

DECISIONS PER CURIAM, FROM OCTOBER 4, 1926, TO AND INCLUDING APRIL 11, 1927, OTHER THAN DECISIONS ON PETITIONS FOR WRITS OF CERTIORARI.

No. 156. WADE JOHNSON *v.* STATE OF GEORGIA; and

No. 157. JARRETT BENFORD *v.* STATE OF GEORGIA. Error to the Supreme Court of the State of Georgia. October 4, 1926. Dismissed for want of jurisdiction. *Messrs. G. Y. Harrell, W. A. McClennan, and William O. Cooper* for plaintiffs in error. *Messrs. George M. Napier and T. R. Gress* for defendant in error.

No. 247. NED HARVEY *v.* STATE OF LOUISIANA. Error to the Supreme Court of the State of Louisiana. October 4, 1926. Dismissed for the want of jurisdiction. *Messrs. Paul A. Sompayrac and A. R. Mitchell* for plaintiff in error. *Messrs. Percy Saint, John J. Robira, P. R. Schomacher, and S. H. Jones* for defendant in error.

No. 1224. JOHN LAPIQUE, ASSIGNEE OF THE ESTATE OF MIGUEL LEONIS, ET AL., *v.* DISTRICT COURT OF THE UNITED STATES FOR THE SOUTHERN DISTRICT OF CALIFORNIA ET AL. October 11, 1926. The petition for a rehearing of (1) the petition for a writ of mandamus; (2) the petition for a writ of certiorari; and (3) the petition for a writ of error are denied. *Mr. John Lapique, pro se.* No appearance for respondents.

No. 327. CHARLES H. SPEAR ET AL., ETC., *v.* UNITED STATES. Error to the District Court of the United States for the Northern District of California. Motion to dismiss submitted May 24, 1926. Decided October 11, 1926.

Per Curiam. This cause is dismissed for lack of jurisdiction in this court under § 238 of the Judicial Code as amended by the Act of February 13, 1925, c. 229, 43 Stat. 936. *Solicitor General Mitchell* for the United States, in support of the motion. *Messrs. U. S. Webb* and *W. T. Plunkett* for plaintiffs in error, in opposition thereto.

No. 86. FRANK ROSSI ET AL. *v.* UNITED STATES. Error to the District Court of the United States for the Western District of Washington. Motion to transfer cause submitted October 4, 1926. Decided October 11, 1926. *Per Curiam.* This case, the judgments of the District Court in which were entered December 15 and 26, 1924, is transferred to the Circuit Court of Appeals for the Ninth Circuit in accordance with the Act of September 14, 1922, c. 305, 42 Stat. 837, construed as effective as to these judgments by § 14 of the Act of February 13, 1925, c. 229, 43 Stat. 942. *Heitler v. United States*, 260 U. S. 438, 439, 440; *Pothier v. Rodman*, 261 U. S. 307, 312; *Hoffman v. McClelland*, 264 U. S. 552, 555. *Solicitor General Mitchell*, with whom *Assistant Attorney General Willebrandt* and *Mr. John J. Byrne* were on the brief, for the United States, in support of the motion. *Mr. Abner E. Ferguson* for plaintiff in error, in opposition thereto.

No. 194. DAN BARTONCINI *v.* UNITED STATES. Error to the District Court of the United States for the Northern District of California. Motion to dismiss or advance submitted October 4, 1926. Decided October 11, 1926. *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. Town of Graham*, 253 U. S. 193, 195. *Solicitor General Mitchell* for the United States, in support

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of the motion. *Mr. Ernest B. D. Spagnoli* for plaintiff in error, in opposition thereto.

No. 522. *KATE TENDLER v. MORRIS TENDLER*. See *post*, p. 693.

No. 13, original. *STATE OF MICHIGAN v. STATE OF ILLINOIS AND SANITARY DISTRICT OF CHICAGO*. Motion submitted October 4, 1926. Decided October 11, 1926. The motion of the State of Michigan for leave to file an amended bill of complaint making the State of New York a joint complainant therein is denied; but the State of New York is granted leave to file a separate bill of complaint on its own behalf conforming in other respects to the amended bill of complaint tendered with said motion; such separate bill to be filed next Monday. *Mr. Andrew B. Dougherty*, Attorney General of Michigan, for complainant. *Mr. Albert Ottinger*, Attorney General of New York, for the State of New York.

No. 437. *DANIEL J. HART v. H. B. NORTH ET AL.* Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit. October 11, 1926. *Per Curiam*. The motion for leave to proceed further in forma pauperis is denied for the reason that upon examination of the unprinted record the court finds no ground for certiorari, the application for which is also denied. *Mr. Leon Robbins* for petitioner. No appearance for respondent.

No. 248. *JACOB GOLDMAN v. STATE OF ILLINOIS*. Error to the Supreme Court of the State of Illinois. Motion to dismiss submitted October 4, 1926. Decided October 11, 1926. *Per Curiam*. Writ of error dismissed for want of

jurisdiction on 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. Town of Graham*, 253 U. S. 193, 195. Application for certiorari is also denied. *Mr. Montgomery S. Winning* in behalf of *Messrs. Oscar E. Carlstrom* and *Edward C. Fitch* for defendant in error, in support of the motion. *Messrs. David D. Stansbury* and *Leslie A. Gilmore* for plaintiff in error, in opposition thereto.

No. 103. *W. A. THOMSON v. ALEXANDER W. THOMSON ET AL., ETC.* Error to the Supreme Court of the State of Illinois. Motion to dismiss submitted October 4, 1926. Decided October 11, 1926. *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. Town of Graham*, 253 U. S. 193, 195. *Messrs. Henry S. Robbins, Silas H. Strawn, and Walter H. Jacobs* for defendants in error, in support of the motion. *Messrs. William M. Bullitt* and *Samuel B. King* for plaintiff in error, in opposition thereto.

No. 524. *CANAL-COMMERCIAL TRUST & SAVINGS BANK AND UNION INDEMNITY COMPANY v. EARL BREWER.* Error to the Supreme Court of the State of Mississippi. Motion to dismiss or affirm submitted October 4, 1926. Decided October 11, 1926. *Per Curiam*. Writ of error dismissed on the authority of *Consolidated Turnpike Co. v. Norfolk and Ocean View Railway Co.*, 228 U. S. 326, 334. Application for certiorari also denied. *Mr. John W. Cutrer* for defendant in error, in support of the motion. *Messrs. Marcellus Green, Garner W. Green, and Chalmers Potter* for plaintiffs in error, in opposition thereto. See *post*, p. 643.

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No. 630. *ETHEL JONES v. STATE OF MISSISSIPPI*. Error to the Supreme Court of the State of Mississippi. October 11, 1926. *Per Curiam*. Motion for leave to proceed further in forma pauperis denied for the reason that the court finds upon examination of the unprinted record that there is no jurisdiction of the cause on the writ of error for want of a substantial Federal question. *Trono v. United States*, 199 U. S. 521. *Mr. William H. Watkins* for plaintiff in error. No appearance for defendant in error.

No. 657. *DAVID F. MITCHELL v. UNITED STATES*. See *post*, p. 693.

No. 652. *THOMAS H. LARKIN v. STATE OF NEW YORK*. Error to the Supreme Court of the State of New York. October 11, 1926. *Per Curiam*. Motion for leave to proceed further in forma pauperis denied for the reason that the court finds upon examination of the unprinted record that it presents no Federal question and therefore dismisses the writ of error 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 and Light Co. v. Town of Graham*, 253 U. S. 193, 195. *Mr. Thomas H. Larkin, pro se*. No appearance for defendant in error.

No. 230. *STATE INDUSTRIAL BOARD OF THE STATE OF NEW YORK v. TERRY & TENCH COMPANY, INC., AND UNITED STATES FIDELITY AND GUARANTY COMPANY*. Certiorari to the Supreme Court of the State of New York. Argued October 6, 1926. Decided October 11, 1926. *Per Curiam*. Reversed upon the authority of *Millers' Indemnity Underwriters v. Braud*, 270 U. S. 59. *Mr. E. C. Aiken*, with whom *Mr. Albert Ottinger*, Attorney General of New York, was on the brief, for petitioner. *Mr. W. W. Dimmick* for respondents.

No. 177. GENERAL PETROLEUM CORPORATION *v.* COUNTY OF KERN. Error to the District Court of the United States for the Southern District of California. Argued October 14, 1926. Decided October 18, 1926. *Per Curiam*. Affirmed on the authority of *Mid-Northern Oil Co. v. Walker*, 268 U. S. 45. *Mr. A. L. Weil* for plaintiff in error. *Mr. Samuel Herrick* for defendant in error.

No. 253. ARNOLD H. BREIN *v.* STATE DEPARTMENT OF HEALTH ET AL. Error to the Superior Court of the State of Connecticut. Argued October 14, 1926. Decided October 18, 1926. *Per Curiam*. Dismissed for want of jurisdiction upon authority of *Sayward v. Denny*, 158 U. S. 180; *Oxley Stave Co. v. Butler County*, 166 U. S. 648, 655. *Mr. John B. Dillon*, with whom *Mr. Arnold H. Brein*, *pro se*, was on the brief, for plaintiff in error. *Messrs. William E. Egan* and *Frank E. Healy* for defendants in error.

No. —, original. STATE OF NEW YORK *v.* STATE OF ILLINOIS AND SANITARY DISTRICT OF CHICAGO. October 18, 1926. Bill of complaint filed pursuant to order of October 11, 1926, on motion of *Mr. John Holley Clark, Jr.*, for the complainant, and process ordered to issue returnable on Monday, November 1, 1926.

