA NATURAL GAS COMPANY ET AL.* Appeal from the District Court of the United States for the Eastern District of Oklahoma. Motion to dismiss or affirm submitted October 5, 1925. Decided October 12, 1925. *Per Curiam*. Dismissed for want of jurisdiction upon the authority of *Pawhuska v. Pawhuska Oil Company*, 250 U. S. 394; *Trenton v. New Jersey*, 262 U. S. 182; *Newark v. New Jersey*, 252 U. S. 192, 196. *Messrs. Russell G. Lowe, David A. Richardson and E. S. Ratliff* for appellees, in support of the motion. *Messrs. Finis E. Riddle and Ira J. Underwood* for appellants, in opposition thereto.

No. 236. *GEORGE E. BOWLING ET AL. v. FRANK BEAVER ET AL.* Error to the Supreme Court of the State of Oklahoma. Motion to dismiss or affirm submitted October 5, 1925. Decided October 12, 1925. *Per Curiam*. Dismissed for want of jurisdiction upon the authority of section 237 of the Judicial Code, as amended by the act of September 6, 1916, c. 448, sec. 2, 39 Stat. 726; *Jett Bros. Distilling Co. v. Carrollton*, 252 U. S. 1, 5, 6. *Mr. Dick Rice* for defendants in error, in support of the

motion. *Messrs. Vern E. Thompson and Halbert H. McCluer* for plaintiffs in error, in opposition thereto.

No. 144. CHICAGO, ROCK ISLAND & PACIFIC RAILWAY COMPANY *v.* MRS. ABI JANNEY. Error to the Court of Appeal, Second Circuit, of the State of Louisiana. Motion to dismiss or affirm submitted October 5, 1925. Decided October 12, 1925. *Per Curiam*. Dismissed for want of jurisdiction upon the authority of section 237 of the Judicial Code as amended by the act of September 6, 1916, c. 448, sec. 2, 39 Stat. 726; *Jett Bros. Distilling Co. v. Carrollton*, 252 U. S. 1, 5, 6. *Messrs. Richard S. Doyle, Merritt Starr and Albert L. Hopkins* for defendant in error, in support of the motion. *Mr. Thomas S. Buzbee* for plaintiff in error, in opposition thereto.

No. 186. HENRY F. DUPONT *v.* CORNELIUS R. MILLER, AS DIRECTOR OF PUBLIC WORKS AND BUILDINGS, ETC. Error to the Supreme Court of the State of Illinois. Motion to dismiss or affirm submitted June 1, 1925. Decided October 12, 1925. *Per Curiam*. Dismissed for failure to apply for writ of error in time as required by section 6 of the act of September 6, 1916, c. 448, 39 Stat. 727. *Messrs. Edward J. Brundage, Clyde L. Day, Ednyfed H. Williams, Rufus T. Robinson, Oscar E. Carlstrom and John J. Beilman* for defendant in error, in support of the motion. *Mr. August Roy Shannon* for plaintiff in error, in opposition thereto.

No. 48. DAISY M. SCOTT ET AL. *v.* THE CITY OF COLUMBUS, OHIO. Error to the Supreme Court of the State of Ohio. Motion to dismiss submitted October 5, 1925. Decided October 12, 1925. *Per Curiam*. Dismissed for the want of jurisdiction upon authority of *Erie Railroad*

269 U.S.

Decisions Per Curiam, Etc.

v. *Solomon*, 237 U. S. 427, 431. Mr. Charles A. Leach for defendant in error, in support of the motion. Messrs. Timothy S. Hogan and John S. Hogan for plaintiffs in error, in opposition thereto.

No. 197. THE ARKANSAS RIVER GAS COMPANY v. BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, ET AL. Error to the Supreme Court of the State of Kansas. Motion to dismiss submitted October 5, 1925. Decided October 12, 1925. *Per Curiam*. Dismissed for the want of jurisdiction on the authority of *Erie R. R. v. Purdy*, 185 U. S. 148; *Layton v. Missouri*, 187 U. S. 356; *Louisville & Nashville R. R. v. Woodford*, 234 U. S. 46, 51. Mr. I. N. Williams for defendants in error, in support of the motion. Messrs. Joseph S. Clark and Thomas C. Wilson for plaintiff in error, in opposition thereto.

No. 17. STANLEY P. HALL ET AL., ADMINISTRATORS v. F. ALEXANDER CHANDLER ET AL., RECEIVERS. Appeal from the Circuit Court of Appeals for the First Circuit. Argued October 8, 1925. Decided October 12, 1925. *Per Curiam*. Dismissed for the want of jurisdiction upon authority of *Begg v. New York City*, 262 U. S. 196, 198; *Shultes v. McDougal*, 225 U. S. 561, 568. Mr. Stanley P. Hall, with whom Messrs. Walter B. Grant and Arthur V. Harper were on the brief, for appellants. Mr. Judd Dewey for appellees.

No. 23. PRINCE TYNER v. HENRY BUFFINGTON ET AL. Error to the Supreme Court of the State of Oklahoma. Argued October 8, 9, 1925. Decided October 12, 1925. *Per Curiam*. Dismissed for the want of jurisdiction upon the authority of section 237 of the Judicial Code, as

amended by the act of September 6, 1916, c. 448, sec. 2, 39 Stat. 726; *Jett Bros. Distilling Co. v. Carrollton*, 252 U. S. 1, 5, 6. Petition for writ of certiorari herein denied. *Mr. William Neff*, with whom *Messrs. Robert M. Rainey* and *Streeter B. Flynn* were on the brief, for plaintiff in error. *Mr. Carter Smith*, with whom *Mr. George S. Ramsey* was on the brief, for appellées.

NO. 10. CHARLOTTE ANITA WHITNEY *v.* THE PEOPLE OF THE STATE OF CALIFORNIA. Error to the District Court of Appeal, First Appellate District, Division One, of the State of California. Argued October 6, 1925. Decided October 19, 1925. *Per Curiam*. Dismissed for want of jurisdiction upon the authority of section 237 of the Judicial Code as amended by the act of September 6, 1916, c. 448, sec. 2, 39 Stat. 726. *Mr. Walter H. Pollak*, with whom *Messrs. Walter Nelles* and *John Francis Neylan* were on the brief, for plaintiff in error. *Mr. John H. Riordan*, with whom *Mr. U. S. Webb* was on the brief, for defendant in error. See *post*, p. 538.

NO. 18. JOHN W. MURPHY, ATTORNEY GENERAL OF THE STATE OF ARIZONA, ET AL. *v.* A. SARDELL. Appeal from the District Court of the United States for the District of Arizona. Argued October 8, 1925. Decided October 19, 1925. *Per Curiam*. The judgment of the District Court is affirmed upon the authority of *Adkins v. Children's Hospital*, 261 U. S. 525. Mr. Justice Holmes requests that it be stated that his concurrence is solely upon the ground that he regards himself bound by the decision in *Adkins v. Children's Hospital*. Mr. Justice Brandeis dissents. *Mr. Earl Anderson*, with whom *Messrs. James P. Lavin* and *John W. Murphy* were on the brief, for appellants. *Messrs. Thomas G. Nairn* and *Challen B. Ellis*,

269 U. S.

Decisions Per Curiam, Etc.

with whom *Messrs. Louis Henry Chalmers, Alexander Britton and Leslie C. Hardy* were on the brief, for appellee.

NO. 43. APALACHICOLA LAND & DEVELOPMENT COMPANY ET AL. *v.* W. A. McRAE, COMMISSIONER OF AGRICULTURE OF THE STATE OF FLORIDA, ET AL. Error to the Supreme Court of the State of Florida. Submitted October 12, 1925. Decided October 19, 1925. *Per Curiam*. Dismissed for the want of jurisdiction on the authority of section 237 of the Judicial Code as amended by the act of September 6, 1916, c. 448, sec. 2, 39 Stat. 726; *Jett Bros. Distilling Co. v. Carrollton*, 252 U. S. 1, 5-6. *Messrs. Fred H. Davis and E. Tillman Davis*, for plaintiffs in error. *Messrs. Rivers Buford and Fred T. Myers*, for defendants in error.