No. 265. JOSEPH BUCHHALTER ET AL. *v.* FRANK SOLOMON. Error to the Supreme Court of the State of Colorado. Motion to dismiss submitted October 18, 1926. Decided October 25, 1926. *Per Curiam*. Motion to dismiss granted on authority of *Hiriart v. Ballou*, 9 Pet. 156, 166; *Beall v. New Mexico*, 16 Wall. 535, 539; *Hopkins v. Orr*, 124 U. S. 511, 515; *Pease v. Rathbun-Jones Engineering Co.*, 243 U. S. 273, 278. *Messrs. J. J. Luberman*

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and *Chas. Rosenbaum* for defendant in error, in support of the motion. *Mr. John T. Bottom* for plaintiff in error, in opposition thereto.

NO. 143. *SAM NELSON v. STATE OF CALIFORNIA*. Error to the District Court of Appeal, Second Appellate District of the State of California. Submitted October 18, 1926. Decided October 25, 1926. *Per Curiam*. Dismissed for want of a Federal question. (1) *Shulthis v. McDougal*, 225 U. S. 561, 569; *Hull v. Burr*, 234 U. S. 712, 720; *Norton v. Whiteside*, 239 U. S. 144, 147. (2) *Barron v. Baltimore*, 7 Pet. 243, 247; *Twining v. New Jersey*, 211 U. S. 78, 93. *Messrs. Samuel Herrick and J. L. O'Connor* for plaintiff in error. *Mr. U. S. Webb* for defendant in error.

NO. 372. *R. B. MORRIS, DOING BUSINESS AS MORRIS AND LOWTHER, H. M. HEWITT AND LEW NUNAMAKER, ETC., ET AL. v. WILLIAM DUBY, H. B. VAN DUZER, AND W. H. MALONE, ETC.* Appeal from the District Court of the United States for the District of Oregon. Argued October 29, 1926. Order entered October 29, 1926. It is now here ordered, adjudged, and decreed by this court that the decree of the District Court of the United States for the District of Oregon, in this cause, be, and the same is hereby, vacated without costs to either party, and that this cause be, and the same is hereby, remanded to the said District Court with directions to dismiss the bill of complaint on the ground that this case has become moot through the rescission of the assailed order of the Oregon State Highway Commission, subject, however, to leave to the appellants to move for the vacation of this decree within thirty days herefrom if they question the rescission of such order. *Messrs. W. R. Crawford and Edwin C. Ewing* for appellants. *Mr. J. M. Devers*, with whom *Mr. I. H. Van Winkle* was on the brief, for appellees. See *post*, p. 651.

No. 175. HERMAN A. UIHLEIN, AUGUST E. UIHLEIN, GEORGE UIHLEIN ET AL. *v.* STATE OF WISCONSIN, NEELE B. NEELEN, PUBLIC ADMINISTRATOR OF MILWAUKEE COUNTY, ET AL. Error to the Supreme Court of the State of Wisconsin. Submitted October 27, 1926. Decided November 1, 1926. *Per Curiam.* Reversed on the authority of *Schlesinger v. Wisconsin*, 270 U. S. 230. Messrs. Edwin S. Mack, George P. Miller, and Arthur W. Fairchild for plaintiffs in error. Messrs. Herman L. Ekern and Franklin E. Bump for defendants in error.

No. 7, original. STATE OF WISCONSIN *v.* STATE OF ILLINOIS AND SANITARY DISTRICT OF CHICAGO;

No. 14, original. STATE OF NEW YORK *v.* STATE OF ILLINOIS AND SANITARY DISTRICT OF CHICAGO. Motion submitted November 1, 1926. Decided November 23, 1926. Upon motion of the State of New York, it is ordered that the parties to the suit of the *State of New York v. State of Illinois and Sanitary District of Chicago* be permitted to participate in the taking of evidence in the hearing before the special master heretofore appointed in the case of the *State of Wisconsin v. State of Illinois and Sanitary District of Chicago*, in like manner as if those suits had been consolidated; and the court reserves to itself authority to order such a consolidation if it becomes proper to do so. But this order is made without prejudice to the authority of the court hereafter to make any order which it may deem proper respecting the matters set forth in the third paragraph of the bill of complaint in the case of the *State of New York v. State of Illinois and Sanitary District of Chicago*, and respecting the issues that may arise from the presence of that paragraph in that bill of complaint. Messrs. Albert Ottinger, Attorney General of New York, and C. S. Ferris for New York, in support of the motion. Messrs. Oscar E. Carlstrom, Attorney Gen-

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eral of Illinois, *Cyrus E. Dietz, Hugh S. Johnson, James M. Beck, Hector A. Brouillet, and Morton S. Cressy* for defendants.

No. 146. SOUTHERN SURETY COMPANY *v.* UNITED STATES. Error to the District Court of the United States for the District of South Dakota. Motion to transfer submitted November 1, 1926. Decided November 23, 1926. *Per Curiam.* Motion by defendant in error to transfer to the Circuit Court of Appeals for the Eighth Circuit granted on the authority of *Salinger v. Loisel*, 265 U. S. 224, and *Salinger v. United States*, 272 U. S. 542. *Solicitor General Mitchell* for the United States, in support of the motion. *Mr. L. H. Salinger* for plaintiff in error, in opposition thereto.

No. 553. C. DEWEY BRIAN, GAITHER MOORE, JOSEPH E. BRIAN, AND NEAL MOORE *v.* UNITED STATES. Error to the District Court of the United States for the Eastern District of Illinois. Motion to dismiss submitted November 1, 1926. Decided November 23, 1926. *Per Curiam.* Dismissed for lack of jurisdiction in this court by reason of § 1 of the Act of February 13, 1925, entitled "An act to amend the Judicial Code, and to further define the jurisdiction of the Circuit Courts of Appeals and of the Supreme Court, and for other purposes." *Solicitor General Mitchell, Assistant Attorney General Luhring, and Mr. Harry S. Ridgely* for the United States, in support of the motion. *Messrs. Charles A. Houts and Charles A. Karch* for plaintiffs in error, in opposition thereto.

No. 524. CANAL-COMMERCIAL TRUST AND SAVINGS BANK AND UNION INDEMNITY COMPANY *v.* EARL BREWER. Motion submitted November 1, 1926. Decided November

23, 1926. The motion to amend the judgment in this case is denied. *Mr. William W. Ross* in behalf of *Mr. John W. Cutrer* for defendant in error, in support of the motion. *Messrs. Marcellus Green, Garner W. Green, and Chalmers Potter* for plaintiffs in error, in opposition thereto. See *ante*, p. 638.

No. 7, original. STATE OF WISCONSIN *v.* STATE OF ILLINOIS AND THE SANITARY DISTRICT OF CHICAGO. Motions submitted November 1, 1926. Decided November 23, 1926. The motions of the States of Arkansas and Mississippi for leave to intervene are granted. *Mr. James M. Beck* in behalf of *Messrs. William B. Applegate, Daniel N. Kirby, and Cornelius Lynde* for the State of Arkansas, and in behalf of *Messrs. Rush H. Knox, Daniel N. Kirby, and Cornelius Lynde* for the State of Mississippi, in support of the motion.

No. —, original. EX PARTE WILLIAM G. BENHAM. November 23, 1926. The motion for leave to file petition for a writ of habeas corpus is denied. *Messrs. Smith W. Bennett and R. R. Nevin* for petitioner.

No. —, original. EX PARTE VINCENT I. WHITMAN ET AL. November 23, 1926. The motion for leave to file petition for writ of habeas corpus is denied, without prejudice to an application for the writ to the District Court of the United States for the Western District of Pennsylvania as the applicants may be advised. *Mr. Vincent I. Whitman, pro se.*

No. 81. ENRIQUE COLLADO *v.* MANUEL NATER GIRONA, MARSHAL. Appeal from the District Court of the United States for the District of Porto Rico. Argued November 24, 1926. Decided November 29, 1926. *Per Curiam.*

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Affirmed upon the authority of *Craig v. Hecht*, 263 U. S. 255, 277; *Goto v. Lane*, 265 U. S. 393, 401; *Knewel v. Egan*, 268 U. S. 442, 446. Messrs. James A. O'Shea, Charles Hartzell, Alfred Goldstein, and Henry G. Molina for appellant, submitted. Mr. William C. Rigby with whom Messrs. George C. Butte and A. R. Stallings were on the brief, for appellee.

No. 309. OLAF QUALSETT *v.* REINOLD KATTENBURG AND AUGUSTA ANDERSON. Error to the Supreme Court of the State of Nebraska. Motion to dismiss submitted November 23, 1926. Decided November 29, 1926. *Per Curiam*. Dismissed for want of jurisdiction on 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. Town of Graham*, 253 U. S. 193, 195; *Seaboard Air Line v. Padgett*, 236 U. S. 668, 671. Mr. F. D. Williams for defendants in error, in support of the motion. Mr. Willis E. Reed for plaintiff in error, in opposition thereto.

No. 556. WONG HAY POY, WONG TUNG HUNG AND WONG BING YUEN *v.* JOHN D. NAGLE, COMMISSIONER OF IMMIGRATION. Appeal from the District Court of the United States for the Northern District of California. Motion to dismiss submitted November 23, 1926. Decided November 29, 1926. *Per Curiam*. Dismissed under § 238 of the Judicial Code as amended in § 1 of the Act of February 13, 1925. Solicitor General Mitchell, Assistant Attorney General Luhring, and Mr. Harry S. Ridgely for appellee, in support of the motion. Mr. George A. McGowan for appellants, in opposition thereto.

No. 561. MRS. BILL BREAUX *v.* STATE OF LOUISIANA. Error to the Supreme Court of the State of Louisiana.

Submitted November 23, 1926. Decided November 29, 1926. *Per Curiam*. Affirmed on the authority of *Adams v. New York*, 192 U. S. 585; *Hebert v. Louisiana*, 272 U. S. 312; and *Van Oster v. Kansas*, 272 U. S. 465. *Mr. A. R. Mitchell* for plaintiff in error. *Messrs. Percy Saint and E. R. Schowalter* for defendant in error.

NO. 50. MARBLEHEAD LAND COMPANY *v.* COUNTY OF LOS ANGELES, PRESCOTT F. COGSWELL, J. H. BEAN, ET AL., ETC. Error to the District Court of Appeal, Second Appellate District, of the State of California. Argued December 2, 1926. Decided December 2, 1926. *Per Curiam*. Dismissed for want of jurisdiction. *Mr. M. F. Mitchell*, with whom *Mr. Nathan Newby* was on the brief, for plaintiff in error. *Mr. Everett W. Mattoon* appeared for defendants in error.

NO. 647. PAUL SCHMOLKE *v.* DANIEL J. O'BRIEN, AS CHIEF OF POLICE. Error to the Supreme Court of the State of California. Argued November 30, 1926. Decided December 6, 1926. *Per Curiam*. Dismissed for want of jurisdiction upon the authority of (1) *Pacific States Telephone Co. v. Oregon*, 223 U. S. 118; (2) *Farell v. O'Brien*, 199 U. S. 89, 100; *Toop v. Ulysses Land Co.*, 237 U. S. 580, 583; *Piedmont Power and Light Co. v. Town of Graham*, 253 U. S. 193, 195; *Seaboard Air Line v. Padgett*, 236 U. S. 668, 671. *Mr. Theodore M. Stuart*, with whom *Mr. Jeremiah F. Sullivan* was on the brief, for plaintiff in error. *Messrs. U. S. Webb and Frank L. Gueren* were on the brief for defendant in error.

NO. 8. JOHN B. MACKEN AND MARY LOIS MACKEN *v.* CITY OF WATERBURY. Error to the Supreme Court of Errors of the State of Connecticut. Argued November 30,

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1926. Decided December 6, 1926. *Per Curiam*. Dismissed for want of jurisdiction upon the authority of (1) *Pacific States Telephone Co. v. Oregon*, 223 U. S. 118; (2) *Farrell v. O'Brien*, 199 U. S. 89, 100; *Toop v. Ulysses Land Co.*, 237 U. S. 580, 583; *Piedmont Power and Light Co. v. Town of Graham*, 253 U. S. 193, 195; *Seaboard Air Line v. Padgett*, 236 U. S. 668, 671. *Messrs. Lawrence L. Lewis and Pierre M. Brown* for plaintiffs in error, submitted. *Mr. Charles O'Connor*, with whom *Messrs. Francis P. Guilfoile and Terrence F. Carmody* were on the brief, for defendant in error.

No. 84. PACIFIC POWER AND LIGHT COMPANY *v.* L. D. BAYER, PEARL DURST, WILLIAM H. BUCHER, ET AL. Error to the Supreme Court of the State of Oregon. Argued December 7, 1926. Decided December 7, 1926. Dismissed for want of jurisdiction for want of a final judgment. *Mr. Henry S. Gray*, with whom *Messrs. Roger S. Greene and Will R. King* were on the brief, for plaintiff in error. *Messrs. Elton Watkins and George R. Wilbur* were on the brief for defendants in error.

No. —, original. EX PARTE IN THE MATTER OF THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY. December 13, 1926. The motion for leave to file petition for a writ of mandamus herein is denied. *Mr. Frederic B. Scott* for petitioner.

No. 500. D. EDMONDS, R. B. EDWARDS, AND R. D. KELLY, IN BEHALF OF THEMSELVES, ETC. *v.* TOWN OF HASKELL, OKLAHOMA, F. N. SHOEMAKER, AS TOWN CLERK, ETC., ET AL. Error to the Supreme Court of the State of Oklahoma. Motion to dismiss or affirm sub-

mitted December 6, 1926. Decided December 13, 1926. *Per Curiam*. Dismissed for want of jurisdiction on the authority of *Cuyahoga River Power Co. v. Northern Realty Co.*, 244 U. S. 300, 303; *Bilby v. Stewart*, 246 U. S. 255, 257; *Farson, Son and Co. v. Bird*, 248 U. S. 268, 271. *Messrs. Almond B. Cochran, R. C. Allen, and I. J. Underwood* for defendants in error, in support of the motion. *Mr. Charles A. Moon* for plaintiffs in error, in opposition thereto.

No. 41. EDITH STEGE, WILLIAM C. DOHRMAN (SOMETIMES CALLED W. C. DOHRMAN), TERESA L. DOHRMAN, ETC., ET AL. *v.* CITY OF RICHMOND AND G. W. CUSHING. Error to the Supreme Court of the State of California. Argued December 1, 1926. Decided December 13, 1926. *Per Curiam*. Dismissed on the authority of *Klinger v. Missouri*, 13 Wall. 257, 263. *Mr. Leonard J. Mather* in behalf of *Messrs. R. M. F. Soto and J. W. Dorsey* for plaintiffs in error, submitted. *Mr. Charles N. Kirkbride*, with whom *Mr. Beverly Hodghead* was on the brief, for defendants in error.

No. 56. THOMAS M. LIVINGSTON *v.* UNITED STATES. Appeal from the Court of Claims. Argued December 6, 7, 1926. Decided December 13, 1926. *Per Curiam*. Affirmed upon the authority of (1) *Tempel v. United States*, 248 U. S. 121, 129; *United States v. North American Transportation and Trading Co.*, 253 U. S. 330; *Pearson v. United States*, 267 U. S. 423; *Klebe v. United States*, 263 U. S. 188; (2) *Hijo v. United States*, 194 U. S. 315, 323. *Mr. Ashby Williams* for appellant. *Mr. Alfred A. Wheat*, Special Assistant to the Attorney General, with whom *Solicitor General Mitchell* and *Mr. Randolph S. Collins* were on the brief, for the United States.

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NO. 59. EVERETT FLINT DAMON EX REL. FONG HANG LEONG *v.* JOHN B. JOHNSON, COMMISSIONER OF IMMIGRATION. Appeal from the District Court of the United States for the District of Massachusetts. Argued December 7, 1926. Decided December 13, 1926. *Per Curiam*. Affirmed upon the authority of *Chin Yow v. United States*, 208 U. S. 8, 11; *United States ex rel. Bilokumsky v. Tod*, 263 U. S. 149, 157; *United States ex rel. Tisi v. Tod*, 264 U. S. 131, 133. *Mr. Everett Flint Damon* for appellant. *Assistant to the Attorney General Donovan*, with whom *Solicitor General Mitchell* and *Mr. Harry S. Ridgely* were on the brief, for appellee.

NO. 62. STATE OF UTAH *v.* HUBERT WORK, SECRETARY OF THE INTERIOR AND WILLIAM SPRY, COMMISSIONER OF THE GENERAL LAND OFFICE. Appeal from the Court of Appeals of the District of Columbia. Argued December 7, 8, 1926. Decided December 13, 1926. *Per Curiam*. Affirmed upon the authority of (1) *Louisiana v. Garfield*, 211 U. S. 70; *New Mexico v. Lane*, 243 U. S. 52; (2) *United States ex rel. Riverside Oil Co. v. Hitchcock*, 190 U. S. 316, 324; *United States ex rel. Ness v. Fisher*, 223 U. S. 683, 692; *United States ex rel. Hall v. Payne*, 254 U. S. 343. *Mr. Patrick H. Loughran*, with whom *Mr. Harvey H. Cluff* was on the brief, for appellant. *Mr. Ira E. Robinson*, with whom *Solicitor General Mitchell*, *Assistant Attorney General Parmenter*, and *Mr. George P. Barse* were on the brief, for appellees.

NO. 64. JOHN F. JENKINS *v.* UNITED STATES. Appeal from the Court of Claims. Argued December 8, 9, 1926. Decided December 13, 1926. Affirmed upon the authority of (1) *Tempel v. United States*, 248 U. S. 121, 129; *United States v. North American Transportation and Trading*

Co., 253 U. S. 330; *Pearson v. United States*, 267 U. S. 423; *Klebe v. United States*, 263 U. S. 188; (2) *Hijo v. United States*, 194 U. S. 315, 323. *Mr. John D. Miller*, with whom *Mr. George A. King* was on the brief, for appellant. *Mr. Gardiner P. Lloyd*, Special Assistant to the Attorney General, with whom *Solicitor General Mitchell* and *Assistant Attorney General Galloway* were on the brief, for the United States.

No. 66. *CHIN WEY v. IRVING F. WIXON, ACTING COMMISSIONER OF IMMIGRATION*. Appeal from the District Court of the United States for the District of Massachusetts. Argued December 9, 1926. Decided December 13, 1926. *Per Curiam*. Affirmed upon the authority of *United States v. Sing Tuck*, 194 U. S. 161; *United States v. Ju Toy*, 198 U. S. 253. *Mr. Warren Ozro Kyle* for appellant. *Solicitor General Mitchell*, with whom *Assistant to the Attorney General Donovan* and *Mr. Alfred A. Wheat* were on the brief, for appellee.

No. —, original. *EX PARTE IN THE MATTER OF EDWIN C. JAMESON, LEROY W. BALDWIN, LOUIS V. BRIGHT, JOSEPH S. FRELINGUYSEN, AND THOMAS READ*. January 3, 1927. The motion for leave to file petition for a writ of mandamus herein is denied. *Mr. Nathan L. Miller*, with whom *Messrs. Weymouth Kirkland, Robert K. Prentice, John Dickey, Jr., Gerard C. Henderson, and Robert N. Golding* were on the brief, for petitioner.