NO. 35. FRANK L. SMITH ET AL. *v.* ILLINOIS BELL TELEPHONE COMPANY. Appeal from the District Court of the United States for the Northern District of Illinois. Argued October 13, 1925. Decided October 19, 1925. *Per Curiam*. Affirmed upon the authority of *Chicago & Great Western Ry. Co. v. Kendall*, 266 U. S. 96, 100. *Mr. Stephen A. Foster*, with whom *Messrs. E. Barrett Prettyman, Oscar E. Carlstrom and Karl D. Loos* were on the brief, for appellants. *Messrs. John W. Davis and Charles M. Bracelen*, with whom *Messrs. N. T. Guernsey and Philip B. Warren* were on the brief, for respondent.

NO. 45. M. FRANK DONOHUE *v.* THE STATE OF MAINE; and

NO. 46. FRANK C. POWER *v.* THE STATE OF MAINE. Error to the Supreme Judicial Court of the State of Maine. Submitted October 15, 1925. Decided October 19, 1925. *Per Curiam*. Dismissed for want of jurisdic-

tion upon the authority of (1) section 237 of the Judicial Code as amended by the act of September 6, 1916, c. 448, sec. 2, 39 Stat. 726; (2) *United States v. Lanza*, 260 U. S. 377, 382; *Twining v. New Jersey*, 211 U. S. 78, 93; *Barron v. Baltimore*, 7 Pet. 243. Messrs. *Herbert E. Holmes* and *E. N. Pike* for plaintiffs in error. Messrs. *Ransford W. Shaw* and *Edward W. Wheeler* for defendant in error.

No. 118. *J. O'NEAL SANDEL, ADMINISTRATOR, v. THE STATE OF SOUTH CAROLINA*. Error to the Supreme Court of the State of South Carolina. Motion to dismiss or affirm submitted October 19, 1925. Decided October 26, 1925. *Per Curiam*. Dismissed for want of jurisdiction upon the authority of *Iowa Central Ry. Co. v. Iowa*, 160 U. S. 389, 393; *Castillo v. McConnico*, 168 U. S. 674, 683; *Rawlins v. Georgia*, 201 U. S. 638; *Burt v. Smith*, 203 U. S. 129, 136; *Standard Oil Co. v. Missouri*, 224 U. S. 270, 281; *DeBearn v. Safe Deposit Co.*, 233 U. S. 24, 34; *McDonald v. Oregon R. R. & Navigation Co.*, 233 U. S. 665, 669-670; *Gasquet v. Lapeyre*, 242 U. S. 367, 369, 370. Messrs. *Samuel M. Wolfe* and *A. M. Lumpkin* for the defendant in error, in support of the motion. *Mr. William N. Graydon* for plaintiff in error, in opposition thereto.

No. 52. *IVER OLBERS v. U. S. SHIPPING BOARD EMERGENCY FLEET CORPORATION ET AL.* Error to the Circuit Court of Appeals for the Second Circuit. Argued October 15, 16, 1925. Decided October 26, 1925. *Per Curiam*. Judgment affirmed with costs upon the authority of *Chicago Junction Ry. Co.*, 222 U. S. 222, 224; *Boehmer v. Pennsylvania R. R. Co.*, 252 U. S. 495, 498. *Mr. S. B. Axtell* for plaintiff in error. *Mr. J. Frank Staley*, Special Assistant to the Attorney General, with whom *Solicitor General Beck* and *Assistant Attorney General Letts* were on the brief, for defendants in error.

269 U. S.

Decisions Per Curiam, Etc.

No. 72. CLARA SHOWALTER *v.* GEORGIA VALLIERE HAMPTON. Error to the Supreme Court of the State of Oklahoma. Argued October 19, 1925. Decided October 26, 1925. *Per Curiam*. Dismissed for want of jurisdiction upon the authority of section 237 of the Judicial Code as amended by the act of September 6, 1916, c. 448; sec. 2, 39 Stat. 726; *Jett Bros. Distilling Co. v. Carrolton*, 252 U. S. 1, 5-6. *Mr. Halbert H. McCluer* for plaintiff in error. *Messrs. L. A. Wetzel and F. D. Adams* for defendant in error.

No. 61. LOUISVILLE BEDDING COMPANY *v.* UNITED STATES; and

No. 62. THE HUDSON BAY KNITTING COMPANY, LIMITED *v.* UNITED STATES. Appeals from the Court of Claims. Argued October 19, 1925. Decided October 26, 1925. *Per Curiam*. These two appeals, allowed before the going into effect of the act of February 13, 1925, revising the jurisdiction of this court, abolishing appeals from the Court of Claims and requiring that review may be had of its judgments only by certiorari, abundantly show the wisdom of the change. They invoke no substantial question of law, they did not merit and did not elicit a formal opinion from the Court of Claims, and they do not call for one here. The appeals are accordingly dismissed and the judgment of the Court of Claims is affirmed. *Mr. Raymond M. Hudson* for appellants. *Solicitor General Mitchell* and *Assistant Attorney General Galloway* for the United States.

No. 63. WILLIAM MEIER *v.* THE STATE OF FLORIDA. Error to the Supreme Court of the State of Florida. Argued October 19, 1925. Decided October 26, 1925. *Per Curiam*. Dismissed for want of jurisdiction upon the authority of section 237 of the Judicial Code as amended

by the act of September 6, 1916, c. 448, sec. 2, 39 Stat. 726; *Jett Bros. Distilling Co. v. Carrollton*, 252 U. S. 1, 5-6. Mr. Henry C. Clark with whom Messrs. Oscar O. McCollum, Charles Cook Howell and Austin Miller were on the brief, for plaintiff in error. Messrs. Rivers Buford and Marvin Crosby McIntosh for defendant in error submitted.

No. 64. FIDELITY & DEPOSIT COMPANY OF MARYLAND *v.* THE CITY OF CLEBURNE ET AL. Appeal from the Circuit Court of Appeals for the Fifth Circuit. Argued October 19, 1925. Decided October 26, 1925. *Per Curiam*. Affirmed with costs upon the authority of *Texas & Pacific Ry. Co. v. Railroad Commission of Louisiana*, 232 U. S. 338, 339; *Washington Securities Co. v. United States*, 234 U. S. 76, 78; *Baker v. Scholfield*, 243 U. S. 114, 118; *Piedmont & G. C. Coal Co. v. Seaboard Fisheries Co.*, 254 U. S. 1, 13. Mr. Washington Bowie, Jr., with whom Mr. Albert B. Hall was on the brief, for appellant. Messrs. Alex W. Spence and E. B. Stroud, Jr., with whom Mr. E. B. Perkins was on the brief, for appellees.

No. 69. JOSEPH HODGSON *v.* THE MIDWEST OIL COMPANY ET AL. Error to the District Court of the United States for the District of Wyoming. Argued October 21, 1925. Announced October 26, 1925. *Per Curiam*. Transferred to the Circuit Court of Appeals for the Eighth Circuit upon the authority of the act of September 6, 1916, c. 448, sec. 3, 39 Stat. 726, and section 238 of the Judicial Code as amended by section 238 (a), act of September 14, 1922, c. 305; *Smith v. Apple*, 264 U. S. 274. Order that case be transferred entered October 21, 1925. Mr. J. M. Hodgson, with whom Messrs. Floyd E. Pendell and Robert P. Stewart were on the brief, for plaintiff in

269 U.S.

Decisions Per Curiam, Etc.

error. *Messrs. Tyson Dynes, Jr., Tyson S. Dynes, Peter H. Holme and Harold D. Roberts* for defendants in error.

No. 75. UNITED GAS & ELECTRIC ENGINEERING CORPORATION *v.* UNITED STATES. Appeal from the Court of Claims. Argued October 22, 1925. Decided October 26, 1925. *Per Curiam*. Judgment affirmed upon the authority of *Baltimore and Ohio Railroad Co. v. United States*, 261 U. S. 592, 597; *Baltimore and Ohio Railroad Co. v. United States*, 261 U. S. 385. *Mr. Raymond M. Hudson* for appellant. *Solicitor General Mitchell*, Assistant to the Attorney General *Donovan*, and *Mr. John E. Hoover*, Special Assistant to the Attorney General, for the United States.