No. —, original. *EX PARTE IN THE MATTER OF CITY OF NEW YORK, TRANSIT COMMISSION, AND JOHN F. GILCHRIST ET AL., ETC.* January 3, 1927. The motion for leave to file petition for writs of mandamus and/or pro-

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hibition and/or certiorari is denied. *Messrs. George P. Nicholson, George H. Stover, Clarence M. Lewis, and William G. Fullen* for petitioners.

No. 372. *R. B. MORRIS, DOING BUSINESS AS MORRIS AND LOWTHER ET AL. v. WM. DUBY, H. B. VAN DUZER, AND W. H. MALONE, ETC.* January 10, 1927. On consideration of the motion to vacate it is ordered that the decree heretofore entered on October 29 last, be, and it is hereby, vacated, and the case is set for reargument on Monday, February 28 next, after the cases heretofore assigned for that day. *Messrs. W. R. Crawford and Edwin C. Ewing* for appellants. *Messrs. I. H. Van Winkle and J. M. Devers* for appellees. See *ante*, p. 641.

No. 141. *DO WING v. JOHN P. JOHNSON, COMMISSIONER OF IMMIGRATION.* Appeal from the District Court of the United States for the District of Massachusetts. Motion to dismiss or affirm submitted January 3, 1927. Decided January 10, 1927. *Per Curiam.* Dismissed on the authority of *Chin Yow v. United States*, 208 U. S. 8, 11; *United States ex rel. Bilokumsky v. Tod*, 263 U. S. 149, 157; *United States ex rel. Tisi v. Tod*, 264 U. S. 131, 133. *Solicitor General Mitchell* for appellee, in support of the motion. *Mr. Everett Flint Damon* for appellant, in opposition thereto.

No. 314. *L. ANTHONY, ALERT TRANSFER AND STORAGE COMPANY, INC., G. T. HINES, ET AL., v. SAM A. KOZER, SECRETARY OF STATE;* and

No. 373. *I. S. MARTINE, M. C. YAHNE, FRED GORDON, ET AL. v. SAM A. KOZER, SECRETARY OF STATE.* Appeals from the District Court of the United States for the District

of Oregon. Motions to dismiss submitted January 3, 1927. Decided January 10, 1927. *Per Curiam*. Dismissed for want of jurisdiction on the authority of *Moore v. Fidelity and Deposit Co.*, 272 U. S. 317; *In re Buder*, 271 U. S. 461. *Messrs. I. H. Van Winkle, J. M. Devers, and Willis S. Moore* for appellee, in support of the motion. *Messrs. Edwin C. Ewing and W. R. Crawford* for appellants, in opposition thereto.

No. 416. WALTER NELSON, EDWIN POWELL, JOHN HICKS, ET AL., *v. W. G. POTTS, TREASURER OF THE STATE OF WASHINGTON*; and

No. 417. W. S. CUNNINGHAM, REDMOND FREIGHT COMPANY, R. STRAIN, ET AL. *v. W. G. POTTS, TREASURER OF THE STATE OF WASHINGTON*. Appeals from the District Court of the United States for the Western District of Washington. Motions to dismiss submitted January 3, 1927. Decided January 10, 1927. *Per Curiam*. Dismissed for want of jurisdiction on the authority of *Moore v. Fidelity and Deposit Co.*, 272 U. S. 317; *In re Buder*, 271 U. S. 461. *Mr. John H. Dunbar* for appellee, in support of the motion. *Messrs. Robert F. Cogswell, Edwin C. Ewing, and W. R. Crawford* for appellants, in opposition thereto.

No. 564. NEW YORK, ONTARIO & WESTERN RAILWAY COMPANY *v. UNITED STATES AND INTERSTATE COMMERCE COMMISSION*. Appeal from the District Court of the United States for the Southern District of New York. Argued January 5, 1927. Decided January 10, 1927. *Per Curiam*. Affirmed on the authority of § 207 of the Judicial Code. *United States v. Illinois Central Railroad Co.*, 244 U. S. 82. *Mr. C. L. Andrus* for appellant. *Attorney General Sargent and Mr. Blackburn Esterline, Assist. S. G.*, were on the brief for the United States, and

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Messrs. Patrick J. Farrell and Oliver E. Sweet on that for the Interstate Commerce Commission.

No. 472. *R. BURNEY LONG v. STATE OF LOUISIANA*. Error to the Supreme Court of the State of Louisiana. Argued January 6, 1927. Decided January 10, 1927. *Per Curiam*. Dismissed for want of a Federal question on the authority *Shulthis v. McDougal*, 225 U. S. 561, 569; *Hull v. Burr*, 234 U. S. 712, 720; *Norton v. Whiteside*, 239 U. S. 144, 147; and also on the authority of *Hebert v. Louisiana*, 272 U. S. 312. *Mr. M. C. Scharff*, with whom *Messrs. R. Burney Long, N. Vick Robbins*, and *Bernard F. Garvey* were on the brief, for plaintiff in error. *Mr. E. R. Schowalter* for defendant in error.

No. 80. *LOUISVILLE AND NASHVILLE RAILROAD COMPANY v. LEVY HALL*. Error to the Supreme Court of the State of Mississippi. Argued January 6, 1927. Decided January 10, 1927. *Per Curiam*. Dismissed for want of jurisdiction under § 237 of the Judicial Code, there not appearing in the record of the case before the entry of a final judgment to which this writ of error was allowed that the validity of any statute of the State was drawn in question in the State court. *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. Harry H. Smith* for plaintiff in error. *Mr. Walter J. Gex* for defendant in error, submitted.

No. 83. *MAX SIFF AND ALBERT L. SIFF, TRADING AS SIFF BROTHERS COMPANY, v. UNITED STATES*. Appeal from the Court of Claims. Argued January 6, 1927. Decided January 10, 1927. *Per Curiam*. Affirmed upon the authority of *Chamberlain Machine Works v. United States*, 270 U. S. 347. *Mr. Raymond M. Hudson* for appellants.

Solicitor General Mitchell and Assistant Attorney General Galloway were on the brief for the United States.

No. 89. STATE OF OHIO EX REL. K. B. ALLEN *v.* JOSEPH A. LUTZ, AS AUDITOR OF MONTGOMERY COUNTY, OHIO. Error to the Supreme Court of the State of Ohio. Submitted January 7, 1927. Decided January 10, 1927. *Per Curiam*. Dismissed under § 237 of the Judicial Code, it not appearing in the record of the case that prior to the final judgment to which this writ of error was allowed there was any challenging averment that the act of the Ohio Legislature in question was repugnant to the Constitution or laws of the United States. *Shulthis v. McDougal*, 225 U. S. 561, 569; *Hull v. Burr*, 234 U. S. 712, 720; *Norton v. Whiteside*, 239 U. S. 144, 147. *Messrs. Earl H. Turner and Wellmore B. Turner* for plaintiff in error. *Messrs. A. H. Scharrer and Ralph E. Hoskot* for defendant in error.

No. 97. UNITED STATES EX REL. CHARLES MCCAUL COMPANY *v.* ANDREW W. MELLON, SECRETARY OF THE TREASURY. Error to the Court of Appeals of the District of Columbia. Argued January 7, 1927. Decided January 10, 1927. *Per Curiam*. Dismissed for want of finality in the judgment below on the authority of *Oneida Navigation Corp. v. Job and Co.*, 252 U. S. 521, 522; *Collins v. Miller*, 252 U. S. 364, 370. *Mr. William C. Prentiss* for plaintiff in error. *Solicitor General Mitchell and Mr. Alfred A. Wheat*, Special Assistant to the Attorney General, for defendant in error.

No. —, original. EX PARTE LLOYD C. WHITMANN ET AL. January 17, 1927. The motion for leave to file petition for writ of habeas corpus herein is denied. *Mr. Lloyd C. Whitmann, pro se.*

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No. 133. EVERETT FLINT DAMON EX REL. CHIN WING DIP *v.* JOHN P. JOHNSON, COMMISSIONER OF IMMIGRATION. Appeal from the District Court of the United States for the District of Massachusetts. Motion to affirm submitted January 10, 1927. Decided January 17, 1927. *Per Curiam*. Affirmed on the authority of *Chin Yow v. United States*, 208 U. S. 11; *United States ex rel. Bilokumsky v. Tod*, 263 U. S. 149, 157; *United States ex rel. Tisi v. Tod*, 264 U. S. 131, 133. *Solicitor General Mitchell* for appellee, in support of the motion. *Messrs. Everett Flint Damon and Walter B. Farr* for appellant, in opposition thereto.

No. 110. LUCY FISHER, JAMES CHARLES, ELLEN STAKE, NÉE CHARLES ET AL. *v.* E. J. CRIDER. Error to the Supreme Court of the State of Oklahoma. Submitted January 10, 1927. Decided January 17, 1927. *Per Curiam*. Writ of error dismissed for want of jurisdiction on the authority of § 237 of the Judicial Code, as amended by the Act of September 16, 1916, c. 448, § 2, 39 Stat. 726; *Jett Bros. Distilling Co. v. Carrollton*, 252 U. S. 1, 5-6; *Tiger v. Fewell*, 271 U. S. 649. Motion for rehearing of the application for certiorari also denied. *Mr. William Neff* for plaintiff in error, submitted. No appearance for defendant in error.