No. 89. THORVALD BERG ET AL. *v.* UNITED STATES. Appeal from the Court of Claims. Submitted October 23, 1925. Decided October 26, 1925. *Per Curiam*. Dismissed upon the authority of *Omnia Commercial Co. v. United States*, 261 U. S. 502. *Mr. Paul Cooksey* for appellants. *Solicitor General Mitchell*, Assistant Attorney General *Letts* and *Mr. J. Frank Staley*, Special Assistant to the Attorney General, for the United States.

No. 465. ST. PAUL & TACOMA LUMBER COMPANY *v.* NORTHERN PACIFIC RAILWAY COMPANY. Appeal from the Circuit Court of Appeals for the Ninth Circuit. Motion to dismiss submitted October 12, 1925. Decided November 16, 1925. *Per Curiam*. Dismissed for the want of jurisdiction, upon the authority of *Southern Pacific Ry. Co. v. Stewart*, 254 U. S. 359; *Barnett v. Kunkel*, 264 U. S. 16. *Messrs. Alexander Britton, Charles W. Bunn, L. B. da Ponte and Dennis F. Lyons* for the appellee, in support of the motion. *Mr. Benjamin S. Grosscup* for the appellant, in opposition thereto.

No. 13. Original. STATE OF OKLAHOMA *v.* STATE OF TEXAS, UNITED STATES, INTERVENER. In Equity. Order entered November 16, 1925.

The boundary commissioners having this day presented their third report showing further compliance with the decree of March 12, 1923, and particularly that they have run, located and marked upon the ground portions of the boundary line between the States of Texas and Oklahoma from the one hundredth meridian of longitude to the eastern limit of Lamar County, Texas, other than the Big Bend and Fort Augur areas covered by two reports heretofore presented and confirmed;

It is ordered that the report be filed, and that the parties have thirty days from this date within which severally to present any objections which they may have to the report.

No. 738. NEW ORLEANS PUBLIC BELT RAILROAD *v.* JAMES DAVIS. Error to the Supreme Court of the State of Louisiana. Motion to dismiss submitted October 26, 1925. Decided November 23, 1925. Dismissed for the want of jurisdiction upon the authority of *Central Land Co. v. Laidley*, 159 U. S. 103, 112; *Tracy v. Ginzberg*, 205 U. S. 170, 178; *Bonner v. Gorman*, 213 U. S. 86, 91; *Milwaukee Electric Ry. Co. v. Milwaukee*, 253 U. S. 100, 106. *Messrs. W. L. Gleason and E. M. Miner* for defendant in error, in support of the motion. *Mr. Percy S. Benedict* for plaintiff in error, in opposition thereto.

No. 411. THE NEW YORK & PORTO RICO STEAMSHIP COMPANY *v.* RAFAEL CINTRON LA'STRA, ET AL., ETC. Appeal from the Circuit Court of Appeals for the First Circuit. Motion to dismiss submitted November 16, 1925. Decided November 23, 1925. Dismissed for the want of jurisdiction upon the authority of *El Banco Popular De*

269 U. S.

Decisions Per Curiam, Etc.

Economias y Prestamos de San Juan, P. R., v. *Wilcox*, 255 U. S. 72. *Mr. Archibald King* for appellees, in support of the motion. *Mr. Ray Rood Allen* for appellant, in opposition thereto.

No. 276. *HATTIE ROWE v. ROBERT L. SARTAIN ET AL.* Error to the Supreme Court of the State of Oklahoma, Motion to dismiss submitted November 16, 1925. Decided November 23, 1925. Dismissed for the want of jurisdiction upon the authority of section 237 of the Judicial Code, as amended by the act of September 6, 1916, c. 448, sec. 2, 39 Stat. 726; *Jett Bros. Distilling Co. v. Carrollton*, 252 U. S. 1, 5, 6. *Messrs. C. B. Ames, John Sander, E. T. Noble, A. D. Cochran and B. W. Griffith, Jr.*, for defendants in error, in support of the motion. *Mr. John Tomerlin* for plaintiff in error, in opposition thereto.