No. 98. W. G. BEGLEY *v.* ALICE ERASIME. Error to the Court of Appeals of the State of Kentucky. Argued January 10, 1927. Decided January 17, 1927. *Per Curiam*. Dismissed for want of jurisdiction on 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 and Light Co. v. Town of Graham*, 253 U. S. 193, 195; *Seaboard Air Line v. Padgett*, 236 U. S. 668, 671; (2) *Murray's Lessee v. Hoboken Land and Improvement Co.*, 18 How. 272,

276; *Ownbey v. Morgan*, 256 U. S. 94. *Mr. Cleon K. Calvert* for plaintiff in error. *Alice Erasime, pro se.*

NO. 104. MORGAN'S LOUISIANA AND TEXAS RAILROAD AND STEAMSHIP COMPANY AND YAZOO AND MISSISSIPPI VALLEY RAILROAD COMPANY *v. F. A. COCKE*. Certiorari to the Circuit Court of Appeals for the Fifth Circuit. Argued January 10, 1927. Decided January 17, 1927. *Per Curiam*. Reversed on the authority of *Phillips Co. v. Grand Trunk Western Ry. Co.*, 236 U. S. 662; *Kansas City Southern Ry. Co. v. Wolf*, 261 U. S. 133; *Fullerton-Krueger Lumber Co. v. Northern Pacific Ry. Co.*, 266 U. S. 435; *William Danzer and Co. v. Gulf and Ship Island R. R. Co.*, 268 U. S. 633. *Messrs. Harry McCall and Charles N. Burch*, with whom *Messrs. H. D. Minor and Victor Leovy* were on the brief, for petitioners. *Mr. Frederick H. Lotterhos*, with whom *Mr. George Butler* was on the brief, for respondent.

NO. 644. BYRON DUNN AND ROBERT DUNN *v. STATE OF LOUISIANA*. Error to the Supreme Court of the State of Louisiana. Argued January 10, 1927. Decided January 17, 1927. *Per Curiam*. Writ of error dismissed for want of a substantial Federal constitutional question on the authority of *Farrell v. O'Brien*, 199 U. S. 89, 100; *Toop v. Ulysses Land Co.*, 237 U. S. 580, 583; *Piedmont Power and Light Co., v. Town of Graham*, 263 U. S. 193, 195; *Seaboard Air Line v. Padgett*, 236 U. S. 668, 671. Application for certiorari also denied. *Mr. M. G. Adams*, with whom *Mr. C. W. Howth* was on the brief, for plaintiffs in error. *Messrs. Percy Saint, E. R. Schowalter, and John J. Robira* were on the brief for defendant in error.

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No. 512. FREDERICK L. MILLER *v.* STATE OF OREGON. Error to the Supreme Court of the State of Oregon. Argued January 10, 11, 1927. Decided January 17, 1927. *Per Curiam*. Affirmed on the authority of *Nash v. United States*, 229 U. S. 373. Mr. Edward W. Wickey, with whom Messrs Thomas Mannix, Jerry A. Matthews, and Josephus C. Trimble were on the brief, for plaintiff in error. Messrs. Willis S. Moore, Stanley Myers, and I. H. Van Winkle were on the brief for defendant in error.

No. 118. W. H. DONHAM, AS PROSECUTING ATTORNEY, ET. AL., ETC., *v.* WEST-NELSON MANUFACTURING COMPANY. Appeal from the District Court of the United States for the Eastern District of Arkansas. Submitted January 11, 1927. Decided January 17, 1927. *Per Curiam*. Affirmed on the authority of *Adkins v. Children's Hospital*, 261 U. S. 525; *Murphy v. Sardell*, 269 U. S. 530. Mr. Justice Brandeis dissents. Messrs. J. W. Utley, William T. Hammock, and Brooks Hays for appellants. Mr. George A. McConnell for appellee.

No. 112. CITY AND COUNTY OF DENVER *v.* E. STENGER, AS RECEIVER OF THE DENVER TRAMWAY COMPANY. Appeal from the District Court of the United States for the District of Colorado. Argued January 11, 12, 1927. Decided January 17, 1927. *Per Curiam*. Appeal transferred to the Circuit Court of Appeals for the Eighth Circuit under the authority of the Act of September 14, 1922, c. 305, 42 Stat. 837, and of the following cases: *Aspen Mining and Smelting Co. v. Billings*, 150 U. S. 31, 37; *Brown v. Alton Water Co.*, 222 U. S. 325, 331-334; *Carter v. Roberts*, 177 U. S. 496, 500; *Union Trust Co. v. Westhus*, 228 U. S. 519, 522, 524; *Metropolitan Water Co. v. Kaw*

Valley Drainage District, 223 U. S. 519, 522-524; *Shapiro v. United States*, 235 U. S. 412, 415-417; *Farmers and Mechanics National Bank v. Wilkinson*, 266 U. S. 503, 506. *Messrs. Thomas H. Gibson and Henry E. May*, with whom *Mr. Myron H. Walker* was on the brief, for appellant. *Mr. Gerald Hughes*, with whom *Messrs. Clayton C. Dorsey and H. S. Robertson* were on the brief, for appellee.

No. 121. A. J. THIGPEN AND A. J. THIGPEN, JR., *v.* MIDLAND OIL COMPANY. Error to the Circuit Court of Appeals for the Eighth Circuit. Argued January 12, 1927. Decided January 17, 1927. *Per Curiam*. Writ of error dismissed for want of finality in the judgment of the court below, on the authority of *Keike v. United States*, 217 U. S. 423, 429. Application for certiorari also denied. *Mr. Frank McCoy*, with whom *Messrs. Elmer E. Grinstead and J. R. Speilman* were on the brief, for plaintiffs in error. *Messrs. J. W. Finley, Hayes McCoy, George A. Henshaw, Samuel N. Hawkes, and A. C. Hough* were on the brief for defendant in error.

No. 124. GREAT NORTHERN RAILWAY COMPANY *v.* STATE OF MINNESOTA. Error to the Supreme Court of the State of Minnesota. Argued January 13, 14, 1927. Decided January 17, 1927. *Per Curiam*. Dismissed for want of jurisdiction resulting from an insufficient setting forth and waiver of the claim of a substantial Federal constitutional question in the court below on the authority of *Sayward v. Denny*, 158 U. S. 180; *Oxley Stave Co. v. Butler Co.*, 166 U. S. 648, 655; *Jett Bros. Co. v. City of Carrollton*, 252 U. S. 1, 6. *Mr. F. G. Dorety*, with whom *Mr. M. L. Countryman* was on the brief, for plaintiff in error. *Mr. Patrick J. Ryan*, with whom *Messrs. Clifford*

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L. Hilton and *G. A. Youngquist* were on the brief, for defendant in error.

No. 126. FRANK C. MEBANE, AS RECEIVER OF SYMES FOUNDATION, INC., AND AMERICAN TITLE AND TRUST COMPANY *v.* STATEN ISLAND RAILWAY COMPANY, STATEN ISLAND RAPID TRANSIT RAILWAY COMPANY, NEW YORK TRANSIT AND TERMINAL COMPANY ET AL. Error to the Supreme Court of the State of New York. Argued January 14, 1927. Decided January 17, 1927. *Per Curiam*. Dismissed for want of jurisdiction for want of a substantial Federal constitutional question on the authority of *Farrell v. O'Brien*, 199 U. S. 89, 100; *Toop v. Ulysses Land Co.*, 237 U. S. 580, 583; *Piedmont Power and Light Co. v. Town of Graham*, 253 U. S. 193, 195; *Seaboard Air Line v. Padgett*, 236 U. S. 668, 671. Messrs. *Hugh H. O'Bear* and *Benjamin Catchings*, with whom Messrs. *Merle I. St. John* and *Charles A. Douglas* were on the briefs, for plaintiffs in error. Messrs. *John W. Welsh*, *John F. Hughes*, *Q. S. Gilbert*, *Royal E. T. Riggs*, *Morgan J. O'Brien*, *Albert B. Boardman*, and *Albert Ottinger* were on the brief for defendants in error.

No. 137. STATE OF MISSOURI EX REL. JOSEPH J. LUECHTEFELD AND F. WILLIAM KUEHL *v.* HENRY W. KIEL, LOUIS NOTTE, AND OLIVER SENTI. Error to the Supreme Court of the State of Missouri. Argued January 17, 18, 1927. Decided January 24, 1927. *Per Curiam*. Dismissed because of want of jurisdiction under the Act of September 6, 1916. *Mr. Luke E. Hart* for plaintiffs in error. *Mr. Oliver Senti* was on the brief for defendants in error.

No. 138. INDUSTRIAL ENGINEERING COMPANY *v.* UNITED STATES. Appeal from the Court of Claims. Argued January 18, 1927. Decided January 24, 1927. *Per Curiam*. Affirmed on the authority of *Jacob Reed's*

Sons, Inc., v. United States, 273 U. S. 200. Mr. Raymond M. Hudson for appellant, submitted. Assistant Attorney General Galloway, with whom Solicitor General Mitchell was on the brief, for the United States.

No. 276. E. A. EDENFIELD *v.* UNITED STATES. Certiorari to the Circuit Court of Appeals for the Fifth Circuit. Argued January 18, 19, 1927. Decided January 24, 1927. *Per Curiam*. Reversed on the authority of *United States v. Katz*, 271 U. S. 354, and remanded to the court below for resentencing on the first count of each of the three indictments. Mr. W. W. Larsen, with whom Messrs. Frank H. Saffold, John Dekle Kirkland, Francis McD. Oliver, and Edgar J. Oliver were on the brief, for petitioner. Solicitor General Mitchell, Assistant Attorney General Willebrandt, and Mr. John J. Byrne for the United States.

No. 139. A. L. FERGUSON AND A. L. FERGUSON, AS EXECUTOR AND TRUSTEE, ETC., ET AL. *v.* UNITED STATES. Appeal from the Court of Claims. Argued January 20, 1927. Decided January 24, 1927. *Per Curiam*. Affirmed on the authority of *Jacob Reed's Sons, Inc., v. United States*, 273 U. S. 200 and of *Baltimore and Ohio Railroad Co. v. United States*, 261 U. S. 592. Mr. Raymond M. Hudson for appellants. Solicitor General Mitchell and Assistant Attorney General Galloway were on the brief for the United States.

No. 129. OREGON BASIN OIL AND GAS COMPANY *v.* HUBERT WORK, SECRETARY OF THE INTERIOR, AND WILLIAM SPRY, COMMISSIONER OF THE GENERAL LAND OFFICE. Appeal from the Court of Appeals of the District of Columbia. Argued January 14, 17, 1927. Decided January 24, 1927. *Per Curiam*. The decree below is affirmed upon the authority of *Ness v. Fisher*, 223 U. S.

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683; *Louisiana v. McAdoo*, 234 U. S. 627, 633; *Alaska Smokeless Coal Co. v. Lane*, 250 U. S. 549; *Work v. Rives*, 267 U. S. 175, 183. *Mr. Charles F. Consaul*, with whom *Messrs. Charles C. Heltman*, and *C. W. Burdick* were on the brief, for appellant. *Solicitor General Mitchell* for appellees.

No. 176. *WILLIE CONNER AND JOHN CONNER v. H. U. BARTLETT, E. G. BAILEY, McMANN OIL COMPANY, ET AL.* Error to the Supreme Court of the State of Oklahoma. Motion to dismiss submitted January 24, 1927. Decided February 21, 1927. *Per Curiam*. Dismissed for want of jurisdiction upon the authority of *Shulthis v. McDougal*, 225 U. S. 561, 569; *Hull v. Burr*, 234 U. S. 712, 720; *Norton v. Whiteside*, 239 U. S. 144, 147. *Messrs. W. H. Francis, B. B. Blakeney*, and *L. O. Lytle* for defendants in error, in support of the motion. *Mr. William Neff* for plaintiffs in error, in opposition thereto.

No. 842. *ANNA NELSON v. J. L. WALROD, S. E. ELLSWORTH, AND C. W. BURNHAM.* See *post*, p. 745.

No. —, original. *EX PARTE IN THE MATTER OF WILLIAM LEATHER.* February 28, 1927. The motion for leave to file petition for a writ of mandamus herein is denied. *Mr. Oliver J. Cook* for petitioner.

No. —, original. *EX PARTE SEMAPHORIC INDICATOR COMPANY ET AL.* February 28, 1927. The motion for leave to file petition for a writ of mandamus herein is denied. *Mr. William R. Rummler* for petitioner.

No. —, original. *EX PARTE MALLEABLE IRON RANGE COMPANY.* February 28, 1927. The motion for leave to file petition for a writ of mandamus herein is denied with-

out prejudice to a resumption of the application in some other form. *Messrs. Arthur W. Fairchild and J. Gilbert Hardgrove* for petitioner.

No. —, original. *EX PARTE IN THE MATTER OF MERLE PHILLIPS*. February 28, 1927. The motion for leave to file a petition for a writ of habeas corpus herein is denied. *Messrs. Frans E. Lindquist, William H. Mason, and Richard O. Mason* for petitioner.

No. 299. *PAUL L. JAMES AND W. WILLIS HOUSTON, PARTNERS, TRADING AS PAN-HANDLE COAL COMPANY v. NORFOLK AND WESTERN RAILWAY COMPANY*. Error to the Special Court of Appeals of the State of Virginia. Motion to dismiss or affirm submitted February 21, 1927. Decided February 28, 1927. *Per Curiam*. Writ of error herein dismissed and, the Court treating the same as an application for certiorari, denies such application, all on authority of *Emmons Coal Mining Co. v. Norfolk and Western Railway Co.*, 272 U. S. 709. *Messrs. Robert M. Hughes, Jr., Walter R. Staples, Theodore W. Reath, and J. Hamilton Cheston* for defendant in error, in support of the motion. *Messrs. Claudian B. Northrop, Gibbs L. Baker, and Thomas W. Shelton* for plaintiffs in error, in opposition thereto.

No. 812. *FRANK WEEKE v. UNITED STATES*. Error to the Circuit Court of Appeals for the Eighth Circuit. Motion to dismiss submitted February 21, 1927. Decided February 28, 1927. *Per Curiam*. Writ of error dismissed under § 240 of the Judicial Code as amended by the Act of February 13, 1925 (43 Stat. 936), and, treating the writ of error as a petition for a writ of certiorari, the Court also denies the same. *Solicitor General Mitchell* and

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Assistant Attorney General Willebrandt for the United States, in support of the motion. *Mr. Walter A. Hill* for plaintiff in error, in opposition thereto. See *post*, p. 751.

No. 722. J. J. EISEMAN AND ALEXANDER R. ABRAMS *v.* STATE OF CALIFORNIA; and

No. 723. HOLMES IVES AND N. J. WHELAN *v.* STATE OF CALIFORNIA. Error to the District Court of Appeals, First Appellate District of the State of California. Submitted February 21, 1927. Decided February 28, 1927. *Per Curiam*. Dismissed for lack of jurisdiction in this Court on the authority of *Kipley v. Illinois*, 170 U. S. 182, 186; *New York Central Railroad Co. v. New York*, 186 U. S. 269, 273. *Messrs. R. P. Henshall, Joseph A. Brown, and S. A. Riley* for plaintiffs in error. *Mr. U. S. Webb* for defendant in error.

No. 739. FORTUNE FERGUSON, JR. *v.* STATE OF FLORIDA. Error to the Supreme Court of the State of Florida. Argued February 28, 1927. Decided February 28, 1927. *Per Curiam*. Dismissed for want of a federal question on the authority of *Shulthis v. McDougal*, 225 U. S. 561; *Hull v. Burr*, 234 U. S. 712, 720; *Norton v. Whiteside*, 239 U. S. 144, 147. *Mr. Furman Y. Smith* for plaintiff in error. *Mr. J. B. Johnson* for defendant in error.

No. 106. JACOB M. DICKINSON, RECEIVER OF THE-CHICAGO, ROCK ISLAND AND PACIFIC RAILWAY COMPANY *v.* UNITED STATES. Appeal from the Court of Claims. Argued February 23, 1927. Decided February 28, 1927. *Per Curiam*. Affirmed on the authority (1) of *Illinois Central Railroad Co. v. United States*, 265 U. S. 209, and (2) of *Southern Pacific Co. v. United States*, 268 U. S. 263.

Mr. Benjamin Carter for appellant. *Solicitor General Mitchell* and *Assistant Attorney General Galloway* for the United States.

NO. 149. NEW YORK CENTRAL SECURITIES CORPORATION *v.* CLEVELAND, CINCINNATI, CHICAGO AND ST. LOUIS RAILWAY COMPANY AND NEW YORK CENTRAL RAILROAD COMPANY. Appeal from the District Court of the United States for the Northern District of Ohio. Argued February 24, 1927. Decided February 28, 1927. *Per Curiam*. The judgment of dismissal herein by the district court for want of jurisdiction is reversed on the authority of *General Investment Co. v. New York Central Railroad Co.*, 271 U. S. 228. *Mr. Frederick A. Henry* for appellant. *Mr. S. H. West* for appellees, submitted.

NO. 151. KNIGHTS OF THE KU KLUX KLAN *v.* STATE OF KANSAS EX REL. CHARLES B. GRIFFITH, ATTORNEY GENERAL. Error to the Supreme Court of the State of Kansas. Argued February 24, 1927. Decided February 28, 1927. *Per Curiam*. Dismissed for want of a federal question on the authority of *Shulthis v. McDougal*, 225 U. S. 561, 569; *Hull v. Burr*, 234 U. S. 712, 720; and *Norton v. Whiteside*, 239 U. S. 144, 147. *Mr. John S. Dean*, with whom *Messrs. William F. Zumbunn, Harris W. Colmery, Benjamin H. Sullivan, John H. Connaughton, and William B. Brown* were on the brief, for plaintiff in error. *Messrs. Charles B. Griffith, John G. Egan, and Thomas A. Lee* were on the brief, for defendant in error.

NO. 162. G. M. ROSENGRANT, DOING BUSINESS AS THE RIVERSIDE MANUFACTURING COMPANY *v.* EVA J. HAVARD. Error to the Supreme Court of the State of Alabama. Argued February 24, 1927. Decided February 28, 1927.

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Per Curiam. Affirmed on the authority of *Grant Smith-Porter Ship Co. v. Rohde*, 257 U. S. 469, and *Millers' Indemnity Underwriters v. Braud*, 270 U. S. 59. Mr. Gregory L. Smith for plaintiff in error, submitted. Mr. Vincent F. Killom, with whom Mr. Frederick G. Bromberg was on the brief, for defendant in error.

No. 168. TIMKEN ROLLER BEARING COMPANY *v.* PENNSYLVANIA RAILROAD COMPANY; and

No. 178. THOMAS P. GOODBODY, AS RECEIVER OF THE HYDRAULIC STEEL COMPANY *v.* PENNSYLVANIA RAILROAD COMPANY. Error to the District Court of the United States for the Northern District of Ohio. Argued February 25, 1927. Decided February 28, 1927. *Per Curiam.* Dismissed for lack of jurisdiction in this Court on the authority of *Transportes Maritimos Do Estado v. Almeida*, 265 U. S. 104, 105, and *Oliver American Trading Co. v. United States of Mexico*, 264 U. S. 440, 442. Messrs. Luther Day, Rufus Day, William L. Day, and Donald W. Kling for plaintiffs in error, submitted. Mr. Andrew P. Martin, with whom Messrs. Frederic D. McKenney, Thomas M. Kirby, and Andrew Squire were on the brief, for defendant in error.