No. —, original. *THE COMMONWEALTH OF PENNSYLVANIA v. THE STATE OF NEW JERSEY*. November 23, 1925. Motion for leave to file a bill of complaint herein granted; and process ordered to issue returnable on Monday, January 25 next. *Messrs. George W. Woodruff and William A. Schnader* for complainant. *Messrs. Edward L. Katzenbach and John R. Hardin* for defendant.

No. 242. *THE PASCAGOULA NATIONAL BANK OF MOSS POINT AND PASCAGOULA, MISSISSIPPI v. THE FEDERAL RESERVE BANK OF ATLANTA ET AL.* Appeal from the District Court of the United States for Northern District of Georgia. Argued November 24, 25, 1925. Decided November 30, 1925. *Per Curiam*. Transferred to the Circuit Court of Appeals for the Fifth Circuit, upon the authority of the act of September 6, 1916, c. 448, sec. 3, 39 Stat. 727,

and section 238 of the Judicial Code as amended by section 238 (a), act of September 14, 1922, c. 305, 42 Stat. 837; act of February 13, 1925, sec. 14; *Heitler v. United States*, 260 U. S. 438. Mr. Alexander W. Smith, Jr., with whom Mr. Alexander W. Smith was on the brief, for appellant. Messrs. Hollins N. Randolph, Montgomery Angell, Newton D. Baker, Robert S. Parker and F. H. Watkins were on the brief, for appellees.

No. —, original. EX PARTE IN THE MATTER OF JAMES A. WOOD. December 7, 1925. Motion for leave to file a petition for a writ of habeas corpus herein denied. *James A. Wood, pro se.*

No. 562. ALEXANDER SEDGWICK v. THOMAS E. WING, TRUSTEE. Error to the Circuit Court of Appeals for the First Circuit. Motion to dismiss submitted November 16, 1925. Decided December 7, 1925. *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; *Barnet v. Kunkel*, 264 U. S. 16. Mr. Philip W. Russell for defendant in error, in support of the motion. Messrs. Hector M. Hitchings and Hugh W. Ogden for plaintiff in error, in opposition thereto.

No. 10. CHARLOTTE ANITA WHITNEY v. THE PEOPLE OF THE STATE OF CALIFORNIA. December 14, 1925. The petition for rehearing in this cause, which was heretofore dismissed for lack of jurisdiction, having been considered by the court, is hereby granted, and the cause is set down for further hearing on Monday, March 15 next, when the issue as to the jurisdiction of this court and the merits of the case will be reargued. See *ante*, p. 530.

269 U. S.

Decisions Per Curiam, Etc.

No. 13, original. STATE OF OKLAHOMA *v.* STATE OF TEXAS, UNITED STATES, INTERVENER. In Equity. Orders entered January 4, 1926. Announced by Mr. Justice Van Devanter.

The report of the boundary commissioners of the work done, time employed and expenses incurred in the survey, marking and mapping of the boundary between the States of Texas and Oklahoma, along the Red River from the One Hundredth meridian of longitude to the eastern limit of Lamar County, Texas, other than the Big Bend and Fort Augur areas, pursuant to the decree of March 12, 1923 (261 U. S. 340), is approved and adopted. The compensation of the commissioners for the work done by them, as shown in the report, is fixed at amounts stated in the order. The expenses incurred, as shown in the report, and the compensation here allowed shall be charged as part of the costs in this cause and shall be borne and paid by the three parties to the cause in the proportions specified in said decree. The parties severally shall be credited with the amounts advanced by them, as shown in the report; and they shall advance additional amounts to pay the compensation of the commissioners, as here allowed, and the balance due for expenses, as shown in the report.