No. 172. GEORGE F. PAWLING & COMPANY *v.* UNITED STATES. Appeal from the Court of Claims. Argued February 28, March 1, 1927. Decided March 7, 1927. *Per Curiam.* Affirmed on the authority of *Robinson v. United States*, 261 U. S. 486. Mr. James Craig Peacock, with whom Mr. John W. Townsend was on the brief, for petitioner. Assistant Attorney General Galloway, with whom Solicitor General Mitchell was on the brief, for the United States.

No. 183. MUNICH REINSURANCE COMPANY *v.* FIRST REINSURANCE COMPANY OF HARTFORD. Appeal from the Circuit Court of Appeals for the Second Circuit. Submitted March 1, 1927. Decided March 7, 1927. *Per Curiam*. Dismissed on the authority of *Shulthis v. McDougal*, 225 U. S. 561 and of § 240 of the Judicial Code. Messrs. *Hartwell Cabell* and *John J. Cunneen* for appellant. Messrs. *Lucius F. Robinson* and *Charles W. Gross* for appellee.

No. 191. MARGAY OIL CORPORATION *v.* H. W. APPLGATE, AS ATTORNEY GENERAL OF ARKANSAS, SAM S. SLOAN, TREASURER, ETC., AND JOHN CARROLL CONE, AUDITOR, ETC. Error to the Supreme Court of the State of Arkansas. Argued March 4, 1927. Decided March 7, 1927. *Per Curiam*. Affirmed on the authority of *Roberts and Schaefer Co. v. Emerson*, 271 U. S. 50. Mr. *A. F. House*, with whom Messrs. *George B. Rose*, *J. F. Loughborough*, *D. H. Cantrell*, and *A. W. Dobbins* were on the brief, for plaintiff in error. Messrs. *H. W. Applegate* and *S. M. Wassell* for defendant in error, submitted.

No. 192. CITY OF KANSAS CITY, MISSOURI, *v.* ROBERT S. BAKER. Error to the Supreme Court of the State of Kansas. Argued March 4, 1927. Decided March 7, 1927. *Per Curiam*. Dismissed on the authority of *Sayward v. Denny*, 158 U. S. 180; *Oxley Stave Co. v. Butler*, 166 U. S. 648; *Capital National Bank v. First National Bank*, 172 U. S. 425; *Kipley v. Illinois*, 170 U. S. 182, 186; *New York Central Railroad Co. v. New York*, 186 U. S. 269, 273. Mr. *John T. Barker*, with whom Mr. *Egbert F. Halstead* was on the brief, for plaintiff in error. Mr. *Robert S. Baker*, *pro se*.

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No. 315. FONG SUEY CHONG *v.* JOHN D. NAGLE, COMMISSIONER OF IMMIGRATION. Appeal from the District Court of the United States for the Northern District of California. Motion to dismiss submitted March 7, 1927. Decided March 14, 1927. *Per Curiam*. Dismissed for want of jurisdiction under § 238 of the Judicial Code as amended by the Act of February 13, 1925 (43 Stat. 936). *Solicitor General Mitchell* for appellee, in support of the motion. *Mr. George A. McGowan* for appellant, in opposition thereto.

No. 525. YIP WAH, ALIAS JIM, ALIAS WOO YIP WOO, *v.* JOHN D. NAGLE, COMMISSIONER OF IMMIGRATION. Appeal from the District Court of the United States for the Northern District of California. Motion to dismiss submitted March 7, 1927. Decided March 14, 1927. *Per Curiam*. Dismissed for want of jurisdiction under § 238 of the Judicial Code as amended by the Act of February 13, 1925 (43 Stat. 936). *Solicitor General Mitchell*, *Assistant Attorney General Luhring*, and *Mr. Harry S. Ridgely* for appellee, in support of the motion. *Mr. George A. McGowan* for appellant, in opposition thereto.

No. 195. ROBERT GALLAGHER, JOSEPH A. DENNISON, AND DANIEL V. McISAAC *v.* JOHN E. HANNIGAN, TRUSTEE IN BANKRUPTCY OF OLD COLONY FOREIGN EXCHANGE COMPANY. Appeal from the Circuit Court of Appeals for the First Circuit. Argued March 7, 1927. Decided March 14, 1927. *Per Curiam*. Dismissed for want of jurisdiction on the authority of *Central Trust Co. v. Lueders*, 239 U. S. 11; *William R. Staats Co. v. Security Trust and Savings Bank*, 243 U. S. 121; and *Harris v. Moreland Truck Co.*, 250 U. S. 702. *Messrs Lowell A. Mayberry*

and *Robert Gallagher* for appellants, submitted. *Mr. Edward A. McLaughlin, Jr.*, with whom *Mr. John E. Hannigan* was on the brief, for appellee.

No. 353. BENJAMIN OR BEN HARMON *v.* JOSEPH W. TYLER. Error to the Supreme Court of the State of Louisiana. Argued March 8, 1927. Decided March 14, 1927. *Per Curiam*. Reversed on the authority of *Buchanan v. Warley*, 245 U. S. 60. *Mr. Loys Charbonnet*, with whom *Mr. Frank B. Smith* was on the brief, for plaintiff in error. *Messrs. Francis P. Burns and Walter W. Wright*, with whom *Mr. J. Zack Spearing* was on the brief, for defendant in error.

No. 811. FRANK W. KEELER *v.* STANLEY MYERS, DISTRICT ATTORNEY, ETC., AND THOMAS M. HURLBURT, SHERIFF. Error to and petition for writ of certiorari to the Supreme Court of the State of Oregon. Argued March 9, 1927. Decided March 14, 1927. *Per Curiam*. Writ of error dismissed for want of jurisdiction under § 237 of the Judicial Code as amended by the Act of February 13, 1925 (43 Stat. 936); and, the Court treating the writ of error as an application for certiorari, denies the certiorari. *Mr. Peter Q. Nyce*, with whom *Mr. Martin L. Pipes* was on the brief, for plaintiff in error. *Mr. Stanley Myers* was on the brief for defendants in error.

No. 221. C. S. GIBSON, SHERIFF, *v.* NATIONAL BOND & INVESTMENT COMPANY. Error to the District Court of the United States for the District of Kansas. Submitted March 10, 1927. Decided March 14, 1927. *Per Curiam*. Dismissed for want of jurisdiction under § 238 of the Judicial Code as amended by the Act of February 13,

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1925 (43 Stat. 936). *Messrs. C. B. Griffith, Roland Boynton, and William A. Smith* for plaintiff in error. *Messrs. Clay C. Rogers and John W. Creekmore* for defendant in error.

No. 197. ED C. CURDTS, VARDRY MCBEE, ROBERT WILSON, ET AL. *v.* SOUTH CAROLINA TAX COMMISSION. Error to the Supreme Court of the State of South Carolina. Argued March 7, 8, 1927. Decided Mar. 14, 1927. *Per Curiam*. Judgment affirmed on the authority of *Bell's Gap R. R. Co. v. Pennsylvania*, 134 U. S. 232, 237; *Heisler v. Thomas Colliery Co.*, 260 U. S. 245, 254, *et seq.*; *Missouri v. Lewis*, 101 U. S. 22, 31; *Hayes v. Missouri*, 120 U. S. 68, 72; *Chappell Chemical Co. v. Sulphur Mines Co.*, 172 U. S. 474. *Mr. P. A. Bonham*, with whom *Mr. H. O'B. Cooper* was on the brief, for plaintiff in error. *Mr. Cordie Page*, with whom *Mr. John M. Daniel* was on the brief, for defendant in error.

No. —, original. EX PARTE IN THE MATTER OF LOUISIANA WESTERN RAILROAD COMPANY. March 21, 1927. The motion for leave to file petition for a writ of mandamus and the motion for a temporary stay in this case are denied. *Messrs. Percy Saint, Michael M. Irwin, Francis Williams, and John E. Benton* for petitioner.

No. —, original. EX PARTE IN THE MATTER OF MORGAN'S LOUISIANA AND TEXAS RAILROAD AND STEAMSHIP COMPANY. March 21, 1927. The motion for leave to file petition for a writ of mandamus and the motion for a temporary stay in this case are denied. *Messrs. Percy Saint, Michael M. Irwin, Francis Williams, and John E. Benton* for petitioner.

No. —, original. EX PARTE IN THE MATTER OF FRANKLIN AND ABBEVILLE RAILWAY COMPANY. March 21, 1927. The motion for leave to file petition for a writ of mandamus and the motion for a temporary stay in this case are denied. *Messrs. Percy Saint, Michael M. Irwin, Francis Williams, and John E. Benton* for petitioner.

No. —, original. EX PARTE IN THE MATTER OF LAKE CHARLES AND NORTHERN RAILROAD COMPANY. March 21, 1927. The motion for leave to file petition for a writ of mandamus and the motion for a temporary stay in this case are denied. *Messrs. Percy Saint, Michael M. Irwin, Francis Williams, and John E. Benton* for petitioner.