No. 739. MRS. IDA HUGHES *v.* THE STATE OF GEORGIA. Error to the Supreme Court of the State of Georgia. January 4, 1926. *Per Curiam.* Application for further proceedings in forma pauperis herein denied, for the reason that the court has examined the typewritten record and found that the writ of error presents no substantial federal question. *Messrs. Charles Clark and R. R. Jackson* for plaintiff in error. No appearance for defendant in error.

No. 504. *H. B. CRONE v. JOHN W. SNOOK, WARDEN.* Appeal from the District Court of the United States for the Northern District of Georgia. January 11, 1926. *Per Curiam.* Petition for leave to proceed in forma pauperis denied, for the reason that the court has examined the petition for a writ of habeas corpus, for which this is an appeal, has found the question therein presented frivolous, and dismisses the appeal. *Mr. William Schley Howard* for appellant. No appearance for appellee.

No. 227. *BEATRICE J. WESTON ET AL. v. THE CITY OF TULSA ET AL.* Error to the Supreme Court of the State of Oklahoma. Motion to dismiss or affirm submitted January 4, 1926. Decided January 11, 1926. *Per Curiam.* Dismissed for want of jurisdiction upon the authority of section 237 of the Judicial Code, as amended by the act of September 6, 1916, c. 448, sec. 2, 39 Stat. 726; *Jett Bros. Distilling Co. v. Carrollton*, 252 U. S. 1, 5, 6. *Messrs. R. C. Allen and I. J. Underwood* for defendants in error, in support of the motion. *Messrs. Louis W. Pratt and James M. Springer* for plaintiffs in error, in opposition thereto.

No. 787. *CHESAPEAKE & OHIO RAILWAY COMPANY v. WILLIAMS SLATE COMPANY.* Error to the Special Court of Appeals of the State of Virginia. Motion to dismiss submitted January 4, 1926. Decided January 11, 1926. *Per Curiam.* Dismissed for want of jurisdiction upon the authority of section 237 of the Judicial Code as amended by the act of September 6, 1916, c. 448, sec. 2, 39 Stat. 726; *Jett Bros. Distilling Co. v. Carrollton*, 252 U. S. 1, 5, 6. Petition for certiorari denied, and, there appearing to be no reasonable ground for granting the petition, a penalty of \$25 is awarded respondent and against the

269 U. S.

Decisions Per Curiam, Etc.

petitioner as reasonable damages for the delay under the proviso in section C of section 237 of the Judicial Code, as amended by the act of February 13, 1925, c. 229, sec. 1, 43 Stat. 937. *Messrs. Samuel A. Anderson and Arden Howell* for defendant in error, in support of the motion. *Messrs. David H. Leake and Walter Leake* for plaintiff in error, in opposition thereto.

No. 174. J. L. LANCASTER ET AL., RECEIVERS OF THE TEXAS & PACIFIC RAILWAY *v.* H. L. SMITH ET AL. Error to the Supreme Court of the State of Texas. Submitted January 4, 1926. Decided January 11, 1926. *Per Curiam*. Dismissed for want of jurisdiction upon the authority of section 237 of the Judicial Code, as amended by the act of September 6, 1916, c. 448, sec. 2, 39 Stat. 726; *Jett Bros. Distilling Co. v. Carrollton*, 252 U. S. 1, 5, 6. Petition for certiorari denied. *Messrs. T. D. Gresham and Robert L. W. Thompson* for plaintiffs in error. *Mr. Thornton Hardie* for defendants in error.

No. 101. J. L. LANCASTER ET AL., RECEIVERS *v.* BERNICE S. GRAHAM. Error to the Court of Civil Appeals, 4th Supreme Judicial District, of the State of Texas. Submitted January 4, 1926. Decided January 11, 1926. *Per Curiam*. Dismissed for want of jurisdiction upon the authority of section 237 of the Judicial Code, as amended by the act of September 6, 1916, c. 448, sec. 2, 39 Stat. 726; *Jett Bros. Distilling Co. v. Carrollton*, 252 U. S. 1, 5, 6. *Messrs. F. H. Prendergast, T. D. Gresham, George Thompson and Robert L. W. Thompson* for plaintiffs in error. *Mr. J. C. George* for defendant in error.