No. 226. THOMAS E. WILLIAMS, STATE TAX COMMISSIONER, J. A. CATES, COUNTY CLERK, ET AL., v. CHICAGO AND NORTHWESTERN RAILWAY COMPANY. Appeal from the District Court of the United States for the District of Nebraska. Argued March 11, 1927. Decided March 21, 1927. *Per Curiam*. Affirmed on the authority (1) of *Greene v. Louisville and Interurban Railroad Co.*, 244 U. S. 499, 516; *Sunday Lake Iron Co. v. Township of Wakefield*, 247 U. S. 350, 352; *Sioux City Bridge Co. v. Dakota County*, 260 U. S. 441, 445; and *Taylor v. Louisville and Nashville Railroad Co.*, 88 Fed. 350; and (2) of *Crawford v. Neal*, 144 U. S. 585, 596; *Furrer v. Ferris*, 145 U. S. 132, 134; and *Warren v. Keep*, 155 U. S. 265, 267. *Mr. O. S. Spillman*, with whom *Mr. Hugh LaMaster* was on the brief, for appellants. *Mr. Wymer Dressler*, with whom *Messrs. R. N. VanDoren* and *Samuel H. Cady* were on the brief, for appellee.

No. 222. VICTOR TALKING MACHINE COMPANY v. BRUNSWICK-BALKE-COLLENDER COMPANY AND JOHN

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BAILEY BROWNING. Certiorari to the Circuit Court of Appeals for the Third Circuit. Argued March 14, 1927. Decided March 21, 1927. *Per Curiam*. Affirmed on the authority (1) of *Morgan v. Daniels*, 153 U. S. 120, and (2) of *United States v. State Investment Co.*, 264 U. S. 206, 211; *Brewer Oil Co. v. United States*, 260 U. S. 77, 86; *Bodkin v. Edwards*, 255 U. S. 221, 233; *National Bank of Athens v. Shackelford*, 239 U. S. 81, 82; *Wright-Blodgett Co. v. United States*, 236 U. S. 297, 402; *Washington Securities Co. v. United States*, 234 U. S. 76, 78; *Texas and Pacific Co. v. Louisiana Railroad Commission*, 232 U. S. 338, 339; *Chicago Junction Railway Co. v. King*, 222 U. S. 222, 224; *Page v. Rogers*, 211 U. S. 575, 577; *Dun v. Lumbermen's Credit Assn.*, 209 U. S. 20, 24; and *Charleston Mining Co. v. United States*, 273 U. S. 320. Messrs. Charles E. Hughes and William H. Kenyon, with whom Messrs. Frederick Bachmann, William C. Mason, and George W. Schurman were on the brief, for petitioner. Mr. Melville Church, with whom Mr. George W. Case, Jr., was on the brief, for respondents.

No. 244. E. J. KELLY *v.* F. E. WATKINS AND PAUL S. COTNER. Error to the Supreme Court of the State of Oklahoma. Submitted March 15, 1927. Decided March 21, 1927. *Per Curiam*. Dismissed on the authority of the Act of September 6, 1916, c. 448, § 6 (39 Stat. 727), and of *Morse v. United States*, 270 U. S. 151. Mr. H. A. Ledbetter for plaintiff in error. Messrs. J. B. Moore, W. Y. Dilley and A. T. West for defendants in error.

No. 232. CHARLES B. BEERY *v.* JAMES G. HOUGHTON, AS INSPECTOR OF BUILDINGS FOR THE CITY OF MINNEAPOLIS. Error to the Supreme Court of the State of Min-

nesota. Argued March 15, 1927. Decided March 21, 1927. *Per Curiam*. Affirmed on the authority of *Village of Euclid v. Ambler Realty Company*, 272 U. S. 365. Messrs. Charles B. Elliott and Charles S. Lobingier for plaintiff in error, submitted. Mr. Richard S. Wiggin for defendant in error.

No. 233. AMERICAN RAILWAY EXPRESS COMPANY AND CLINTON H. MCKAY *v.* JACOB KRIGER. Certiorari to the Supreme Court of the State of Tennessee. Argued March 15, 1927. Decided March 21, 1927. *Per Curiam*. Reversed on the authority of *Barrett v. Van Pelt*, 268 U. S. 85, 90; *Davis v. Roper Lumber Co.*, 269 U. S. 158; and *Chesapeake and Ohio Railway v. Thompson Manufacturing Co.*, 270 U. S. 416. Mr. Clinton H. McKay, with whom Messrs. Charles N. Burch, H. D. Minor, H. S. Marx, and A. M. Hartung were on the brief, for petitioners. Mr. Auvergne Williams for respondent.

No. 234. SEABOARD AIR LINE RAILWAY *v.* UNITED STATES. Appeal from the Court of Claims. Argued March 15, 16, 1927. Decided March 21, 1927. *Per Curiam*. Affirmed on the authority of *St. Louis, Brownsville and Mexico Railway Co. v. United States*, 268 U. S. 169, and *Southern Pacific Co. v. United States*, 268 U. S. 263. Mr. Benjamin Carter for appellant. Assistant Attorney General Galloway, with whom Solicitor General Mitchell was on the brief, for the United States.

No. 260. MILLER LUMBER COMPANY, ARCHER LUMBER COMPANY, THEO FATHAUER LUMBER COMPANY, ET AL. *v.* W. E. FLOYD, ED HARPER AND CLAY HENDERSON, AS COMMISSIONERS COMPOSING THE ARKANSAS RAILROAD COM-

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MISSION. Error to the Supreme Court of the State of Arkansas. Submitted March 17, 1927. Decided March 21, 1927. *Per Curiam*. Affirmed on the authority of *Stratton's Independence, Ltd., v. Howbert*, 231 U. S. 399, and *Oliver Iron Mining Co. v. Lord*, 262 U. S. 172. Messrs. Charles P. Coleman and Allen Hughes for plaintiffs in error. Mr. H. W. Applegate for defendants in error.

No. 256. ATLANTIC COAST LINE RAILROAD COMPANY *v.* GEORGE L. WIMBERLEY, JR., ADMINISTRATOR. Certiorari to the Supreme Court of the State of North Carolina. Argued March 18, 1927. Decided March 21, 1927. *Per Curiam*. Reversed on the authority of *St. Louis-San Francisco Railway Co. v. Mills*, 271 U. S. 344, and *Chicago, Milwaukee, and St. Paul Railway Co. v. Coogan*, 271 U. S. 472. Mr. Thomas W. Davis for petitioner. Mr. Joseph B. Ramsey for respondent, submitted.

No. —, original. EX PARTE MAISON DORIN SOCIETE ANONYME. April 11, 1927. The motion for leave to file a petition for a writ of mandamus in this cause is denied. Messrs. Howard Thayer Kingsbury, Hugo Mock, and Asher Blum for petitioner.

No. 15, original. THOMAS CONTRERAS *v.* UNITED STATES. April 11, 1927. Motion for leave to file petition for writ of mandamus to compel the allowance of a writ of error from the District Court of Alaska is denied for the reason that the motion contains no averment of fact or law that would justify the issuance of such a writ. The motion to proceed further herein in forma pauperis is therefore also denied, but the costs already incurred herein by

direction of the Court shall be paid by the Clerk from the special fund in his custody as provided in an order of October 29, 1926. *Mr. Thomas Contreras, pro se.* No appearance for the United States.

No. 783. *MALLEABLE IRON RANGE COMPANY v. UNITED STATES.* Certiorari to the Court of Claims. Motion to remand for additional findings. Motion submitted March 21, 1927. Decided April 11, 1927. The motion is granted, and the cause is remanded for additional findings by the Court of Claims from the evidence already introduced before the Court of Claims in respect to the outlay in bonds or money required to be deposited by the petitioner herein in securing a stay of the execution of the judgment against the petitioner in the suit against it by the United States in the United States District Court for the Eastern District of Wisconsin and in the Circuit Court of Appeals for the Seventh Circuit. *Messrs. Arthur W. Fairchild and J. Gilbert Hardgrove* for petitioner, in support of the motion. *Solicitor General Mitchell, Assistant Attorney General Galloway, and Mr. Fred K. Dyar* for the United States, in opposition thereto.

No. 942. *IDA CONLEY v. N. J. WOLLARD, ADMINISTRATOR OF THE ESTATE OF ETHAN L. ZANE, DECEASED.* Error to the Supreme Court of the State of Kansas. April 11, 1927. Motion for leave to proceed further herein in forma pauperis is denied for the reason that the record discloses no state statute alleged to be repugnant to the Constitution, treaties, or laws of the United States as required to sustain a writ of error brought to this Court under § 237 of the Judicial Code as amended by the Act of February 13, 1925, 43 Stat. 936, and the writ of error must

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be and accordingly is dismissed. Likewise, deeming the writ of error an application for certiorari, the Court can find no federal question whatever involved herein and therefore denies that writ. The costs already incurred herein by direction of the Court shall be paid by the Clerk from the special fund in his custody as provided in an order of October 29, 1926. *Lyda B. Conley* for plaintiff in error. No appearance for defendant in error.

PETITIONS FOR CERTIORARI GRANTED, FROM
OCTOBER 4, 1926, TO AND INCLUDING APRIL
11, 1927.

NO. 362. *LIGGETT AND MYERS TOBACCO COMPANY v. UNITED STATES*. October 11, 1926. Petition for writ of certiorari to the Court of Claims granted. *Messrs. Chester A. Gwinn and Adrian C. Humphreys* for petitioner. *Solicitor General Mitchell* for the United States.

NO. 377. *RAY C. SIMMONS v. EDWARD P. SWAN*. October 11, 1926. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit granted. *Mr. Percy S. Bryant* for petitioner. *Mr. William A. Davenport* for respondent.

NO. 385. *CITY OF HAMMOND v. SCHAPPI BUS LINE (INC.)*. October 11, 1926. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted. *Messrs. L. T. Michener and John A. Gavit* for petitioner. *Mr. William J. Whinery* for respondent.

NO. 386. *CITY OF HAMMOND v. FARINA BUS LINE AND TRANSPORTATION COMPANY*. October 11, 1926. Petition